

A2126

SPONSORS STATEMENT: (Begins on page 7 of original bill) [Yes](#)
Bill and Sponsor Statement identical to S1286

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: [Yes](#)

FOLLOWING WERE PRINTED:

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P.L. 1999, CHAPTER 410, *approved January 18, 2000*
Senate Substitute for
Assembly Committee Substitute for
Assembly, Nos. 2117 and 2126

1 **AN ACT** concerning the operation of motor vehicles by persons under
2 the influence of alcohol or drugs in certain cases, and
3 supplementing chapter 4 of Title 39 of the Revised Statutes.

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

7
8 1. a. As used in this act:

9 "Minor" means a person who is 17 years of age or younger.

10 "Parent or guardian" means any natural parent, adoptive parent,
11 foster parent, stepparent, or any person temporarily responsible for the
12 care, custody or control of a minor or upon whom there is a legal duty
13 for such care, custody or control.

14 b. A parent or guardian who is convicted of a violation of
15 R.S.39:4-50 and who, at the time of the violation, has a minor as a
16 passenger in the motor vehicle is guilty of a disorderly persons offense.

17 c. In addition to the penalties otherwise prescribed by law, a
18 person who is convicted under subsection b. of this section shall forfeit
19 the right to operate a motor vehicle over the highways of this State for
20 a period of not more than six months and shall be ordered to perform
21 community service for a period of not more than five days.

22

23 2. This act shall take effect immediately.

24

25 **STATEMENT**

26

27 This Senate Substitute for Assembly Committee Substitute for
28 Assembly, Nos. 2117 and 2126 supplements Title 39 (the motor
29 vehicle code) to make it a disorderly persons offense for a parent or
30 guardian to drive under the influence of alcohol or drugs with a minor
31 as a passenger in the motor vehicle. Disorderly persons offenses are
32 punishable by a term of imprisonment of up to six months, a fine of up
33 to \$1,000, or both.

34 The bill defines a parent or guardian as any natural parent,
35 adoptive parent, foster parent, stepparent, or any person temporarily
36 responsible for the care, custody or control of a minor or upon whom
37 there is a legal duty for such care, custody or control. A minor is
38 defined by the bill as a person who is 17 years of age or younger.

39 In addition to other penalties prescribed by law, persons convicted
40 under the bill also would lose their driver licenses for an additional six
41 months and be ordered to serve an additional period of community
42 service of up to five days.

43

44

45

46 Establishes additional penalties for DWI with child as passenger.

ASSEMBLY, No. 2117

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 1, 1998

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Co-Sponsored by:

Assemblymen R. Smith, LeFevre and Steele

SYNOPSIS

Provides additional penalties for DUI offenders who have minors in their vehicles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/1999)

1 AN ACT concerning the operation of motor vehicles by persons under
2 the influence of alcohol or drugs in certain cases, and
3 supplementing chapter 4 of Title 39 of the Revised Statutes.

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

7
8 1. In addition to the penalties otherwise prescribed by law, any
9 person who is convicted of a violation of R.S.39:4-50 and who, at the
10 time of the violation, has as a passenger in the motor vehicle a person
11 under the age of 18 years shall be subject to:

- 12 a. A fine of not more than \$500;
13 b. A forfeiture of his right to operator a motor vehicle over the
14 highways of this State for a period of not more than six months; and
15 c. An order to perform community service for a period of not
16 more than five days.

17
18 2. This act shall take effect immediately.

19

20

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STATEMENT

22

23 This bill would provide additional penalties for persons who are
24 convicted of driving under the influence (DUI) of alcohol or drugs if,
25 at the time of the violation, they have a passenger in the motor vehicle
26 who is under the age of 18.

27 Under the provisions of the bill, a DUI offender who has a minor in
28 the vehicle is subject to (1) an additional fine of up to \$500; (2) up to
29 an additional six months of license suspension; and (3) up to an
30 additional five days of community service.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2117 and 2126**

STATE OF NEW JERSEY

DATED: MARCH 4, 1999

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2117 and Assembly Bill No. 2126.

The substitute amends N.J.S.2C:24-4, the child endangerment statute, to make it a crime of the third degree to operate a motor vehicle while under the influence of intoxicating liquor or a narcotic, hallucinogenic or habit-producing drug in violation of R.S.39:4-50 with a passenger 17 years of age or younger. Third-degree crimes are punishable by a term of imprisonment of three to five years , a fine of up to \$15,000, or both.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2117 and 2126

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED MARCH 4, 1999

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Co-Sponsored by:

Assemblymen B.Smith, LeFevre, Steele, Assemblywoman Buono,

Assemblymen Kramer, Wolfe, Assemblywoman Previte, Assemblymen

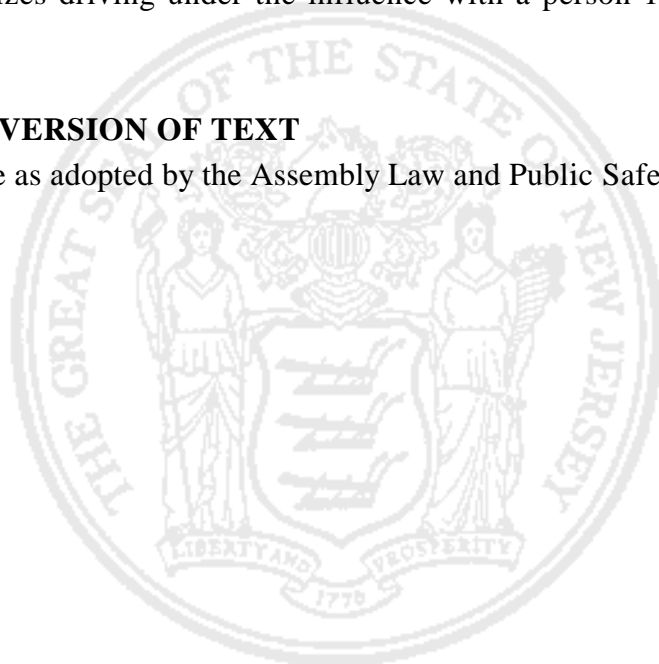
Greenwald, Cottrell, Malone, Conaway and Connors

SYNOPSIS

Criminalizes driving under the influence with a person 17 years old or younger.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Law and Public Safety Committee.



