

54:40A-32

LEGISLATIVE HISTORY CHECKLIST

(Cigarettes--unstamped--increase penalties for transportation into NJ)

NJSA 54:40A-32

LAWS 1981

CHAPTER 361

Bill No. A190

Sponsor(s) Maquire and others

Date Introduced Pre-filed

Committee: Assembly Revenue, Finance & Appropriations

Senate Revenue, Finance & Appropriations

Amended during passage Yes No

Date of Passage: Assembly Oct. 16, 1980

Senate Nov. 16, 1981

Date of approval Dec. 30, 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

D. J. ...

6/22/81

ASSEMBLY, No. 190

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Assemblymen MAGUIRE, BASSANO, SMITH and LITTELL

AN ACT to amend the "Cigarette Tax Act," approved April 29, 1948 (P. L. 1948, c. 65).

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

1 1. Section 609 of P. L. 1948, c. 65 (C. 54:40A-32) is amended
2 to read as follows:

3 609. Records; possession and transportation of unstamped cig-
4 arettes; seizure and confiscation of vessel or vehicle.

5 Every person who shall transport cigarettes not stamped as
6 required by this act upon the public highways, waterways, roads
7 or streets of this State shall have in his actual possession invoices
8 or delivery tickets for such cigarettes which shall show the true
9 name and complete and exact address of the consignor or seller,
10 the true name and complete and exact address of the consignee
11 or purchaser, the quantity and brands of the cigarettes transported
12 and in addition shall show separately the true name and complete
13 and exact address of the person who has or shall assume the pay-
14 ment of the New Jersey State tax or the tax, if any, of the State
15 or foreign country at the point of ultimate destination, provided
16 that any common carrier which has issued a bill of lading for a
17 shipment of cigarettes and is without notice to itself or to any of
18 its agents or employees that said cigarettes are not stamped as
19 required by this act shall be deemed to have complied with this
20 act and the vehicle or vessel in which said cigarettes are being
21 transported shall not be subject to confiscation hereunder. In the
22 absence of such invoices, delivery tickets or bills of lading, as the
23 case may be, the cigarettes so transported, the vehicle, or vessel
24 in which the cigarettes are being transported and any parapher-
25 nalia or devices used in connection with the unstamped cigarettes,
26 are declared to be contraband goods and may be seized by the di-
27 rector, his agents or employees or by any peace officer of the State
28 when directed by the director, his agents or employees so to do,

29 without a warrant. The director shall immediately thereafter
30 institute a proceeding for the confiscation thereof in the County
31 Court, county district court or the municipal court within the jur-
32 isdiction of which the seizure is made. The owner or any person
33 having a security interest in any such vehicle may secure release
34 of the same by depositing with the clerk of the court, in which
35 such proceeding is pending, a bond with good and sufficient sureties
36 in an amount to be fixed by the court, conditioned upon the return
37 of said vehicle to the director upon demand after completion of
38 said proceeding. The court may proceed in a summary manner
39 and may direct confiscation to the director; provided, however,
40 anything to the contrary notwithstanding that the owner or any
41 person claiming to be the holder of a mortgage, conditional sales
42 contract or other security interest in any vehicle or vessel, the
43 disposition of which is provided for above, may present his peti-
44 tion so alleging and be heard, and in the event it appears to the
45 court that the property was unlawfully used by a person other
46 than the owner or such claimant, and if such owner or claimant
47 acquired ownership or his security interest in good faith and with-
48 out knowledge that the vehicle or vessel was going to be so used,
49 the court shall either waive forfeiture in favor of such owner or
50 claimant and order the vehicle or vessel returned or delivered to
51 such owner or claimant, or if it is found that the value thereof
52 exceeds the amount of the claim, the court shall order payment
53 of the amount of the claim out of the proceeds of the sale. Every
54 transporter who violates the provisions of this act is a disorderly
55 person, *and shall, in addition to such penalties as attached thereto,*
56 *be liable to a penalty equal to the amount of tax due on any un-*
57 *stamped cigarettes transported by him, which penalty shall be*
58 *sued for and recovered in the same manner as provided for the*
59 *penalties imposed by section 601 of the act to which this act is*
60 *amendatory (C. 54:40A-24).*

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to increase the penalty for "buttlegging," i.e., transporting unstamped cigarettes destined for sale, use, or possession for sale or use within the State. The law currently provides that anyone guilty of "buttlegging" is a disorderly person and is accordingly liable to a fine of up to \$500.00 or six months' imprisonment, or both. This bill provides for imposition of an additional penalty equal to the amount of tax due on the "buttlegged" cigarettes.

