

**40:48-1.2a**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2009                   **CHAPTER:** 133

**NJSA:** 40:48-1.2a           (Grants immunity to certain underage persons for unlawful possession or consumption of alcoholic beverages)

**BILL NO:** A3160 (Substituted for S2748)

**SPONSOR(S)** Angelini and others

**DATE INTRODUCED:** September 22, 2008

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

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**           **ASSEMBLY:** May 21, 2009

**SENATE:** June 25, 2009

**DATE OF APPROVAL:**           October 1, 2009

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Assembly Committee Substitute enacted)

**A3160**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 3 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes
	<b>SENATE:</b> No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

**S2748**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 4 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> No
	<b>SENATE:</b> Yes
<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

(continued)

**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

Teens who seek help get immunity, Asbury Park Press, 10-3-09, p. A13

New law may give immunity to some underage drinkers, The Star Ledger, 10-3-09, p. 14

Immunity for underage drinkers, The Record, 1-3-09, p. A05

LAW/RWH

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3160**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

ADOPTED MARCH 12, 2009

**Sponsored by:**

**Assemblywoman MARY PAT ANGELINI**

**District 11 (Monmouth)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Essex, Morris, Somerset and Union)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

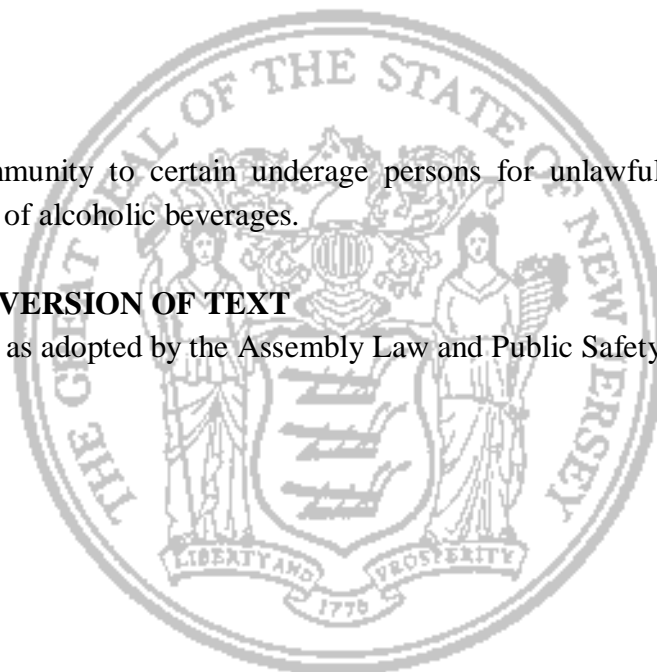
**Assemblywoman Rodriguez, Assemblyman O'Scanlon, Assemblywoman Handlin, Assemblymen Rible, Chivukula, Diegnan, Assemblywomen Casagrande, Wagner, Senators S.Kean, Girgenti, Van Drew, Bateman and Turner**

**SYNOPSIS**

Grants immunity to certain underage persons for unlawful possession or consumption of alcoholic beverages.

**CURRENT VERSION OF TEXT**

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



**(Sponsorship Updated As Of: 6/26/2009)**

1 AN ACT concerning persons under the legal age to possess and  
2 consume alcoholic beverages, amending P.L.1979, c.264, and  
3 supplementing P.L.2000, c.33.  
4

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

7  
8 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read  
9 as follows:

10 1. a. Any person under the legal age to purchase alcoholic  
11 beverages who knowingly possesses without legal authority or who  
12 knowingly consumes any alcoholic beverage in any school, public  
13 conveyance, public place, or place of public assembly, or motor  
14 vehicle, is guilty of a disorderly persons offense, and shall be fined  
15 not less than \$500.00.

