

2B:25-5.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 95

NJSA: 2B:25-5.1 (Requires municipal prosecutors to review DWI offender abstracts prior to sentencing)

BILL NO A1630 (Substituted for S55)

SPONSOR(S) Chivukula

DATE INTRODUCED: Pre-filed

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

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** February 5, 2004

SENATE: March 29, 2004

DATE OF APPROVAL: July 9, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) 2nd reprint enacted

A1630

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

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

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

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S55

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

COMMITTEE STATEMENT: **ASSEMBLY:** No

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Repeat DUI bill signed into law," 7-10-2004 Courier News, p.A3

P.L. 2004, CHAPTER 95, *approved July 9, 2004*

Assembly, No. 1630 (*Second Reprint*)

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.39:4-50
8 ¹or section 2 of P.L.1981, c.512 (C.39:4-50.4a)¹, a municipal
9 prosecutor shall contact the ¹**[Division of Motor Vehicles]** New
10 Jersey Motor Vehicle Commission¹ by ¹**[telephone,]**¹ electronic or
11 other means, for the purpose of obtaining an abstract of the person's
12 driving record. ²**[The prosecutor shall, in every such case, determine**
13 **on the basis of the record, if the person shall be charged with enhanced**
14 **penalties as a repeat offender]** In every such case, the prosecutor
15 shall:

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

18 b. Transmit the abstract to the appropriate municipal court judge
19 prior to the imposition of sentence².

20
21 2. This act shall take effect on the first day of the third month after
22 enactment.

23
24
25 _____
26
27 Requires municipal prosecutors to review motor vehicle abstracts of
28 DWI offenders prior to sentencing.

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:

¹ **Assembly ALP committee amendments adopted January 22, 2004.**

² **Senate floor amendments adopted March 22, 2004.**

ASSEMBLY, No. 1630

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

SYNOPSIS

Requires municipal prosecutors to review motor vehicle abstracts of DWI offenders prior to sentencing.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1630 CHIVUKULA, BARNES

2

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

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
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7 1. Whenever a person is charged with a violation of R.S.39:4-50,
8 a municipal prosecutor shall contact the Division of Motor Vehicles by
9 telephone, electronic or other means, for the purpose of obtaining an
10 abstract of the person's driving record. The prosecutor shall, in every
11 such case, determine on the basis of the record, if the person shall be
12 charged with enhanced penalties as a repeat offender.

13

14 2. This act shall take effect on the first day of the third month after
15 enactment.

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STATEMENT

19

20 There is currently no law that requires prosecutors or judges to
21 examine a person's driving record before sentencing, although it is
22 normally done.

23 This bill would require prosecutors to determine if a person charged
24 with drunk driving is a repeat offender for that offense. Currently,
25 prosecutors can obtain a motorist's's driving abstract from the Division
26 of Motor Vehicles at virtually any time of the day. If a person has
27 prior DWI convictions, he can be charged for a subsequent offense and
28 be subject to the more severe penalties for repeat offenders.

29 The bill is in response to the case of a two-time world boxing
30 champion, now a cable TV commentator, who was improperly
31 sentenced as a first offender even though he committed a fourth DWI
32 offense within a four-year period. He has since been resentenced with
33 a long-term loss of license, a jail term, community service, and
34 attendance at an inpatient program of a certified alcohol abuse facility.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1630

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 22, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1630.

As amended by the committee, Assembly Bill No. 1630 requires prosecutors to determine if a person charged with drunk driving or refusal to consent to a breathalyzer test is a repeat offender for that offense. 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 bill as amended by the committee, the prosecutor shall contact the Motor Vehicle Commission by electronic or other means to obtain an abstract. If a person has prior DWI convictions, he can be charged for a subsequent offense and be subject to the more severe penalties for repeat offenders.

