

2C:33-15

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:33-15 (Alcohol consumption--In schools or autos--penalty)

LAWS OF 1979 CHAPTER 264

Bill No. A3262

Sponsor(s) Rand and others

Date Introduced April 26, 1979

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly July 16, 1979

Senate Dec. 3, 1979

Date of approval Jan. 2, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>	Also attached: Senate amendments adopted 11-29-79 (with statement)
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>	
	Senate	Yes	<input checked="" type="checkbox"/>
Fiscal Note		<input checked="" type="checkbox"/>	No
Veto message		<input checked="" type="checkbox"/>	No
Message on signing	Yes	<input checked="" type="checkbox"/>	

Following were printed:

Reports	<input checked="" type="checkbox"/>	No
Hearings	Yes	<input checked="" type="checkbox"/>

974.90 N.J. Legislature. Assembly. Judiciary, Law, Public Safety
 L767 and Defense Committee.
 1979 Public hearing...held 1-23-79, 2-5-79 & 2-6-79.
 Trenton, 1979.
 (Public hearings include testimony on other bills included in the alcohol legislation package, i.e. A3260, S3044, S3248, S1126 and A3265.

9/1/78 Public hearings also held in Nutley, NJ on 6-12-78--no transcript available.

(over)

Throughout public hearings, see references to legislation of other states, studies, reports, etc.

Cited in sponsor's statement:

NJ NJ Criminal Law Revision Commission.
KA6.2 Tentative draft of a new penal code
2B for NJ. Newark, NJ, 1971.
1971

Also attached:

NJ NJ Criminal Law Revision Commission.
KA6.2 NJ penal code, final report.
2C Newark, NJ, 1971.
1971a v.1--Report: p.119
v.2--Commentary: p.301

1-2-80

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3262

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1979

By Assemblymen RAND, MARTIN, MAYS, FLYNN, THOMPSON,
VAN WAGNER, BATE, HERMAN, STEWART and KERN

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

AN ACT concerning certain alcoholic beverage offenses by persons
under the legal age to purchase alcoholic beverages and supple-
menting chapter 33 of Title 2C of the New Jersey Statutes.

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

1 1. a. Any person under the legal age to purchase alcoholic bev-
2 erages who knowingly possesses without legal authority or who
3 knowingly consumes any alcoholic beverage in any school, public
4 conveyance, public place, or place of public assembly, or motor
5 vehicle, is guilty of a ****[*petty*]**** disorderly persons offense, and
6 shall be fined not less than \$100.00.

7 b. Whenever this offense is ****[committeed]**** ***committed*** in
8 a motor vehicle, the court may, in addition to the sentence autho-
9 rized for the offense, suspend or ****[revoke]**** ***postpone for up*
9A *to 30 days*** the driving privilege of the defendant.

10 c. In addition to the general penalty prescribed for a
11 ****[*petty*]**** disorderly persons offense, the court may require
12 any person who violates this act to participate in an alcohol edu-
13 cation or treatment program, authorized by the Department of
14 Health, for a period not to exceed the maximum period of confine-
15 ment prescribed by law for the offense for which the individual has
15A been convicted.

16 d. Nothing in this act shall apply to possession of alcoholic
17 beverages by any such person while actually engaged in the per-

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

18 formance of employment pursuant to an employment permit issued
19 by the Director of the Division of Alcoholic Beverage Control, or
20 for a bona fide hotel or restaurant, in accordance with the pro-
21 visions of R. S. 33:1-26.

1 2. This act shall take effect ***September 1, 1979*** **upon the*
2 *effective date of Title 2c, the New Jersey Code of Criminal Justice*
3 *(P. L. 1978, c. 95)*.*

STATEMENT

This bill would penalize the possession or consumption of alcohol by underage persons in public and especially in schools or in automobiles, and would, in substance, re-enact 2A:170-54.1 which was repealed by the new Penal Code and would cease to be effective on September 1, 1979. In the original Penal Code draft of October, 1971, 2A:170-54.1 was substantially re-enacted in proposed section 2C:33-15. This section was not included in the final draft of the Code.

The purpose of the bill is to address the increasing problems associated with youth and drinking, especially in the schools and while driving.

A3262 (1979)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3262

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 3, 1979

This bill would penalize the possession or consumption of alcoholic beverages by underage persons in public, and especially in schools or in automobiles. It would, in substance, re-enact 2A:170-54.1 which was repealed by the new Penal Code and would cease to be effective on September 1, 1979. In the original Penal Code draft of October, 1971, 2A:170-54.1 was substantially re-enacted in proposed section 2C:33-15. That section was not included in the final draft of the Code.

