

2A:4-61

LEGISLATIVE HISTORY CHECKLIST

(MV drivers license--permit revocation if vehicle was used during commission of crime)

NJSA 2A:4-61; 2C:43-2

LAWS 1981

CHAPTER 269

Bill No. S3085

Sponsor(s) Graves and others

Date Introduced Feb. 9, 1981

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage

~~Yes~~

No

Substituted for A3275
(not attached since identical to S3085)

Date of Passage: Assembly June 29, 1981

Senate March 23, 1981

Date of approval Aug. 24, 1981

Following statements are attached if available:

Sponsor statement

~~Yes~~

~~No~~

Committee Statement: Assembly

~~Yes~~

No

Senate

~~Yes~~

~~No~~

Fiscal Note

~~Yes~~

No

Veto Message

~~Yes~~

No

Message on signing

~~Yes~~

No

Following were printed:

Reports

~~Yes~~

No

Hearings

~~Yes~~

No

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6/22/81

SENATE, No. 3085

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1981

By Senators GRAVES, LASKIN, GAGLIANO, CAUFIELD, ZANE,
FORAN and RODGERS

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning postponement, suspension, and revocation of
drivers' licenses and registration certificates, amending P. L.
1973, c. 306 and N. J. S. 2C:43-2.

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

1 1. Section 20 of P. L. 1973, c. 306 (C. 2A:4-61) is amended to
2 read as follows:

3 20. Disposition of delinquency cases. If a juvenile is adjudged
4 delinquent the juvenile and domestic relations court may order any
5 of the following dispositions:

6 a. Adjourn formal entry of disposition of the case for a period
7 not to exceed 12 months for the purpose of determining whether
8 the juvenile makes a satisfactory adjustment, and if during the
9 period of continuance the juvenile makes such an adjustment,
10 dismiss the complaint; or

11 b. Release the juvenile to the supervision of his or her parent
12 or guardian; or

13 c. Place the juvenile on probation to the chief probation officer of
14 the county or to any other suitable person who agrees to accept
15 the duty of probation supervision for a period not to exceed 3
16 years upon such written conditions as the court deems will aid
17 rehabilitation of the juvenile; or

18 d. Transfer custody of the juvenile to any relative or other per-
19 son determined by the probation department to be qualified to care
20 for the juvenile; or

21 e. Place the juvenile under the care of the Division of Youth
22 and Family Services pursuant to P. L. 1951, c. 138, s. 2 (c)
23 (C. 30:4C-2 (c)).

24 f. Place the juvenile under the care and custody of the Com-
25 missioner of the Department of Human Services for the purpose

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

26 of receiving the services of the Division of Mental Retardation
 27 of that department, provided that the juvenile has been determined
 28 to be eligible for those services under P. L. 1965, c. 59, s. 16
 29 (C. 30:4-25.4); or

30 g. Commit the juvenile to a suitable institution for the treatment
 31 of mental illness if after hearing it is determined from psychiatric
 32 evidence that the juvenile does or may constitute a danger to him-
 33 self or to other persons if not so committed; or

34 h. Commit the juvenile to a suitable institution maintained for
 35 the rehabilitation of delinquents for an indeterminate term not to
 36 exceed 3 years; except, that, any time an adjudication of juvenile
 37 delinquency is predicated upon an offense which, if committed by
 38 a person of the age of 18 years or over would constitute any form
 39 of homicide as defined in sections 2C:11-2, 2C:11-3 or 2C:11-4 of
 40 the New Jersey Statutes, except death by auto as defined in N. J. S.
 41 2C:11-5, then the period of confinement shall be indeterminate and
 42 shall continue until the appropriate paroling authority determines
 43 that such person should be paroled; and, except that in any case
 44 the period of confinement and parole shall not exceed the maximum
 45 provided by law for such offense if committed by a person of the
 46 age of 18 years or over.

47 Any juvenile committed under this act who is released on parole
 48 prior to the expiration of his maximum term may be retained
 49 under parole supervision for a period not exceeding the unserved
 50 portion of the term.

51 i. Such other disposition not inconsistent with this act as the
 52 court may determine.