(Sponsorship Updated As Of: 11/16/1999)

1 AN ACT concerning driving under the influence with a child passenger
2 and amending N.J.S.2C:24-4.

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:24-4 is amended to read as follows:

8 2C:24-4. Endangering Welfare of Children.

9 a. Any person having a legal duty for the care of a child or who
10 has assumed responsibility for the care of a child who engages in
11 sexual conduct which would impair or debauch the morals of the child,
12 or who causes the child harm that would make the child an abused or
13 neglected child as defined in R.S.9:6-1, R.S.9:6-3 and P.L.1974,
14 c.119, s.1 (C.9:6-8.21) is guilty of a crime of the second degree. Any
15 other person who engages in conduct or who causes harm as described
16 in this subsection to a child under the age of 16 is guilty of a crime of
17 the third degree.

18 b. (1) As used in this subsection:

19 "Child" means any person under 16 years of age.

20 "Internet" means the international computer network of both
21 federal and non-federal interoperable packet switched data networks.

22 "Prohibited sexual act" means

23 (a) Sexual intercourse; or

24 (b) Anal intercourse; or

25 (c) Masturbation; or

26 (d) Bestiality; or

27 (e) Sadism; or

28 (f) Masochism; or

29 (g) Fellatio; or

30 (h) Cunnilingus;

31 (i) Nudity, if depicted for the purpose of sexual stimulation or
32 gratification of any person who may view such depiction ; or

33 (j) Any act of sexual penetration or sexual contact as defined in
34 N.J.S.2C:14-1.

35 "Reproduction" means, but is not limited to, computer generated
36 images.

37 (2) A person commits a crime of the second degree if he causes or
38 permits a child to engage in a prohibited sexual act or in the simulation
39 of such an act if the person knows, has reason to know or intends that
40 the prohibited act may be photographed, filmed, reproduced, or
41 reconstructed in any manner, including on the Internet, or may be part
42 of an exhibition or performance. If the person is a parent, guardian or
43 other person legally charged with the care or custody of the child, the

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 person shall be guilty of a crime of the first degree.

2 (3) Any person who photographs or films a child in a prohibited
3 sexual act or in the simulation of such an act or who uses any device,
4 including a computer, to reproduce or reconstruct the image of a child
5 in a prohibited sexual act or in the simulation of such an act is guilty
6 of a crime of the second degree.

7 (4) (a) Any person who knowingly receives for the purpose of
8 selling or who knowingly sells, procures, manufactures, gives,
9 provides, lends, trades, mails, delivers, transfers, publishes, distributes,
10 circulates, disseminates, presents, exhibits, advertises, offers or agrees
11 to offer , through any means , including the Internet, any photograph,
12 film, videotape, computer program or file, video game or any other
13 reproduction or reconstruction which depicts a child engaging in a
14 prohibited sexual act or in the simulation of such an act, is guilty of a
15 crime of the second degree.

16 (b) Any person who knowingly possesses or knowingly views any
17 photograph, film, videotape, computer program or file , video game or
18 any other reproduction or reconstruction which depicts a child
19 engaging in a prohibited sexual act or in the simulation of such an act,
20 including on the Internet, is guilty of a crime of the fourth degree.

21 (5) For purposes of this subsection, a person who is depicted as
22 or presents the appearance of being under the age of 16 in any
23 photograph, film , videotape, computer program or file, video game or
24 any other reproduction or reconstruction shall be rebuttably presumed
25 to be under the age of 16. If the child who is depicted as engaging in,
26 or who is caused to engage in, a prohibited sexual act or simulation of
27 a prohibited sexual act is under the age of 16, the actor shall be strictly
28 liable and it shall not be a defense that the actor did not know that the
29 child was under the age of 16, nor shall it be a defense that the actor
30 believed that the child was 16 years of age or older, even if such a
31 mistaken belief was reasonable.

32 c. Any person who operates a motor vehicle while under the
33 influence of intoxicating liquor or a narcotic, hallucinogenic or habit-
34 producing drug in violation of R.S.39:4-50 with a passenger 17 years
35 of age or younger is guilty of a crime of the third degree.

36 (cf: P.L.1998, c.126)

37

38 2. This act shall take effect immediately.

SENATE SUBSTITUTE FOR
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2117 and 2126

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED DECEMBER 6, 1999

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Co-Sponsored by:

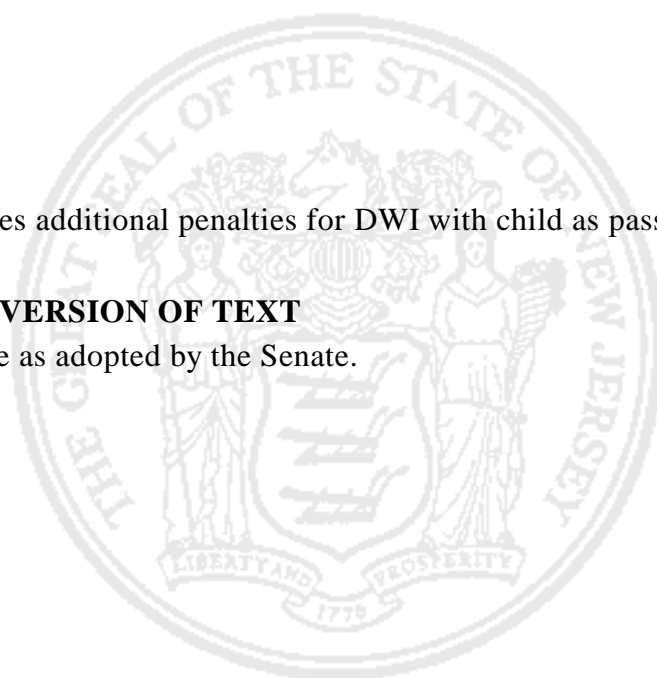
**Assemblymen B. Smith, LeFevre, Steele, Assemblywoman Buono,
Assemblymen Kramer, Wolfe, Assemblywoman Previte, Assemblymen
Greenwald, Cottrell, Malone, Conaway, Connors, Assemblywoman Heck,
Senators Sinagra, Singer, Matheussen, Robertson and Inverso**

SYNOPSIS

Establishes additional penalties for DWI with child as passenger.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate.



