

18A:36-37

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2005 **CHAPTER:** 364

NJSA: 18A:36-37 (Imposes a civil penalty for persons who contribute to a high school student-athlete's loss of amateur-athlete status)

BILL NO: A899 (Substituted for S1634)

SPONSOR(S): Diegnan and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2006

SENATE: December 8, 2005

DATE OF APPROVAL: January 12, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

A899

[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

S1634

[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: No

IS 3/11/08

P.L. 2005, CHAPTER 364, *approved January 12, 2006*
Assembly, No. 899 (*First Reprint*)

1 AN ACT ¹[imposing a] establishing a civil¹ penalty for ¹[contributing]
2 persons who contribute¹ to a high school student-athlete's loss of
3 amateur-athlete status and supplementing Title 18A of the New
4 Jersey Statutes.

5

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

8

9 1. a. As used in this section, "student-athlete" means any student
10 enrolled in a public or nonpublic secondary school in this State who is
11 a participant in an interscholastic athletic program governed by the
12 rules of the New Jersey State Interscholastic Athletic Association.

13 b. No person shall ¹[directly or indirectly]¹ give, offer, promise or
14 attempt to give ¹to any student-athlete, whether directly or indirectly,¹
15 any gift, favor, service, employment or other thing of value ¹[to a
16 student-athlete, directly or indirectly, knowing or having] which the
17 person knows or has¹ reason to know ¹[that acceptance]¹ would
18 ¹[expose] , if accepted, subject¹ that student-athlete to being ruled
19 ineligible to participate as an amateur-athlete under the rules
20 established by the New Jersey State Interscholastic Athletic
21 Association. ¹[Anyone convicted of violating] A person who
22 violates¹ the provisions of this subsection shall be subject to a civil
23 penalty of ¹[no] not¹ less than \$1,000 and not more than \$10,000,
24 ¹for each violation,¹ which shall be collected in a summary manner
25 pursuant to ¹["The] the¹ Penalty Enforcement Law of 1999,"
26 P.L.1999, c.274 (C.2A:58-10 et seq.) ¹,¹ in the Superior Court or any
27 municipal court.

28 c. The board of education of each school district or the chief
29 school administrator of each nonpublic school shall annually notify
30 each student-athlete under the jurisdiction of the school district or
31 nonpublic school of the provisions of this section and of the New
32 Jersey State Interscholastic Athletic Association's rules regarding
33 eligibility.

34 d. The notice required by subsection c. of this section shall be:
35 (1) written;
36 (2) in language understandable by a secondary school student;
37 (3) based on model language developed by the New Jersey State
38 Interscholastic Athletic Association; and
39 (4) communicated via regular or electronic mail, sent home with
40 the student or published in a student handbook.

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 Senate SED committee amendments adopted December 1, 2005.

1 2. This act shall take effect immediately.

2

3

4

5

6 Establishes a civil penalty for persons who contribute to a high school

7 student-athlete's loss of amateur-athlete status.

ASSEMBLY, No. 899

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman PATRICK DIEGNAN, JR.

District 18 (Middlesex)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Co-Sponsored by:

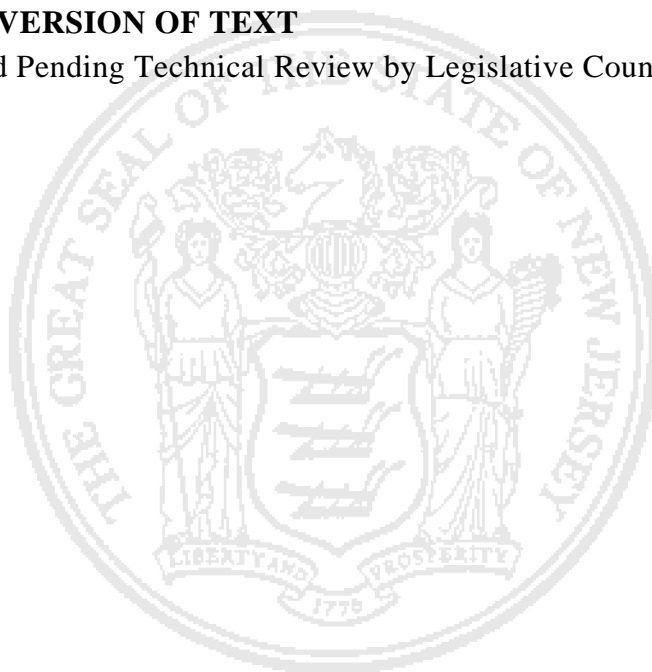
Assemblymen Chivukula, Egan, Corodemus and Fisher

SYNOPSIS

Imposes penalty for contributing to high school student-athlete's loss of amateur-athlete status.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT imposing a penalty for contributing to a high school student-
2 athlete's loss of amateur-athlete status and supplementing Title 18A
3 of the New Jersey 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 section, "student-athlete" means any student
9 enrolled in a public or nonpublic secondary school in this State who is
10 a participant in an interscholastic athletic program governed by the
11 rules of the New Jersey State Interscholastic Athletic Association.

