

33:1-81

LEGISLATIVE HISTORY CHECKLIST

WJSA 33:1-81 (Alcohol--Purchase by underage--Penalties)

LAWS OF 1979 CHAPTER 265

Bill No. A3265

Sponsor(s) Herman and others

Date Introduced April 26, 1979

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly July 16, 1979

Senate Sept. 10, 1979

Date of approval Jan. 2, 1980

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate No

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed:

Reports No

Hearings Yes

974.90 NJ. Legislature. Assembly. Judiciary, Law, Public Safety and
L767 Defense Committee.

1979 Public hearing...held 1-23-79, 2-5-79 and 2-6-79.
Trenton, 1979.

(Public hearings include testimony on other bills included
in the alcoholic legislation package, i.e. A3260, S3044, S3248, A3262
and A3265)

2/1/78

Public hearings also held in Nutley, NJ on 6-12-78--
no transcript available.

(over)

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Throughout public hearings, see references to legislation of other states, studies, reports, etc.

1-2-80

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 3265

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1979

By Assemblymen HERMAN, MAYS, FLYNN, THOMPSON, BATE,
 VAN WAGER, STEWART and KERN

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

AN ACT concerning the retail sale of alcoholic beverages and
 amending R. S. 33:1-81.

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

1 1. R. S. 33:1-81 is amended to read as follows:

2 33:1-81. It shall be unlawful for (a) a **[minor]** *person under the*
 3 *legal age for purchasing alcoholic beverages* to enter any premises
 4 licensed for the retail sale of alcoholic beverages for the purpose
 5 of purchasing, or having served or delivered to him or her, any
 6 alcoholic beverage; or

7 (b) a **[minor]** *person under the legal age for purchasing alcoholic*
 8 *beverages* to consume any alcoholic beverage on premises licensed
 9 for the retail sale of alcoholic beverages, or to purchase, attempt to
 10 purchase or have another purchase for him or her any alcoholic
 11 beverage; or

12 (c) any person to misrepresent or misstate his or her age, or
 13 the age of any other person for the purpose of inducing any licensee
 14 or any employee of any licensee, to sell, serve or deliver any alco-
 15 holic beverage to a **[minor]** *person under the legal age for pur-*
 16 *chasing alcoholic beverages; or*

17 (d) *any person to enter any premises licensed for the retail sale*
 18 *of alcoholic beverages for the purpose of purchasing, or to purchase*
 19 *alcoholic beverages, for another person who does not because of his*
 20 *age have the right to purchase and consume alcoholic beverages.*

21 Any person who shall violate any of the provisions of this section
 22 shall be deemed and adjudged to be a disorderly person, and upon
 23 conviction thereof, shall be punished by a fine of not less than
 24 \$100.00 **[and not exceeding \$200.00]**. *In addition to the general*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
 is not enacted and is intended to be omitted in the law.**

25 penalty prescribed for ~~*[a disorderly persons]~~ *an* offense, the
25A court may:

26 (1) suspend *or postpone* for up to 30 days the driving privi-
27 leges for any violator of this section;

28 (2) require any person under the legal age to purchase alcoholic
29 beverages who violates this act to participate in an alcohol education
30 or treatment program authorized by the Department of Health for
31 a period not to exceed the maximum period of confinement pre-
32 scribed by law for the offense for which the individual has been
33 convicted.

1 2. This act shall take effect immediately.

26 (1) suspend for up to 30 days the driving privileges of any viola-
27 tor of this section;

28 (2) require any person under the legal age to purchase alcoholic
29 beverages who violates this act to participate in an alcohol education
30 or treatment program authorized by the Department of Health for
31 a period not to exceed the maximum period of confinement pre-
32 scribed by law for the offense for which the individual has been
33 convicted.

1 2. This act shall take effect immediately.

STATEMENT

This bill eliminates the word "minor" and inserts the phrase "person under the legal age for purchasing alcoholic beverages" and has the purpose of conforming the law with proposed changes in the drinking age. A person ceases to be a minor at age 18. Without this amendment, a change raising the drinking age above 18 would leave people above 18 but below the drinking age not covered by this act. The changes in certain penalties in the act have the purpose of making more consistent and uniform the various sections of law dealing with youth/alcohol problems.

The provision allowing judges to refer youths to alcohol programs is a response to the alarming statistics on youth alcoholism and to the development of treatment programs in the State.

The provision allowing judges to suspend a driver's license is a response to the alarming drinking/driving auto accident statistics for youths.

A. 3265 (1979)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3265
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 3, 1979

This bill is part of a package of youth/alcohol bills prepared as a result of the work of the Assembly Judiciary, Law, Public Safety and Defense Committee as companions to Senate Bill No. 1126, raising the drinking age to 19.

