

2C:35-16

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Drug related convictions)

NJSA: 2C:35-16

LAWS OF: 1993 **CHAPTER:** 296

BILL NO: A2525

SPONSOR(S) DeCroce and Martin

DATE INTRODUCED: May 10, 1993

COMMITTEE: **ASSEMBLY:** Transportation
SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No Committee substitute enacted

DATE OF PASSAGE: **ASSEMBLY:** June 21, 1993
SENATE: December 13, 1993

DATE OF APPROVAL: December 22, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

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

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2525

STATE OF NEW JERSEY

ADOPTED JUNE 3, 1993

Sponsored by Assemblymen DeCROCE and MARTIN

1 AN ACT concerning driver's license suspension or revocations
2 upon drug-related convictions, supplementing chapter 4 of
3 Title 39 of the Revised Statutes and amending R.S.39:4-50.

4

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

7 1. (New section) As used in sections 1 through 5 of this act:

8 "Conviction" means a final adjudication that a violation has
9 occurred, a final judgement on a verdict, a finding of guilt in a
10 tribunal of original jurisdiction, or a conviction following a plea
11 of guilty, non vult or nolo contendere accepted by a court. It also
12 includes an unvacated forfeiture of bail, bond or collateral
13 deposited to secure the person's appearance in court, or the
14 payment of a fine or court costs, or violation of a condition of
15 release without bail, regardless of whether the penalty is rebated,
16 suspended or probated.

17 "Drug offense" means a conviction or an adjudication under
18 juvenile proceedings for the possession, distribution,
19 manufacture, cultivation, sale, transfer, or the attempt or
20 conspiracy to possess, distribute, manufacture, cultivate, sell, or
21 transfer any substance, the possession of which is prohibited
22 under the federal Controlled Substances Act or a conviction or
23 adjudication of delinquency for any violation of a law
24 substantially similar in nature to the Comprehensive Drug
25 Reform Act of 1987, N.J.S.2C:35-1 et seq.

26 "Person" means a natural person who is a resident of New
27 Jersey at the time of the violation resulting in the conviction or
28 adjudication of delinquency or who holds a New Jersey driver's
29 license or permit at the time of the violation resulting in the
30 conviction or adjudication of delinquency.

31 2. (New section) The Director of the Division of Motor
32 Vehicles shall suspend, revoke, or postpone the driving privilege
33 in this State for a period of not less than six months or more than
34 two years of every person convicted of or adjudicated delinquent
35 for a drug offense in any federal court or in the court of any
36 other state, or the District of Columbia. When a person whose
37 license is subject to suspension, revocation, or postponement
38 under this act is less than 17 years of age, the period of
39 suspension, revocation or postponement imposed by the director
40 shall commence immediately and shall run for a period of not less
41 than six months or more than two years after the date the person
42 reaches the age of 17. If the driving privilege of any person

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 is under revocation, suspension, or postponement for a violation
2 of Title 2C or Title 39 of the Revised Statutes at the time of the
3 imposition of suspension, revocation, or postponement under this
4 act, the revocation, suspension, or postponement imposed herein
5 shall commence as of the date of termination of the existing
6 suspension, revocation, or postponement.

7 3. (New section) The proposed notice of suspension,
8 revocation, or postponement shall be mailed to the person at his
9 last address of record with the Division of Motor Vehicles. The
10 suspension, revocation, or postponement shall become effective
11 20 days from the date of mailing of the notice, unless the
12 director establishes another date for the commencement, or the
13 person notifies the director in writing within 15 days of the
14 mailing of the notice of his intention to challenge the suspension,
15 revocation, or postponement. A hearing request shall contain a
16 detailed statement of the factual and legal basis upon which the
17 person challenges the suspension.

18 4. (New section) The Director of the Division of Motor
19 Vehicles shall be responsible for the receipt of all reports of drug
20 offense convictions submitted to this State by federal courts,
21 courts of any other state, or courts of the District of Columbia.

22 5. (New section) The Director of the Division of Motor
23 Vehicles may promulgate rules and regulations pursuant to the
24 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
25 seq.) to implement sections 1 through 5 of this act.