12 b. No person shall directly or indirectly give, offer, promise or
13 attempt to give any gift, favor, service, employment or other thing of
14 value to a student-athlete, directly or indirectly, knowing or having
15 reason to know that acceptance would expose that student-athlete to
16 being ruled ineligible to participate as an amateur-athlete under the
17 rules established by the New Jersey State Interscholastic Athletic
18 Association. Anyone convicted of violating the provisions of this
19 subsection shall be subject to a civil penalty of no less than \$1,000 and
20 not more than \$10,000, which shall be collected in a summary manner
21 pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274
22 (C.2A:58-10 et seq.) in the Superior Court or any municipal court.

23 c. The board of education of each school district or the chief
24 school administrator of each nonpublic school shall annually notify
25 each student-athlete under the jurisdiction of the school district or
26 nonpublic school of the provisions of this section and of the New
27 Jersey State Interscholastic Athletic Association's rules regarding
28 eligibility.

29 d. The notice required by subsection c. of this section shall be:
30 (1) written;
31 (2) in language understandable by a secondary school student ;
32 (3) based on model language developed by the New Jersey State
33 Interscholastic Athletic Association; and
34 (4) communicated via regular mail, notice sent home with the
35 student or electronic mail or by publication in a student handbook.

36
37 2. This act shall take effect immediately.
38
39

40 STATEMENT
41

42 This bill provides for a civil penalty of not less than \$1,000 and not
43 more than \$10,000 to be imposed on any person who gives a gift,
44 service, favor, job or other thing of value to a student-athlete knowing
45 that acceptance would expose that student-athlete to being ruled
46 ineligible under rules of the New Jersey State Interscholastic Athletic

1 Association (NJSIAA). The bill defines a student-athlete as any
2 student enrolled in a public or nonpublic secondary school in this State
3 who is a participant in an interscholastic athletic program governed by
4 the rules of the NJSIAA.

5 The bill also requires the board of education of a school district or
6 the chief school administrator of a nonpublic school to notify each
7 student-athlete under the jurisdiction of the public or nonpublic school
8 of the provisions of the bill and of NJSIAA eligibility rules. The
9 notification required by the bill must be: (1) in writing; (2) in language
10 understandable by a secondary school student; (3) based on model
11 language developed by the NJSIAA; and (4) communicated via
12 regular mail, notice sent home with the student or electronic mail or
13 by publication in a student handbook.

14 Student-athletes violate NJSIAA rules if they accept a gift or
15 benefit which relates to the student-athlete's performance in
16 interscholastic athletic competition. A student-athlete who violates
17 these rules is ineligible to participate in an NJSIAA program. But the
18 student-athlete is only one party to such a transaction. According to
19 the sponsor, this bill is intended to protect student-athletes from the
20 consequences of accepting a gift or benefit in remuneration for
21 interscholastic athletic performance by holding accountable those
22 persons who would induce a student-athlete to risk loss of eligibility.
23 An equally important part of the solution is making student-athletes
24 aware of the rules as required by the bill.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 899

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2004

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 899.

Assembly Bill No. 899 provides for a civil penalty of not less than \$1,000 and not more than \$10,000 to be imposed on any person who gives a gift, service, favor, job or other thing of value to a student-athlete knowing that acceptance would expose that student-athlete to being ruled ineligible under rules of the New Jersey State Interscholastic Athletic Association (NJSIAA). The bill defines a student-athlete as any student enrolled in a public or nonpublic secondary school in this State who is a participant in an interscholastic athletic program governed by the rules of the NJSIAA.

The bill also requires the board of education of a school district or the chief school administrator of a nonpublic school to notify each student-athlete under the jurisdiction of the public or nonpublic school of the provisions of the bill and of NJSIAA eligibility rules. The notification required by the bill must be: (1) in writing; (2) in language understandable by a secondary school student; (3) based on model language developed by the NJSIAA; and (4) communicated via regular or electronic mail, sent home with the student or published in a student handbook.

Student-athletes violate NJSIAA rules if they accept a gift or benefit which relates to the student-athlete's performance in interscholastic athletic competition. A student-athlete who violates these rules is ineligible to participate in an NJSIAA program. But the student-athlete is only one party to such a transaction. According to the sponsor, this bill is intended to protect student-athletes from the consequences of accepting a gift or benefit in remuneration for interscholastic athletic performance by holding accountable those persons who would induce a student-athlete to risk loss of eligibility. An equally important part of the solution is making student-athletes aware of the rules as required by the bill.

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.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 899

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Education Committee reports favorably Assembly Bill No. 899 with committee amendments.

As amended, this bill provides for a civil penalty of not less than \$1,000 and not more than \$10,000 per violation for any person who gives to a student-athlete a gift, service, favor, job or other thing of value which the person knows or has reason to know would, if accepted, subject that student-athlete to being ruled ineligible under rules of the New Jersey State Interscholastic Athletic Association (NJSIAA). The bill defines a student-athlete as any student enrolled in a public or nonpublic secondary school in this State who is a participant in an interscholastic athletic program governed by the rules of the NJSIAA.

