

# 2B:25-5.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004 **CHAPTER:** 185

**NJSA:** 2B:25-5.1 (Municipal prosecutors to review and transmit to judge records of certain offenders)

**BILL NO:** S1504 (Substituted for A3210)

**SPONSOR(S):** Buono and others

**DATE INTRODUCED:** April 29, 2004

**COMMITTEE:** **ASSEMBLY:** Law and Public Safety  
**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** October 25, 2004

**SENATE:** December 6, 2004

**DATE OF APPROVAL:** December 30, 2004

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) First reprint enacted

#### S1504

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### A3210

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

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

### FOLLOWING WERE PRINTED:

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2004, CHAPTER 185, *approved December 30, 2004*  
Senate, No. 1504 (*First Reprint*)

1 AN ACT concerning municipal prosecutors and <sup>1</sup>[supplementing Title  
2 2B of the New Jersey Statutes] amending P.L.2004, c.95<sup>1</sup>.

3

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

6

7 <sup>1</sup>[1. Whenever a person is charged with a violation of R.S.39:3-40,  
8 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a) or R.S.39:4-  
9 129, a municipal prosecutor shall contact the New Jersey Motor  
10 Vehicle Commission by electronic or other means, for the purpose of  
11 obtaining an abstract of the person's driving record. In every such  
12 case, the prosecutor shall:

13 a. Determine, on the basis of the record, if the person shall be  
14 charged with enhanced penalties as a repeat offender; and

15 b. Transmit the abstract to the appropriate municipal court judge  
16 prior to the imposition of sentence.]<sup>1</sup>

17

18 <sup>1</sup>1. Section 1 of P.L.2004, c.95 (C.2B:25-5.1) is amended to read  
19 as follows:

20 1. Whenever a person is charged with a violation of R.S.39:3-40,  
21 R.S.39:4-50 [or], section 2 of P.L.1981, c.512 (C.39:4-50.4a) or  
22 R.S.39:4-129, a municipal prosecutor shall contact the New Jersey  
23 Motor Vehicle Commission by electronic or other means, for the  
24 purpose of obtaining an abstract of the person's driving record. In  
25 every such case, the prosecutor shall:

26 a. Determine, on the basis of the record, if the person shall be  
27 charged with enhanced penalties as a repeat offender; and

28 b. Transmit the abstract to the appropriate municipal court judge  
29 prior to the imposition of sentence.<sup>1</sup>

30 (cf: P.L.2004, c.95, s.1)

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32 2. This act shall take effect immediately.

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37 Requires municipal prosecutors to review and transmit to judge prior  
38 to sentencing motor vehicle abstracts of certain offenders.

**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 October 21, 2004.

**SENATE, No. 1504**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED APRIL 29, 2004

**Sponsored by:**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Senator PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Requires municipal prosecutors to review and transmit to judge prior to sentencing motor vehicle abstracts of certain offenders.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning municipal prosecutors and supplementing Title 2B  
2 of the New Jersey Statutes.

3

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

6

7 1. Whenever a person is charged with a violation of R.S.39:3-40,  
8 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a) or R.S.39:4-  
9 129, a municipal prosecutor shall contact the New Jersey Motor  
10 Vehicle Commission by electronic or other means, for the purpose of  
11 obtaining an abstract of the person's driving record. In every such  
12 case, the prosecutor shall:

13 a. Determine, on the basis of the record, if the person shall be  
14 charged with enhanced penalties as a repeat offender; and

15 b. Transmit the abstract to the appropriate municipal court judge  
16 prior to the imposition of sentence.

17

18 2. This act shall take effect immediately.

19

20

21

#### STATEMENT

22

23 This bill requires prosecutors to determine if a person charged with  
24 driving while revoked, drunk driving, refusal to consent to a  
25 breathalyzer test, or leaving the scene of an accident is a repeat  
26 offender. Currently, prosecutors can obtain a motorist's driving  
27 abstract from the New Jersey Motor Vehicle Commission; however,  
28 they are not required to do so. Under the provisions of this bill, the  
29 prosecutor is required to contact the Motor Vehicle Commission by  
30 electronic or other means to obtain an abstract. The bill also requires  
31 the municipal court prosecutor to transmit the abstract to the  
32 appropriate municipal court judge prior to the imposition of sentence.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1504**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 21, 2004

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1504, with committee amendments.

As amended and reported by the committee, Senate Bill No. 1504 requires municipal prosecutors to determine if persons charged with driving while their driver's licenses are revoked or leaving the scene of an accident are repeat offenders.

Current law, P.L.2004, c.95 (C.2B:25-5.1), requires prosecutors to obtain from the New Jersey Motor Vehicle Commission the driving abstract of a person charged with drunk driving or refusal to consent to a breathalyzer test to 1) determine whether the person should be charged with enhanced penalties as a repeat offender; and 2) transmit the abstract to the appropriate municipal court judge prior to sentencing. This bill would similarly require prosecutors to obtain the abstracts of persons charged with driving while their licenses are revoked or leaving the scene of an accident.

The committee technically amended the bill to conform its provisions to P.L.2004, c.95 (C.2B:25-5.1).

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3210, also amended and reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee made technical amendments to the bill to reflect the recent enactment of P.L.2004, c.95 (C.2B:25-5.1) which requires municipal prosecutors to obtain the abstracts of persons charged with drunk driving or refusal to submit to a breathalyzer test.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1504**

**STATE OF NEW JERSEY**

DATED: JUNE 7, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1504.

