

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-50 (Drunk driving - revise penalties)LAWS OF: 1983CHAPTER: 444Bill No: S1042Sponsor(s): Zane and GregorioDate Introduced: Feb. 25, 1982Committee: Assembly: Judiciary, Law, Public Safety and DefenseSenate: Law, Public Safety and Defense

Amended during passage: Yes // Assembly Committee substitute (OCR) enacted. Amendments during passage denoted by asterisks.

Date of Passage: Assembly: Sept. 15, 1983Senate: Nov. 29, 1982Date of Approval: Jan. 9, 1984

Following statements are attached if available:

Sponsor statement:	Yes	//
Committee statement:	Assembly	Yes //
	Senate	Yes // 12-8-83, 11-8-82 & 9-23-82
Fiscal Note:	///	No
Veto Message:	///	No
Message on Signing:	///	No
Following were printed:		
Reports:	///	No
Hearings:	///	No

See newspaper clipping file in New Jersey Reference Department under "New Jersey - Drunk driving - 1983 and 1984"

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[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 1042

STATE OF NEW JERSEY

ADOPTED: APRIL 25, 1983

By Senator ZANE

AN ACT concerning the operation of motor vehicles by persons under the influence of intoxicating liquor or drugs, amending R. S. 39:4-50 and supplementing Title 39 of the Revised Statutes.

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

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

2 39:4-50. (a) A person who operates a motor vehicle while under
3 the influence of intoxicating liquor, narcotic, hallucinogenic or
4 habit-producing drug, or operates a motor vehicle with a blood
5 alcohol concentration of 0.10% or more by weight of alcohol in the
6 defendant's blood or permits another person who is under the in-
7 fluence of intoxicating liquor, narcotic, hallucinogenic or habit-
8 producing drug to operate a motor vehicle owned by him or in his
9 custody or control or permits another to operate a motor vehicle
10 with a blood alcohol concentration of 0.10% or more by weight of
11 alcohol in the defendant's blood, shall be subject**[for]**:

12 *(1) For the first offense, to a fine of not less than \$250.00 nor more*
13 *than \$400.00 and a period of detainment of not less than 12 hours*
14 *nor more than 48 hours spent during two consecutive days of not*
15 *less than six hours each day and served as prescribed by the pro-*
16 *gram requirements of the Intoxicated Driver Resource Centers*
17 *established under subsection (f) of this section and **[or imprisonment-***
18 *ment for a term of not more than 30 days or both], in the discretion*
19 *of the court, a term of imprisonment of not more than 30 days and*
20 *shall forthwith forfeit his right to operate a motor vehicle over the*
21 *highways of this State for a period of not less than six months nor*
22 *more than one year.*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly amendments adopted June 13, 1983.

23 【Except as hereinafter provided, for】 (2) For a second violation,
24 a person shall be subject to a fine of not less than \$500.00 nor more
25 than \$1,000.00, and shall be ordered by the court to perform
26 community service for a period of 30 days, which shall be of such
27 form and on such terms as the court shall deem appropriate under
28 the circumstances 【or may】 and shall be sentenced to imprisonment
29 for a term of not less than 48 consecutive hours, which shall not be
30 suspended or served on probation, nor more than 90 days, and shall
31 forfeit his right to operate a motor vehicle over the highways of
32 this State for a period of two years upon conviction, and, after
33 the expiration of said period, he may make application to the
34 Director of the Division of Motor Vehicles for a license to operate
35 a motor vehicle, which application may be granted at the discretion
36 of the director, consistent with subsection (b) of this section.

37 【Except as hereinafter provided, for】 (3) For a third or sub-
38 sequent violation, a person shall be subject to a fine of \$1,000.00,
39 and shall be sentenced to imprisonment for a term of not less than
40 180 days, except that the court may lower such term for each day,
41 not exceeding 90 days, served performing community service in
42 such form and on such terms as the court shall deem appropriate
43 under the circumstances and shall thereafter forfeit his right to
44 operate a motor vehicle over the highways of this State for 10
45 years.