53 *Instead of or in addition to any disposition made according to*
 54 *this section, the court may postpone, suspend, or revoke for a period*
 55 *not to exceed 2 years the driver's license, registration certificate,*
 56 *or both of any juvenile who used a motor vehicle in the course of*
 57 *committing an act for which he was adjudicated delinquent. In*
 58 *imposing this disposition and in deciding the duration of the post-*
 59 *ponement, suspension, or revocation, the court shall consider the*
 60 *severity of the delinquent act and the potential effect of the loss of*
 61 *driving privileges on the juvenile's ability to be rehabilitated. Any*
 62 *postponement, suspension, or revocation shall be imposed consec-*
 63 *utively with any custodial commitment.*

1 2. N. J. S. 2C:43-2 is amended to read as follows:

2 2C:43-2. Sentence in Accordance with Code; Authorized Dispo-
 3 sitions. a. Except as provided in section 2C:43-1b, as to persons
 4 convicted of offenses under the New Jersey Controlled Dangerous

5 Substances Act, or as otherwise provided by this code, all persons
6 convicted of an offense or offenses shall be sentenced in accordance
7 with this chapter.

8 b. Except as provided in subsection a. of this section and subject
9 to the applicable provisions of the code, the court may suspend
10 the imposition of sentence on a person who has been convicted of
11 an offense, or may sentence him as follows:

12 (1) To pay a fine or make restitution authorized by section
13 2C:43-3; or

14 (2) To be placed on probation and, in the case of a person con-
15 victed of a crime, to imprisonment for a term fixed by the court
16 not exceeding 180 days to be served as a condition of probation, or
17 in the case of a person convicted of a disorderly persons offense,
18 to imprisonment for a term fixed by the court not exceeding 90
19 days to be served as a condition of probation; or

20 (3) To imprisonment for a term authorized by sections 2C:11-3,
21 2C:43-5, 6, 7, and 8 or 2C:44-5; or

22 (4) To pay a fine, make restitution and probation, or fine, resti-
23 tution and imprisonment; or

24 (5) To release under supervision in the community or to require
25 the performance of community-related service; or

26 (6) To a halfway house or other residential facility in the com-
27 munity, including agencies which are not operated by the Depart-
28 ment of Human Services; or

29 (7) To imprisonment at night or on weekends with liberty to
30 work or to participate in training or educational programs.

31 *c. Instead of or in addition to any disposition made according*
32 *to this section, the court may postpone, suspend, or revoke for a*
33 *period not to exceed 2 years the driver's license, registration cer-*
34 *tificate, or both of any person convicted of a crime, disorderly per-*
35 *sons offense, or petty disorderly persons offense in the course of*
36 *which a motor vehicle was used. In imposing this disposition and*
37 *in deciding the duration of the postponement, suspension, or revo-*
38 *cation, the court shall consider the severity of the crime or offense*
39 *and the potential effect of the loss of driving privileges on the*
40 *person's ability to be rehabilitated. Any postponement, suspension,*
41 *or revocation shall be imposed consecutively with any custodial*
42 *sentence.*

43 **[c.]** *d.* This chapter does not deprive the court of any authority
44 conferred by law to decree a forfeiture of property, suspend or
45 cancel a license, remove a person from office, or impose any other
46 civil penalty. Such a judgment or order may be included in the
47 sentence.

48 **[d.] e.** The court shall state on the record the reasons for im-
 49 posing the sentence, including its findings pursuant to the criteria
 50 for withholding or imposing imprisonment or fines under sections
 51 2C:44-1 to 2C:44-3, where imprisonment is imposed, consideration
 52 of the defendant's eligibility for release under the law governing
 53 parole and the factual basis supporting its findings of particular
 54 aggravating or mitigating factors affecting sentence.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit the court to revoke the driving privileges of a person who has used a motor vehicle in the course of committing a crime, an offense, or a delinquent act.

According to section 1 of the bill, which deals with juveniles and amends P. L. 1973, c. 306 (C. 2A:4-61), the court would be empowered to postpone, suspend, or revoke a juvenile's driver's license, registration certificate, or both for up to 1 year. Section 2 deals with adults and amends N. J. S. 2C:43-2 to permit postponement, suspension, or revocation of an adult's driver's license, registration certificate, or both for up to 2 years.

