

# 39:5-3

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2002           **CHAPTER:** 56  
**NJSA:** 39:5-3 (Extends time for filing complaint for drunk driving)  
**BILL NO:** A972 (Substituted for S1428)  
**SPONSOR(S):** Holzapfel and Barnes  
**DATE INTRODUCED:** Pre-filed  
**COMMITTEE:**           **ASSEMBLY:** Law and Public Safety  
  **SENATE:** Law and Public Safety  
**AMENDED DURING PASSAGE:** Yes  
**DATE OF PASSAGE:**       **ASSEMBLY:** March 14, 2002  
  **SENATE:** June 27, 2002  
**DATE OF APPROVAL:** August 3, 2002

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)  
(Amendments during passage denoted by superscript numbers)

#### **A972**

<b><a href="#"><u>SPONSORS STATEMENT</u></a>:</b> (Begins on page 2 of original bill)	<a href="#"><u>Yes</u></a>
<b>COMMITTEE STATEMENT:</b>	
<b><a href="#"><u>ASSEMBLY:</u></a></b>	<a href="#"><u>Yes</u></a>
<b><a href="#"><u>SENATE:</u></a></b>	<a href="#"><u>Yes</u></a>
<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

#### **S1428**

<b><a href="#"><u>SPONSORS STATEMENT</u></a>:</b> (Begins on page 3 of original bill)	<a href="#"><u>Yes</u></a>
<b>COMMITTEE STATEMENT:</b>	
<b><a href="#"><u>ASSEMBLY:</u></a></b>	No
<b><a href="#"><u>SENATE:</u></a></b>	<a href="#"><u>Yes</u></a>
<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

<b>VETO MESSAGE:</b>	No
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<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	No
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### FOLLOWING WERE PRINTED:

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2002, CHAPTER 56, *approved August 3, 2002*

Assembly, No. 972 (*Second Reprint*)

1 **AN ACT** concerning driving while intoxicated and amending R.S.39:5-  
2 3.

3

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

6

7 1. R.S.39:5-3 is amended to read as follows:

8 Appearance, arrest process; complaint; venue.

9 39:5-3. a. When a person has violated a provision of this subtitle,  
10 the judge may, within 30 days after the commission of the offense,  
11 issue process directed to a constable, police officer or the director for  
12 the appearance or arrest of the person so charged. In the case of a  
13 violation enumerated in subsection b. of this section, this period shall  
14 commence upon the filing of a complaint.

15 b. A complaint may be made to a judge for a violation of  
16 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24  
17 at any time within one year after the commission of the offense; for a  
18 violation of R.S.39:4-50<sup>1</sup>, section 2 of P.L.1981, c.512 (C.39:4-  
19 50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), section 16 of  
20 P.L.1990, c.103 (C.39:3-10.24), section 3 of P.L.1952, c.157  
21 (C.12:7-46), or section 9 of P.L.1986, c.39 (C.12:7-57)<sup>1</sup> at any time  
22 within <sup>2</sup>[six months] 90 days<sup>2</sup> after the commission of the offense; and  
23 for a violation of R.S.39:3-40, or section 1 of P.L.1942, c.192  
24 (C.39:4-128.1), at any time within 90 days after the commission of the  
25 offense.

26 c. All proceedings shall be brought before a judge having  
27 jurisdiction in the municipality in which it is alleged that the violation  
28 occurred, but when a violation occurs on a street through which the  
29 boundary line of two or more municipalities runs or crosses, then the  
30 proceeding may be brought before the judge having jurisdiction in any  
31 one of the municipalities divided by said boundary line, and in the  
32 event there shall be no judge or should no judge having such  
33 jurisdiction be available for the acceptance of bail and disposition of  
34 the case, or should the judges having such jurisdiction be disqualified  
35 because of personal interest in the proceedings, or for any other legal  
36 cause, said proceeding shall be brought before a judge having  
37 jurisdiction in the nearest municipality to the one in which it is alleged  
38 such a violation occurred.

39 (cf: P.L.2000, c.85, s.1)

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALP committee amendments adopted March 4, 2002.

<sup>2</sup> Senate SLP committee amendments adopted May 30, 2002.

1       2. This act shall take effect immediately.

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6       \_\_\_\_\_

6       Extends time to file complaint for drunk driving from 30 to 90 days.

# ASSEMBLY, No. 972

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Heck**

**SYNOPSIS**

Extends time to file complaint for drunk driving from 30 days to six months.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning driving while intoxicated and amending  
2 R.S.39:5-3.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.39:5-3 is amended to read as follows:

8 Appearance, arrest process; complaint; venue.

9 39:5-3. a. When a person has violated a provision of this subtitle,  
10 the judge may, within 30 days after the commission of the offense,  
11 issue process directed to a constable, police officer or the director for  
12 the appearance or arrest of the person so charged. In the case of a  
13 violation enumerated in subsection b. of this section, this period shall  
14 commence upon the filing of a complaint.

15 b. A complaint may be made to a judge for a violation of  
16 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24  
17 at any time within one year after the commission of the offense; for a  
18 violation of R.S.39:4-50 at any time within six months after the  
19 commission of the offense; and for a violation of R.S.39:3-40, or  
20 section 1 of P.L.1942, c.192 (C.39:4-128.1), at any time within 90  
21 days after the commission of the offense.