46 If the driving privilege of any person is under revocation or
47 suspension for a violation of any provision of this Title at the time
48 of any conviction for a violation of this section, the revocation or
49 suspension period imposed shall commence as of the date of termi-
50 nation of the existing revocation or suspension period. A court
51 that imposes a term of imprisonment under this section may
52 sentence the person so convicted to the county jail, to the work-
53 house of the county wherein the offense was committed, 【or】 to an
54 inpatient rehabilitation program or to an Intoxicated Driver Re-
55 source Center or other facility approved by the Director of the
56 Division of Motor Vehicles and the Director of the Division of
57 Alcoholism in the Department of Health provided that for a third
58 or subsequent offense a person shall not serve a term of imprison-
59 ment at an Intoxicated Driver Resource Center as provided in
60 subsection (f).

61 A person who has been convicted of a previous violation of this
62 section need not be charged as a second or subsequent offender in
63 the complaint made against him in order to render him liable to
64 the punishment imposed by this section on a second or subsequent
65 offender, but if the second offense occurs more than 10 years after

66 the first offense the court shall treat the second conviction as a first
67 offense for sentencing purposes and if a third offense occurs more
68 than 10 years after the second offense, the court shall treat the third
69 conviction as a second offense for sentencing purposes.

70 (b) [In addition to any other requirements provided by law, a]
71 A person convicted under this section must satisfy the *screening,*
72 *evaluation, referral and program* requirements of the *Division of*
73 *Motor Vehicles' Bureau of Alcohol Countermeasures, and of the*
74 *Intoxicated Driver Resource Centers.* [a program of alcohol edu-
75 cation or rehabilitation approved by the Director of the Division of
76 Motor Vehicles. Failure] *The sentencing court shall inform the*
77 *person convicted that failure to satisfy such requirements shall*
78 *result in a mandatory two day term of imprisonment in a county*
79 *jail and a driver license revocation or suspension and continuation*
80 *of revocation or suspension until such requirements are satisfied,*
81 *unless stayed by court order in accordance with Rule 7:8-2 of the*
82 *N. J. Court Rules, 1969, or R. S. 39:5-22. Upon sentencing, the*
83 *court shall forward to the Bureau of Alcohol Countermeasures a*
84 *copy of a person's conviction record. A fee, not to exceed \$40.00,*
85 *shall be payable to the [director from every person required to*
86 *satisfy the requirements of a program of alcohol education or*
87 *rehabilitation under the provisions of this section] Division of*
88 *Motor Vehicles for the Bureau of Alcohol Countermeasures'*
89 *screening and evaluation program.*

90 (c) Upon conviction of a violation of this section, the court shall
91 collect forthwith the New Jersey driver's license or licenses of the
92 person so convicted and forward such license or licenses to the
93 Director of the Division of Motor Vehicles. The court shall inform
94 the person convicted that if he is convicted of personally operating
95 a motor vehicle during the period of license suspension imposed
96 pursuant to subsection (a) of this section, he shall, upon conviction,
97 be subject to the penalties established in R. S. 39:3-40. *The person*
98 *convicted shall be informed orally and in writing. A person shall*
99 *be required to acknowledge receipt of that written notice in writing.*
100 *Failure to receive a written notice or failure to acknowledge in*
101 *writing the receipt of a written notice shall not be a defense to a*
102 *subsequent charge of a violation of R. S. 39:3-40. In the event*
103 *that a person convicted under this section is the holder of any out-*
104 *of-state driver's license, the court shall not collect the license but*
105 *shall notify forthwith the director who shall, in turn, notify appro-*
106 *priate officials in the licensing jurisdiction. The court shall, how-*
107 *ever, revoke the nonresident's driving privilege to operate a motor*
108 *vehicle in this State in accordance with this section. Upon convic-*

109 tion of a violation of this section, the court shall notify the person
110 convicted, orally and in writing, of the penalties for a second, third
111 or subsequent violation of this section. A person shall be required
112 to acknowledge receipt of that written notice in writing. Failure to
113 receive a written notice or failure to acknowledge in writing the
114 receipt of a written notice shall, not be a defense to a subsequent
115 charge of a violation of this section.

116 (d) The Director of the Division of Motor Vehicles shall pro-
117 mulgate administrative rules and regulations in order to effectuate
118 the purposes of this act.

