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P.L. 1999, CHAPTER 335, *approved January 10, 2000*

Senate, No. 1735

1 **AN ACT** concerning adulteration of consumable substances and
2 amending N.J.S.2C:12-2.

3

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

6

7 1. N.J.S.2C:12-2 is amended to read as follows:

8 2C:12-2. a. A person who purposely or knowingly does any act,
9 including putting up a false light, which results in the loss or
10 destruction of a vessel commits a crime of the third degree.

11 b. A person commits a crime of the fourth degree if he:

12 (1) Manufactures or sells a golf ball containing acid or corrosive
13 fluid substance; or

14 (2) Purposely or knowingly offers, gives or entices any person to
15 take or accept any treat, candy, gift **[or]**, food, drink or other
16 substance that is intended to be consumed which is poisonous,
17 intoxicating, anesthetizing, tranquilizing, disorienting, deleterious or
18 harmful to the health or welfare of such person, without the
19 knowledge of the other person as to the identity and effect of the
20 substance, except that it is a crime of the third degree if the actor
21 violates the provisions of this paragraph with the purpose to commit
22 or facilitate the commission of another criminal offense.

23 Notwithstanding the term of imprisonment provided under N.J.S.
24 2C:43-6, and the provisions of subsection e. of N.J.S.2C:44-1, if a
25 person is convicted of **[an offense]** a crime of the fourth degree under
26 paragraph (2) of this subsection, the sentence imposed shall include
27 a fixed minimum sentence of not less than six months during which
28 the defendant shall not be eligible for parole. If a person is convicted
29 of a crime of the third degree under paragraph (2) of this subsection,
30 the sentence imposed shall include a fixed minimum sentence of not
31 less than eighteen months during which the defendant shall not be
32 eligible for parole. The court may not suspend or make any other
33 noncustodial disposition of that person. Notwithstanding the
34 provisions of N.J.S.2C:1-8 or any other provision of law, a conviction
35 arising under this subsection shall not merge with a conviction for
36 any offense that the defendant intended to commit or facilitate, when
37 the defendant violated the provisions of this section, nor shall any such
38 other conviction merge with a conviction under this section.
39 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
40 provision of law, the sentence for a crime of the third degree imposed
41 pursuant to this paragraph shall be ordered to be served consecutively

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.

1 to that imposed for a conviction of the offense that the defendant
2 intended to commit or facilitate when the defendant violated the
3 provisions of this subsection.

4 (cf: P.L.1982, c. 160, s.1)

5

6 2. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill clarifies that it is a crime to adulterate a drink or any other
12 substance that is consumed by people, including, for example,
13 cigarettes. The law includes, but is not limited to, intoxicants such as
14 alcohol and controlled dangerous substances.

15

16

17

18

19 Clarifies that adulteration of a drink or other substance constitutes
20 reckless endangerment.

SENATE, No. 1735

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 15, 1999

Sponsored by:

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

Senator JOHN A. GIRGENTI

District 35 (Passaic)

Co-Sponsored by:

Senators Bucco, Allen, Baer, Assemblymen LeFevre and Blee

SYNOPSIS

Clarifies that adulteration of a drink or other substance constitutes reckless endangerment.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/10/1999)

S1735 GORMLEY, GIRGENTI

2

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2 amending N.J.S.2C:12-2.

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13 fluid substance; or

14 (2) Purposely or knowingly offers, gives or entices any person to
15 take or accept any treat, candy, gift **[or]**, food, drink or other
16 substance that is intended to be consumed which is poisonous,
17 intoxicating, anesthetizing, tranquilizing, disorienting, deleterious or
18 harmful to the health or welfare of such person, without the
19 knowledge of the other person as to the identity and effect of the
20 substance, except that it is a crime of the third degree if the actor
21 violates the provisions of this paragraph with the purpose to commit
22 or facilitate the commission of another criminal offense.