22 c. All proceedings shall be brought before a judge having  
23 jurisdiction in the municipality in which it is alleged that the violation  
24 occurred, but when a violation occurs on a street through which the  
25 boundary line of two or more municipalities runs or crosses, then the  
26 proceeding may be brought before the judge having jurisdiction in any  
27 one of the municipalities divided by said boundary line, and in the  
28 event there shall be no judge or should no judge having such  
29 jurisdiction be available for the acceptance of bail and disposition of  
30 the case, or should the judges having such jurisdiction be disqualified  
31 because of personal interest in the proceedings, or for any other legal  
32 cause, said proceeding shall be brought before a judge having  
33 jurisdiction in the nearest municipality to the one in which it is alleged  
34 such a violation occurred.

35 (cf: P.L.2000, c.85, s.1)

36  
37 2. This act shall take effect immediately.

38

39

40 STATEMENT

41

42 This bill would increase the period in which a complaint could be  
43 filed for a drunk driving offense to six months. Under current law, a

**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.**

**A972 HOLZAPFEL, BARNES**

3

1 complaint for drunk driving must be brought within 30 days after the  
2 commission of the offense. The bill would allow police and  
3 prosecutors additional time to investigate and charge motorists  
4 suspected of drunk driving so that these motorists do not escape  
5 punishment for this serious offense.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 972**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 4, 2002

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 972.

As amended and released by the committee, Assembly Bill No. 972 increases the period in which a complaint could be filed for certain drunk driving offenses to six months. Under current law, a complaint for drunk driving must be brought within 30 days after the commission of the offense. The amended bill would allow police and prosecutors additional time to investigate and charge motorists suspected of these serious drunk driving offenses.

The committee amended the bill to expand the list of drunk driving offenses for which a complaint could be filed for up to six months after its commission to include: drunk driving of a commercial motor vehicle, drunk driving of a vessel on the State's waters and refusal to take a breathalyzer in relation to any of the enumerated offenses. The bill included only convictions of drunk driving of a motor vehicle under R.S.39:4-50.

This bill was pre-filed for introduction in the 2002 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 972**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 30, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 972 (1R).

As amended and released by the committee, this bill increases the period in which a complaint could be filed for certain drunk driving offenses to 90 days. Under current law, a complaint for drunk driving must be brought within 30 days after the commission of the offense. This bill would allow police and prosecutors additional time to investigate and charge motorists suspected of these serious drunk driving offenses. As introduced, the bill increased to six months the period in which a complaint could be filed.

The bill also expands the list of drunk driving offenses for which a complaint could be filed for up to 90 days after its commission to include: drunk driving of a commercial motor vehicle, drunk driving of a vessel on the State's waters and refusal to take a breathalyzer in relation to any of the enumerated offenses.

As amended and released by the committee, this bill is identical to Senate Bill No. 1428, which also was released by the committee on this date.

**SENATE, No. 1428**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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INTRODUCED MARCH 26, 2002

**Sponsored by:**

**Senator PETER A. INVERSO**

**District 14 (Mercer and Middlesex)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**SYNOPSIS**

Extends time to file complaint for drunk driving from 30 to 90 days.

**CURRENT VERSION OF TEXT**

As introduced.



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2 3.

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15 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24  
16 at any time within one year after the commission of the offense; for a  
17 violation of R.S.39:4-50, section 2 of P.L.1981, c. 512 (C.39:4-  
18 50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), section 16 of  
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20 (C.12:7-46), or section 9 of P.L.1986, c.39 (C.12:7-57) at any time  
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23 time within 90 days after the commission of the offense.

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25 jurisdiction in the municipality in which it is alleged that the violation  
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38

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STATEMENT

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3       This bill increases the period in which a complaint could be filed for  
4 certain drunk driving offenses to 90 days. Under current law, a  
5 complaint for drunk driving must be brought within 30 days after the  
6 commission of the offense. This bill would allow police and  
7 prosecutors additional time to investigate and charge motorists  
8 suspected of these serious drunk driving offenses.

9       The bill expands the list of drunk driving offenses for which a  
10 complaint could be filed for up to 90 days after its commission to  
11 include: drunk driving of a commercial motor vehicle, drunk driving  
12 of a vessel on the State's waters and refusal to take a breathalyzer in  
13 relation to any of the enumerated offenses.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1428**

**STATE OF NEW JERSEY**

DATED: MAY 30, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1428.

This bill increases the period in which a complaint could be filed for certain drunk driving offenses to 90 days. Under current law, a complaint for drunk driving must be brought within 30 days after the commission of the offense. This bill would allow police and prosecutors additional time to investigate and charge motorists suspected of these serious offenses.

The bill also expands the list of drunk driving offenses for which a complaint could be filed for up to 90 days after its commission to include: drunk driving of a commercial motor vehicle, drunk driving of a vessel on the State's waters and refusal to take a breathalyzer test in relation to any of the enumerated offenses.

This bill is identical to Assembly Bill No. 972 (1R), which was amended and released by the committee on this same date.