16 b. Whenever this offense is committed in a motor vehicle, the  
17 court shall, in addition to the sentence authorized for the offense,  
18 suspend or postpone for six months the driving privilege of the  
19 defendant. Upon the conviction of any person under this section,  
20 the court shall forward a report to the **[Division of Motor Vehicles]**  
21 New Jersey Motor Vehicle Commission stating the first and last day  
22 of the suspension or postponement period imposed by the court  
23 pursuant to this section. If a person at the time of the imposition of  
24 a sentence is less than 17 years of age, the period of license  
25 postponement, including a suspension or postponement of the  
26 privilege of operating a motorized bicycle, shall commence on the  
27 day the sentence is imposed and shall run for a period of six months  
28 after the person reaches the age of 17 years.

29 If a person at the time of the imposition of a sentence has a valid  
30 driver's license issued by this State, the court shall immediately  
31 collect the license and forward it to the **[division]** commission  
32 along with the report. If for any reason the license cannot be  
33 collected, the court shall include in the report the complete name,  
34 address, date of birth, eye color, and sex of the person as well as the  
35 first and last date of the license suspension period imposed by the  
36 court.

37 The court shall inform the person orally and in writing that if the  
38 person is convicted of operating a motor vehicle during the period  
39 of license suspension or postponement, the person shall be subject  
40 to the penalties set forth in R.S.39:3-40. A person shall be required  
41 to acknowledge receipt of the written notice in writing. Failure to  
42 receive a written notice or failure to acknowledge in writing the  
43 receipt of a written notice shall not be a defense to a subsequent  
44 charge of a violation of R.S.39:3-40.

**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 If the person convicted under this section is not a New Jersey  
2 resident, the court shall suspend or postpone, as appropriate, the  
3 non-resident driving privilege of the person based on the age of the  
4 person and submit to the **[division] commission** the required report.  
5 The court shall not collect the license of a non-resident convicted  
6 under this section. Upon receipt of a report by the court, the  
7 **[division] commission** shall notify the appropriate officials in the  
8 licensing jurisdiction of the suspension or postponement.

9 c. In addition to the general penalty prescribed for a disorderly  
10 persons offense, the court may require any person who violates this  
11 act to participate in an alcohol education or treatment program,  
12 authorized by the Department of Health and Senior Services, for a  
13 period not to exceed the maximum period of confinement  
14 prescribed by law for the offense for which the individual has been  
15 convicted.

16 d. Nothing in this act shall apply to possession of alcoholic  
17 beverages by any such person while actually engaged in the  
18 performance of employment pursuant to an employment permit  
19 issued by the Director of the Division of Alcoholic Beverage  
20 Control, or for a bona fide hotel or restaurant, in accordance with  
21 the provisions of R.S.33:1-26, or while actively engaged in the  
22 preparation of food while enrolled in a culinary arts or hotel  
23 management program at a county vocational school or post  
24 secondary educational institution.

25 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a)  
26 shall apply to a parent, guardian or other person with legal custody  
27 of a person under 18 years of age who is found to be in violation of  
28 this section.

29 f. An underage person and one or two other persons shall be  
30 immune from prosecution under this section if:

31 (1) one of the underage persons called 9-1-1 and reported that  
32 another underage person was in need of medical assistance due to  
33 alcohol consumption;

34 (2) the underage person who called 9-1-1 and, if applicable, one  
35 or two other persons acting in concert with the underage person  
36 who called 9-1-1 provided each of their names to the 9-1-1  
37 operator;

38 (3) the underage person was the first person to make the 9-1-1  
39 report; and

40 (4) the underage person and, if applicable, one or two other  
41 persons acting in concert with the underage person who made the  
42 9-1-1 call remained on the scene with the person under the legal age  
43 in need of medical assistance until assistance arrived and  
44 cooperated with medical assistance and law enforcement personnel  
45 on the scene.

46 The underage person who received medical assistance also shall

1 be immune from prosecution under this section.

