

2C:33-17

LEGISLATIVE HISTORY CHECKLIST
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(Alcoholic beverages--liability)

NJSA: 2C:33-17

LAWS OF: 1995 CHAPTER: 31

BILL NO: S317

SPONSOR(S): Girgenti

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 10, 1995

SENATE: June 27, 1994

DATE OF APPROVAL: February 23, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Sorry kids: party's over,,," 2-24-95, Asbury Park Press.

"No drinks on the house," 2-24-95, Home News.

KBG:pp

*Also attached: Assembly
floor amendment*

P.L.1995, CHAPTER 31, approved February 23, 1995
1994 Senate No. 317 (First Reprint)

AN ACT concerning the consumption of alcoholic beverages and amending P.L.1985, c.311.

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

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

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

This [section] subsection shall not apply to a parent or guardian [or to a first cousin or closer relative by blood, marriage or adoption] of the person under legal age for consuming alcoholic beverages if the parent or guardian [or relative] is of the legal age to consume alcoholic beverages or to a religious observance, ceremony or rite. This [section] subsection shall also not apply to any person in his home who is of the legal age to consume alcoholic beverages who offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices that person to drink an alcoholic beverage in the presence of and with the permission of the parent or guardian [or first cousin or closer relative by blood, marriage or adoption] of the person under the legal age for consuming alcoholic beverages if the parent or guardian [or relative] is of the legal age to consume alcoholic beverages.

b. A person who makes real property owned, leased or managed by him available to, or leaves that property in the care of, another person with the ¹[knowledge] purpose¹ that alcoholic beverages will be made available for consumption by, or will be consumed by, persons who are under the legal age for consuming alcoholic beverages is guilty of a disorderly persons offense.

This subsection shall not apply if:

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

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

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

(cf: P.L.1985, c.311, s.1)

2. This act shall take effect immediately.

Prohibits making real property available for the consumption of alcoholic beverages by persons under 21 years of age.

SPONSOR'S STATEMENT

STATEMENT

This bill is intended to curb drinking by underage persons on private property. It establishes a disorderly person offense for anyone who makes real property he owns or controls available to another person, with the knowledge that alcoholic beverages will be served to, or consumed by, minors while they are on the property.

This bill also strengthens the existing prohibition against knowingly offering or serving an alcoholic beverage to a person under the legal drinking age. The disorderly person offense existing for a violation of this law also applies to a person who "entices" an underage person to drink an alcoholic beverage. This bill makes those who "encourage" such drinking also subject to the penalty.

The bill provides that these prohibitions would not apply if:

- (1) the property is licensed, or required to be licensed, for the sale of alcoholic beverages under R.S.33:1-1 et seq.;
- (2) the person making the property available or serving the alcoholic beverage is over 21 years of age and is the parent or guardian of the person under the legal drinking age;
or
- (3) the alcoholic beverages are consumed as part of a religious observance, ceremony or rite.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]
SENATE, No. 317

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 317 (1R).

The purpose of this bill is to curb drinking by underage persons on private property. Under the provisions of the bill, a person commits a disorderly person offense if he makes real property he owns or controls available to another person, with the purpose that alcoholic beverages will be served to, or consumed by, minors while they are on the property.

The bill provides that this prohibition would not apply if:

(1) the property is licensed or required to be licensed for the sale of alcoholic beverages under R.S.33:1-1 et seq.;

(2) the person making the property available or serving the alcoholic beverage is over 21 years of age and is the parent or guardian of the person under the legal drinking age; or

(3) the alcoholic beverages are consumed as part of a religious observance, ceremony or rite.

This bill also strengthens the existing prohibition against knowingly offering or serving an alcoholic beverage to a person under the legal drinking age as provided in N.J.S.A. 2C:33-17. Under current law, a person who "entices" an underage person to drink an alcoholic beverage commits a disorderly person offense. This bill makes those who "encourage" such drinking also subject to that penalty.

This bill is identical to Assembly Bill No. 280 (1R).

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 317

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1994

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 317.

The purpose of this bill is to curb drinking by underage persons on private property. Under the provisions of the bill, a person commits a disorderly person offense if he makes real property he owns or controls available to another person, with the knowledge that alcoholic beverages will be served to, or consumed by, minors while they are on the property.

This bill also strengthens the existing prohibition against knowingly offering or serving an alcoholic beverage to a person under the legal drinking age. Under current law, a person who "entices" an underage person to drink an alcoholic beverage commits a disorderly person's offense. This bill makes those who "encourage" such drinking also subject to that penalty.

The bill provides that these prohibitions would not apply if:

(1) the property is licensed or required to be licensed for the sale of alcoholic beverages under R.S.33:1-1 et seq.;

(2) the person making the property available or serving the alcoholic beverage is over 21 years of age and is the parent or guardian of the person under the legal drinking age; or

(3) the alcoholic beverages are consumed as part of a religious observance, ceremony or rite.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

STATEMENT TO SENATE FLOOR AMENDMENT

STATEMENT

The purpose of Senate Bill No. 317 is to curb drinking by underage persons on private property.

As introduced, the bill provides that a person commits a disorderly persons offense if he makes real property he owns or controls available to another person, with the knowledge that alcoholic beverages will be served to, or consumed by, minors while they are on the property. The bill also makes persons who "encourage" such drinking also subject to that penalty. The bill provides that these prohibitions would not apply if the property is licensed for the sale of alcoholic beverages, if the person making the property available or serving the alcoholic beverage is the parent or guardian of the person, or if the alcoholic beverages are consumed as part of a religious observance, ceremony or rite.

Under these Senate amendments, the person would not be guilty of an offense unless he makes the real property available with the purpose that alcoholic beverages will be served to, or consumed by, minors while they are on the property.