29 without a warrant. The director shall immediately thereafter
 30 institute a proceeding for the confiscation thereof in the County
 31 Court, county district court or the municipal court within the jur-
 32 isdiction of which the seizure is made. The owner or any person
 33 having a security interest in any such vehicle may secure release
 34 of the same by depositing with the clerk of the court, in which
 35 such proceeding is pending, a bond with good and sufficient sureties
 36 in an amount to be fixed by the court, conditioned upon the return
 37 of said vehicle to the director upon demand after completion of
 38 said proceeding. The court may proceed in a summary manner
 39 and may direct confiscation to the director; provided, however,
 40 anything to the contrary notwithstanding that the owner or any
 41 person claiming to be the holder of a mortgage, conditional sales
 42 contract or other security interest in any vehicle or vessel, the
 43 disposition of which is provided for above, may present his peti-
 44 tion so alleging and be heard, and in the event it appears to the
 45 court that the property was unlawfully used by a person other
 46 than the owner or such claimant, and if such owner or claimant
 47 acquired ownership or his security interest in good faith and with-
 48 out knowledge that the vehicle or vessel was going to be so used,
 49 the court shall either waive forfeiture in favor of such owner or
 50 claimant and order the vehicle or vessel returned or delivered to
 51 such owner or claimant, or if it is found that the value thereof
 52 exceeds the amount of the claim, the court shall order payment
 53 of the amount of the claim out of the proceeds of the sale. Every
 54 transporter who violates the provisions of this act is a disorderly
 55 person, *and shall, in addition to such penalties as attached thereto,*
 56 *be liable to a penalty equal to the amount of tax due on any un-*
 57 *stamped cigarettes transported by him, which penalty shall be*
 58 *sued for and recovered in the same manner as provided for the*
 59 *penalties imposed by section 601 of the act to which this act is*
 60 *amendatory (C. 51:40A-24).*

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to increase the penalty for "butt-
 legging," i.e., transporting unstamped cigarettes destined for sale,
 use, or possession for sale or use within the State. The law cur-
 rently provides that anyone guilty of "buttlegging" is a disorderly
 person and is accordingly liable to a fine of up to \$500.00 or six
 months' imprisonment, or both. This bill provides for imposition
 of an additional penalty equal to the amount of tax due on the
 "buttlegged" cigarettes.

7190 (1980)

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 190

STATE OF NEW JERSEY

DATED: OCTOBER 6, 1980

Assembly Bill No. 190 provides for an additional penalty for transporting unstamped cigarettes in an amount equal to the tax due on the unstamped cigarettes. Presently, transporting unstamped cigarettes is a disorderly persons offense, punishable by a \$1,000.00 fine, or 6 months in jail, or both.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 31, 1981

DAVE DE MAIO

Governor Brendan Byrne today signed into law the following bills:

S-3192, sponsored by Senator Francis E. Rodgers (D-Hudson), striking the requirement in the Optional County Charter Law that county clerks file an annual compilation of county ordinances with each municipality in the county.

The measure is expected to cut administrative costs. Clerks will still be under the obligation to forward annual compilations if requested to do so by a county or an individual.

SJR-3016, sponsored by Senator John M. Skeyin (D-Bergen), designating the Route 46 State Bridge over the Hackensack River connecting Ridgefield Park with Little Ferry as the "Vietnam Veterans Memorial Bridge."

SJR-3017, also sponsored Senator Skeyin, designating the week of January 24-30, 1982 as "Red Ribbon Week" in New Jersey, honoring the 2,528 persons reported missing in action from the Vietnam War.

A-190, sponsored by Assemblyman William J. Maguire (R-Union), increasing the penalty for the transportation of unstamped cigarettes destined for sale or use in New Jersey -- commonly known as "buttlegging." Buttlegging is currently a disorderly persons offense, punishable by fines up to \$500 or six months in prison, or both. This bill imposes an additional fine equal to the amount of delinquent tax on the cigarettes.

A-792, sponsored by Assemblyman Vincent Ozzie Pellechia (D-Passaic), requiring that any person filing to change his legal name state whether or not he has been convicted of criminal offenses or if any charges are pending. Failure to comply with this law is a disorderly persons offense.

A-995, sponsored by Assemblyman Martin A. Herman (D-Salem), amending the New Jersey Criminal Code's definition of "antique firearm" to include all weapons loaded from the muzzle, regardless of the date of manufacture. Under current law, purchasers of antique long arms -- those manufactured before the turn of the century -- are not required to obtain a permit-to-purchase. This bill extends the exemption to antique arms of later manufacture.