2 (cf: P.L.1997, c.161, s.1)

3

4 2. (New section) a. An underage person and one or two other  
5 persons shall be immune from prosecution under an ordinance  
6 authorized by section 1 of P.L.2000, c.33 (C.40:48-1.2) prohibiting  
7 any person under the legal age who, without legal authority,  
8 knowingly possesses or knowingly consumes an alcoholic beverage  
9 on private property if:

10 (1) one of the underage persons called 9-1-1 and reported that  
11 another underage person was in need of medical assistance due to  
12 alcohol consumption;

13 (2) the underage person who called 9-1-1 and, if applicable, one  
14 or two other persons acting in concert with the underage person  
15 who called 9-1-1 provided each of their names to the 9-1-1  
16 operator;

17 (3) the underage person was the first person to make the 9-1-1  
18 report; and

19 (4) the underage person and, if applicable, one or two other  
20 persons acting in concert with the underage person who made the  
21 9-1-1 call remained on the scene with the person under the legal age  
22 in need of medical assistance until assistance arrived and  
23 cooperated with medical assistance and law enforcement personnel  
24 on the scene.

25 b. The underage person who received medical assistance as  
26 provided in subsection a. of this section also shall be immune from  
27 prosecution under an ordinance authorized by section 1 of P.L.2000,  
28 c.33 (C.40:48-1.2).

29

30 3. This act shall take effect immediately.

# ASSEMBLY, No. 3160

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2008

**Sponsored by:**

**Assemblywoman MARY PAT ANGELINI**

**District 11 (Monmouth)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Essex, Morris, Somerset and Union)**

**SYNOPSIS**

Provides that certain underage persons who summon medical assistance for intoxicated underage persons would not be prosecuted.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/13/2009)**

1 AN ACT concerning persons under the legal age to purchase and  
2 consume alcoholic beverages and amending P.L.1985, c.311.

3

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

6

7 1. Section 1 of P.L.1985, c.311 (C.2C:33-17) is amended to read  
8 as follows:

9 1. a. Anyone who purposely or knowingly offers or serves or  
10 makes available an alcoholic beverage to a person under the legal  
11 age for consuming alcoholic beverages or entices or encourages that  
12 person to drink an alcoholic beverage is a disorderly person.

13 This subsection shall not apply to a parent or guardian of the  
14 person under legal age for consuming alcoholic beverages if the  
15 parent or guardian is of the legal age to consume alcoholic  
16 beverages or to a religious observance, ceremony or rite. This  
17 subsection shall also not apply to any person in his home who is of  
18 the legal age to consume alcoholic beverages who offers or serves  
19 or makes available an alcoholic beverage to a person under the legal  
20 age for consuming alcoholic beverages or entices that person to  
21 drink an alcoholic beverage in the presence of and with the  
22 permission of the parent or guardian of the person under the legal  
23 age for consuming alcoholic beverages if the parent or guardian is  
24 of the legal age to consume alcoholic beverages.

25 This subsection shall not apply to a person under the legal age  
26 for consuming alcoholic beverages if that person summoned  
27 medical treatment for another person under the legal age who  
28 required such treatment as a result of consuming alcoholic  
29 beverages.

30 b. A person who makes real property owned, leased or  
31 managed by him available to, or leaves that property in the care of,  
32 another person with the purpose that alcoholic beverages will be  
33 made available for consumption by, or will be consumed by,  
34 persons who are under the legal age for consuming alcoholic  
35 beverages is guilty of a disorderly persons offense.

36 This subsection shall not apply if:

37 (1) the real property is licensed or required to be licensed by the  
38 Division of Alcoholic Beverage Control in accordance with the  
39 provisions of R.S.33:1-1 et seq;

40 (2) the person making the property available, or leaving it in the  
41 care of another person, is of the legal age to consume alcoholic  
42 beverages and is the parent or guardian of the person who consumes  
43 alcoholic beverages while under the legal age for consuming  
44 alcoholic beverages; or

**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 (3) the alcoholic beverages are consumed by a person under the  
2 legal age for consuming alcoholic beverages during a religious  
3 observance, ceremony or rite.

4 (cf: P.L.1995, c.31, s.1)

5

6 2. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill establishes a “safe haven” to provide that a person  
12 under age 21 would not be prosecuted for offering or serving an  
13 alcoholic beverage to another underage person under certain  
14 instances.