119 (e) Any person accused of a violation of this section who is liable
120 to punishment imposed by this section as a second or subsequent
121 offender shall be entitled to the same rights of discovery as allowed
122 defendants pursuant to the Rules Governing Criminal Practice as
123 set forth in the Rules Governing the Courts of the State of New
124 Jersey

125 (f) The counties, in cooperation with the Division of Alcoholism
126 and the Division of Motor Vehicles, but subject to the approval of
127 the Division of Alcoholism, shall designate and establish on a county
128 or regional basis Intoxicated Driver Resource Centers. These
129 centers shall have the capability of serving as community treatment
130 referral centers and as court monitors of a person's compliance
131 with the ordered treatment, service alternative or community
132 service. All centers established pursuant to this subsection shall be
133 administered by a certified alcoholism counsellor or other profes-
134 sional with a minimum of five years experience in treatment of
135 alcoholism. All centers shall be required to develop individualized
136 treatment plans for all persons attending the centers provided that
137 the duration of any ordered treatment or referral shall not exceed
138 one year. It shall be the center's responsibility to establish net-
139 works with the community alcohol education, treatment and rehabi-
140 litation resources and to receive monthly reports from the referral
141 agencies regarding a person's participation and compliance with
142 the program. Nothing in this subsection shall bar these centers
143 from developing their own education and treatment programs
144 provided that they are approved by the Division of Alcoholism.

145 Upon a person's failure to report to the initial screening or any
146 subsequently ordered referral, the Intoxicated Driver Resource
147 Center shall promptly notify the sentencing court of the person's
148 failure to comply.

149 Required detention periods at the Intoxicated Driver Resource
150 Centers shall be determined according to the "[Individual]" "indi-
151 vidual" treatment classification assigned by the Bureau of Alcohol

152 *Countermeasures. Upon attendance at an Intoxicated Driver*
153 *Resource Center, a person shall be assessed a per diem charge not to*
154 *exceed \$25.00 to be collected by the center and used to defray costs.*
155 *The per diem charge may be waived by the sentencing court upon*
156 *good cause shown.*

157 *The Directors of the Divisions of Alcohol and Motor Vehicles*
158 *shall adopt rules and regulations pursuant to the "Administrative*
159 *Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), in order*
160 *to effectuate the purposes of this subsection.*

1 2. (New section) The Judiciary, Law, Public Safety and Defense
2 Committee of the General Assembly, and the Law, Public Safety
3 and Defense Committee of the Senate, or their respective succes-
4 sors, are constituted a joint committee for the purposes of monitor-
5 ing the effectiveness of the implementation of this act. The
6 Commissioner of Health and the Attorney General shall, one year
7 from the effective date of this act, submit a report to the joint
8 committee which evaluates the effectiveness of this act. The
9 committee shall, upon receiving the report, issue as it may deem
10 necessary and proper, recommendations for administrative or
11 legislative changes affecting the implementation of this act.

1 3. This act shall take effect on the two-hundred and seventieth
2 day following enactment but shall remain inoperative until the
3 enactment into law of either Assembly Bill No. 3468 of 1983 or
4 Senate Bill No. of 1983, and ***[Senate]*** **Assembly** Bill
5 No. ***[1042]*** *2262* of 1982, now pending before the Legislature.

SENATE, No. 1042

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 25, 1982

By Senators ZANE and GREGORIO

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning the operation of motor vehicles by persons under the influence of intoxicating liquor or drugs and amending R. S. 39:4-50.

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

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

2 39:4-50. (a) A person who operates a motor vehicle while under
3 the influence of intoxicating liquor, narcotic, hallucinogenic or
4 habit-producing drug, or permits another person who is under the
5 influence of intoxicating liquor, narcotic, hallucinogenic or habit-
6 producing drug to operate a motor vehicle owned by him or in his
7 custody or control, shall be subject for the first offense, to a fine
8 of not less than \$250.00 nor more than \$400.00 **[or]** and imprison-
9 ment for a term of not *less than 3 days nor* more than 30 days **[or**
10 **both, in the discretion of the court],** and shall forthwith forfeit his
11 right to operate a motor vehicle over the highways of this State
12 for a period of no less than 6 months nor more than 1 year.
13 **[Except as hereinafter provided, for]** *For* a second violation, he
14 shall be subject to a fine of not less than \$500.00 nor more than
15 \$1,000.00**],** and shall be ordered by the court to perform com-
16 munity service for a period of 30 days, which shall be of such form
17 and on such terms as the court shall deem appropriate under the
18 circumstances or **may]** *and shall* be sentenced to imprisonment
19 for a term of not *less than 5 days nor* more than 90 days, and shall
20 forfeit his right to operate a motor vehicle over the highways of
21 this State for a period of 2 years upon conviction, and, after 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 printed in italics thus is new matter.