(Sponsorship Updated As Of: 1/11/2000)

1 AN ACT concerning the operation of motor vehicles by persons under
2 the influence of alcohol or drugs in certain cases, and
3 supplementing chapter 4 of Title 39 of the Revised Statutes.

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

7
8 1. a. As used in this act:

9 "Minor" means a person who is 17 years of age or younger.

10 "Parent or guardian" means any natural parent, adoptive parent,
11 foster parent, stepparent, or any person temporarily responsible for the
12 care, custody or control of a minor or upon whom there is a legal duty
13 for such care, custody or control.

14 b. A parent or guardian who is convicted of a violation of
15 R.S.39:4-50 and who, at the time of the violation, has a minor as a
16 passenger in the motor vehicle is guilty of a disorderly persons offense.

17 c. In addition to the penalties otherwise prescribed by law, a
18 person who is convicted under subsection b. of this section shall forfeit
19 the right to operate a motor vehicle over the highways of this State for
20 a period of not more than six months and shall be ordered to perform
21 community service for a period of not more than five days.

22
23 2. This act shall take effect immediately.

24

25

26

STATEMENT

27

28 This Senate Substitute for Assembly Committee Substitute for
29 Assembly, Nos. 2117 and 2126 supplements Title 39 (the motor
30 vehicle code) to make it a disorderly persons offense for a parent or
31 guardian to drive under the influence of alcohol or drugs with a minor
32 as a passenger in the motor vehicle. Disorderly persons offenses are
33 punishable by a term of imprisonment of up to six months, a fine of up
34 to \$1,000, or both.

35 The bill defines a parent or guardian as any natural parent,
36 adoptive parent, foster parent, stepparent, or any person temporarily
37 responsible for the care, custody or control of a minor or upon whom
38 there is a legal duty for such care, custody or control. A minor is
39 defined by the bill as a person who is 17 years of age or younger.

40 In addition to other penalties prescribed by law, persons convicted
41 under the bill also would lose their driver licenses for an additional six
42 months and be ordered to serve an additional period of community
43 service of up to five days.

SENATE, No. 1286

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JULY 30, 1998

Sponsored by:

Senator JACK SINAGRA

District 18 (Middlesex)

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Establishes additional penalty for DWI with child as passenger.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/1999)

S1286 SINAGRA, SINGER

2

1 AN ACT concerning driving while intoxicated and amending
2 N.J.S.2C:12-2, R.S.39:4-50 and P.L.1981, c.512.

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, which is poisonous,
16 deleterious or harmful to the health or welfare of such person.

17 Notwithstanding the term of imprisonment provided under N.J.S.
18 2C:43-6, if a person is convicted of an offense under (2) of this
19 subsection, the sentence imposed shall include a fixed minimum
20 sentence of not less than six months during which the defendant shall
21 not be eligible for parole. The court may not suspend or make any
22 other noncustodial disposition of that person.

23 c. A person commits a disorderly persons offense if he:

24 (1) Operates a motor vehicle in which there is a passenger 17 years
25 of age or younger while under the influence of intoxicating liquor or
26 a narcotic, hallucinogenic or habit-producing drug in violation of
27 R.S.39:4-50; or

28 (2) Is convicted of a violation of section 2 of P.L.1981,c.512
29 (C.39:4-50.4a) in connection with the operation of a motor vehicle in
30 which a person 17 years of age or younger was a passenger.

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

32

33 2. R.S.39:4-50 is amended to read as follows:

34 39:4-50. (a) A person who operates a motor vehicle while under
35 the influence of intoxicating liquor, narcotic, hallucinogenic or
36 habit-producing drug, or operates a motor vehicle with a blood alcohol
37 concentration of 0.10% or more by weight of alcohol in the
38 defendant's blood or permits another person who is under the influence
39 of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug
40 to operate a motor vehicle owned by him or in his custody or control
41 or permits another to operate a motor vehicle with a blood alcohol
42 concentration of 0.10% or more by weight of alcohol in the
43 defendant's blood, shall be subject:

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

Matter underlined thus is new matter.

1 (1) For the first offense, to a fine of not less than \$250.00 nor
2 more than \$400.00 and a period of detainment of not less than 12
3 hours nor more than 48 hours spent during two consecutive days of
4 not less than six hours each day and served as prescribed by the
5 program requirements of the Intoxicated Driver Resource Centers
6 established under subsection (f) of this section and, in the discretion
7 of the court, a term of imprisonment of not more than 30 days and
8 shall forthwith forfeit his right to operate a motor vehicle over the
9 highways of this State for a period of not less than six months nor
10 more than one year.

11 (2) For a second violation, a person shall be subject to a fine of not
12 less than \$500.00 nor more than \$1,000.00, and shall be ordered by
13 the court to perform community service for a period of 30 days, which
14 shall be of such form and on such terms as the court shall deem
15 appropriate under the circumstances, and shall be sentenced to
16 imprisonment for a term of not less than 48 consecutive hours, which
17 shall not be suspended or served on probation, nor more than 90 days,
18 and shall forfeit his right to operate a motor vehicle over the highways
19 of this State for a period of two years upon conviction, and, after the
20 expiration of said period, he may make application to the Director of
21 the Division of Motor Vehicles for a license to operate a motor
22 vehicle, which application may be granted at the discretion of the
23 director, consistent with subsection (b) of this section.

24 (3) For a third or subsequent violation, a person shall be subject to
25 a fine of \$1,000.00, and shall be sentenced to imprisonment for a term
26 of not less than 180 days, except that the court may lower such term
27 for each day, not exceeding 90 days, served performing community
28 service in such form and on such terms as the court shall deem
29 appropriate under the circumstances and shall thereafter forfeit his
30 right to operate a motor vehicle over the highways of this State for 10
31 years.

32 Whenever an operator of a motor vehicle has been involved in an
33 accident resulting in death, bodily injury or property damage, a police
34 officer shall consider that fact along with all other facts and
35 circumstances in determining whether there are reasonable grounds to
36 believe that person was operating a motor vehicle in violation of this
37 section.