15 Current law specifies, a person who offers or serves an alcoholic  
16 beverage to an underage person or entices or encourages that person  
17 to drink an alcoholic beverage is a disorderly person. Under this  
18 bill, an underage person would not be prosecuted under that section  
19 of law if he or she summoned medical treatment for another  
20 underage person who required such treatment because of consuming  
21 alcoholic beverages.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3160

# STATE OF NEW JERSEY

DATED: MARCH 12, 2009

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3160.

This committee substitute establishes "9-1-1: Lifeline Legislation," to grant immunity to underage drinkers who unlawfully consume or possess alcoholic beverages, whether on public or private property, if they call for medical assistance for another underage person who has consumed alcoholic beverages. The bill also provides immunity to an underage person who receives such medical assistance.

Under current law, a person under the legal age to purchase alcoholic beverages who knowingly possesses or consumes any alcoholic beverage on public property is guilty of a disorderly persons offense. Disorderly persons offenses are punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. If the offense is committed in a motor vehicle, the offender's driver's license is also suspended for six months.

Current law also authorizes municipalities to enact ordinances to make it an offense for underage persons to possess or consume alcoholic beverages on private property. A violation of such a municipal ordinance is punishable by a fine of \$250 for a first offense and a fine of \$350 for subsequent offenses. The court also may suspend the offender's driver's license for six months.

Under the committee substitute, an underage person and one or two other persons are immune from prosecution under these underage drinking laws if:

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) the underage person was the first person to make the 9-1-1 report; and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the

9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

The committee substitute also provides immunity for the underage person who receives medical assistance.

The committee substitute is modeled after Colorado's statute providing immunity for underage possession or consumption of alcoholic beverages if the underage person calls for medical assistance under the conditions set forth in the bill.

# SENATE, No. 2748

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED APRIL 27, 2009

**Sponsored by:**

**Senator SEAN T. KEAN**

**District 11 (Monmouth)**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Van Drew, Bateman, Turner and Whelan**

**SYNOPSIS**

Grants immunity to certain underage persons for unlawful possession or consumption of alcoholic beverages.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/24/2009)**

1 AN ACT concerning persons under the legal age to possess and  
2 consume alcoholic beverages, amending P.L.1979, c.264, and  
3 supplementing P.L.2000, c.33.

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

7  
8 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to  
9 read as follows:

10 1. a. Any person under the legal age to purchase alcoholic  
11 beverages who knowingly possesses without legal authority or who  
12 knowingly consumes any alcoholic beverage in any school, public  
13 conveyance, public place, or place of public assembly, or motor  
14 vehicle, is guilty of a disorderly persons offense, and shall be fined  
15 not less than \$500.00.

16 b. Whenever this offense is committed in a motor vehicle, the  
17 court shall, in addition to the sentence authorized for the offense,  
18 suspend or postpone for six months the driving privilege of the  
19 defendant. Upon the conviction of any person under this section,  
20 the court shall forward a report to the **[Division of Motor Vehicles]**  
21 New Jersey Motor Vehicle Commission stating the first and last day  
22 of the suspension or postponement period imposed by the court  
23 pursuant to this section. If a person at the time of the imposition of  
24 a sentence is less than 17 years of age, the period of license  
25 postponement, including a suspension or postponement of the  
26 privilege of operating a motorized bicycle, shall commence on the  
27 day the sentence is imposed and shall run for a period of six months  
28 after the person reaches the age of 17 years.

29 If a person at the time of the imposition of a sentence has a valid  
30 driver's license issued by this State, the court shall immediately  
31 collect the license and forward it to the **[division] commission**  
32 along with the report. If for any reason the license cannot be  
33 collected, the court shall include in the report the complete name,  
34 address, date of birth, eye color, and sex of the person as well as the  
35 first and last date of the license suspension period imposed by the  
36 court.