The bill is in response to the case of a two-time world boxing champion, now a cable TV commentator, who was improperly sentenced as a first offender even though he committed a fourth DWI offense within a four-year period. He has since been re-sentenced with a long-term loss of license, a jail term, community service, and attendance at an inpatient program of a certified alcohol abuse facility.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

At the request of a representative of the New Jersey Motor Vehicle Commission, the committee amended the bill to remove the telephone as a means of contacting the commission for the purpose of obtaining a driving abstract. It is the committee's understanding that the commission does not release abstracts unless a written request is received. It is also the committee's understanding that accessing these abstracts electronically is the most efficient means of obtaining the most up-to-date information.

The committee also amended the bill to require prosecutors to obtain a driving record abstract if the person was charged with

refusing to consent to a breathalyzer test.

The committee also made a technical amendment updating the Division of Motor Vehicles to its new name, the New Jersey Motor Vehicle Commission.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1630

STATE OF NEW JERSEY

DATED: MARCH 1, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 1630 (1R).

Assembly Bill No. 1630 [1R] requires prosecutors to determine if a person charged with drunk driving or refusal to consent to a breathalyzer test is a repeat DWI 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 bill, the prosecutor shall contact the Motor Vehicle Commission by electronic or other means to obtain an abstract. If a person has prior DWI convictions, he can be charged for a subsequent offense and is subject to the more severe penalties for repeat offenders.

The bill is in response to the case of a two-time world boxing champion, now a cable television commentator, who was improperly sentenced as a first offender even though he committed a fourth DWI offense within a four-year period. He has since been re-sentenced with a long-term loss of license, a jail term, community service, and attendance at an inpatient program of a certified alcohol abuse facility.

This bill is identical to Senate Bill No. 55, which was amended and released by the committee on this date.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1630

with Senate Floor Amendments
(Proposed By Senator SCUTARI)

ADOPTED: MARCH 22, 2004

As amended and reported by the Assembly Law and Public Safety Committee, Assembly Bill No. 1630 (1R) requires prosecutors to determine if a person charged with drunk driving or refusal to consent to a breathalyzer test is a repeat DWI 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 the amended bill, the prosecutor is to contact the Motor Vehicle Commission by electronic or other means to obtain an abstract.

These Senate amendments require the municipal court prosecutor to also transmit the abstract to the appropriate municipal court judge prior to the imposition of sentence.

SENATE, No. 55

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Senator WALTER J. KAVANAUGH

District 16 (Morris and Somerset)

Senator MARTHA W. BARK

District 8 (Burlington)

SYNOPSIS

Requires municipal prosecutors to review motor vehicle abstracts of DWI offenders prior to sentencing.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 55

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 1, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 55.

As amended by the committee, Senate Bill No. 55 requires prosecutors to determine if a person charged with drunk driving or refusal to consent to a breathalyzer test 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 bill as amended by the committee, the prosecutor shall contact the Motor Vehicle Commission by electronic or other means to obtain an abstract. If a person has prior DWI convictions, he can be charged for a subsequent offense and be subject to the more severe penalties for repeat offenders.

The bill is in response to the case of a two-time world boxing champion, now a cable TV commentator, who was improperly sentenced as a first offender even though he committed a fourth DWI offense within a four-year period. He has since been re-sentenced with a long-term loss of license, a jail term, community service, and attendance at an inpatient program of a certified alcohol abuse facility.

The committee amended the bill to remove the telephone as a means of contacting the Motor Vehicle Commission for the purpose of obtaining a driving abstract. It is the committee's understanding that the commission does not release abstracts unless a written request is received, and accessing these abstracts electronically is the most efficient means of obtaining up-to-date information.

The committee also amended the bill to require prosecutors to obtain a driving record abstract if a person is charged with refusing to consent to a breathalyzer test and to update references to the New Jersey Motor Vehicle Commission.

As amended and reported by the committee, Senate Bill No. 55 is identical to Assembly Bill No. 1630 [1R], which also was reported by the committee on this date.

This bill was pre-filed for introduction in the 2004 legislative

session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.