

2C:33-18

LEGISLATIVE HISTORY CHECKLIST  
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(Paging Devices)

NJSA: 2C:33-18

LAWS OF: 1996 CHAPTER: 94

BILL NO: A1364

SPONSOR(S): Stuhltrager

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: May 30, 1996 ACS (1R) A1364/A889  
enacted

SENATE: June 20, 1996

DATE OF APPROVAL: July 26, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Attached: statement with  
floor amendments adopted  
3-28-96

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

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MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

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[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 1364 and 889

STATE OF NEW JERSEY

ADOPTED FEBRUARY 15, 1996

Sponsored by Assemblymen STUHLTRAGER, GARRETT,  
Steele and DeCroce

1 AN ACT concerning paging devices, amending P.L.1989, c.232 and  
2 repealing section 1 of P.L.1989, c.232.

3

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

6

7 1. Section 2 of P.L.1989, c.232 (C.2C:33-19) is amended to read  
8 as follows:

9 2. **[Any]** No person enrolled as a student of an elementary or  
10 secondary school, **[who]** knowingly and without the express written  
11 permission of the school board, its delegated authority, or any school  
12 principal, **[brings or possesses]** shall bring or possess any remotely  
13 activated paging device on any property used for school purposes, at  
14 any time and regardless of whether school is in session or other  
15 persons are present**[, is guilty of a disorderly persons offense]**. A  
16 violation of this section shall be a disorderly persons offense. No  
17 permission to bring or possess any remotely activated paging device  
18 on school property shall be granted unless and until a student **[or**  
19 **parent]** shall have established to the satisfaction of the school  
20 authorities a reasonable basis for the possession of the device on  
21 school property.

22 This section shall not apply to any student who is an active member  
23 in good standing of a volunteer fire company or first aid, ambulance  
24 or rescue squad provided that (1) the student is required to respond to  
25 an emergency and (2) a copy of the statement by the chief executive  
26 officer of the volunteer fire company or first aid, ambulance or rescue  
27 squad authorizing the possession of the paging device is in the

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly floor amendments adopted March 28, 1996.

1 possession of the student at all times while that student is in  
2 possession of the remotely activated paging device.

3 <sup>1</sup>[No student shall be denied permission by school officials to  
4 possess a remotely activated paging device on school property if the  
5 student's parent or guardian notifies the school officials in writing that  
6 the student has the permission of the parent or guardian to possess the  
7 paging device.]<sup>1</sup>

8 (cf: P.L.1989, c.232, s.2)

9

10 2. Section 1 of P.L.1989, c.232 (C.2C:33-18) is repealed.

11

12 3. This act shall take effect immediately.

13

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17 Regulates possession of paging devices by students in schools; repeals  
18 prohibition on provision of paging devices to persons under 18.

ASSEMBLY, No. 1364

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman STUHLTRAGER

1 AN ACT concerning paging devices and amending P.L.1989, c.232.

2

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

5

6 1. Section 1 of P.L.1989, c.232 (C.2C:33-18) is amended to read  
7 as follows:

8 1. a. A person shall not sell, lease, give or otherwise provide a  
9 remotely activated paging device to a person under 18 years of age,  
10 except as permitted in subsection b. of this section. A person who  
11 knowingly violates this subsection shall be guilty of a disorderly  
12 persons offense.

13 b. Subsection a. shall not apply if a remotely activated paging  
14 device is sold, leased, given or otherwise provided to a person under  
15 18 years of age who is authorized to possess a paging device (1) by a  
16 physician or surgeon licensed pursuant to P.L.1938, c.277 (C.45:9-1  
17 et seq.) during a course of a medical treatment or care **[or]** (2) by an  
18 owner or operator of a legal commercial enterprise during the hours  
19 of employment or (3) by the chief executive officer of a volunteer fire  
20 company or first aid, ambulance or rescue squad during the hours the  
21 person is required to respond to an emergency. A copy of a statement  
22 by the licensed physician or surgeon **[or the]** owner or operator of  
23 the legal commercial enterprise, or chief executive officer of the  
24 volunteer fire company or first aid, ambulance or rescue squad  
25 authorizing the possession of the paging device shall be in the  
26 possession of the person who is under 18 years of age at all times  
27 while that person is in possession of the remotely activated paging  
28 device pursuant to the exemptions in this subsection.