38 A conviction of a violation of a law of a substantially similar nature
39 in another jurisdiction, regardless of whether that jurisdiction is a
40 signatory to the Interstate Driver License Compact pursuant to
41 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction
42 under this subsection unless the defendant can demonstrate by clear
43 and convincing evidence that the conviction in the other jurisdiction
44 was based exclusively upon a violation of a proscribed blood alcohol
45 concentration of less than .10%.

46 If the driving privilege of any person is under revocation or

1 suspension for a violation of any provision of this Title or Title 2C of
2 the New Jersey Statutes at the time of any conviction for a violation
3 of this section, the revocation or suspension period imposed shall
4 commence as of the date of termination of the existing revocation or
5 suspension period. In the case of any person who at the time of the
6 imposition of sentence is less than 17 years of age, the forfeiture,
7 suspension or revocation of the driving privilege imposed by the court
8 under this section shall commence immediately, run through the
9 offender's seventeenth birthday and continue from that date for the
10 period set by the court pursuant to paragraphs (1) through (3) of this
11 subsection. A court that imposes a term of imprisonment under this
12 section may sentence the person so convicted to the county jail, to the
13 workhouse of the county wherein the offense was committed, to an
14 inpatient rehabilitation program or to an Intoxicated Driver Resource
15 Center or other facility approved by the chief of the Intoxicated
16 Driving Program Unit in the Department of Health and Senior
17 Services; provided that for a third or subsequent offense a person shall
18 not serve a term of imprisonment at an Intoxicated Driver Resource
19 Center as provided in subsection (f).

20 A person who has been convicted of a previous violation of this
21 section need not be charged as a second or subsequent offender in the
22 complaint made against him in order to render him liable to the
23 punishment imposed by this section on a second or subsequent
24 offender, but if the second offense occurs more than 10 years after the
25 first offense, the court shall treat the second conviction as a first
26 offense for sentencing purposes and if a third offense occurs more than
27 10 years after the second offense, the court shall treat the third
28 conviction as a second offense for sentencing purposes.

29 In addition to all applicable penalties under this section, a person
30 convicted for a violation of this section shall be subject to the penalty
31 provided under N.J.S.2C:12-2 if applicable.

32 (b) A person convicted under this section must satisfy the
33 screening, evaluation, referral, program and fee requirements of the
34 Division of Alcoholism and Drug Abuse's Intoxicated Driving Program
35 Unit, and of the Intoxicated Driver Resource Centers and a program
36 of alcohol and drug education and highway safety, as prescribed by the
37 Director of the Division of Motor Vehicles. The sentencing court shall
38 inform the person convicted that failure to satisfy such requirements
39 shall result in a mandatory two-day term of imprisonment in a county
40 jail and a driver license revocation or suspension and continuation of
41 revocation or suspension until such requirements are satisfied, unless
42 stayed by court order in accordance with Rule 7:8-2 of the Rules
43 Governing the Courts of the State of New Jersey, or R.S.39:5-22.
44 Upon sentencing, the court shall forward to the Division of Alcoholism
45 and Drug Abuse's Intoxicated Driving Program Unit a copy of a
46 person's conviction record. A fee of \$100.00 shall be payable to the

1 Alcohol Education, Rehabilitation and Enforcement Fund established
2 pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
3 Intoxicated Driving Program Unit.

4 (c) Upon conviction of a violation of this section, the court shall
5 collect forthwith the New Jersey driver's license or licenses of the
6 person so convicted and forward such license or licenses to the
7 Director of the Division of Motor Vehicles. The court shall inform the
8 person convicted that if he is convicted of personally operating a
9 motor vehicle during the period of license suspension imposed
10 pursuant to subsection (a) of this section, he shall, upon conviction, be
11 subject to the penalties established in R.S.39:3-40. The person
12 convicted shall be informed orally and in writing. A person shall be
13 required to acknowledge receipt of that written notice in writing.
14 Failure to receive a written notice or failure to acknowledge in writing
15 the receipt of a written notice shall not be a defense to a subsequent
16 charge of a violation of R.S.39:3-40. In the event that a person
17 convicted under this section is the holder of any out-of-State driver's
18 license, the court shall not collect the license but shall notify forthwith
19 the director, who shall, in turn, notify appropriate officials in the
20 licensing jurisdiction. The court shall, however, revoke the
21 nonresident's driving privilege to operate a motor vehicle in this State,
22 in accordance with this section. Upon conviction of a violation of this
23 section, the court shall notify the person convicted, orally and in
24 writing, of the penalties for a second, third or subsequent violation of
25 this section. A person shall be required to acknowledge receipt of that
26 written notice in writing. Failure to receive a written notice or failure
27 to acknowledge in writing the receipt of a written notice shall not be
28 a defense to a subsequent charge of a violation of this section.

29 (d) The Director of the Division of Motor Vehicles shall
30 promulgate rules and regulations pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to
32 establish a program of alcohol education and highway safety, as
33 prescribed by this act.

34 (e) Any person accused of a violation of this section who is liable
35 to punishment imposed by this section as a second or subsequent
36 offender shall be entitled to the same rights of discovery as allowed
37 defendants pursuant to the Rules Governing Criminal Practice, as set
38 forth in the Rules Governing the Courts of the State of New Jersey.

39 (f) The counties, in cooperation with the Division of Alcoholism
40 and Drug Abuse and the Division of Motor Vehicles, but subject to the
41 approval of the Division of Alcoholism and Drug Abuse, shall
42 designate and establish on a county or regional basis Intoxicated
43 Driver Resource Centers. These centers shall have the capability of
44 serving as community treatment referral centers and as court monitors
45 of a person's compliance with the ordered treatment, service
46 alternative or community service. All centers established pursuant to

1 this subsection shall be administered by a counselor certified by the
2 Alcohol and Drug Counselor Certification Board of New Jersey or
3 other professional with a minimum of five years' experience in the
4 treatment of alcoholism. All centers shall be required to develop
5 individualized treatment plans for all persons attending the centers;
6 provided that the duration of any ordered treatment or referral shall
7 not exceed one year. It shall be the center's responsibility to establish
8 networks with the community alcohol and drug education, treatment
9 and rehabilitation resources and to receive monthly reports from the
10 referral agencies regarding a person's participation and compliance
11 with the program. Nothing in this subsection shall bar these centers
12 from developing their own education and treatment programs;
13 provided that they are approved by the Division of Alcoholism and
14 Drug Abuse.