37 The court shall inform the person orally and in writing that if the  
38 person is convicted of operating a motor vehicle during the period  
39 of license suspension or postponement, the person shall be subject  
40 to the penalties set forth in R.S.39:3-40. A person shall be required  
41 to acknowledge receipt of the written notice in writing. Failure to  
42 receive a written notice or failure to acknowledge in writing the  
43 receipt of a written notice shall not be a defense to a subsequent  
44 charge of a violation of R.S.39:3-40.

**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 If the person convicted under this section is not a New Jersey  
2 resident, the court shall suspend or postpone, as appropriate, the  
3 non-resident driving privilege of the person based on the age of the  
4 person and submit to the **【division】** commission the required report.  
5 The court shall not collect the license of a non-resident convicted  
6 under this section. Upon receipt of a report by the court, the  
7 **【division】** commission shall notify the appropriate officials in the  
8 licensing jurisdiction of the suspension or postponement.

9 c. In addition to the general penalty prescribed for a disorderly  
10 persons offense, the court may require any person who violates this  
11 act to participate in an alcohol education or treatment program,  
12 authorized by the Department of Health and Senior Services, for a  
13 period not to exceed the maximum period of confinement  
14 prescribed by law for the offense for which the individual has been  
15 convicted.

16 d. Nothing in this act shall apply to possession of alcoholic  
17 beverages by any such person while actually engaged in the  
18 performance of employment pursuant to an employment permit  
19 issued by the Director of the Division of Alcoholic Beverage  
20 Control, or for a bona fide hotel or restaurant, in accordance with  
21 the provisions of R.S.33:1-26, or while actively engaged in the  
22 preparation of food while enrolled in a culinary arts or hotel  
23 management program at a county vocational school or post  
24 secondary educational institution.

25 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-  
26 81.1a) shall apply to a parent, guardian or other person with legal  
27 custody of a person under 18 years of age who is found to be in  
28 violation of this section.

29 f. An underage person and one or two other persons shall be  
30 immune from prosecution under this section if:

31 (1) one of the underage persons called 9-1-1 and reported that  
32 another underage person was in need of medical assistance due to  
33 alcohol consumption;

34 (2) the underage person who called 9-1-1 and, if applicable, one  
35 or two other persons acting in concert with the underage person  
36 who called 9-1-1 provided each of their names to the 9-1-1  
37 operator;

38 (3) the underage person was the first person to make the 9-1-1  
39 report; and

40 (4) the underage person and, if applicable, one or two other  
41 persons acting in concert with the underage person who made the 9-  
42 1-1 call remained on the scene with the person under the legal age  
43 in need of medical assistance until assistance arrived and  
44 cooperated with medical assistance and law enforcement personnel  
45 on the scene.

46 The underage person who received medical assistance also shall  
47 be immune from prosecution under this section.

48 (cf: P.L.1997, c.161, s.1)

1       2. (New section) a. An underage person and one or two other  
2 persons shall be immune from prosecution under an ordinance  
3 authorized by section 1 of P.L.2000, c.33 (C.40:48-1.2) prohibiting  
4 any person under the legal age who, without legal authority,  
5 knowingly possesses or knowingly consumes an alcoholic beverage  
6 on private property if:

7       (1) one of the underage persons called 9-1-1 and reported that  
8 another underage person was in need of medical assistance due to  
9 alcohol consumption;

10       (2) the underage person who called 9-1-1 and, if applicable, one  
11 or two other persons acting in concert with the underage person  
12 who called 9-1-1 provided each of their names to the 9-1-1  
13 operator;

14       (3) the underage person was the first person to make the 9-1-1  
15 report; and

16       (4) the underage person and, if applicable, one or two other  
17 persons acting in concert with the underage person who made the 9-  
18 1-1 call remained on the scene with the person under the legal age  
19 in need of medical assistance until assistance arrived and  
20 cooperated with medical assistance and law enforcement personnel  
21 on the scene.

22       b. The underage person who received medical assistance as  
23 provided in subsection a. of this section also shall be immune from  
24 prosecution under an ordinance authorized by section 1 of P.L.2000,  
25 c.33 (C.40:48-1.2).