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24 2C:43-6, and the provisions of subsection e. of N.J.S.2C:44-1, if a
25 person is convicted of **[an offense]** a crime of the fourth degree under
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32 eligible for parole. The court may not suspend or make any other
33 noncustodial disposition of that person. Notwithstanding the
34 provisions of N.J.S.2C:1-8 or any other provision of law, a conviction
35 arising under this subsection shall not merge with a conviction for
36 any offense that the defendant intended to commit or facilitate, when
37 the defendant violated the provisions of this section, nor shall any such
38 other conviction merge with a conviction under this section.
39 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
40 provision of law, the sentence for a crime of the third degree imposed
41 pursuant to this paragraph shall be ordered to be served consecutively
42 to that imposed for a conviction of the offense that the defendant

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S1735 GORMLEY, GIRGENTI

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2 provisions of this subsection.

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10 This bill clarifies that it is a crime to adulterate a drink or any other
11 substance that is consumed by people, including, for example,
12 cigarettes. The law includes, but is not limited to, intoxicants such as
13 alcohol and controlled dangerous substances.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1735

STATE OF NEW JERSEY

DATED: JUNE 14, 1999

The Assembly Judiciary Committee reports favorably Senate Bill No. 1735.

Under N.J.S.2C:12-2, a person commits a crime of the fourth degree if the person offers, gives or entices another person to accept food which is poisonous or harmful to that person's health. The bill would clarify that the provisions of N.J.S.2C:12-2 also are applicable to drinks or other substances intended to be consumed and that N.J.S.2C:12-2 also prohibits the offering or giving of substances which are intoxicating, anesthetizing, tranquilizing or disorienting without the knowledge of the other person as to the identity and effect of the substance. If a person knowingly offers, gives or entices another to take any such food or substance with the purpose to commit or facilitate the commission of another criminal offense it is a crime of the third degree. A fixed minimum term is provided for the new third degree crime.

This bill is identical to Assembly, No. 3048.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1735

STATE OF NEW JERSEY

DATED: MARCH 18, 1999

The Senate Judiciary Committee reports favorably Senate Bill No. 1735.

Under N.J.S. 2C:12-2, a person commits a crime of the fourth degree if the person offers, gives or entices another person to accept food which is poisonous or harmful to that person's health. The bill would clarify that the provisions of 2C:12-2 also are applicable to drinks or other substances intended to be consumed and that 2C:12-2 also prohibits the offering or giving of substances which are intoxicating, anesthetizing, tranquilizing or disorienting without the knowledge of the other person as to the identity and effect of the substance.

This bill also provides that a person who violates 2C:12-2 for purpose of committing another criminal offense, commits a crime of the third degree and that the sentence imposed on a person convicted of a violation of 2C:12-2 as a crime of the third degree shall include a mandatory term of parole ineligibility of at least 18 months.

The bill further provides that a violation of 2C:12-2 as a crime of the third degree would not merge with a conviction for any offense that the defendant intended to commit and that the sentence imposed for violation of 2C:12-2 would be served consecutively to the sentence imposed for the offense that the defendant intended to commit.

ASSEMBLY, No. 3048

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 3, 1999

Sponsored by:

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

SYNOPSIS

Clarifies that adulteration of a drink or other substance constitutes reckless endangerment.

CURRENT VERSION OF TEXT

As introduced.



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2 amending N.J.S.2C:12-2.

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24 N.J.S.2C:43-6, and the provisions of subsection e. of N.J.S.2C:44-1,
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33 any other noncustodial disposition of that person. Notwithstanding
34 the provisions of N.J.S.2C:1-8 or any other provision of law, a
35 conviction arising under this subsection shall not merge with a
36 conviction for any offense that the defendant intended to commit or
37 facilitate, when the defendant violated the provisions of this section,
38 nor shall any such other conviction merge with a conviction under this
39 section. Notwithstanding the provisions of N.J.S.2C:44-5 or any other
40 provision of law, the sentence for a crime of the third degree imposed
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9 This bill clarifies that it is a crime to adulterate a drink or any other
10 substance that is consumed by people, including, for example,
11 cigarettes. The law includes, but is not limited to, intoxicants such as
12 alcohol and controlled dangerous substances.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3048

STATE OF NEW JERSEY

DATED: JUNE 14, 1999

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3048.