15 Upon a person's failure to report to the initial screening or any
16 subsequent ordered referral, the Intoxicated Driver Resource Center
17 shall promptly notify the sentencing court of the person's failure to
18 comply.

19 Required detention periods at the Intoxicated Driver Resource
20 Centers shall be determined according to the individual treatment
21 classification assigned by the Intoxicated Driving Program Unit. Upon
22 attendance at an Intoxicated Driver Resource Center, a person shall be
23 required to pay a per diem fee of \$75.00 for the first offender program
24 or a per diem fee of \$100.00 for the second offender program, as
25 appropriate. Any increases in the per diem fees after the first full year
26 shall be determined pursuant to rules and regulations adopted by the
27 Commissioner of Health and Senior Services in consultation with the
28 Governor's Council on Alcoholism and Drug Abuse pursuant to the
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.).

31 The centers shall conduct a program of alcohol and drug education
32 and highway safety, as prescribed by the Director of the Division of
33 Motor Vehicles.

34 The Commissioner of Health and Senior Services shall adopt rules
35 and regulations pursuant to the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the
37 purposes of this subsection.

38 (cf: P.L.1997, c.277, s.1)

39

40 3. Section 2 of P.L.1981, c.512 (C.39:4-50.4a) is amended to read
41 as follows:

42 2. The municipal court shall revoke the right to operate a motor
43 vehicle of any operator who, after being arrested for a violation of
44 R.S.39:4-50, shall refuse to submit to a test provided for in section 2
45 of P.L.1966, c.142 (C.39:4-50.2) when requested to do so, for six
46 months unless the refusal was in connection with a second offense

1 under this section, in which case the revocation period shall be for two
2 years or unless the refusal was in connection with a third or
3 subsequent offense under this section in which case the revocation
4 shall be for ten years. A conviction or administrative determination of
5 a violation of a law of a substantially similar nature in another
6 jurisdiction, regardless of whether that jurisdiction is a signatory to the
7 Interstate Driver License Compact pursuant to P.L.1966, c.73
8 (C.39:5D-1 et seq.), shall constitute a prior conviction under this
9 section.

10 The municipal court shall determine by a preponderance of the
11 evidence whether the arresting officer had probable cause to believe
12 that the person had been driving or was in actual physical control of
13 a motor vehicle on the public highways or quasi-public areas of this
14 State while the person was under the influence of intoxicating liquor
15 or a narcotic, hallucinogenic, or habit-producing drug or marijuana;
16 whether the person was placed under arrest, if appropriate, and
17 whether he refused to submit to the test upon request of the officer;
18 and if these elements of the violation are not established, no conviction
19 shall issue. In addition to any other requirements provided by law, a
20 person whose operator's license is revoked for refusing to submit to a
21 test shall be referred to an Intoxicated Driver Resource Center
22 established by subsection (f.) of R.S.39:4-50 and shall satisfy the same
23 requirements of the center for refusal to submit to a test as provided
24 for in section 2 of P.L.1966, c.142 (C.39:4-50.2) in connection with
25 a first, second, third or subsequent offense under this section that must
26 be satisfied by a person convicted of a commensurate violation of this
27 section, or be subject to the same penalties as such a person for failure
28 to do so. The revocation shall be independent of any revocation
29 imposed by virtue of a conviction under the provisions of R.S.39:4-50.

30 In addition to issuing a revocation, the municipal court shall fine a
31 person convicted under this section, a fine of not less than \$250.00 nor
32 more than \$500.00.

33 In addition to all applicable penalties under this section, a person
34 convicted for a violation of this section shall be subject to the penalty
35 provided under N.J.S.2C:12-2 if applicable.

36 (cf: P.L.1997, c.277, s.2)

37

38 4. This act shall take effect immediately and shall apply to
39 convictions under R.S.39:4-50 and section 2 of P.L.1981, c.512
40 (C.39:4-50.4a) which occur after the effective date.

41

42

STATEMENT

43

44 This bill imposes an additional penalty of reckless endangerment on
45 persons who are convicted of driving under the influence of
46 intoxicating liquor or a narcotic, hallucinogenic or habit forming drug

S1286 SINAGRA, SINGER

8

1 with a passenger 17 years of age or younger in the vehicle. These
2 persons would be guilty of a disorderly persons offense in addition to
3 any other applicable penalties under the drunk driving laws. A person
4 transporting a passenger 17 or younger, who refuses to submit to a
5 test of his blood alcohol content in violation of the implied consent law
6 also would be guilty of a disorderly persons offense. A disorderly
7 persons offense is punishable by a term of imprisonment of up to six
8 months, a fine of up to \$1,000 or both.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1286

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1999

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1286.

This bill imposes an additional penalty of reckless endangerment on persons who are convicted of driving under the influence of intoxicating liquor or a narcotic, hallucinogenic or habit forming drug with a passenger 17 years of age or younger in the vehicle. These persons would be guilty of a disorderly persons offense in addition to any other applicable penalties under the drunk driving laws. A person transporting a passenger 17 or younger, who refuses to submit to a test of his blood alcohol content in violation of the implied consent law also would be guilty of a disorderly persons offense. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to \$1,000, or both.

The committee amendments are technical in nature. They conform section 2 in the bill (R.S.39:4-50) to the provisions of P.L.1999, c.185 and correct references to the New Jersey Court Rules.

SENATE SUBSTITUTE FOR
SENATE, No. 1286

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED DECEMBER 6, 1999

Sponsored by:

Senator JACK SINAGRA

District 18 (Middlesex)

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

Senators Matheussen, Robertson and Inverso

SYNOPSIS

Establishes additional penalties for DWI with child as passenger.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate.



(Sponsorship Updated As Of: 1/11/2000)

1 AN ACT concerning the operation of motor vehicles by persons under
2 the influence of alcohol or drugs in certain cases, and
3 supplementing chapter 4 of Title 39 of the Revised Statutes.