The purpose of the bill is to address the increasing problems associated with youth and drinking, especially in the schools and while driving. Statistics reported by the New Jersey State Juvenile Aide Officers Association indicate that malicious mischief arrests for youths under 18 have risen from 5,337 in 1967 to 10,602 in 1977, and that these can be largely attributed to the public consumption of alcohol. Convictions of youths under 18 for driving while under the influence have increased from 31 in 1967 to 430 in 1977.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3262

STATE OF NEW JERSEY

DATED: SEPTEMBER 10, 1979

This bill would supplement the law by prescribing penalties for the public possession or consumption of alcoholic beverages by underage persons. Possession or consumption in an automobile is prohibited by the act and, in addition to the petty disorderly offense provided, a court may also suspend or revoke the driving privileges of the defendant. Any person found guilty under the act may also be required to participate in an alcohol education or treatment program for a period not to exceed the maximum confinement period prescribed by law for the offense which, in the case of a petty disorderly person's offense, is 30 days.

Since the effective date of the New Jersey Criminal Code of Criminal Justice (P. L. 1978, c. 95) has passed, the act would take effect immediately.

SENATE AMENDMENTS TO
ASSEMBLY, No. 3262
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 29, 1979

Amend page 1, section 1, line 5, omit "petty".

Amend page 1, section 1, line 7, omit "committeed", insert "committed".

Amend page 1, section 1, line 9, omit "revoke", insert "postpone for up to 30 days".

Amend page 1, section 1, line 10, omit "petty".

STATEMENT

This bill is being amended to make it consistent with the other bills in the drinking-age package. The change from petty disorderly person to disorderly person increases the maximum punishment to 6 months and/or \$1,000.00 fine. The additional 5 months are desirable for attendance or participation in an alcohol education or treatment program.

Since offenders may be under 17, the amendment provides for the judge's ability to postpone the offender's driving privileges. A maximum period of 30 days is provided for the license suspension or postponement.

1-2-80
A-3262, sponsored by Assemblyman Walter Rand (D-Camden), which supplements Chapter 33 of the Penal Code to make it a disorderly persons offense for anyone "under the legal age to purchase alcoholic beverages" to possess or consume liquor in any school, public conveyance, motor vehicle or public place.

A disorderly persons offense is punishable by up to six months in jail and up to \$1,000 fine.

This bill provides for a mandatory minimum fine of \$100. In addition, the bill authorizes the court to suspend or postpone the defendant's driving license for up to thirty days if the offense is committed in a motor vehicle.

The court is also authorized to require that the defendant attend an alcohol education or treatment program for as long as the maximum period of confinement prescribed by law (six months).

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tional purpose with the purpose of disrupting classes or of other-
wise interfering with the peace and good order of the place shall be
guilty of a crime of the fourth degree.

c. *Obstruction or Interference with Person Lawfully Seeking to
Enter Educational Facility.* Any person who obstructs, interferes
with, assaults, or threatens bodily harm to any student, teacher,
administrator, school employee, or parent, or legal guardian, of
any student, or any other person lawfully seeking to enter a school
building or any other building, structure or place used for any
educational purpose shall be guilty of a crime of the third degree.

SOURCE OR REFERENCE

N. J.: 2A:149A-1, 2 and 3	Study Draft Page: None
Model Penal Code: None	Tentative Draft Page: 647
Other: None	Commentary Page: 300

**SECTION 2C:33-15. POSSESSION OR CONSUMPTION OF ALCOHOLIC
BEVERAGES BY MINORS.**

a. Any person under the age of 21 years who shall knowingly
possess without legal authority or who shall knowingly consume
any alcoholic beverage in any public place or in any motor vehicle
is guilty of a petty disorderly persons offense.

b. Whenever this offense shall be committed in a motor vehicle,
the Court may, in addition to the sentence authorized by this Code,
suspend or revoke the driving privilege of the defendant.

SOURCE OR REFERENCE

N. J.: 2A:170-54.1	Study Draft Page: None
Model Penal Code: None	Tentative Draft Page: 645
Other: None	Commentary Page: 301

SECTION 2C:33-16. SMOKING IN PUBLIC CONVEYANCES.

Any person who smokes or carries lighted tobacco in or upon
any bus or other public conveyance, other than in the places pro-
vided, is a petty disorderly person.

SOURCE OR REFERENCE

N. J.: 2A:170-65	Study Draft Page: None
Model Penal Code: None	Tentative Draft Page: 649
Other: None	Commentary Page: 301