22 expiration of said period, he may make application to the Director
23 of the Division of Motor Vehicles for a license to operate a motor
24 vehicle, which application may be granted at the discretion of the
25 director, consistent with subsection b. of this section. Except as
26 hereinafter provided, for a third or subsequent violation, he shall
27 be subject to a fine of \$1,000.00, and shall be sentenced to imprison-
28 ment for a term of not less than 180 days, except that the court
29 may lower such term for each day, not exceeding 90 days, served
30 performing community service in such form and on such terms as
31 the court shall deem appropriate under the circumstances, and
32 shall thereafter forfeit his right to operate a motor vehicle over
33 the highways of this State for 10 years. If the driving privilege
34 of any person is under revocation or suspension for a violation of
35 any provision of this Title at the time of any conviction for a
36 violation of this section, the revocation or suspension period im-
37 posed shall commence as of the date of termination of the existing
38 revocation or suspension period. A court that imposes a term of
39 imprisonment under this section may sentence the person so con-
40 victed to the county jail to the workhouse of the county wherein
41 the offense was committed, or to an in-patient rehabilitation pro-
42 gram approved by the Director of the Division of Motor Vehicles.

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

52 (b) In addition to any other requirements provided by law, a
53 person convicted under this section must satisfy the requirements
54 of a program of alcohol education or rehabilitation approved by
55 the Director of the Division of Motor Vehicles. Failure to satisfy
56 such requirements shall result in a driver license revocation or
57 suspension or continuation of revocation or suspension until such
58 requirements are satisfied, unless stayed by court order in accord-
59 ance with Rule 7:8-2 of the N. J. Court Rules, 1969, or R. S.
60 39:5-22. A fee, not to exceed \$30.00, shall be payable to the director
61 from every person required to satisfy the requirements of a pro-
62 gram of alcohol education or rehabilitation under the provisions of
63 this section.

64 (c) Upon conviction of a violation of this section, the court shall
65 collect forthwith the New Jersey drivers' license or licenses of the
66 person so convicted and forward such license or licenses to the
67 Director of the Division of Motor Vehicles. In the event that a
68 person convicted under this section is the holder of any out-of-
69 state driver's license, the court shall not collect the license but shall
70 notify forthwith the director who shall, in turn, notify appropriate
71 officials in the licensing jurisdiction. The court shall, however,
72 revoke the nonresident's driving privilege to operate a motor
73 vehicle in this State in accordance with this section.

74 (d) The Director of the Division of Motor Vehicles shall pro-
75 mulgate administrative rules and regulations in order to effectuate
76 the purposes of this act.

1 2. This act shall take effect immediately.

Sponsors' STATEMENT

This bill revises the penalties for drunk driving as recently amended by P. L. 1981, c. 512. The bill removes the discretion of the sentencing judge to order imprisonment for a first offense and provides a mandatory minimum of 3 days imprisonment upon conviction for a first offense.

The bill removes community service as a term of sentencing for a second offense and provides a mandatory minimum of 5 days imprisonment upon conviction for a second offense.

The other penalties for first and second offenses and the penalty for third or subsequent drunk driving offenses as amended by chapter 512 remain unchanged.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 1042

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: APRIL 25, 1983

This committee substitute, which revises drunk driving penalties, was considered by the Assembly Judiciary, Law, Public Safety and Defense Committee as a part of its comprehensive review of the laws on alcohol abuse. In its review the committee focused on the topics of prevention, education, rehabilitation, and the enforcement of drunk driving penalties. As a result of the committee's findings, numerous legislative proposals were adopted on a nonpartisan basis.

The committee substitute revises the current law by requiring that the court impose on first offenders a period of detainment and on second offenders a minimum term of imprisonment of not less than 48 consecutive hours, not subject to suspension or probation.

