

33:1-77

LEGISLATIVE HISTORY CHECKLIST

(Alcoholic Beverages--sale to under-age purchaser--disorderly persons offense)

NJSA 33:1-77

LAWS 1982

CHAPTER 61

Bill No. S951

Sponsor(s) Graves and Bassano

Date Introduced Feb. 8, 1982

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes

~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 17, 1982

Senate March 15, 1982

Date of approval July 9, 1982

Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly Yes ~~XX~~

Senate Yes ~~XX~~

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing ~~XXX~~ No

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

CHAPTER 61 LAWS OF N. J. 1982  
APPROVED 7-9-82

[OFFICIAL COPY REPRINT]  
SENATE, No. 951

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Senators GRAVES and BASSANO

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning alcoholic beverages and amending R. S. 33:1-77.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. R. S. 33:1-77 is amended to read as follows:

2 33:1-77. Anyone who sells any alcoholic beverage to a **[minor]**  
3 *person under the legal age for purchasing alcoholic beverages* is  
4 a disorderly person; provided, however, that the establishment of  
5 all of the following facts by a person making any such sale shall  
6 constitute a defense to any prosecution therefor: (a) that the  
7 **[minor]** *purchaser* falsely represented in writing *\*or by pro-*  
7A *ducing a driver's license bearing a photograph of the licensee\** that  
8 he or she was **[21 years of age or over]** *of legal age to make the pur-*  
9 *chase*, (b) that the appearance of the **[minor]** *purchaser* was such  
10 that an ordinary prudent person would believe him or her to be **[21**  
11 *years of age or over]* *of legal age to make the purchase*, and (c)  
12 that the sale was made in good faith relying upon such written  
13 representation *\*or production of a driver's license bearing a photo-*  
14 *graph of the licensee\** and appearance and in the reasonable belief  
15 that the **[minor]** *purchaser* was actually **[21 years of age or over]**  
16 *of legal age to make the purchase.*

1 2. This act shall take effect immediately.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted February 25, 1982.

SENATE, No. 951  
STATE OF NEW JERSEY

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By Senators GRAVES and BASSANO

Referred to Committee on Law, Public Safety and Defense

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4 a disorderly person; provided, however, that the establishment of  
5 all of the following facts by a person making any such sale shall  
6 constitute a defense to any prosecution therefor: (a) that the  
7 [minor] *purchaser* falsely represented in writing that he or she  
8 was [21 years of age or over] *of legal age to make the purchase,*  
9 (b) that the appearance of the [minor] *purchaser* was such that  
10 an ordinary prudent person would believe him or her to be [21  
11 years of age or over] *of legal age to make the purchase,* and (c)  
12 that the sale was made in good faith relying upon such written  
13 representation and appearance and in the reasonable belief that  
14 the [minor] *purchaser* was actually [21 years of age or over]  
15 *of legal age to make the purchase.*

1 2. This act shall take effect immediately.

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STATEMENT

The purpose of this bill is to amend R. S. 33:1-77 so that selling alcoholic beverages to anyone not old enough legally to purchase alcoholic beverages is a disorderly persons offense.

According to R. S. 33:1-77 in its present form, it is a disorderly persons offense to sell alcoholic beverages to a *minor*. The age of

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**  
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majority in New Jersey is defined as 18 by P. L. 1972, c. 81 (C. 9:17B-1). According to the same statute, however, the age at which a person can purchase and consume alcoholic beverages is 19.

The law holds persons under the age of 19 strictly liable for purchasing alcoholic beverages by defining such a purchase as a disorderly persons offense (R. S. 33:1-81). The law holds the seller liable, however, only if he sells alcoholic beverages to a minor, defined as a person under the age of 18. Because of this inconsistency in the law, selling alcoholic beverages to persons between 18 and 19 years of age is not an offense.

In order to close this loophole in the law, this bill proposes to amend R. S. 33:1-77 so that it is a disorderly persons offense to sell alcoholic beverages to anyone under 19 years of age, which is the legal age for purchasing alcoholic beverages in New Jersey.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
**SENATE, No. 951**  
with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 25, 1982

This bill would make the law prohibiting the sale of alcoholic beverages to underaged persons consistent with the law prohibiting the purchase of alcoholic beverages by persons under 19 years of age.

According to P. L. 1972, c. 81 (C. 9:17B-1), the age at which a person can purchase and consume alcoholic beverages is 19. The law holds underaged persons strictly liable for illegally purchasing alcoholic beverages by making such a purchase a disorderly persons offense (R. S. 33:1-81), punishable by imprisonment for up to 6 months and/or a fine of up to \$1,000.00.

According to R. S. 33:1-77, however, a seller is a disorderly person only if he sells alcoholic beverages to a *minor* (incorrectly defined in this statute as under the age of 21). R. S. 33:1-77 was last amended in 1971 when the drinking age was 21. New Jersey law defines a minor as anyone under the age of 18 (P. L. 1972, c. 81; C. 9:17B-1). Because of this inconsistency in the law, it is not an offense to sell alcoholic beverages to persons between 18 and 19 years of age, though it is an offense for these persons to purchase and consume alcoholic beverages.

This bill would amend R. S. 33:1-77 so that it is a disorderly persons offense to sell alcoholic beverages to anyone under the legal age for purchasing them, which under current law is 19 years of age.

The committee amended the bill to permit production of a photo driver's license by the purchaser to be considered as a defense to prosecution against a person who sold alcoholic beverages to an underaged person.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
SENATE, No. 951

STATE OF NEW JERSEY

DATED: MAY 3, 1982

This bill makes necessary technical amendments to the law prohibiting the sale of alcoholic beverages to underaged persons consistent with the law prohibiting the purchase of alcoholic beverages by persons under 19 years of age.

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

CONTACT: DAVID DE MAIO

FRIDAY, JULY 9, 1982

Governor Thomas H. Kean today signed the following bills:

S-951, sponsored by Senator Frank X. Graves (D-Passaic), clarifies ambiguous language in the current law prescribing penalties for selling liquor to persons under the legal drinking age.

The bill makes it a disorderly persons offense to sell alcoholic beverages to any "person under the legal age to purchase alcoholic beverages," currently 19 years in New Jersey. Existing law prescribes the penalty for sales to "minors," which is defined elsewhere as a person under the age of 18.

In addition to rectifying the contradiction, the bill also allows defendants to rely on a photo driver's license proof-of-age as a defense.

A-665, sponsored by Assemblyman Thomas A. Gallo (D-Hudson), extends, for a four year period until January 1, 1986, the State authorization which permitted municipalities to reduce the number of retail liquor licenses within their borders by buying back existing licenses. The bill also increases from \$15,000 to \$30,000 the maximum amount a municipality may pay for a license.

The authorization, which allowed a reduction according to a population ratio, expired at the end of 1981. This bill is retroactive to January 1, 1982. The program allows municipalities to increase their annual license fees in order to raise the funds necessary for the license buy-backs.

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