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

7
8 1. a. As used in this act:

9 "Minor" means a person who is 17 years of age or younger.

10 "Parent or guardian" means any natural parent, adoptive parent,
11 foster parent, stepparent, or any person temporarily responsible for the
12 care, custody or control of a minor or upon whom there is a legal duty
13 for such care, custody or control.

14 b. A parent or guardian who is convicted of a violation of
15 R.S.39:4-50 and who, at the time of the violation, has a minor as a
16 passenger in the motor vehicle is guilty of a disorderly persons offense.

17 c. In addition to the penalties otherwise prescribed by law, a
18 person who is convicted under subsection b. of this section shall forfeit
19 the right to operate a motor vehicle over the highways of this State for
20 a period of not more than six months and shall be ordered to perform
21 community service for a period of not more than five days.

22
23 2. This act shall take effect immediately.

24
25

26 STATEMENT

27

28 This Senate Substitute for Senate Bill No. 1286 (1R) supplements
29 Title 39 (the motor vehicle code) to make it a disorderly persons
30 offense for a parent or guardian to drive under the influence of alcohol
31 or drugs with a minor as a passenger in the motor vehicle. Disorderly
32 persons offenses are punishable by a term of imprisonment of up to six
33 months, a fine of up to \$1,000, or both.

34 The bill defines a parent or guardian as any natural parent,
35 adoptive parent, foster parent, stepparent, or any person temporarily
36 responsible for the care, custody or control of a minor or upon whom
37 there is a legal duty for such care, custody or control. A minor is
38 defined by the bill as a person who is 17 years of age or younger.

39 In addition to other penalties prescribed by law, persons convicted
40 under the bill also would lose their driver licenses for an additional six
41 months and be ordered to serve an additional period of community
42 service of up to five days.

ASSEMBLY, No. 2126

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 1, 1998

Sponsored by:

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Co-Sponsored by:

Assemblywoman Buono, Assemblymen Kramer, LeFevre, Wolfe,

Assemblywoman Previte, Assemblymen Greenwald, Steele and

Assemblywoman Heck

SYNOPSIS

Establishes additional penalty for DWI with child as passenger.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/1999)

1 AN ACT concerning driving while intoxicated and amending
2 N.J.S.2C:12-2, R.S.39:4-50 and P.L.1981, c.512.

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, which is poisonous,
16 deleterious or harmful to the health or welfare of such person.

17 Notwithstanding the term of imprisonment provided under N.J.S.
18 2C:43-6, if a person is convicted of an offense under (2) of this
19 subsection, the sentence imposed shall include a fixed minimum
20 sentence of not less than six months during which the defendant shall
21 not be eligible for parole. The court may not suspend or make any
22 other noncustodial disposition of that person.

23 c. A person commits a disorderly persons offense if he:

24 (1) Operates a motor vehicle in which there is a passenger 17 years
25 of age or younger while under the influence of intoxicating liquor or
26 a narcotic, hallucinogenic or habit-producing drug in violation of
27 R.S.39:4-50; or

28 (2) Is convicted of a violation of section 2 of P.L.1981,c.512
29 (C.39:4-50.4a) in connection with the operation of a motor vehicle in
30 which a person 17 years of age or younger was a passenger.

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

32

33 2. R.S.39:4-50 is amended to read as follows:

34 39:4-50. (a) A person who operates a motor vehicle while under
35 the influence of intoxicating liquor, narcotic, hallucinogenic or
36 habit-producing drug, or operates a motor vehicle with a blood alcohol
37 concentration of 0.10% or more by weight of alcohol in the
38 defendant's blood or permits another person who is under the influence
39 of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug
40 to operate a motor vehicle owned by him or in his custody or control
41 or permits another to operate a motor vehicle with a blood alcohol
42 concentration of 0.10% or more by weight of alcohol in the
43 defendant's blood, shall be subject:

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 (1) For the first offense, to a fine of not less than \$250.00 nor
2 more than \$400.00 and a period of detainment of not less than 12
3 hours nor more than 48 hours spent during two consecutive days of
4 not less than six hours each day and served as prescribed by the
5 program requirements of the Intoxicated Driver Resource Centers
6 established under subsection (f) of this section and, in the discretion
7 of the court, a term of imprisonment of not more than 30 days and
8 shall forthwith forfeit his right to operate a motor vehicle over the
9 highways of this State for a period of not less than six months nor
10 more than one year.

11 (2) For a second violation, a person shall be subject to a fine of not
12 less than \$500.00 nor more than \$1,000.00, and shall be ordered by
13 the court to perform community service for a period of 30 days, which
14 shall be of such form and on such terms as the court shall deem
15 appropriate under the circumstances, and shall be sentenced to
16 imprisonment for a term of not less than 48 consecutive hours, which
17 shall not be suspended or served on probation, nor more than 90 days,
18 and shall forfeit his right to operate a motor vehicle over the highways
19 of this State for a period of two years upon conviction, and, after the
20 expiration of said period, he may make application to the Director of
21 the Division of Motor Vehicles for a license to operate a motor
22 vehicle, which application may be granted at the discretion of the
23 director, consistent with subsection (b) of this section.

24 (3) For a third or subsequent violation, a person shall be subject to
25 a fine of \$1,000.00, and shall be sentenced to imprisonment for a term
26 of not less than 180 days, except that the court may lower such term
27 for each day, not exceeding 90 days, served performing community
28 service in such form and on such terms as the court shall deem
29 appropriate under the circumstances and shall thereafter forfeit his
30 right to operate a motor vehicle over the highways of this State for 10
31 years.

32 Whenever an operator of a motor vehicle has been involved in an
33 accident resulting in death, bodily injury or property damage, a police
34 officer shall consider that fact along with all other facts and
35 circumstances in determining whether there are reasonable grounds to
36 believe that person was operating a motor vehicle in violation of this
37 section.

38 A conviction of a violation of a law of a substantially similar nature
39 in another jurisdiction, regardless of whether that jurisdiction is a
40 signatory to the Interstate Driver License Compact pursuant to
41 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction
42 under this subsection unless the defendant can demonstrate by clear
43 and convincing evidence that the conviction in the other jurisdiction
44 was based exclusively upon a violation of a proscribed blood alcohol
45 concentration of less than .10%.