26 6. R.S.39:4-50 is amended to read as follows:

27 39:4-50. Driving while intoxicated

28 (a) A person who operates a motor vehicle while under the
29 influence of intoxicating liquor, narcotic, hallucinogenic or
30 habit-producing drug, or operates a motor vehicle with a blood
31 alcohol concentration of 0.10% or more by weight of alcohol in
32 the defendant's blood or permits another person who is under the
33 influence of intoxicating liquor, narcotic, hallucinogenic or
34 habit-producing drug to operate a motor vehicle owned by him or
35 in his custody or control or permits another to operate a motor
36 vehicle with a blood alcohol concentration of 0.10% or more by
37 weight of alcohol in the defendant's blood, shall be subject:

38 (1) For the first offense, to a fine of not less than \$250.00 nor
39 more than \$400.00 and a period of detainment of not less than 12
40 hours not more than 48 hours spent during two consecutive days
41 of not less than six hours each day and served as prescribed by
42 the program requirements of the Intoxicated Driver Resource
43 Centers established under subsection (f) of this section and, in the
44 discretion of the court, a term of imprisonment of not more than
45 30 days and shall forthwith forfeit his right to operate a motor
46 vehicle over the highways of this State for a period of not less
47 than six months nor more than one year.

48 (2) For a second violation, a person shall be subject to a fine of
49 not less than \$500.00 nor more than \$1,000.00, and shall be
50 ordered by the court to perform community service for a period
51 of 30 days, which shall be of such form and on such terms as the
52 court shall deem appropriate under the circumstances, and shall
53 be sentenced to imprisonment for a term of not less than 48
54 consecutive hours, which shall not be suspended or served on

1 probation, nor more than 90 days, and shall forfeit his right to
2 operate a motor vehicle over the highways of this State for a
3 period of two years upon conviction, and, after the expiration of
4 said period, he may make application to the Director of the
5 Division of Motor Vehicles for a license to operate a motor
6 vehicle, which application may be granted at the discretion of the
7 director, consistent with subsection (b) of this section.

8 (3) For a third or subsequent violation, a person shall be
9 subject to a fine of \$1,000.00, and shall be sentenced to
10 imprisonment for a term of not less than 180 days, except that
11 the court may lower such term for each day, not exceeding 90
12 days, served performing community service in such form and on
13 such terms as the court shall deem appropriate under the
14 circumstances and shall thereafter forfeit his right to operate a
15 motor vehicle over the highways of this State for 10 years.

16 If the driving privilege of any person is under revocation or
17 suspension for a violation of any provision of this Title or Title
18 2C of the New Jersey Statutes at the time of any conviction for a
19 violation of this section, the revocation or suspension period
20 imposed shall commence as of the date of termination of the
21 existing revocation or suspension period. In the case of any
22 person who at the time of the imposition of sentence is less than
23 17 years of age, the forfeiture, suspension or revocation of the
24 driving privilege imposed by the court under this section shall
25 commence immediately, run through the offender's seventeenth
26 birthday and continue from that date for the period set by the
27 court pursuant to paragraphs (1) through (3) of this subsection. A
28 court that imposes a term of imprisonment under this section
29 may sentence the person so convicted to the county jail, to the
30 workhouse of the county wherein the offense was committed, to
31 an inpatient rehabilitation program or to an Intoxicated Driver
32 Resource Center or other facility approved by the Director of the
33 Division of Alcoholism in the Department of Health; provided
34 that for a third or subsequent offense a person shall not serve a
35 term of imprisonment at an Intoxicated Driver Resource Center
36 as provided in subsection (f).

37 A person who has been convicted of a previous violation of this
38 section need not be charged as a second or subsequent offender in
39 the complaint made against him in order to render him liable to
40 the punishment imposed by this section on a second or subsequent
41 offender, but if the second offense occurs more than 10 years
42 after the first offense, the court shall treat the second conviction
43 as a first offense for sentencing purposes and if a third offense
44 occurs more than 10 years after the second offense, the court
45 shall treat the third conviction as a second offense for sentencing
46 purposes.