In addition, the committee substitute incorporates the proposal to establish Intoxicated Driver Resource Centers on a county or regional basis. The provision of these centers would be included as a part of a county's comprehensive plan for alcohol-related services to be submitted to the Division of Alcoholism pursuant to P. L. , c. , now pending before the Legislature as Assembly Bill No. 3468. First offenders would be sent to these centers after having been screened and evaluated by the Bureau of Alcohol Countermeasures and would be subject to the program requirements of the center as to how their mandatory period of detainment would be served. A period of detainment ordered by the court, however, must be no less than 12 hours nor more than 48 hours in duration and it is required that the time be spent over two consecutive days in intervals of not less than six hours each day.

This committee substitute further revises current law by allowing that on a first or second offense a term of imprisonment may be served as prescribed by the program requirements of the Intoxicated Driver Resource Centers. All persons who would be sent to the centers would be assessed a per diem charge by the center which may not be greater than \$25.00.

By establishment of these centers as community treatment referral centers and the requirement that all persons convicted of a drunk driving offense satisfy the Bureau of Alcohol Countermeasures evaluation requirements, it is intended that the court be provided with a system that monitors a person's compliance with any treatment, community service or service alternative that is ordered.

Specifically provided in the committee substitute is a requirement that the court inform the person convicted that failure to comply with any treatment, community service or service alternative that is ordered will result in a mandatory two-day term of imprisonment at a county jail. Written and oral notice is also to be given to the person convicted of the penalties for violating the drunk driving laws and for driving while a license is suspended or revoked.

Funds to establish the Intoxicated Driver Resource Centers would be generated through a dedication of \$2,000,000.00 from the Alcohol Education, Rehabilitation and Enforcement Fund, pursuant to P. L. _____, c. _____, now pending before the Legislature as Assembly Bill No. 3468.

A legislative oversight provision requires that the Commissioner of Health and the Attorney General are to report back to the Assembly Judiciary, Law, Public Safety and Defense Committee and the Senate Law, Public Safety and Defense Committee one year from the date that this committee substitute would take effect.

There is a delayed effective date on this bill to insure that Assembly Bill Nos. 2262 and 3468, now pending before the Legislature, are enacted into law, which would provide the required funding for this bill through the establishment of the Alcohol Education, Rehabilitation and Enforcement Fund and the Drunk Driving Enforcement Fund.

ASSEMBLY COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1042
R. S. 39:4-50: Drunk driving: arrest to treatment
(fine, suspension, imprisonment, detainment and community service requirement)

I. ARREST

II. CONVICTION

Defendant pays:

- | | |
|--------------------------------|--|
| \$125.00 as a surcharge | 1. Court informs persons convicted of Countermeasures program and of required compliance with treatment and referrals under mandatory two day imprisonment (jail) for noncompliance. |
| Min. \$250; Max. \$1,000 fine: | |
| Varies with offense | 2. Court sends person's conviction record to Countermeasures. |

Penalties

<i>first offense</i>	<i>second offense</i>	<i>third or subsequent offense</i>
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Detainment:

To be carried out at Intoxicated Driver Resource Center	Not applicable
Min. 12 hours;	Not applicable
Max. 48 hours	
Session per day:	
min. 6 hours	

Imprisonment:

In court's discretion	Min. 48 hours	Mandatory
Up to 30 days	consecutive, not subject to probation or suspended sentence, maximum, 90 days <i>and</i> community service 30 days	Not less than 180 days—may be lowered up to 90 days community service performed

Fines:

Min. \$250; Max. \$400	Min. \$500; Max. \$1,000	\$1,000
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Suspension:

Min. 6 months;	2 years	10 years
Max. 1 year		

III. COUNTERMEASURES

\$40.00 fee

Screening/evaluation

Classification according to four criteria

Copy sent to Driver Intoxication Resource Center for referral—and copy to the court

IV. INTOXICATED DRIVER RESOURCE CENTER

Max. \$25 per diem

Report to the court in cases of noncompliance with evaluation report requirement

first offense

second offense

Depending upon classification

Depending upon classification

Level 1

Upon completion of screening and evaluation from Countermeasures—then complete 6 hour educational component as is done presently by Countermeasures

Additional six hours of service or education or treatment as prescribed by the particular Intoxicated Driver Resource Center