The bill also requires the board of education of a school district or the chief school administrator of a nonpublic school to provide annual notification to student-athletes concerning the provisions of the bill and of NJSIAA eligibility rules. The notification must be: (1) in writing; (2) in language understandable by a secondary school student; (3) based on model language developed by the NJSIAA; and (4) communicated via regular or electronic mail, sent home with the student, or published in a student handbook.

The committee made technical amendments to clarify certain provisions of the bill.

As reported by committee, this bill is identical to Senate Bill No. 1634 with Senate committee amendments.

SENATE, No. 1634

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JUNE 7, 2004

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Imposes penalty for contributing to high school student-athlete's loss of amateur-athlete status.

CURRENT VERSION OF TEXT

As introduced.



S1634 TURNER

2

1 AN ACT imposing a penalty for contributing to a high school student-
2 athlete's loss of amateur-athlete status and supplementing Title 18A
3 of the New Jersey 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 section, "student-athlete" means any student
9 enrolled in a public or nonpublic secondary school in this State who is
10 a participant in an interscholastic athletic program governed by the
11 rules of the New Jersey State Interscholastic Athletic Association.

12 b. No person shall directly or indirectly give, offer, promise or
13 attempt to give any gift, favor, service, employment or other thing of
14 value to a student-athlete, directly or indirectly, knowing or having
15 reason to know that acceptance would expose that student-athlete to
16 being ruled ineligible to participate as an amateur-athlete under the
17 rules established by the New Jersey State Interscholastic Athletic
18 Association. Anyone convicted of violating the provisions of this
19 subsection shall be subject to a civil penalty of no less than \$1,000 and
20 not more than \$10,000, which shall be collected in a summary manner
21 pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274
22 (C.2A:58-10 et seq.) in the Superior Court or any municipal court.

23 c. The board of education of each school district or the chief
24 school administrator of each nonpublic school shall annually notify
25 each student-athlete under the jurisdiction of the school district or
26 nonpublic school of the provisions of this section and of the New
27 Jersey State Interscholastic Athletic Association's rules regarding
28 eligibility.

29 d. The notice required by subsection c. of this section shall be:
30 (1) written;
31 (2) in language understandable by a secondary school student;
32 (3) based on model language developed by the New Jersey State
33 Interscholastic Athletic Association; and
34 (4) communicated via regular or electronic mail, sent home with
35 the student or published in a student handbook.

36

37 2. This act shall take effect immediately.

38

39

40

STATEMENT

41

42 This bill provides for a civil penalty of not less than \$1,000 and not
43 more than \$10,000 to be imposed on any person who gives a gift,
44 service, favor, job or other thing of value to a student-athlete knowing
45 that acceptance would expose that student-athlete to being ruled
46 ineligible under rules of the New Jersey State Interscholastic Athletic

S1634 TURNER

1 Association (NJSIAA). The bill defines a student-athlete as any
2 student enrolled in a public or nonpublic secondary school in this State
3 who is a participant in an interscholastic athletic program governed by
4 the rules of the NJSIAA.

5 The bill also requires the board of education of a school district or
6 the chief school administrator of a nonpublic school to notify each
7 student-athlete under the jurisdiction of the public or nonpublic school
8 of the provisions of the bill and of NJSIAA eligibility rules. The
9 notification required by the bill must be: (1) in writing; (2) in language
10 understandable by a secondary school student; (3) based on model
11 language developed by the NJSIAA; and (4) communicated via regular
12 mail, notice sent home with the student or electronic mail or by
13 publication in a student handbook.

14 Student-athletes violate NJSIAA rules if they accept a gift or
15 benefit which relates to the student-athlete's performance in
16 interscholastic athletic competition. A student-athlete who violates
17 these rules is ineligible to participate in an NJSIAA program. But the
18 student-athlete is only one party to such a transaction. According to
19 the sponsor, this bill is intended to protect student-athletes from the
20 consequences of accepting a gift or benefit in remuneration for
21 interscholastic athletic performance by holding accountable those
22 persons who would induce a student-athlete to risk loss of eligibility.
23 An equally important part of the solution is making student-athletes
24 aware of the rules as required by the bill.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1634

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Education Committee reports favorably Senate Bill No. 1634 with committee amendments.

As amended, this bill provides for a civil penalty of not less than \$1,000 and not more than \$10,000 per violation for any person who gives to a student-athlete a gift, service, favor, job or other thing of value which the person knows or has reason to know would, if accepted, subject the student-athlete to being ruled ineligible under rules of the New Jersey State Interscholastic Athletic Association (NJSIAA). The bill defines a student-athlete as any student enrolled in a public or nonpublic secondary school in this State who is a participant in an interscholastic athletic program governed by the rules of the NJSIAA.

The bill also requires the board of education of a school district or the chief school administrator of a nonpublic school to provide annual notification to student-athletes concerning the provisions of the bill and of NJSIAA eligibility rules. The notification must be: (1) in writing; (2) in language understandable by a secondary school student; (3) based on model language developed by the NJSIAA; and (4) communicated via regular or electronic mail, sent home with the student, or published in a student handbook.

The committee made technical amendments to clarify certain provisions of the bill.

As reported by committee, this bill is identical to Assembly Bill No. 899 with Senate committee amendments.