47 (b) A person convicted under this section must satisfy the
48 screening, evaluation, referral, program and fee requirements of
49 the Division of Alcoholism's Intoxicated Driving Programs Unit,
50 and of the Intoxicated Driver Resource Centers and a program of
51 alcohol education and highway safety, as prescribed by the
52 Director of the Division of Motor Vehicles. The sentencing court
53 shall inform the person convicted that failure to satisfy such
54 requirements shall result in a mandatory two day term of

1 imprisonment in a county jail and a driver license revocation or
2 suspension and continuation of revocation or suspension until such
3 requirements are satisfied, unless stayed by court order in
4 accordance with Rule 7:8-2 of the N.J. Court Rules, 1969, or
5 R.S.39:5-22. Upon sentencing, the court shall forward to the
6 Bureau of Alcohol Countermeasures within the Intoxicated
7 Driving Programs Unit a copy of a person's conviction record. A
8 fee of \$80.00 shall be payable to the Alcohol Education,
9 Rehabilitation and Enforcement Fund established pursuant to
10 section 3[,] of P.L.1983, c.531 (C.26:2B-32) to support the
11 Intoxicated Driving Programs Unit.

12 (c) Upon conviction of a violation of this section, the court
13 shall collect forthwith the New Jersey driver's license or licenses
14 of the person so convicted and forward such license or licenses to
15 the Director of the Division of Motor Vehicles. The court shall
16 inform the person convicted that if he is convicted of personally
17 operating a motor vehicle during the period of license suspension
18 imposed pursuant to subsection (a) of this section, he shall, upon
19 conviction, be subject to the penalties established in
20 R.S.39:3-40. The person convicted shall be informed orally and in
21 writing. A person shall be required to acknowledge receipt of
22 that written notice in writing. Failure to receive a written notice
23 or failure to acknowledge in writing the receipt of a written
24 notice shall not be a defense to a subsequent charge of a violation
25 of R.S.39:3-40. In the event that a person convicted under this
26 section is the holder of any out-of-state driver's license, the
27 court shall not collect the license but shall notify forthwith the
28 director, who shall, in turn, notify appropriate officials in the
29 licensing jurisdiction. The court shall, however, revoke the
30 nonresident's driving privilege to operate a motor vehicle in this
31 State, in accordance with this section. Upon conviction of a
32 violation of this section, the court shall notify the person
33 convicted, orally and in writing, of the penalties for a second,
34 third or subsequent violation of this section. A person shall be
35 required to acknowledge receipt of that written notice in
36 writing. Failure to receive a written notice or failure to
37 acknowledge in writing the receipt of a written notice shall not
38 be a defense to a subsequent charge of a violation of this section.

39 (d) The Director of the Division of Motor Vehicles shall
40 promulgate rules and regulations pursuant to the "Administrative
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to
42 establish a program of alcohol education and highway safety, as
43 prescribed by this act.

44 (e) Any person accused of a violation of this section who is
45 liable to punishment imposed by this section as a second or
46 subsequent offender shall be entitled to the same rights of
47 discovery as allowed defendants pursuant to the Rules Governing
48 Criminal Practice, as set forth in the Rules Governing the Courts
49 of the State of New Jersey.

50 (f) The counties, in cooperation with the Division of
51 Alcoholism and the Division of Motor Vehicles, but subject to the
52 approval of the Division of Alcoholism, shall designate and
53 establish on a county or regional basis Intoxicated Driver
54 Resource Centers. These centers shall have the capability of

1 serving as community treatment referral centers and as court
2 monitors of a person's compliance with the ordered treatment,
3 service alternative or community service. All centers established
4 pursuant to this subsection shall be administered by a certified
5 alcoholism counselor or other professional with a minimum of
6 five years' experience in treatment of alcoholism. All centers
7 shall be required to develop individualized treatment plans for all
8 persons attending the centers; provided that the duration of any
9 ordered treatment or referral shall not exceed one year. It shall
10 be the center's responsibility to establish networks with the
11 community alcohol education, treatment and rehabilitation
12 resources and to receive monthly reports from the referral
13 agencies regarding a person's participation and compliance with
14 the program. Nothing in this subsection shall bar these centers
15 from developing their own education and treatment programs;
16 provided that they are approved by the Division of Alcoholism.

17 Upon a person's failure to report to the initial screening or any
18 subsequent ordered referral, the Intoxicated Driver Resource
19 Center shall promptly notify the sentencing court of the person's
20 failure to comply.