The bill makes it an offense to purchase and distribute alcoholic beverages to under-age persons. The Secretary of Health, Education and Welfare has reported that up to 20% of high school students have alcohol problems. Much of that alcohol is received from older friends or strangers who purchase the alcohol and give it to the kids for free or for profit.

The bill also eliminates the word "minor and inserts the phrase "person under the legal age for purchasing alcoholic beverages" and has the purpose of conforming the law with proposed changes in the drinking age. A person ceases to be a minor at age 18. Without this amendment, a change raising the drinking age above 18 would leave people above 18 but below the drinking age not covered by this act. The changes in certain penalties in the act have the purpose of making more consistent and uniform the various sections of law dealing with youth/alcohol problems.

The provision allowing judges to refer youths to alcohol programs is a response to the alarming statistics on youth alcoholism and to the development of treatment programs in the State.

The provision allowing judges to suspend or postpone the issuance of a driver's license is a response to the alarming drinking/driving statistics for youths. For those youths convicted of underage alcohol violations, this penalty is deemed to be particularly appropriate as helping to prevent drinking/driving accidents. For those convicted of distributing alcohol to underage persons, this penalty is deemed to be a particularly effective deterrent. Figures submitted to the Assembly

Judiciary Committee by the New Jersey State Juvenile Aid Officers Association show that convictions of youths under the age of 18 for driving under the influence have jumped from 31 in 1967 to 430 in 1977. This indicates that there is a close connection between the distribution of alcoholic beverages to underage persons and drinking/driving problems.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 2, 1980

JOE SANTANGELO
(609) 292-8956

Governor Brendan Byrne today signed a legislative package of bills, which will raise the legal drinking age from 18 to 19; prescribe penalties for a minor purchasing alcoholic beverages; provide for alcohol-related instructional programs in schools; and require color photographs on driver's licenses issued to anyone under the age of 21.

The bills were signed in a public ceremony at City Hall in Paterson. Signing the legislation, Governor Byrne commended this legislation as "an overall program for dealing with the alarming statistics on the drinking and driving records of youth."

S-1126, sponsored by Senator Frank X. Graves, Jr. (D-Passaic), raises the age at which a person can purchase or consume alcoholic beverages from 18 to 19.

The bill amends N.J.S.A. 9:17B-1, which extended to persons 18 years of age "the basic civil and contractual rights and obligations heretofore applicable only to persons 21 years of age or older..."

This bill takes effect immediately. A grandfather clause allows anyone who was 18 prior to the bills signing to continue purchasing and consuming alcohol.

³²⁶⁵
A-3625, sponsored by Assemblyman Martin A. Herman (D-Gloucester), amends Title 33 (Alcoholic Beverages) in three respects:

--It makes it an offense for a "person under the legal age for purchasing alcoholic beverages" to purchase or be served alcoholic beverages on licensed premises. The wording in quotes replaces the word "minor" to conform the law with the change in the drinking age to 19.

--It prescribes as a disorderly persons offense for any one to enter a liquor store or bar for the purpose of purchasing liquor for anyone under the legal age.

--Convictions for violations of these provisions are punishable as disorderly persons offenses, except that there is a mandatory minimum \$100 fine and, in addition, a judge may:

- a) suspend or postpone for up to 30 days the offender's driving privileges, and/or
- b) require anyone under the legal age to participate in an alcohol education program for as long as the maximum period of confinement prescribed by law for the offenses (6 months).

A-3260, sponsored by Assemblyman William E. Flynn (D-Middlesex), provides for specific instructional and counseling programs on alcohol in public schools.

The bill requires the Commissioner of Education, with the approval of the State Board of Education and in cooperation with the educational improvement centers and the Department of Health, to prepare and update curriculum guidelines for these alcohol programs.

The bill further requires each board of education to adopt policies and procedures for the evaluation and treatment of pupils who drink or show symptoms of intoxication on school property or at school functions.

Finally, the bill requires the Commissioner of Education, under the direction of the State Board of Education, to make an in-depth study of the incidence of alcoholic consumption by school pupils.

S-3044, also sponsored by Senator Graves, requires that a photograph of the licensee be on all initial driver's licenses issued to persons under 21. This requirement becomes effective nine months after enactment.

The charge for the photo on the license will be no more than \$1.50, over and above the regular cost of the license. Licenses with photos will be for three year periods, rather than the two year periods for licenses without photos.

S-3248, also sponsored by Senator Graves, appropriates \$70,000 to assist in funding the photo-license bill.