29 The person selling, leasing, giving or otherwise providing a  
30 remotely activated paging device to a person under 18 years of age,  
31 who is not the employer of that person, shall at that time acquire and  
32 retain a copy of a statement by the licensed physician or surgeon **[or**

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.

1 the] , operator of the legal commercial enterprise, or chief executive  
2 officer of the volunteer fire company or first aid, ambulance or rescue  
3 squad authorizing the possession of the remotely activated paging  
4 device by the person who is under 18 years of age.

5 Any paging device possessed in violation of this subsection may be  
6 seized by the State or any law enforcement officer and shall be subject  
7 to forfeiture pursuant to the provisions of N.J.S.2C:64-1 et seq.

8 Nothing in this section shall be deemed to prohibit the parent or  
9 guardian of a person under 18 years of age from giving or otherwise  
10 providing a paging device to that person.

11 (cf: P.L.1989, c.232, s.1)

12  
13 2. Section 2 of P.L.1989, c.232 (C.2C:33-19) is amended to read  
14 as follows:

15 2. **[Any]** No person enrolled as a student of an elementary or  
16 secondary school, **[who]** knowingly and without the express written  
17 permission of the school board, its delegated authority, or any school  
18 principal, **[brings or possesses]** shall bring or possess any remotely  
19 activated paging device on any property used for school purposes, at  
20 any time and regardless of whether school is in session or other  
21 persons are present**[, is guilty of a disorderly persons offense]**. A  
22 violation of this section shall be a disorderly persons offense. No  
23 permission to bring or possess any remotely activated paging device  
24 on school property shall be granted unless and until a student **[or**  
25 **parent]** shall have established to the satisfaction of the school  
26 authorities a reasonable basis for the possession of the device on  
27 school property.

28 This section shall not apply to any person who is under 18 years of  
29 age and is an active member in good standing of a volunteer fire  
30 company or first aid, ambulance or rescue squad provided that (1) the  
31 person is required to respond an emergency and (2) a copy of the  
32 statement by the chief executive officer of the volunteer fire company  
33 or first aid, ambulance or rescue squad authorizing the possession of  
34 the paging device is in the possession of the person at all times while  
35 that person is in possession of the remotely activated paging device.

36 No student shall be denied permission by school officials to possess  
37 a remotely activated paging device on school property if the student's  
38 parent or guardian notifies the school officials in writing that the  
39 student has the permission of the parent or guardian to possess the  
40 paging device.

41 (cf: P.L.1989, c.232, s.2)

42  
43 3. This act shall take effect immediately.

## STATEMENT

1  
2  
3 This bill amends section 1 of P.L.1989, c.232 (C.2C:33-18) which  
4 prohibits selling or giving a remotely activated paging device to minors  
5 unless the minor is authorized to possess that device by a physician for  
6 health reasons or unless the minor is authorized by his employer to  
7 possess a paging device during business hours. This bill permits the  
8 sale, lease, giving or provision of a remotely activated paging device  
9 to an active member in good standing of a volunteer fire company or  
10 first aid, ambulance or rescue squad who is under 18 years of age  
11 when the use of the device has been authorized by the chief executive  
12 officer of that organization during the hours the person is required to  
13 respond to an emergency. The bill also clarifies that this section does  
14 not prohibit a parent or guardian from providing a minor with a paging  
15 device.

16 This bill also amends section 2 of P.L.1989, c.232 (C.2C:33-19)  
17 which prohibits an elementary or secondary school student from  
18 bringing a paging device onto school property without the permission  
19 of the school board or school principal. It provides an exception for  
20 a student who is an active member in good standing of a volunteer fire  
21 company or first aid, ambulance or rescue squad provided that the  
22 student is required to respond to an emergency and carries a copy of  
23 the statement by the chief executive officer of that organization  
24 authorizing the possession of the paging device. This bill also  
25 provides that authority to possess a paging device on school grounds  
26 could not be denied by school officials if the parent or guardian of a  
27 student has notified school officials in writing that the student has  
28 permission to possess a paging device.

