

# 2C:40-26

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2009                      **CHAPTER:** 333

**NJSA:** 2C:40-26 (Provides that certain drunk driving offenders who drive with a suspended driver's license are guilty of a fourth degree crime)

**BILL NO:** A4303 (Substituted for S2939)

**SPONSOR(S)** McKeon and Others

**DATE INTRODUCED:** November 30, 2009

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

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** January 11, 2010

**SENATE:** January 11, 2010

**DATE OF APPROVAL:** January 18, 2010

### FOLLOWING ARE ATTACHED IF AVAILABLE:

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

#### A4303

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** 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))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### S2939

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** No

**SENATE:** Yes

(continued)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/KER

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 4303**

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

ADOPTED DECEMBER 3, 2009

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex and Union)**

**Assemblyman NELSON T. ALBANO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

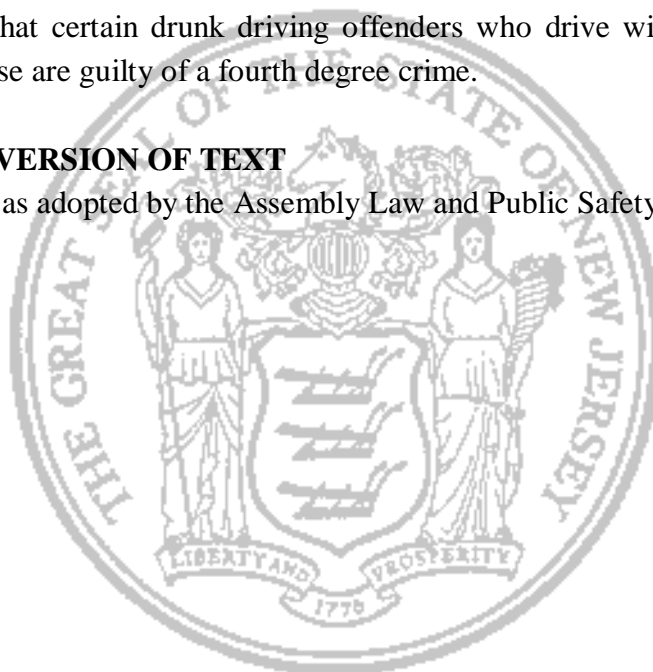
**Senators Codey, Girgenti and Baroni**

**SYNOPSIS**

Provides that certain drunk driving offenders who drive with a suspended driver's license are guilty of a fourth degree crime.

**CURRENT VERSION OF TEXT**

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



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning the operation of a motor vehicle with a  
2 suspended driver's license and supplementing Title 2C of the  
3 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. It shall be a crime of the fourth degree to operate a motor  
9 vehicle during the period of license suspension in violation of  
10 R.S.39:3-40, if the actor's license was suspended or revoked for a  
11 first violation of R.S.39:4-50 or section 2 of P.L.1981, c.512  
12 (C.39:4-50.4a) and the actor had previously been convicted of  
13 violating R.S.39:3-40 while under suspension for that first offense.  
14 A person convicted of an offense under this subsection shall be  
15 sentenced by the court to a term of imprisonment.

16 b. It shall be a crime of the fourth degree to operate a motor  
17 vehicle during the period of license suspension in violation of  
18 R.S.39:3-40, if the actor's license was suspended or revoked for a  
19 second or subsequent violation of R.S.39:4-50 or section 2 of  
20 P.L.1981, c.512 (C.39:4-50.4a). A person convicted of an offense  
21 under this subsection shall be sentenced by the court to a term of  
22 imprisonment.

23 c. Notwithstanding the term of imprisonment provided under  
24 N.J.S.2C:43-6 and the provisions of subsection e. of N.J.S.2C:44-1,  
25 if a person is convicted of a crime under this section the sentence  
26 imposed shall include a fixed minimum sentence of not less than  
27 180 days during which the defendant shall not be eligible for parole.

28  
29 2. This act shall take effect on the first day of the nineteenth  
30 month after enactment; provided however, the Chief Administrator  
31 of the New Jersey Motor Vehicle Commission may take any  
32 anticipatory administrative action prior to the effective date  
33 necessary for its timely implementation.

# ASSEMBLY, No. 4303

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex and Union)**

**SYNOPSIS**

Provides that certain drunk driving offenders who drive with a suspended driver's license are guilty of a fourth degree crime.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/4/2009)**

1 AN ACT concerning the operation of a motor vehicle with a  
2 suspended driver's license and supplementing Title 2C of the  
3 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. A person who is convicted of a first offense under  
9 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and who  
10 is convicted on two or more occasions of violating R.S.39:3-40  
11 while under suspension for that first offense shall be guilty of a  
12 crime of the fourth degree and shall be sentenced by the court to a  
13 term of imprisonment.

14 b. A person who is convicted of a second or subsequent offense  
15 under R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a)  
16 and who is convicted of violating R.S.39:3-40 while under  
17 suspension for that second offense shall be guilty of a crime of the  
18 fourth degree and shall be sentenced by the court to a term of  
19 imprisonment.

20 c. Notwithstanding the term of imprisonment provided under  
21 N.J.S.2C:43-6 and the provisions of subsection e. of N.J.S.2C:44-1,  
22 if a person is convicted of a crime under this section the sentence  
23 imposed shall include a fixed minimum sentence of not less than  
24 180 days during which the defendant shall not be eligible for parole.

25  
26 2. This act shall take effect immediately.

