

38A:14-3
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2017 **CHAPTER:** 288

NJSA: 38A:14-3 (Provides US Armed Forces and Reserves members with protection against interference with enjoyment of any accommodation, facility, public accommodation, or privilege.)

BILL NO: S714 (Substituted for A5216)

SPONSOR(S) Cruz-Perez and others

DATE INTRODUCED: 1/12/2016

COMMITTEE: **ASSEMBLY:** Appropriations
SENATE: Military & Veterans' Affairs
Budget & Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 1/8/2018
SENATE: 2/13/2017

DATE OF APPROVAL: 1/16/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted) Yes

S714

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Appropriations
SENATE: Yes Military & Veterans' Affairs
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A5216

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

P.L. 2017, CHAPTER 288, *approved January 16, 2018*
Senate, No. 714

1 **AN ACT** concerning interference with the enjoyment of any
2 accommodation, facility, public accommodation, or privilege by
3 a military service member and amending N.J.S.38A:14-3.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. N.J.S.38A:14-3 is amended to read as follows:

9 38A:14-3. Any person who shall exclude a person lawfully
10 wearing a uniform of the militia, or the United States Armed Forces
11 or a Reserve component thereof, from the equal enjoyment of any
12 accommodation, facility or privilege furnished by innkeepers or
13 common carriers or by owners, managers or lessees of theatres or
14 other places of amusement, resort, or public accommodation
15 because of that uniform, shall be guilty of a **[misdemeanor]** crime
16 of the fourth degree and subject to the penalties therefor, except that
17 the amount of a fine shall be a mandatory minimum of \$1,000.

18 Any fines collected pursuant to this section shall be deposited in
19 the "NJ National Guard State Family Readiness Council Fund,"
20 established pursuant to section 1 of P.L.2011, c.117 (C.54A:9-
21 25.29).

22 (cf: N.J.S.38A:14-3)
23

24 2. This act shall take effect immediately
25
26
27

28
29 Provides US Armed Forces and Reserves members with
30 protection against interference with enjoyment of any
31 accommodation, facility, public accommodation, or privilege.

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 underlined thus is new matter.

SENATE, No. 714

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senator A.R.Bucco

SYNOPSIS

Provides US Armed Forces and Reserves members with protection against interference with enjoyment of any accommodation, facility, public accommodation, or privilege.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S714 CRUZ-PEREZ

2

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2 accommodation, facility, public accommodation, or privilege by
3 a military service member and amending N.J.S.38A:14-3.
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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11 or a Reserve component thereof, from the equal enjoyment of any
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13 common carriers or by owners, managers or lessees of theatres or
14 other places of amusement, resort, or public accommodation
15 because of that uniform, shall be guilty of a **[misdemeanor]** crime
16 of the fourth degree and subject to the penalties therefor, except that
17 the amount of a fine shall be a mandatory minimum of \$1,000.

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19 the "NJ National Guard State Family Readiness Council Fund,"
20 established pursuant to section 1 of P.L.2011, c.117 (C.54A:9-
21 25.29).

22 (cf: N.J.S.38A:14-3)

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24 2. This act shall take effect immediately.

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26

27

STATEMENT

28

29 Under current law, any person who excludes a person lawfully
30 wearing a uniform of the militia from the enjoyment of any
31 accommodation, facility, public accommodation, or privilege
32 because of that uniform, is guilty of a misdemeanor. This bill adds
33 the United States Armed Forces and the Reserves to those protected
34 by the statute.

35 The bill replaces the term misdemeanor with the current
36 equivalent designation of a crime of the fourth degree. The bill also
37 adds a mandatory minimum fine of \$1,000 for a violation of the
38 statute. Any fines collected will be deposited in the "NJ National
39 Guard State Family Readiness Council Fund."

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 underlined thus is new matter.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 714

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2017

The Assembly Appropriations Committee reports favorably Senate Bill No. 714.

This bill prohibits a person from interfering with a United States Armed Forces, or Reserve component, service member's enjoyment of any accommodation or facility on the basis of the service member lawfully wearing a uniform.

Under current law, any person who excludes a person lawfully wearing a uniform of the militia (State National Guard) from the enjoyment of any accommodation, facility, public accommodation, or privilege because of that uniform, is guilty of a misdemeanor. This bill adds the United States Armed Forces and the Reserves to the class of persons protected by the law.

The bill replaces the term misdemeanor with the current equivalent designation of a crime of the fourth degree. The bill also adds a mandatory minimum fine of \$1,000 for a violation of the statute. Any fines collected will be deposited in the "NJ National Guard State Family Readiness Council Fund."

As reported, this bill is identical to Assembly Bill No. 5216, as reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services cannot determine the fiscal impact of this bill because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

SENATE MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 714

STATE OF NEW JERSEY

DATED: MAY 5, 2016

The Senate Military and Veterans Affairs Committee reports favorably Senate Bill No. 714.

Under current law, any person who excludes a person lawfully wearing a uniform of the militia from the enjoyment of any accommodation, facility, public accommodation, or privilege because of that uniform, is guilty of a misdemeanor. This bill adds the United States Armed Forces and the Reserves to those protected by the statute.

The bill replaces the term misdemeanor with the current equivalent designation of a crime of the fourth degree. The bill also adds a mandatory minimum fine of \$1,000 for a violation of the statute. Any fines collected will be deposited in the "NJ National Guard State Family Readiness Council Fund." This bill was prefiled for introduction in the 2016-2017 session pending technical review. As reported the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 714

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 714.