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33 \_\_\_\_\_  
34 Permits provision and possession of paging devices to and by certain  
persons under age 18.

ASSEMBLY, No. 889

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GARRETT

1 AN ACT concerning paging devices and repealing Section 1 of  
2 P.L.1989, c.232.

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.1989, c.232 (C.2C:33-18) is repealed.

8

9 2. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill repeals the 1989 law that made it a disorderly persons  
15 offense for any person to provide a remote paging device to any  
16 person under the age of 18 unless it is necessary for medical reasons  
17 or for the legitimate business purposes of the youth's lawful employer.  
18 The law also permits the seizure of these devices when possessed in  
19 violation of the law.

20

21 Though intended to limit the availability and use of such devices in  
22 illegal activity, such as drug trafficking, this law is so broadly written  
23 that parents who use these devices to keep track of their children may  
24 be charged under its provisions. Statutes which prohibit pagers on  
25 school property without the permission of the school authorities and  
26 which make their use illegal in connection with certain crimes would  
27 be retained.

28

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31

Repeals prohibition on provision of pagers to persons under 18.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1364 and 889**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 15, 1996

The Assembly Law and Public Safety Committee favorably reports an Assembly Committee Substitute for Assembly Bill Nos. 1364 and 889.

The substitute repeals section 1 of P.L.1989, c.232 (C.2C:33-18), which prohibited the sale or transfer of remotely activated paging devices to persons under 18 years of age, unless that minor was authorized to possess such a device by a physician for health reasons or an employer during the time he is working.

The substitute also amends section 2 of P.L.1989, c.232 (C.2C:33-19), which prohibits an elementary or secondary school student from bringing a paging device onto school property without the permission of the school board or school principal. The substitute would permit a student who is an active member in good standing of a volunteer fire company or a volunteer first aid, ambulance or rescue squad to possess a paging device on school property if the chief executive officer of that company or squad states that the student is required to respond to emergencies.

Finally, the substitute clarifies that school officials may not prohibit a student from possessing a remotely activated paging device while on school property if that student's parent or guardian notifies the school in writing that the student has permission to possess such a device.



SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1364 and 889**

**STATE OF NEW JERSEY**

DATED: JUNE 13, 1996

The Senate Law and Public Safety Committee reports favorably the Committee Substitute for Assembly Bill Nos.1364 and 889.

This substitute bill repeals section 1 of P.L.1989, c.232 (C:2C:33-18), which prohibited the sale or transfer of remotely activated paging devices to persons under 18 years of age, unless authorized by a physician for medical reasons or by the minor's lawful employer for legitimate business purposes. A violation of that section is a disorderly person's offense.

The substitute bill also permits a student who is an active member in good standing of a volunteer fire company or a volunteer first aid, ambulance or rescue squad to possess a paging device on school property if the chief executive officer of that company or squad states that the student is required to respond to emergencies. Currently, section 2 of P.L.1989, c.232 (C.2C:33-19) prohibits an elementary or secondary school student from bringing a paging device onto school property without the permission of the school board or school principal.

It is the committee's understanding that the current law is intended to limit the availability and use of such devices in illegal activity such as drug trafficking, but is so broadly written that parents who use these devices to keep track of their children may be charged under its provisions.

This substitute bill is identical to the Senate Bill No.534, which was released by the committee on May 9, 1996.

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 1364 and 889**

with Assembly Floor Amendments  
(Proposed By Assemblyman STUHLTRAGER)

ADOPTED: MARCH 28, 1996

The substitute amends N.J.S.2C:33-19, concerning paging devices on school property, to permit a student who is an active member in good standing of a volunteer fire company or a volunteer first aid, ambulance or rescue squad to possess a paging device on school property if the chief executive officer of that company or squad states that the student is required to respond to emergencies.

This floor amendment would remove the provision of the bill which provided that school officials may not prohibit a student from possessing a remotely activated paging device while on school property if that student's parent or guardian notifies the school in writing that the student has permission to possess such a device.