27  
28  
29 STATEMENT

30  
31 This bill creates criminal penalties for persons whose driver's  
32 licenses are suspended for certain drunk driving offenses and who,  
33 while under suspension for those offenses, unlawfully operate a  
34 motor vehicle.

35 Under the bill's provisions, a person who is convicted of a first  
36 offense under R.S.39:4-50 (driving while intoxicated) or section 2  
37 of P.L.1981, c.512 (C.39:4-50.4a) (refusal to submit to a breath test)  
38 and who is convicted on two or more occasions of operating a  
39 motor vehicle in violation of R.S.39:3-40 (driving while suspended)  
40 while under suspension for that first offense is guilty of a crime of  
41 the fourth degree.

42 The bill further provides that a person who is convicted of a  
43 second or subsequent driving while intoxicated or refusal offense  
44 and who is convicted of violating R.S.39:3-40 while under  
45 suspension for that second offense is guilty of a crime of the fourth  
46 degree.

**A4303 MCKEON, SPENCER**

3

1       A person convicted of violating the bill's provisions is to be  
2 sentenced to a term of imprisonment which would include a six  
3 month period of parole ineligibility.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 4303**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 3, 2009

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 4303.

This committee substitute creates criminal penalties for persons whose driver's licenses are suspended for certain drunk driving offenses and who, while under suspension for those offenses, unlawfully operate a motor vehicle.

Under the provisions of the committee substitute, it is a crime of the fourth degree to operate a motor vehicle during a period of driver's license suspension if the person's driver's license was suspended or revoked for a first offense of driving while intoxicated or refusal to submit to a breath test, and the person had previously been convicted of operating a motor vehicle while under suspension for that first offense.

The committee substitute further provides that it is a crime of the fourth degree to operate a motor vehicle during a period of license suspension if the person's license was suspended or revoked for a second or subsequent offense of driving while intoxicated or refusal to submit to a breath test.

A person convicted of violating the bill's provisions is to be sentenced to a term of imprisonment which would include a six-month period of parole ineligibility.

The committee substitute also delays the effective date for 18 months to permit the Motor Vehicle Commission to make modifications to its computer system.

As reported by the committee, this substitute is identical to the Senate Committee Substitute for Senate Bill No. 2939 as reported by the Senate Law and Public Safety and Veterans' Affairs Committee on November 23, 2009.



# SENATE, No. 2939

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 15, 2009

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Provides that certain drunk driving offenders who drive with a suspended driver's license are guilty of a fourth degree crime.

**CURRENT VERSION OF TEXT**

As introduced.



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

1 AN ACT concerning the operation of a motor vehicle with a  
2 suspended driver's license and supplementing Title 2C of the  
3 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. A person who is convicted of a first offense under  
9 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and who  
10 is convicted on two or more occasions of violating R.S.39:3-40  
11 while under suspension for that first offense shall be guilty of a  
12 crime of the fourth degree and shall be sentenced by the court to a  
13 term of imprisonment.

14 b. A person who is convicted of a second or subsequent offense  
15 under R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a)  
16 and who is convicted of violating R.S.39:3-40 while under  
17 suspension for that second offense shall be guilty of a crime of the  
18 fourth degree and shall be sentenced by the court to a term of  
19 imprisonment.

20 c. Notwithstanding the term of imprisonment provided under  
21 N.J.S.2C:43-6 and the provisions of subsection e. of N.J.S.2C:44-1,  
22 if a person is convicted of a crime under this section the sentence  
23 imposed shall include a fixed minimum sentence of not less than  
24 180 days during which the defendant shall not be eligible for parole.

25  
26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill creates criminal penalties for persons whose driver's  
32 licenses are suspended for certain drunk driving offenses and who,  
33 while under suspension for those offenses, unlawfully operate a  
34 motor vehicle.

35 Under the bill's provisions, a person who is convicted of a first  
36 offense under R.S.39:4-50 (driving while intoxicated) or section 2  
37 of P.L.1981, c.512 (C.39:4-50.4a) (refusal to submit to a breath test)  
38 and who is convicted on two or more occasions of operating a  
39 motor vehicle in violation of R.S.39:3-40 (driving while suspended)  
40 while under suspension for that first offense is guilty of a crime of  
41 the fourth degree.

42 The bill further provides that a person who is convicted of a  
43 second or subsequent driving while intoxicated or refusal offense  
44 and who is convicted of violating R.S.39:3-40 while under  
45 suspension for that second offense is guilty of a crime of the fourth  
46 degree.

**S2939 CODEY, GIRGENTI**

3

1       A person convicted of violating the bill's provisions is to be  
2 sentenced to a term of imprisonment which would include a six  
3 month period of parole ineligibility.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2939**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 23, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2939.

This committee substitute creates criminal penalties for persons whose driver's licenses are suspended for certain drunk driving offenses and who, while under suspension for those offenses, unlawfully operate a motor vehicle.

Under the provisions of the committee substitute, it is a crime of the fourth degree to operate a motor vehicle during a period of driver's license suspension if the person's driver's license was suspended or revoked for a first offense of driving while intoxicated or refusal to submit to a breath test, and the person had previously been convicted of operating a motor vehicle while under suspension for that first offense.

The committee substitute further provides that it is a crime of the fourth degree to operate a motor vehicle during a period of license suspension if the person's license was suspended or revoked for a second or subsequent offense of driving while intoxicated or refusal to submit to a breath test.

A person convicted of violating the bill's provisions is to be sentenced to a term of imprisonment which would include a six month period of parole ineligibility.

The committee substitute also delays the effective date for 18 months to permit the Motor Vehicle Commission to make modifications to its computer system.