21 Required detention periods at the Intoxicated Driver Resource
22 Centers shall be determined according to the individual
23 treatment classification assigned by the Bureau of Alcohol
24 Countermeasures. Upon attendance at an Intoxicated Driver
25 Resource Center, a person shall be assessed a per diem fee of
26 \$50.00 for the first offender program or a per diem fee of \$75.00
27 for the second offender program, as appropriate.

28 The centers shall conduct a program of alcohol education and
29 highway safety, as prescribed by the Director of the Division of
30 Motor Vehicles.

31 The Director of the Division of Alcoholism shall adopt rules
32 and regulations pursuant to the "Administrative Procedure Act,"
33 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the
34 purposes of this subsection.

35 (cf: P.L.1986, c.126, s.1)

36 7. This act shall take effect immediately and shall be
37 applicable for convictions entered on or after that date.

38

39

40

41

42 Requires suspension or revocation of driver's license upon drug
43 offense conviction in any jurisdiction; requires that license
44 suspension of underage driver begin upon 17th birthday.

ASSEMBLY, No. 2525

STATE OF NEW JERSEY

INTRODUCED MAY 10, 1993

By Assemblymen DeCROCE and MARTIN

1 AN ACT concerning driver's license suspensions for drug offense
2 convictions and amending N.J.S.2C:35-16.

3

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

6 1. N.J.S.2C:35-16 is amended to read as follows:

7 2C:35-16. Mandatory Forfeiture or Postponement of Driving
8 Privileges.

9 In addition to any disposition authorized by this title, the
10 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any
11 other statute indicating the dispositions that can be ordered for
12 an adjudication of delinquency, and notwithstanding the
13 provisions of subsection c. of N.J.S.2C:43-2, every person
14 convicted of or adjudicated delinquent for a violation of any
15 offense defined in this chapter or chapter 36 of this title, or any
16 person convicted or adjudicated under juvenile proceedings in any
17 jurisdiction for the possession, distribution, manufacture,
18 cultivation, sale, transfer, or the attempt or conspiracy to
19 possess, distribute, manufacture, cultivate, sell, or transfer any
20 substance, the possession of which is prohibited under the federal
21 Controlled Substances Act, 21 U.S.C. §801 et seq., shall forthwith
22 forfeit his right to operate a motor vehicle over the highways of
23 this State for a period to be fixed by the court at not less than six
24 months or more than two years which shall commence on the day
25 the sentence is imposed. In the case of any person who at the
26 time of the imposition of sentence is less than 17 years of age,
27 the period of the suspension of driving privileges authorized
28 herein, including a suspension of the privilege of operating a
29 motorized bicycle, shall commence on the day the sentence is
30 imposed and shall run for a period as fixed by the court of not
31 less than six months or more than two years after the day the
32 person reaches the age of 17 years. If the driving privilege of any
33 person is under revocation, suspension, or postponement [for a
34 violation of any provision of this title or Title 39 of the Revised
35 Statutes] for any reason at the time of any conviction or
36 adjudication of delinquency for a violation of any offense defined
37 in this chapter or chapter 36 of this title, or a conviction or
38 adjudication of delinquency in any jurisdiction regarding a
39 substance prohibited under the federal Controlled Substances
40 Act, 21 U.S.C. §801 et seq., the revocation, suspension, or
41 postponement period imposed herein shall commence as of the
42 date of termination of the existing revocation, suspension, or
43 postponement.

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 The court before whom any person is convicted of or
2 adjudicated delinquent for a violation of any offense defined in
3 this chapter or chapter 36 of this title , or for a conviction or an
4 adjudication under juvenile proceedings in any jurisdiction for the
5 possession, distribution, manufacture, cultivation, sale, transfer,
6 or the attempt or conspiracy to possess, distribute, manufacture,
7 cultivate, sell, or transfer any substance, the possession of which
8 is prohibited under the federal Controlled Substances Act, 21
9 U.S.C.§801 et seq., shall collect forthwith the New Jersey
10 driver's license or licenses of the person and forward such license
11 or licenses to the Director of the Division of Motor Vehicles
12 along with a report indicating the first and last day of the
13 suspension or postponement period imposed by the court pursuant
14 to this section. If the court is for any reason unable to collect
15 the license or licenses of the person, the court shall cause a
16 report of the conviction or adjudication of delinquency to be filed
17 with the Director. That report shall include the complete name,
18 address, date of birth, eye color, and sex of the person and shall
19 indicate the first and last day of the suspension or postponement
20 period imposed by the court pursuant to this section. The court
21 shall inform the person orally and in writing that if the person is
22 convicted of personally operating a motor vehicle during the
23 period of license suspension or postponement imposed pursuant to
24 this section, the person shall, upon conviction, be subject to the
25 penalties set forth in R.S.39:3-40. A person shall be required to
26 acknowledge receipt of the written notice in writing. Failure to
27 receive a written notice or failure to acknowledge in writing the
28 receipt of a written notice shall not be a defense to a subsequent
29 charge of a violation of R.S.39:3-40. If the person is the holder
30 of a driver's license from another jurisdiction, the court shall not
31 collect the license but shall notify forthwith the Director who
32 shall notify the appropriate officials in the licensing jurisdiction.
33 The court shall, however, in accordance with the provisions of
34 this section, revoke the person's non-resident driving privilege in
35 this State.