This bill provides United States Armed Forces and Reserves members with protection against interference with enjoyment of any accommodation, facility, public accommodation, or privilege. Under current law, any person who excludes a person lawfully wearing a uniform of the militia (State National Guard) from the enjoyment of any accommodation, facility, public accommodation, or privilege because of that uniform, is guilty of a misdemeanor. This bill adds the United States Armed Forces and the Reserves to those protected by the statute.

The bill replaces the term misdemeanor with the current equivalent designation of a crime of the fourth degree. The bill also adds a mandatory minimum fine of \$1,000 for a violation of the statute. Any fines collected will be deposited in the "NJ National Guard State Family Readiness Council Fund."

FISCAL IMPACT:

The Office of Legislative Services cannot determine the fiscal impact of this bill because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 714
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JANUARY 31, 2017

SUMMARY

Synopsis: Provides US Armed Forces and Reserves members with protection against interference with enjoyment of any accommodation, facility, public accommodation, or privilege.

Type of Impact: Revenue to Special Fund in Department of the Treasury: “NJ National Guard State Family Readiness Council Fund.”

Agencies Affected: Department of the Treasury; Judiciary

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Indeterminate, but minimal - See comments below		

- This bill requires the imposition of a mandatory minimum fine of \$1,000 to be paid by a person convicted of excluding a person wearing a uniform of the organized militia, the United States Armed Forces, or the Reserves from a public accommodation or place of entertainment.
- This bill requires the fine to be deposited in the “NJ National Guard State Family Readiness Council Fund” for appropriation to the National Guard State Family Readiness Council for the purposes of providing support to members of the New Jersey National Guard and their families affected by extended deployment during Operations Enduring Freedom and Iraqi Freedom.
- The fiscal impact of this bill cannot be determined because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

BILL DESCRIPTION

Senate Bill No. 714 of 2016 provides that any person who excludes a member of the organized militia, the United States Armed Forces, or the Reserves wearing a uniform from a public accommodation or place of entertainment is guilty of a crime of the fourth degree. The

bill adds a mandatory minimum fine of \$1,000 for a violation of the statute. Any fines collected will be deposited in the “NJ National Guard State Family Readiness Council Fund.” The fund was established by law in 2011.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services cannot determine the fiscal impact of this bill because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

Section: State Government

*Analyst: Aggie Szilagyi
Section Chief*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 5216

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED DECEMBER 4, 2017

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblyman Space

SYNOPSIS

Provides US Armed Forces and Reserves members with protection against interference with enjoyment of any accommodation, facility, public accommodation, or privilege.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT concerning interference with the enjoyment of any
2 accommodation, facility, public accommodation, or privilege by
3 a military service member and amending N.J.S.38A:14-3.

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9 38A:14-3. Any person who shall exclude a person lawfully
10 wearing a uniform of the militia, or the United States Armed Forces
11 or a Reserve component thereof, from the equal enjoyment of any
12 accommodation, facility or privilege furnished by innkeepers or
13 common carriers or by owners, managers or lessees of theatres or
14 other places of amusement, resort, or public accommodation
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33 the United States Armed Forces and the Reserves to those protected
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35 The bill replaces the term misdemeanor with the current
36 equivalent designation of a crime of the fourth degree. The bill also
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38 statute. Any fines collected will be deposited in the "NJ National
39 Guard State Family Readiness Council Fund."

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Matter underlined thus is new matter.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5216

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5216.

This bill prohibits a person from interfering with a United States Armed Forces, or Reserve component, service member's enjoyment of any accommodation or facility on the basis of the service member lawfully wearing a uniform.

Under current law, any person who excludes a person lawfully wearing a uniform of the militia (State National Guard) from the enjoyment of any accommodation, facility, public accommodation, or privilege because of that uniform, is guilty of a misdemeanor. This bill adds the United States Armed Forces and the Reserves to the class of persons protected by the law.

The bill replaces the term misdemeanor with the current equivalent designation of a crime of the fourth degree. The bill also adds a mandatory minimum fine of \$1,000 for a violation of the statute. Any fines collected will be deposited in the "NJ National Guard State Family Readiness Council Fund."

As reported, this bill is identical to Senate Bill No. 714, as reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services cannot determine the fiscal impact of this bill because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5216
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: DECEMBER 18, 2017

SUMMARY

Synopsis: Provides US Armed Forces and Reserves members with protection against interference with enjoyment of any accommodation, facility, public accommodation, or privilege.

Type of Impact: Revenue to Special Fund in Department of the Treasury: “NJ National Guard State Family Readiness Council Fund.”

Agencies Affected: Department of the Treasury; Judiciary

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Indeterminate, but minimal – See comments below		

- This bill requires the imposition of a mandatory minimum fine of \$1,000 to be paid by a person convicted of excluding a person lawfully wearing a uniform of the militia, the United States Armed Forces, or a Reserve component thereof from the enjoyment of any accommodation, facility, public accommodation, or privilege because of that uniform.
- This bill requires the fine to be deposited in the “NJ National Guard State Family Readiness Council Fund” for appropriation to the National Guard State Family Readiness Council for the purposes of providing support to members of the New Jersey National Guard and their families affected by extended deployment during Operations Enduring Freedom and Iraqi Freedom.
- The fiscal impact of this bill cannot be determined because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

BILL DESCRIPTION

Assembly Bill No. 5216 of 2017 provides that any person, who excludes a person lawfully wearing a uniform of the militia, the United States Armed Forces, or a Reserve component thereof from the enjoyment of any accommodation, facility, public accommodation, or privilege

because of that uniform, is guilty a crime of the fourth degree. The bill adds a mandatory minimum fine of \$1,000 for a violation of the statute. Any fines collected will be deposited in the “NJ National Guard State Family Readiness Council Fund.”

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services cannot determine the fiscal impact of this bill because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

Section: State Government

*Analyst: Edward Doherty
Associate Counsel*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).