46 If the driving privilege of any person is under revocation or

1 suspension for a violation of any provision of this Title or Title 2C of
2 the New Jersey Statutes at the time of any conviction for a violation
3 of this section, the revocation or suspension period imposed shall
4 commence as of the date of termination of the existing revocation or
5 suspension period. In the case of any person who at the time of the
6 imposition of sentence is less than 17 years of age, the forfeiture,
7 suspension or revocation of the driving privilege imposed by the court
8 under this section shall commence immediately, run through the
9 offender's seventeenth birthday and continue from that date for the
10 period set by the court pursuant to paragraphs (1) through (3) of this
11 subsection. A court that imposes a term of imprisonment under this
12 section may sentence the person so convicted to the county jail, to the
13 workhouse of the county wherein the offense was committed, to an
14 inpatient rehabilitation program or to an Intoxicated Driver Resource
15 Center or other facility approved by the chief of the Intoxicated
16 Driving Program Unit in the Department of Health and Senior
17 Services; provided that for a third or subsequent offense a person shall
18 not serve a term of imprisonment at an Intoxicated Driver Resource
19 Center as provided in subsection (f).

20 A person who has been convicted of a previous violation of this
21 section need not be charged as a second or subsequent offender in the
22 complaint made against him in order to render him liable to the
23 punishment imposed by this section on a second or subsequent
24 offender, but if the second offense occurs more than 10 years after the
25 first offense, the court shall treat the second conviction as a first
26 offense for sentencing purposes and if a third offense occurs more than
27 10 years after the second offense, the court shall treat the third
28 conviction as a second offense for sentencing purposes.

29 In addition to all applicable penalties under this section, a person
30 convicted for a violation of this section shall be subject to the penalty
31 provided under N.J.S.2C:12-2 if applicable.

32 (b) A person convicted under this section must satisfy the
33 screening, evaluation, referral, program and fee requirements of the
34 Division of Alcoholism and Drug Abuse's Intoxicated Driving Program
35 Unit, and of the Intoxicated Driver Resource Centers and a program
36 of alcohol and drug education and highway safety, as prescribed by the
37 Director of the Division of Motor Vehicles. The sentencing court shall
38 inform the person convicted that failure to satisfy such requirements
39 shall result in a mandatory two-day term of imprisonment in a county
40 jail and a driver license revocation or suspension and continuation of
41 revocation or suspension until such requirements are satisfied, unless
42 stayed by court order in accordance with Rule 7:8-2 of the Rules
43 Governing the Courts of the State of New Jersey, or R.S.39:5-22.
44 Upon sentencing, the court shall forward to the Division of Alcoholism
45 and Drug Abuse's Intoxicated Driving Program Unit a copy of a
46 person's conviction record. A fee of \$100.00 shall be payable to the

1 Alcohol Education, Rehabilitation and Enforcement Fund established
2 pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
3 Intoxicated Driving Program Unit.

4 (c) Upon conviction of a violation of this section, the court shall
5 collect forthwith the New Jersey driver's license or licenses of the
6 person so convicted and forward such license or licenses to the
7 Director of the Division of Motor Vehicles. The court shall inform the
8 person convicted that if he is convicted of personally operating a
9 motor vehicle during the period of license suspension imposed
10 pursuant to subsection (a) of this section, he shall, upon conviction, be
11 subject to the penalties established in R.S.39:3-40. The person
12 convicted shall be informed orally and in writing. A person shall be
13 required to acknowledge receipt of that written notice in writing.
14 Failure to receive a written notice or failure to acknowledge in writing
15 the receipt of a written notice shall not be a defense to a subsequent
16 charge of a violation of R.S.39:3-40. In the event that a person
17 convicted under this section is the holder of any out-of-State driver's
18 license, the court shall not collect the license but shall notify forthwith
19 the director, who shall, in turn, notify appropriate officials in the
20 licensing jurisdiction. The court shall, however, revoke the
21 nonresident's driving privilege to operate a motor vehicle in this State,
22 in accordance with this section. Upon conviction of a violation of this
23 section, the court shall notify the person convicted, orally and in
24 writing, of the penalties for a second, third or subsequent violation of
25 this section. A person shall be required to acknowledge receipt of that
26 written notice in writing. Failure to receive a written notice or failure
27 to acknowledge in writing the receipt of a written notice shall not be
28 a defense to a subsequent charge of a violation of this section.

29 (d) The Director of the Division of Motor Vehicles shall
30 promulgate rules and regulations pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to
32 establish a program of alcohol education and highway safety, as
33 prescribed by this act.

34 (e) Any person accused of a violation of this section who is liable
35 to punishment imposed by this section as a second or subsequent
36 offender shall be entitled to the same rights of discovery as allowed
37 defendants pursuant to the Rules Governing Criminal Practice, as set
38 forth in the Rules Governing the Courts of the State of New Jersey.

39 (f) The counties, in cooperation with the Division of Alcoholism
40 and Drug Abuse and the Division of Motor Vehicles, but subject to the
41 approval of the Division of Alcoholism and Drug Abuse, shall
42 designate and establish on a county or regional basis Intoxicated
43 Driver Resource Centers. These centers shall have the capability of
44 serving as community treatment referral centers and as court monitors
45 of a person's compliance with the ordered treatment, service
46 alternative or community service. All centers established pursuant to

1 this subsection shall be administered by a counselor certified by the
2 Alcohol and Drug Counselor Certification Board of New Jersey or
3 other professional with a minimum of five years' experience in the
4 treatment of alcoholism. All centers shall be required to develop
5 individualized treatment plans for all persons attending the centers;
6 provided that the duration of any ordered treatment or referral shall
7 not exceed one year. It shall be the center's responsibility to establish
8 networks with the community alcohol and drug education, treatment
9 and rehabilitation resources and to receive monthly reports from the
10 referral agencies regarding a person's participation and compliance
11 with the program. Nothing in this subsection shall bar these centers
12 from developing their own education and treatment programs;
13 provided that they are approved by the Division of Alcoholism and
14 Drug Abuse.

15 Upon a person's failure to report to the initial screening or any
16 subsequent ordered referral, the Intoxicated Driver Resource Center
17 shall promptly notify the sentencing court of the person's failure to
18 comply.