36 In addition to any other condition imposed, a court may in its
37 discretion suspend, revoke or postpone in accordance with the
38 provisions of this section the driving privileges of a person
39 admitted to supervisory treatment under N.J.S.2C:36A-1 or
40 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.
41 (cf: P.L.1988, c.44, s.7)

42 2. This act shall take effect immediately and shall be
43 applicable for convictions entered on or after that date.
44
45

46 STATEMENT

47
48 The purpose of this bill is to comport State laws regarding
49 suspension of driving privileges upon drug offense convictions
50 with federal law. Recent federal law (23 U.S.C.§159) and
51 regulations (23 C.F.R.§1212) provide that states must have a
52 broad-based drug offender's driver license suspension law or risk
53 losing certain federal highway money. New Jersey would stand to
54 lose an estimated \$14 million in FY1994.

1 The federal guidelines require states to suspend or postpone the
2 driving privileges of a person convicted of a drug offense as
3 defined under the federal Controlled Substances Act, 21
4 U.S.C. §801 et seq., or adjudicated delinquent of such an offense
5 in that state, any other state, or the federal courts. A governor
6 must certify a state's compliance to the United States
7 Department of Transportation annually.

8 New Jersey's Comprehensive Drug Reform Act (CDRA) of
9 1987 (N.J.S.A.2C:35-1 et al.) satisfies some of the requirements
10 of federal law. The CDRA provides that when a person is
11 convicted of drug offense in the courts of this State, the court
12 shall suspend, revoke, or postpone the driving privileges of that
13 person. It also provides that notice of such suspension shall be
14 sent to the appropriate authorities of any other state. However,
15 the CDRA does not provide for the suspension, revocation, or
16 postponement of driving privileges when a New Jersey resident
17 or licensee is convicted of a drug offense in federal court or in
18 courts of another state. This act amends the CDRA to extend
19 revocation of the driving privilege to these circumstances.
20 Inherent in the federal law is the necessity that states make a
21 good faith effort to report convictions for drug offenses of
22 nonresidents to the resident state. The CDRA requires courts
23 located in New Jersey to notify the appropriate officials in other
24 states when an offender who has driving privileges in those states
25 is convicted of a drug offense in this State, and the court is
26 required to revoke such a person's non-resident driving privilege
27 in this State.

28

29

30

31

32 Requires suspension or revocation of driver's license upon any
33 drug offense conviction.

ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 2525

STATE OF NEW JERSEY

DATED: JUNE 3, 1993

The Assembly Transportation and Communications Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 2525.

This substitute bill supplements Jersey's current law to require the suspension, revocation, or postponement of driving privileges when a New Jersey resident or licensee is convicted of a drug offense in federal court or in courts of another state. Currently, the "Comprehensive Drug Reform Act of 1986," N.J.S.A. 2C:35-1 et al., provides that a person convicted of a drug offense in the courts of this State, shall have driving privileges suspended, revoked, or postponed. The substitute bill requires the Director of the Division of Motor Vehicles, upon receiving notice of a New Jersey licensee's conviction or juvenile adjudication on a drug offense from another state or from a federal court, to suspend, revoke or postpone the offender's New Jersey driving privileges.