26

27       3. This act shall take effect immediately.

28

29

30

#### STATEMENT

31

32       This bill would establish “9-1-1: Lifeline Legislation,” to grant  
33 immunity to underage drinkers who unlawfully consume or possess  
34 alcoholic beverages, whether on public or private property, if they  
35 call for medical assistance for another underage person who has  
36 consumed alcoholic beverages. The bill also provides immunity to  
37 an underage person who receives such medical assistance.

38       Under current law, a person under the legal age to purchase  
39 alcoholic beverages who knowingly possesses or consumes any  
40 alcoholic beverage on public property is guilty of a disorderly  
41 persons offense. Disorderly persons offenses are punishable by a  
42 term of imprisonment of up to six months, a fine of up to \$1,000, or  
43 both. If the offense is committed in a motor vehicle, the offender’s  
44 driver’s license is also suspended for six months.

45       Current law also authorizes municipalities to enact ordinances to  
46 make it an offense for underage persons to possess or consume  
47 alcoholic beverages on private property. A violation of such a  
48 municipal ordinance is punishable by a fine of \$250 for a first

1 offense and a fine of \$350 for subsequent offenses. The court also  
2 may suspend the offender's driver's license for six months.

3 Under the bill, an underage person and one or two other persons  
4 are immune from prosecution under these underage drinking laws  
5 if:

6 (1) one of the underage persons called 9-1-1 and reported that  
7 another underage person was in need of medical assistance due to  
8 alcohol consumption;

9 (2) the underage person who called 9-1-1 and, if applicable, one  
10 or two other persons acting in concert with the underage person  
11 who called 9-1-1 provided each of their names to the 9-1-1  
12 operator;

13 (3) the underage person was the first person to make the 9-1-1  
14 report; and

15 (4) the underage person and, if applicable, one or two other  
16 persons acting in concert with the underage person who made the  
17 9-1-1 call remained on the scene with the person under the legal age  
18 in need of medical assistance until assistance arrived and  
19 cooperated with medical assistance and law enforcement personnel  
20 on the scene.

21 The bill also provides immunity for the underage person who  
22 receives medical assistance.

23 The bill is modeled after Colorado's statute providing immunity  
24 for underage possession or consumption of alcoholic beverages if  
25 the underage person calls for medical assistance under the  
26 conditions set forth in the bill.



SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 2748**

**STATE OF NEW JERSEY**

DATED: MAY 4, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 2748.

This bill would establish "9-1-1: Lifeline Legislation," to grant immunity to underage drinkers who unlawfully consume or possess alcoholic beverages, whether on public or private property, if they call for medical assistance for another underage person who has consumed alcoholic beverages. The bill also provides immunity to an underage person who receives such medical assistance.

Under current law, a person under the legal age to purchase alcoholic beverages who knowingly possesses or consumes any alcoholic beverage on public property is guilty of a disorderly persons offense. Disorderly persons offenses are punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. If the offense is committed in a motor vehicle, the offender's driver's license is also suspended for six months.

Current law also authorizes municipalities to enact ordinances to make it an offense for underage persons to possess or consume alcoholic beverages on private property. A violation of such a municipal ordinance is punishable by a fine of \$250 for a first offense and a fine of \$350 for subsequent offenses. The court also may suspend the offender's driver's license for six months.

Under the bill, an underage person and one or two other persons are immune from prosecution under these underage drinking laws if:

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) the underage person was the first person to make the 9-1-1 report; and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the

9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

The bill also provides immunity for the underage person who receives medical assistance.

The bill is modeled after Colorado's statute providing immunity for underage possession or consumption of alcoholic beverages if the underage person calls for medical assistance under the conditions set forth in the bill.

In introducing this legislation, it is not the sponsor's intent to condone the use of alcohol by underage persons. This bill was introduced in response to incidents of excessive drinking by underage persons and creates the opportunity to save young persons whose lives are imperiled as a result of severe intoxication.