19 Required detention periods at the Intoxicated Driver Resource
20 Centers shall be determined according to the individual treatment
21 classification assigned by the Intoxicated Driving Program Unit. Upon
22 attendance at an Intoxicated Driver Resource Center, a person shall be
23 required to pay a per diem fee of \$75.00 for the first offender program
24 or a per diem fee of \$100.00 for the second offender program, as
25 appropriate. Any increases in the per diem fees after the first full year
26 shall be determined pursuant to rules and regulations adopted by the
27 Commissioner of Health and Senior Services in consultation with the
28 Governor's Council on Alcoholism and Drug Abuse pursuant to the
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.).

31 The centers shall conduct a program of alcohol and drug education
32 and highway safety, as prescribed by the Director of the Division of
33 Motor Vehicles.

34 The Commissioner of Health and Senior Services shall adopt rules
35 and regulations pursuant to the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the
37 purposes of this subsection.

38 (cf: P.L.1997, c.277, s.1)

39

40 3. Section 2 of P.L.1981, c.512 (C.39:4-50.4a) is amended to read
41 as follows:

42 2. The municipal court shall revoke the right to operate a motor
43 vehicle of any operator who, after being arrested for a violation of
44 R.S.39:4-50, shall refuse to submit to a test provided for in section 2
45 of P.L.1966, c.142 (C.39:4-50.2) when requested to do so, for six
46 months unless the refusal was in connection with a second offense

1 under this section, in which case the revocation period shall be for two
2 years or unless the refusal was in connection with a third or
3 subsequent offense under this section in which case the revocation
4 shall be for ten years. A conviction or administrative determination of
5 a violation of a law of a substantially similar nature in another
6 jurisdiction, regardless of whether that jurisdiction is a signatory to the
7 Interstate Driver License Compact pursuant to P.L.1966, c.73
8 (C.39:5D-1 et seq.), shall constitute a prior conviction under this
9 section.

10 The municipal court shall determine by a preponderance of the
11 evidence whether the arresting officer had probable cause to believe
12 that the person had been driving or was in actual physical control of
13 a motor vehicle on the public highways or quasi-public areas of this
14 State while the person was under the influence of intoxicating liquor
15 or a narcotic, hallucinogenic, or habit-producing drug or marijuana;
16 whether the person was placed under arrest, if appropriate, and
17 whether he refused to submit to the test upon request of the officer;
18 and if these elements of the violation are not established, no conviction
19 shall issue. In addition to any other requirements provided by law, a
20 person whose operator's license is revoked for refusing to submit to a
21 test shall be referred to an Intoxicated Driver Resource Center
22 established by subsection (f.) of R.S.39:4-50 and shall satisfy the same
23 requirements of the center for refusal to submit to a test as provided
24 for in section 2 of P.L.1966, c.142 (C.39:4-50.2) in connection with
25 a first, second, third or subsequent offense under this section that must
26 be satisfied by a person convicted of a commensurate violation of this
27 section, or be subject to the same penalties as such a person for failure
28 to do so. The revocation shall be independent of any revocation
29 imposed by virtue of a conviction under the provisions of R.S.39:4-50.

30 In addition to issuing a revocation, the municipal court shall fine a
31 person convicted under this section, a fine of not less than \$250.00 nor
32 more than \$500.00.

33 In addition to all applicable penalties under this section, a person
34 convicted for a violation of this section shall be subject to the penalty
35 provided under N.J.S.2C:12-2 if applicable.

36 (cf: P.L.1997, c.277, s.2)

37

38 4. This act shall take effect immediately and shall apply to
39 convictions under R.S.39:4-50 and section 2 of P.L.1981, c.512
40 (C.39:4-50.4a) which occur after the effective date.

41

42

STATEMENT

43

44 This bill imposes an additional penalty of reckless endangerment on
45 persons who are convicted of driving under the influence of
46 intoxicating liquor or a narcotic, hallucinogenic or habit forming drug

1 with a passenger 17 years of age or younger in the vehicle. These
2 persons would be guilty of a disorderly persons offense in addition to
3 any other applicable penalties under the drunk driving laws. A person
4 transporting a passenger 17 or younger, who refuses to submit to a
5 test of his blood alcohol content in violation of the implied consent law
6 also would be guilty of a disorderly persons offense. A disorderly
7 persons offense is punishable by a term of imprisonment of up to six
8 months, a fine of up to \$1,000 or both.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Laura Otterbourg
609-777-2600

RELEASE: January 18, 2000

**Governor Signs Bills to Save Lives by
Keeping More Drunk Drivers Off Roads**

Governor Christie Whitman today signed two pieces of legislation that will further the state's efforts to prevent drunk driving.

"As Governor, my mission is to make New Jersey the best place to live, work and raise a family, and that means making people safe from the harm of drunk driving," said Gov. Whitman. "Drunk drivers can hurt themselves as well as others. We need to make it as difficult as possible for someone drunk to drive."

"These two bills will deter intoxicated people from getting behind the wheel of a car," continued the Governor.

Below is a summary of the two pieces of legislation signed today by Gov. Whitman:

ACS for A-157 and 2688, sponsored by Assembly Members Christopher "Kip" Bateman (R-Morris/Somerset), Christopher J. Connors (R-Atlantic/Burlington/Ocean), Jeffrey W. Moran (R-Atlantic/Burlington/Ocean) and David C. Russo (R-Bergen/Passaic) and Senators C. Louis Bassano (R-Essex/Union) and Leonard T. Connors Jr.(R-Atlantic/Burlington/Ocean), provides for ignition interlock devices to curb drunk driving.

ACS for A-2117 and 2126, sponsored by Assembly Members Peter J. Barnes, Jr.(D-Middlesex), Christopher "Kip" Bateman (R-Morris/ Somerset), Peter J. Biondi (R-Morris/Somerset) and James W. Holzapfel (R-Monmouth/Ocean) and Senators Jack Sinagra (R- Middlesex) and Robert W. Singer (R-Burlington/Monmouth /Ocean), creates a disorderly persons offense for a parent or guardian to drive while intoxicated (DWI) with a minor over whom the parent or guardian has supervisory authority in the vehicle.