The substitute bill also amends the driving while intoxicated statutes to provide that when an underage driver is convicted of driving while under the influence of drugs or alcohol the forfeiture, suspension or revocation of driving privileges begins immediately, runs through the offender's seventeenth birthday and continues from that date for the period fixed by the court.

Recent federal law (23 U.S.C. §159) and regulations (23 C.F.R. §1212) provide that states must have a broad-based drug offender's driver license suspension law or risk losing certain federal highway money; without such a law New Jersey would stand to lose an estimated \$14 million in FY 1994.

The federal guidelines require states to suspend or postpone the driving privileges of a person convicted of a drug offense or adjudicated delinquent of such an offense in that state, any other state, or the federal courts. A governor must certify a state's compliance to the United States Department of Transportation annually.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 2525

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1993

The Senate Law and Public Safety Committee reports favorably the Assembly Committee Substitute for Assembly Bill No. 2525.

This substitute bill requires the suspension, revocation, or postponement of driving privileges when a New Jersey resident or licensee is convicted of a drug offense in federal court or in courts of another state. Currently, the "Comprehensive Drug Reform Act of 1986," N.J.S.A.2C:35-1 et al., provides for the suspension, revocation or postponement of the driving privileges of a person convicted of a drug offense in the courts of this State. This substitute bill requires the Director of the Division of Motor Vehicles, upon receiving notice of a New Jersey licensee's conviction or juvenile adjudication on a drug offense from another state or from a federal court, to suspend, revoke or postpone the offender's New Jersey driving privileges.

The substitute bill also amends the driving while intoxicated statute to provide that when an underage driver is convicted of driving while under the influence of drugs or alcohol the forfeiture, suspension or revocation of driving privileges begins immediately, runs through the offender's seventeenth birthday and continues from that date for the period fixed by the court.

Recent federal law (23 U.S.C.§159) and regulations (23 C.F.R.§1212) require states to have a broad-based drug offender's driver license suspension law or risk losing certain federal highway money. If such a law is not adopted, New Jersey stands to lose an estimated \$14 million in FY 1994.

The federal guidelines require states to suspend or postpone the driving privileges of a person convicted of a drug offense or adjudicated delinquent for such an offense in that state, any other state, or the federal courts. A governor must certify a state's compliance to the United States Department of Transportation annually.

This Assembly Committee Substitute is identical to the Senate Committee Substitute for Senate Bill No. 1917, which also was released by the committee on this date.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2525

STATE OF NEW JERSEY

DATED: July 13, 1993

Assembly Committee Substitute for Assembly Bill No. 2525 of 1993 requires the suspension, revocation or postponement of driving privileges when a New Jersey resident or licensee is convicted of a drug offense in federal court or in courts of another state. Currently, the "Comprehensive Drug Reform Act of 1986," N.J.S.A. 2C:35-1 et al., provides that a person convicted of a drug offense in the courts of this State shall have driving privileges suspended, revoked or postponed. This substitute requires the Director of the Division of Motor Vehicles (DMV) in the Department of Law and Public Safety, upon receiving notice of a New Jersey licensee's conviction or juvenile adjudication on a drug offense from another state or from a federal court, to suspend, revoke or postpone the offender's New Jersey driving privileges.

This substitute also amends the driving while intoxicated (DWI) statutes to provide that when an underage driver is convicted of driving while under the influence of drugs or alcohol the forfeiture, suspension or revocation of driving privileges begins immediately, runs through the offender's seventeenth birthday and continues from that date for the period fixed by the court.

Recent federal law requires states to have a broad-based drug offender's driver license suspension law or risk losing certain federal highway money. According to a spokesperson from the Attorney General's Office, New Jersey might stand to lose an estimated \$14 million in FY 1994 without such a law.

According to the spokesperson, the fiscal impact of this substitute's enactment is unknown because it is not known how many additional driver's licenses would be suspended, revoked or postponed after enactment of this substitute. However, the spokesperson estimates that the fiscal impact would be minimal. Currently, DMV performs the functions required under this substitute for in-State drug and DWI convictions and certain out-of-State DWI convictions. An increased workload for DMV would occur from processing suspensions, revocations and postponements from out-of-State convictions, including notification and possible hearing costs. However, collection of the \$30 driver's license restoration fee pursuant to N.J.S.A.39:3-10a should be sufficient to cover the costs of the additional workload.

The Office of Legislative Services concurs.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.