This bill requires prosecutors to determine if a person charged with driving while revoked, drunk driving, refusal to consent to a breathalyzer test, or leaving the scene of an accident is a repeat offender. Currently, prosecutors can obtain a motorist's driving abstract from the New Jersey Motor Vehicle Commission; however, they are not required to do so. Under the provisions of this bill, the prosecutor is required to contact the Motor Vehicle Commission by electronic or other means to obtain an abstract. The bill also requires the municipal court prosecutor to transmit the abstract to the appropriate municipal court judge prior to the imposition of sentence.

# ASSEMBLY, No. 3210

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED SEPTEMBER 23, 2004

**Sponsored by:**

**Assemblyman PATRICK DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Requires municipal prosecutors to review and transmit to judge prior to sentencing motor vehicle abstracts of certain offenders.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT concerning municipal prosecutors and supplementing Title 2B  
2 of the New Jersey Statutes.

3

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

6

7 1. Whenever a person is charged with a violation of R.S.39:3-40,  
8 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a) or R.S.39:4-  
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STATEMENT

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23 This bill requires prosecutors to determine if a person charged with  
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25 breathalyzer test, or leaving the scene of an accident is a repeat  
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30 electronic or other means to obtain an abstract. The bill also requires  
31 the municipal court prosecutor to transmit the abstract to the  
32 appropriate municipal court judge prior to the imposition of sentence.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3210**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 21, 2004

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3210.

As amended and reported by the committee, Assembly Bill No. 3210 requires municipal prosecutors to determine if persons charged with driving while their driver's licenses are revoked or leaving the scene of an accident are repeat offenders.

Current law, P.L.2004, c.95 (C.2B:25-5.1), requires prosecutors to obtain from the New Jersey Motor Vehicle Commission the driving abstract of a person charged with drunk driving or refusal to consent to a breathalyzer test to 1) determine whether the person should be charged with enhanced penalties as a repeat offender; and 2) transmit the abstract to the appropriate municipal court judge prior to sentencing. This bill would similarly require prosecutors to obtain the abstracts of persons charged with driving while their licenses are revoked or leaving the scene of an accident.

The committee technically amended the bill to conform its provisions to P.L.2004, c.95 (C.2B:25-5.1).

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#### COMMITTEE AMENDMENTS:

The committee made technical amendments to the bill to reflect the recent enactment of P.L.2004, c.95 (C.2B:25-5.1) which requires municipal prosecutors to obtain the abstracts of persons charged with drunk driving or refusal to submit to a breathalyzer test.

# Office of the Acting Governor

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TRENTON, NJ 08625

Contact: Kelley Heck  
609-777-2600

RELEASE: December 30, 2004

## **Codey Signs Bill Building Upon New Jersey's Drunk Driving Laws**

### *Acting Governor Reminds Motorists to Drive Safely Over New Year's Weekend*

(EDISON) – Acting Governor Richard J. Codey today reminded motorists to drive safely over New Year's weekend and signed S1504, which builds upon New Jersey's drunk driving laws.

Codey was joined by Sen. Barbara Buono, one of the primary sponsors of the bill, and by Michael Partipilo, whose 17-year-old son, Michael, was killed in March by a four-time convicted drunk driver. Michael, who lived in Piscataway, was an honor student at St. Joseph High School in Metuchen.

"As a father, I know how much parents worry about their children," Codey said. "We worry every time they leave the house, and we pray they come home safe. No law will bring Michael back. But I'm hopeful they will protect other innocent lives, and ensure other children do come home safe."

S1504 expands upon a law enacted this summer that requires municipal prosecutors and judges to review a defendant's driving record prior to sentencing if the defendant has been convicted of drunken driving or refusing to take a Breathalyzer test.

S1504 requires municipal judges and prosecutors to also review a defendant's driver history when the defendant is being sentenced for leaving the scene of an accident or for driving with a revoked license.

"We have come together today in an effort to prevent tragic accidents and fatalities this New Year," said Buono, D-Middlesex. "This bill will ensure that judges are provided the

opportunity to review an individual's driving record in order to determine whether they are subject to more serious penalties under the law."

The driver who killed Michael Partipilo held a valid driver's license despite his prior convictions. It is unclear whether the judge who sentenced him on his most recent conviction prior to the fatal accident reviewed his record. She only revoked his license for six months rather than 10 years as would have been required for repeat offenders.

"People who repeatedly drive while intoxicated need to understand that this reckless behavior will not be tolerated," said Assemblyman Peter Barnes, D-Middlesex, another primary sponsor of the bill. "This legislation will ensure that someone who is a repeat offender is properly sentenced under the law."

In New Jersey in 2003, more than 28,000 motorists were convicted of driving under the influence. Of those, more than 5,000 were repeat offenders. In addition, more than 1,000 motorists were convicted of leaving the scene of an accident and nearly 42,000 were convicted of driving with a suspended license.

"I am proud to be the Assembly sponsor of this needed legislation," said Assemblyman Patrick Diegnan, D-Middlesex. "It is common sense that the prosecutor should have reliable information about a drunk driver's record before a plea is entered in court."

Codey signed S1504 during a news conference at the Edison Municipal Complex, where he was also joined by members of the New Jersey State Police, including Lt. Stephen Wolcott.

"The New Jersey State Police and the entire law enforcement community remain committed to public safety," Wolcott said. "Prevention is our goal. However, people should remember that chances are if they drive while under the influence they will be arrested."

The State Police will increase patrols, enforcement and traffic safety activities this New Year's weekend, as they have been throughout the holiday season. Special drunk driving enforcement details, including stationary drunk driving checkpoints at targeted, high volume traffic locations and mobile patrols geared to identify and arrest drunk drivers will be in operation.

Troopers will be covering the state's highways with additional patrols looking for stranded motorists, aggressive drivers and drunk drivers. They also continue to work to educate the public about the dangers of drinking and driving and about driver safety.

