

2A:4A-23

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2A:4A-23

(Juveniles--motor
vehicle
violations--municipal
court)

LAWS OF: 1991

CHAPTER: 96

Bill No: A1439

Sponsor(s): Doyle

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: No

Date of Passage: Assembly: May 21, 1990

Senate: February 28, 1991

Date of Approval: April 9, 1991

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

KBG/SLJ

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1 AN ACT concerning municipal court jurisdiction of motor vehicle
2 violations committed by juveniles and amending P.L.1982, c.77.

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

6 1. Section 4 of P.L. 1982, c.77 (C.2A:4A-23) is amended to
7 read as follows:

8 4. Definition of delinquency. As used in this act,
9 "delinquency" means the commission of an act by a juvenile
10 which if committed by an adult would constitute:

- 11 a. A crime,
12 b. A disorderly persons offense or petty disorderly persons
13 offense; or
14 c. A violation of any other penal statute, ordinance or
15 regulation.

16 But, the commission of (1) an act which constitutes a violation
17 of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a
18 juvenile of [or over the age of 17 years] any age; (2) an act
19 relating to the ownership or operation of a motorized bicycle
20 which constitutes a violation of chapter 3 or 4 of Title 39 of the
21 Revised Statutes by a juvenile of any age; (3) an act which
22 constitutes a violation of article 3 or 6 of chapter 4 of Title 39 of
23 the Revised Statutes pertaining to pedestrians and bicycles, by a
24 juvenile of any age; or (4) the commission of an act which
25 constitutes a violation of P.L.1981, c.318 (C.26:3D-1 et seq.),
26 P.L.1981, c.319 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-45
27 et seq.), P.L.1985, c.185 (C.26:3E-7 et seq.), P.L.1985, c.186
28 (C.26:3D-32 et seq.), N.J.S.2C:33-13, P.L.1985, c.318
29 (C.26:3D-38 et seq.), P.L.1985, c.381 (C.26:3D-46 et seq.), or of
30 any amendment or supplement thereof, by a juvenile of any age;
31 or (5) an act which constitutes a violation of chapter 7 of Title 12
32 of the Revised Statutes relating to the regulation and registration
33 of power vessels, by a juvenile of any age or section 2 of
34 P.L.1987, c.453 (C.12:7-61) shall not constitute delinquency as
35 defined in this act. The municipal court having jurisdiction over
36 a case involving a violation by a juvenile of a section of Title 26
37 listed in this subsection, or N.J.S.2C:33-13, shall forward a copy
38 of the record of conviction in that case to the Family Part intake

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 service of the county where the municipal court is located.
2 If a municipal court orders detention or imposes a term of
3 imprisonment on a juvenile in connection with a violation of Title
4 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised
5 Statutes or N.J.S.2C:33-13, that detention or term of
6 imprisonment shall be served at a suitable juvenile institution and
7 not at a county jail or county workhouse.
8 (cf: P.L. 1989, c. 125, s. 1)
9 2. This act shall take effect immediately.

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JUDICIARY

Provides that motor vehicle violations by juveniles of any age be
within the jurisdiction of the municipal courts.

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2 imprisonment on a juvenile in connection with a violation of Title
3 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised
4 Statutes or N.J.S.2C:33-13, that detention or term of
5 imprisonment shall be served at a suitable juvenile institution and
6 not at a county jail or county workhouse.

7 (cf: P.L.1989, c.125, s.1)

8 2. This act shall take effect immediately.

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11 STATEMENT

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13 This bill amends P.L.1982, c.77 (C.2A:4A-23), the section of
14 the New Jersey Code of Juvenile Justice which defines
15 "delinquency", in order to clarify that a motor vehicle violation
16 committed by a juvenile of any age does not constitute
17 delinquency and, therefore, municipal courts would have
18 jurisdiction over such a violation. Currently, municipal courts
19 have jurisdiction only over a motor vehicle violation committed
20 by a juvenile who is 17 years of age or older. However, a juvenile
21 who is 16 and a half years of age is, for example, eligible under
22 our motor vehicle laws to obtain a motor vehicle learner's permit
23 and, while operating a vehicle pursuant to such a permit, may
24 commit motor vehicle violations which would then have to be
25 referred to the Family Court because the juvenile was under 17
26 years of age. It is more logical and reasonable to permit
27 municipal courts to handle motor vehicle violations committed by
28 juveniles of any age.

29 In addition, this clarification would bring motor vehicle
30 violations in line with the other types of violations enumerated in
31 P.L.1982, c.77 (C.2A:4A-23) which if committed by juveniles of
32 any age would not be considered delinquency and, therefore, the
33 violations would fall within municipal court jurisdiction.

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36 JUDICIARY

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38 Provides that motor vehicle violations by juveniles of any age be
39 within the jurisdiction of the municipal courts.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1439

STATE OF NEW JERSEY

DATED: MAY 14, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 1439.

This bill amends N.J.S.A. C.2A:4A-23, the section of the New Jersey Code of Juvenile Justice which defines "delinquency", in order to clarify that a motor vehicle violation committed by a juvenile of any age does not constitute delinquency and, therefore, municipal courts would have jurisdiction over such a violation. Currently, municipal courts have jurisdiction only over a motor vehicle violation committed by a juvenile who is 17 years of age or older. However, a juvenile who is 16 and a half years of age is, for example, eligible under our motor vehicle laws to obtain a motor vehicle learner's permit and, while operating a vehicle pursuant to such a permit, may commit motor vehicle violations which would then have to be referred to the Family Court because the juvenile was under 17 years of age.

In addition, this clarification would bring motor vehicle violations in line with the other types of violations enumerated in N.J.S.A. 2A:4A-23 which if committed by juveniles of any age would not be considered delinquency and, therefore, the violations would fall within municipal court jurisdiction.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1439

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 1990

The Senate Judiciary Committee reports favorably Assembly Bill No. 1439.

This bill amends N.J.S.A.2A:4A-23, the section of New Jersey's Code of Juvenile Justice which defines "delinquency," in order to clarify that a motor vehicle violation committed by a juvenile of any age does not constitute delinquency and therefore, the municipal courts would have jurisdiction over such violations. Currently, municipal courts have jurisdiction over a motor vehicle violation committed by a juvenile who is 17 years of age or older. However, a juvenile who is 16 and a half years of age is, for example, eligible under our motor vehicle laws to obtain a motor vehicle learner's permit. If that juvenile while operating a vehicle pursuant to a learner's permit commits a motor vehicle violation, that violation would have to be referred under the present wording in N.J.S.A.2A:4A-23 to the Family Court. Enactment of this bill would grant jurisdiction to municipal courts over all motor vehicle offenses committed by juveniles.