Under N.J.S. 2C:12-2, a person commits a crime of the fourth degree if the person offers, gives or entices another person to accept food which is poisonous or harmful to that person's health. The bill would clarify that the provisions of N.J.S. 2C:12-2 also are applicable to drinks or other substances intended to be consumed and that N.J.S. 2C:12-2 also prohibits the offering or giving of substances which are intoxicating, anesthetizing, tranquilizing or disorienting without the knowledge of the other person as to the identity and effect of the substance. If a person knowingly offers, gives or entices another to take any such food or substance with the purpose to commit or facilitate the commission of another criminal offense it is a crime of the third degree. A fixed minimum term is provided for the new third degree crime.

This bill is identical to Senate, No. 1735.

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: January 10, 2000

Gov. Christie Whitman today signed the following pieces of legislation:

S-436, sponsored by Senators C. Louis Bassano (R-Essex/Union) and Diane B. Allen (R-Burlington/Camden), requires the Department of Health and Senior Services (DHSS) to prepare an informational pamphlet on the nature and causes of osteoporosis and methods used to treat and prevent osteoporosis. The bill appropriates \$25,000 from the General Fund to DHSS to fund the printing and distribution of the pamphlets.

S-1735, sponsored by Senators William L. Gormley (R-Atlantic) and John A. Girgenti (D-Passaic) and Assembly Members Kenneth C. LeFevre (R-Atlantic) and Francis J. Blee (R-Atlantic), amends the reckless endangerment statute to clarify that adulteration of a drink or other substance constitutes the fourth degree offense of reckless endangerment. Specifically, the bill clarifies that this offense is committed when a person purposely or knowingly gives another person a drink or other substance that is intoxicating, tranquilizing or disorienting, when that other person does not know the identity and effect of the drink or substance.

A-2775, sponsored by Assembly Members John V. Kelly (R-Bergen/Essex/Passaic) and Paul DiGaetano (R-Bergen/Essex/Passaic) and Senator Garry J. Furnari (D-Bergen/Essex/Passaic), provides a grant of \$75,000 to create a study skills program in the East Rutherford Boro School District to address the needs of at-risk pupils. Pupils who are at-risk will be determined by using multiple indicators, including test scores, writing portfolios, teacher recommendations, and parental input. Funding will be utilized for staffing, teaching materials and other supplies. The bill makes a supplemental appropriation to the Fiscal Year 2000 budget.

A-1019, sponsored by Assembly Members Charles Zisa (D-Bergen) and Alan M. Augustine (R-Middlesex/Morris/Somerset/Union), and Senator Joseph A. Palaia (R-Monmouth), provides that commencing on September 1, 2002, any buildings and grounds supervisor employed by a school district must be a certified educational facilities manager. The bill directs the State Board of Education to issue rules and regulations to administer the program. The bill provides that a certified educational facilities manager must meet specific requirements, including having two years of experience in the field of buildings and grounds supervision and graduate as a certified educational facilities manager from the New Jersey Educational Facility Management Program at Rutgers University, or an equivalent program at an accredited institution of higher learning.

A-2993, sponsored by Assembly Members Gerald J. Luongo (R-Camden/Gloucester) and Senator Robert E. Littell (R-Sussex/Hunterdon/Morris), excludes bonds supported by open space, recreation, farmland or historic preservation taxes from calculation of gross debt of a county or municipality. Gross debt is a measure used under the Local Bond Law to derive the net debt of a county or municipality for purposes of establishing a county or municipal debt limit.

A-1445, sponsored by Assembly Members Jack Collins (R- Salem/Cumberland/Gloucester) and Marion Crecco (R-Essex/Passaic) and Senators Norman Robertson (R-Essex/Passaic) and Anthony R. Bucco (R- Morris), permits a police officer enrolled in the Police and Firemen's Retirement System to purchase up to three years of service credit based on inactive time between a point of no-fault layoff and the point of rehiring the employee.