Level 2

(Drinker with potential problem)

Requirement of up to 24 hours of attendance at combination of educational sessions, exposure to appropriate treatment resources in group setting, and public service as prescribed by the Particular Intoxicated Driver Resource Center

Level 3

(Identified problem drinker)

Requirement of up to 48 hours of individualized treatment planning and referral to appropriate community alcoholism services, including inpatient treatment facilities

Level 4

(Alcoholic)

Requirement of inpatient treatment of three days to 28 day residential program. Potential for follow-up and treatment from 90 days to one year

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SENATE JUDICIARY COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 1042

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

Assembly Committee Substitute for Senate Bill No. 1042 would require that a person convicted of drunk driving as a first offender serve a period of detainment of not less than 12 hours nor more than 48 hours in duration and that the time be spent over two consecutive days in intervals of not less than six hours each day. This period of confinement is to be served at an Intoxicated Driver Resource Center establishment of which is mandated by the provisions of the committee substitute.

For a second offender, a minimum term of imprisonment of not less than 48 consecutive hours would be required. This and any other term of imprisonment imposed on either a first or second offender could be served at an Intoxicated Driver Resource Center.

Under the provisions of Assembly Committee Substitute for Senate Bill No. 1042, Intoxicated Driver Resource Centers would be established on a county or regional basis. First offenders would be sent to these centers after having been screened and evaluated by the Division of Motor Vehicles' Bureau of Alcoholic Countermeasures. All persons sent to these centers would be assessed a per diem charge by the center of not more than \$25.00.

By establishment of these centers as community treatment referral centers and the requirement that all persons convicted of a drunk driving offense satisfy the Bureau of Alcohol Countermeasures evaluation requirements, it is intended that the sentencing court be provided with a system that monitors a person's compliance with any treatment, community service or service alternative that is ordered.

Specifically provided in the committee substitute is a requirement that the court inform the person convicted that failure to comply with any treatment, community service or service alternative that is ordered will result in a mandatory two-day term of imprisonment at a county jail. Written and oral notice is also to be given to the person convicted of the penalties for violating the drunk driving laws and for driving while a license is suspended or revoked.

Funds to establish the Intoxicated Driver Resource Centers would be

generated through a dedication of \$2,000,000.00 from the Alcohol Education, Rehabilitation and Enforcement Fund, pursuant to P. L. , c. , now pending before the Legislature as Assembly Bill No. 3468.

A legislative oversight provision requires that the Commissioner of Health and the Attorney General are to report back to the Assembly Judiciary, Law, Public Safety and Defense Committee one year from the date that the committee substitute would take take effect.

As passed by the Senate in November of 1982, Senate Bill No. 1042 would have imposed a mandatory two day term of imprisonment on a first offender convicted of drunk driving. For a second offense, the person would have been imprisoned or confined in a hospital for not less than 15 days.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 1042
[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1982

The purpose of this bill, as amended by the committee upon re-referral, is to strengthen the penalties for drunk driving by requiring the court to impose a term of imprisonment on first and second offenders.

For a first offense, the committee amended the bill to require that a judge sentence the offender to imprisonment for at least two and not more than 30 days. The committee also amended the bill to restore community service as a sentencing option for a second and for a third offense.

Amendments adopted by the committee on September 23, 1982 to impose a minimum term of imprisonment of at least 15 days for a second offense were retained.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1042

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMEBR 23, 1982

The purpose of this bill is to strengthen the penalties for drunk driving by requiring the court to impose a term of imprisonment on first and second offenders and by removing community service as an option of sentencing for a second offender.

For a first offense, the bill requires that a judge sentence the offender to imprisonment for not less than three and not more than 30 days.

For a second offense, the bill eliminates community service as a sentencing option. The committee amended the bill to require that the judge sentence a second offender to imprisonment or to confinement in a hospital in which he shall receive treatment for alcoholism for not less than 15 days and not more than 90 days.

The committee also adopted an amendment to the bill that would eliminate the court's discretion to permit a third or subsequent offender to lower his term of imprisonment by up to 90 days for each day of community service he performed.

Finally, the committee adopted an amendment to conform the bill to recent changes in R. S. 39:4-50 (P. L. 1982, c. 53 and c. 58).