

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:33-12; 2C:33-12.1 (Nuisance — allows municipality to abate if person is convicted of maintaining)

LAWS OF: 1982

CHAPTER: 233

Bill No.: A1103

Sponsor(s): Herman & Pankok

Date Introduced: March 11, 1982

Committee:

Assembly: Judiciary, Law, Public Safety & Defense

Senate: Judiciary

Amended during passage: /// No

Date of Passage: Assembly: May 20, 1982

Senate: Dec. 6, 1982

Date of Approval: Jan. 7, 1983

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

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CHAPTER 233 LAWS OF N. J. 1982
APPROVED 1-7-83

ASSEMBLY, No. 1103

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblymen HERMAN and PANKOK

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT concerning the abatement of nuisances, and amending
N. J. S. 2C:33-12 and section 66 of P. L. 1979, c. 178.

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

1 1. N. J. S. 2C:33-12 is amended to read as follows:

2 2C:33-12. Maintaining a Nuisance. A person is guilty of a dis-
3 orderly persons offense when:

4 a. By conduct either unlawful in itself or unreasonable under all
5 the circumstances, he knowingly or recklessly creates or maintains
6 a condition which endangers the safety or health of a considerable
7 number of persons; or

8 b. He knowingly conducts or maintains any premises, place or
9 resort where persons gather for purposes of engaging in unlawful
10 conduct.

11 Upon conviction under subsection *a. or b.* of this section in addi-
12 tion to the sentence authorized by this code, the court may proceed
13 as set forth in section 2C:33-12.1.

1 2. N. J. S. 2C:33-12 added to the New Jersey Statutes by P. L.
2 1979, c. 178, s. 66 is amended to read as follows:

3 2C:33-12.1. Abating Nuisance. a. In addition to the penalty
4 imposed in case of conviction under section *2C:33-12a. or*
5 *2C:33-12b,* the court may order the immediate abatement of the
6 nuisance, and for that purpose may order the seizure and for-
7 feiture or destruction of any chattels, liquors or other personal
8 property which may be found in such building or place, and which

9 the court is satisfied from the evidence were possessed or used
10 with a purpose of maintaining the nuisance. Any such forfeiture
11 shall be in the name and to the use of the State of New Jersey,
12 and the court shall direct the forfeited property to be sold at
13 public sale, the proceeds to be paid to the treasurer of the county
14 wherein conviction was had.

15 b. If the owner of any building or place is found guilty of main-
16 taining a nuisance, the court may order that the building or place
17 where the nuisance was maintained be closed and not used for a
18 period not exceeding 1 year from the date of the conviction.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to expand the ability of a municipality to abate a nuisance once a person is convicted of maintaining such a nuisance. Presently, under the code, the court may order the abatement of a nuisance only upon the conviction of a person who maintains premises where persons congregate for unlawful purposes. Under this bill the court may order the abatement of a nuisance in the more common situation, where a person is convicted of maintaining a nuisance because the condition of his premises creates a health or safety hazard.

A1103 (1982)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1103

STATE OF NEW JERSEY

DATED: MAY 3, 1982

Presently, under 2C, the court may order the abatement of a nuisance only upon the conviction of a person who maintains premises where persons congregate for unlawful purposes. Under this bill the court may order the abatement of a nuisance in the more common situation, where a person is convicted of maintaining a nuisance because the condition of his premises creates a health or safety hazard. This bill was released from the committee last session.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1103

STATE OF NEW JERSEY

DATED: OCTOBER 25, 1982

Under N. J. S. 2C:33-12, a person can be convicted of maintaining a nuisance in two situations. The first situation is when the person maintains a place which endangers health or safety. The second is when the person maintains a place where persons gather for the purposes of unlawful conduct. Presently, upon conviction, abatement of the nuisance may be ordered by a court in situations where the person was convicted of maintaining a place where persons gather for unlawful purposes. Assembly Bill No. 1103 would permit a court to order abatement of the nuisance in situations where the person was convicted of maintaining a place which endangered health or safety.