A-2133, sponsored by Assembly Members John V. Kelly (R- Bergen/Essex/Passaic) and Joseph V. Doria, Jr. (D-Hudson), requires health insurers, including hospital service corporations, medical service corporations, health service corporations, commercial insurers and health maintenance organizations to provide health benefits coverage for annual mammograms for women aged 40 and over. Previous law provided for annual mammogram coverage for women 50 and over; women who are at least 40, but less than 50, were provided coverage for biannual examinations.

S-1503, sponsored by Senator Richard J. Codey (D-Essex) and Assembly Members John V. Kelly (R-Bergen/Essex/Passaic) and Paul DiGaetano (R-Bergen/Essex/Passaic), revises pension benefits and employee contribution rates for members of certain board of education pension funds.

A-2943, sponsored by Assembly Members Jack Collins (R-Cumberland/Gloucester/Salem) and Christopher Bateman (R-Morris/Somerset) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden), requires the return of unearned premiums on a pro rata basis for canceled automobile insurance policies. Previous law only required an insurer to return unpaid premiums on a short rate basis, which is an amount less than the pro rata basis because a percentage of administrative costs are charged to the insured.

A-1706, sponsored by Assembly Member John V. Kelly (R-Bergen/Essex/Passaic) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Louis F. Kosco (R-Bergen), establishes a procedure to be followed by landlords of commercial or residential property when disposing of tangible property left behind in premises that had been vacated by a tenant.

S-1062, sponsored by Senators William L. Gormley (R-Atlantic) and Edward T. O'Connor, Jr. (D-Hudson) and Assembly Members Richard A. Merkt (R-Morris) and Michael Patrick Carroll (R-Morris), establishes a procedure for dealing with lost or abandoned property.

A-3298, sponsored by Assembly Members John S. Wisniewski (D-Middlesex) and Gerald J. Luongo (R-Camden/Gloucester) and Senators Joseph F. Vitale (D-Middlesex) and Nicholas J. Sacco (D-Bergen/Hudson), allows for re-certification of the special district tax for school districts if the school district's surplus account is higher than estimated at the school election in certain circumstances.

S-1697, sponsored by Senators William L. Gormley (R-Atlantic) and Wayne R. Bryant (D-Camden/Gloucester) and Assembly Members James W. Holzapfel (R- Monmouth/Ocean) and Kenneth C. LeFevre (R-Atlantic), authorizes a court to issue a restraining order prohibiting a person charged with, convicted of or adjudicated delinquent for any drug distribution offense or any offense involving the use or possession of an assault weapon from returning to the place where the offense occurred.

A-960, sponsored by Assembly Member Alan M. Augustine (R- Middlesex/Morris/Somerset /Union), requires pet shops to refund the purchase price, reimburse any veterinary fees, or provide replacement for sick cats or dogs under certain circumstances.

S-1273, sponsored by Senators Robert W. Singer (R- Burlington/Monmouth/Ocean) and Robert W. Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Charlotte Vandervalk (R- Bergen) and Nicholas R. Felice (R-Bergen/Passaic), permits HMO enrollees residing in certain retirement communities with nursing homes to continue to receive care at that nursing facility under certain circumstances.

A-1653, sponsored by Assembly Members John V. Kelly (R- Bergen/Essex/Passaic) and Neil M. Cohen (D-Union) and Senator Gerald Cardinale (R-Bergen), requires health insurers, including hospital service corporations, medical service corporation, health service corporations, commercial insurers and health maintenance organizations to provide insurance coverage benefits for health wellness examinations and counseling. The bill appropriates \$95,000 to the Department of Health and Senior Services for allocation to the Health Wellness Promotion Advisory Board to evaluate implementation of the provisions of the bill and to ensure awareness and utilization of the health promotion program by covered persons and health care providers.

A-2461, sponsored by Assembly Member Gary W. Stuhltrager (R-Salem/Cumberland/ Gloucester), extends the cap on tax liability on transfers of hazardous substances to certain successors in interest.