For cases involving either juveniles or adults, the bill would require the court, in deciding whether and for how long to revoke driving privileges, to consider two factors: the severity of the crime or the offense, and the effect of lost driving privileges on the offender's ability to be rehabilitated. In order to make this a meaningful disposition, the bill would also stipulate that any revocation of driving privileges be imposed consecutively with any sentence of imprisonment or commitment to an institution.

53085 (1981)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. ~~3058~~ 3085

STATE OF NEW JERSEY

DATED: JUNE 22, 1981

The purpose of this bill is to permit the court to revoke the driving privileges of a person who has used a motor vehicle in the course of committing a crime, an offense, or a delinquent act.

According to section 1 of the bill, which deals with juveniles and amends P. L. 1973, c. 306 (C. 2A:4-61), the court would be empowered to postpone, suspend, or revoke a juvenile's driver's license, registration certificate, or both for up to 1 year. Section 2 deals with adults and amends N. J. S. 2C:43-2 to permit postponement, suspension, or revocation of an adult's driver's license, registration certificate, or both for up to 2 years.

For cases involving either juveniles or adults, the bill would require the court, in deciding whether and for how long to revoke driving privileges, to consider two factors: the severity of the crime or the offense, and the effect of lost driving privileges on the offender's ability to be rehabilitated. In order to make this a meaningful disposition, the bill would also stipulate that any revocation of driving privileges be imposed consecutively with any sentence of imprisonment or commitment to an institution.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 3085

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1981

This bill would permit courts to postpone or suspend the driving privileges of person that have used a motor vehicle in the course of committing a crime, offense, or delinquent act. The maximum period for a delinquent act would be 1 year and for a crime or offense it would be 2 years.

The purpose of the bill is to give judges one more sentencing tool for tailoring penalties to the crime. If an automobile is used in committing the crime, the committee believes that the driving privilege has been abused to that extent. Therefore, consideration should be given to suspension.

The Division of Motor Vehicles opposes the bill on the grounds that it believes suspensions should only be used as a tool for promoting highway safety. The position of the division is that a suspension should be given where the person is a clear and continued danger to himself or others on the road.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

AUGUST 24, 1981

KATHRYN FORSYTH/DAVID DEMAIO

Governor Brendan Byrne today signed the following bills into law:

S-3025, sponsored by Senator Eugene Bedell (D-Monmouth), amends the Local Bond Law to permit a municipality's financial advisor to bid for its bonds at a public sale.

Under prior law, a town's financial advisor could not bid on bonds being offered by that municipality either at a public or private sale. This bill retains that prohibition for private sales, but permits the advisor to bid for the bonds at public sales.

S-3085, sponsored by Senator Frank Graves, Jr. (D-Passaic), permits the courts to postpone, suspend or revoke the driving privileges of a person who uses a motor vehicle in the course of committing a crime, a disorderly persons offense or a delinquent act.

This type of punishment would replace or be in addition to the dispositions currently available to the courts. Any suspension may not exceed two years.

S-3264, sponsored by Senator Steven Perskie (D-Atlantic), permits all honorably discharged veterans to receive special vendors' licenses.

Prior law restricted issuance to veterans who served in time of war or during war-like conditions. The county clerks issue the licenses.

S-1272, sponsored by Senator John Skevin (D-Bergen), permits a policeman to hold a titular office or leadership position in a fraternal, veterans or religious organization which has a club liquor license.

Under prior law, a policeman could not hold such a liquor license and therefore could not be head of a licensed club.

ACS for 1243, sponsored by Senator Matthew Feldman (D-Bergen), clarifies the responsibility for the conduct of municipal police forces by providing for a line of authority with respect to the police function in municipalities and by providing for the duties and responsibilities of police chiefs in those instances where that position is established by ordinance by the municipal governing body.

21 Student is enrolled in an undergraduate program regularly requir-
25 ing 5 academic years for completion, in which case the Student

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