LEGISLATIVE HISTORY CHECKLIST

NJSA ___App A:9-49_____ (Civil defense - penalty for violation of statute during emergency)

LAWS ___1982_____   'CHAPTER ___108_____

Bill No.__A739_____

Sponsor(s)___Kern_____

Date Introduced___Feb. 8, 1982_____

Committee: Assembly_____Judiciary, Law, Public Safety & Defense_____

Senate_____Law, Public Safety & Defense_____

Amended during passage   Yes   No

Date of Passage: Assembly___March 15, 1982_____

Senate___June 21, 1982_____

Date of approval_____Aug. 4, 1982_____

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No (not attached since identical to sponsor's statement)
Senate	Yes	No
Fiscal Note	Yes	No
Veto Message	Yes	No
Message on signing	Yes Yes	No
Following were printed:		
Reports	Yes	No
Hearings	Yes	No

6/22/81 JUL   1983

ASSEMBLY, No. 739

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Assemblymen KERN, KOSCO and Assemblywoman WRIGHT

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT to amend "An act concerning civilian defense and disaster
control during emergency," approved May 23, 1942 (P. L. 1942,
c. 251) as said title was amended by P. L. 1953, c. 438.

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

1 1. Section 17 of P. L. 1942, c. 251 (App. A :9–49) is amended to
2 read as follows:
3 17. Any person who shall:
4 a. Commit any unauthorized or otherwise unlawful act during
5 the threat or imminence of danger in any emergency that jeopar-
6 dizes the health, welfare and safety of the people; or
7 b. Commit any unauthorized or otherwise unlawful act during
8 the threat or imminence of danger during any emergency that
9 contributes to the loss of or destruction to property; or
10 c. Hamper, impede, or in any way interfere with any person
11 who is performing any function authorized under this act; or
12 d. Drive any motor vehicle in a prohibited area during a black-out
13 or while an air raid alert is in progress or in any other manner
14 contrary to the rules and regulations covering any period of danger
15 or any emergency; or
16 e. Go within a prohibited area contrary to rules and regulations;
17 or
18 f. Refuse to obey the lawful orders of any air raid warden,
19 civilian protection worker, or other person who is duly authorized
20 to perform any act or function during the threat or imminence of
21 danger or any emergency; or

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.

22   g. Refuse to cooperate with any air raid warden, civilian protec-
23 tion worker, or other person who is duly authorized to perform any
24 act or function in connection with activities during the threat or
25 imminence of danger or any emergency; or
26   h. Violate any order, rule or regulation adopted by the Governor
27 and promulgated as provided by this act; or
28   i. Violate any other provision of this act declared herein to be
29 unlawful—shall be adjudged a disorderly person and shall be
30 [punished by imprisonment in the workhouse, penitentiary or
31 county jail for a term not exceeding 1 year or by a fine not exceed-
32 ing $175.00], *subject to imprisonment for a term not to exceed*
33 *6 months or shall pay a fine not to exceed $1,000.00 or* [by] *to* both
34 [such] *a* fine and imprisonment, in the discretion of the court.
35   *Prosecution for the imposition of a penalty pursuant to this*
36 *section shall be commenced in the municipal court of the munici-*
37 *pality wherein the offense is alleged to have occurred. The State*
38 *shall be required to prove all elements of the offense beyond a*
39 *reasonable doubt in order to obtain a conviction.*
1   2. This act shall take effect immediately.

STATEMENT

This bill amends the law concerning civilian defense and disaster control during an emergency in order to bring it up to date with the current penalty provisions for disorderly persons offense.

The law was most recently invoked during the water shortage crisis. The enforcement of the law raised questions as to jurisdiction, sentencing and burden of proof. The intent of this bill is to resolve and clarify those questions.

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A739 (1982)

STATEMENT TO

ASSEMBLY, No. 739

STATE OF NEW JERSEY

DATED: MARCH 8, 1982

This bill amends the law concerning civilian defense and disaster control during an emergency in order to bring it up to date with the current penalty provisions for disorderly persons offense.

The law was most recently invoked during the water shortage crisis. The enforcement of the law raised questions as to jurisdiction, sentencing and burden of proof. The intent of this bill is to resolve and clarify those questions.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 739

STATE OF NEW JERSEY

DATED: JUNE 10, 1982

The purpose of this bill is to bring the law concerning civilian defense
and disaster control up to date with regard to the current penalty pro-
visions for a disorderly persons offense.

The bill also specifies that prosecution for a violation of the civilian
defense and disaster control law be commenced in the municipality
where the offense occurred and that no person will be convicted of the
offense unless the State proves all elements of the offense beyond a
reasonable doubt. These additions were necessary as a result of ques-
tions raised about this offense during the recent water shortage crisis.

OFFICE OF THE GOVERNOR

Governor Thomas H. Kean signed the following bills today:

A-565, sponsored by Arthur R. Albohm (R-Morris), which requires all materials used by contractors on work which will be owned and maintained by local government units to be manufactured in the United States.

A-739, sponsored by Walter M. D. Kern, Jr. (R-Bergen), which prescribes the penalty for violation of the statute concerning civilian defense and disaster control during an emergency.

AJR-45, sponsored by Raymond Lesniak (D-Union), which memorializes Congress to maintain the essential integrity of the "Clean Air Act" in the course of its reauthorization.

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