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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Assemblyman Paul Moriarty's police camera bill, inspired by DWI false arrest, signed into law," South Jersey Times, 9-11-14.

"Christie vetoes bill banning smoking at parks, beaches," The Record, 9-11-14.

"Park-beach smoking bill vetoed," The Philadelphia Inquirer, 9-11-14.

LAW/RWH

P.L.2014, CHAPTER 54, *approved September 10, 2014*
Assembly, No. 2280

1 AN ACT concerning certain municipal police vehicles,
2 supplementing chapter 14 of Title 40A of the New Jersey
3 Statutes and amending R.S.39:4-50.

4

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

7

8 1. (New section) Every new or used municipal police vehicle
9 purchased, leased, or otherwise acquired on or after the effective
10 date of P.L. , c. (C.) (pending before the Legislature as
11 this bill) which is primarily used for traffic stops shall be equipped
12 with a mobile video recording system.

13 As used in this section “mobile video recording system” means a
14 device or system installed or used in a police vehicle or worn or
15 otherwise used by an officer that electronically records visual
16 images depicting activities that take place during a motor vehicle
17 stop or other law enforcement action.

18

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

20 39:4-50. (a) Except as provided in subsection (g) of this section,
21 a person who operates a motor vehicle while under the influence of
22 intoxicating liquor, narcotic, hallucinogenic or habit-producing
23 drug, or operates a motor vehicle with a blood alcohol concentration
24 of 0.08% or more by weight of alcohol in the defendant's blood or
25 permits another person who is under the influence of intoxicating
26 liquor, narcotic, hallucinogenic or habit-producing drug to operate a
27 motor vehicle owned by him or in his custody or control or permits
28 another to operate a motor vehicle with a blood alcohol
29 concentration of 0.08% or more by weight of alcohol in the
30 defendant's blood shall be subject:

31 (1) For the first offense:

32 (i) if the person's blood alcohol concentration is 0.08% or
33 higher but less than 0.10%, or the person operates a motor vehicle
34 while under the influence of intoxicating liquor, or the person
35 permits another person who is under the influence of intoxicating
36 liquor to operate a motor vehicle owned by him or in his custody or
37 control or permits another person with a blood alcohol
38 concentration of 0.08% or higher but less than 0.10% to operate a

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 motor vehicle, to a fine of not less than \$250 nor more than \$400
2 and a period of detainment of not less than 12 hours nor more than
3 48 hours spent during two consecutive days of not less than six
4 hours each day and served as prescribed by the program
5 requirements of the Intoxicated Driver Resource Centers established
6 under subsection (f) of this section and, in the discretion of the
7 court, a term of imprisonment of not more than 30 days and shall
8 forthwith forfeit his right to operate a motor vehicle over the
9 highways of this State for a period of three months;

10 (ii) if the person's blood alcohol concentration is 0.10% or
11 higher, or the person operates a motor vehicle while under the
12 influence of narcotic, hallucinogenic or habit-producing drug, or the
13 person permits another person who is under the influence of
14 narcotic, hallucinogenic or habit-producing drug to operate a motor
15 vehicle owned by him or in his custody or control, or permits
16 another person with a blood alcohol concentration of 0.10% or more
17 to operate a motor vehicle, to a fine of not less than \$300 nor more
18 than \$500 and a period of detainment of not less than 12 hours nor
19 more than 48 hours spent during two consecutive days of not less
20 than six hours each day and served as prescribed by the program
21 requirements of the Intoxicated Driver Resource Centers established
22 under subsection (f) of this section and, in the discretion of the
23 court, a term of imprisonment of not more than 30 days and shall
24 forthwith forfeit his right to operate a motor vehicle over the
25 highways of this State for a period of not less than seven months
26 nor more than one year;

27 (iii) For a first offense, a person also shall be subject to the
28 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

29 (2) For a second violation, a person shall be subject to a fine of
30 not less than \$~~500.00~~ 500 nor more than \$~~1,000.00~~ 1,000, and
31 shall be ordered by the court to perform community service for a
32 period of 30 days, which shall be of such form and on such terms as
33 the court shall deem appropriate under the circumstances, and shall
34 be sentenced to imprisonment for a term of not less than 48
35 consecutive hours, which shall not be suspended or served on
36 probation, nor more than 90 days, and shall forfeit his right to
37 operate a motor vehicle over the highways of this State for a period
38 of two years upon conviction, and, after the expiration of said
39 period, he may make application to the Chief Administrator of the
40 New Jersey Motor Vehicle Commission for a license to operate a
41 motor vehicle, which application may be granted at the discretion of
42 the chief administrator, consistent with subsection (b) of this
43 section. For a second violation, a person also shall be required to
44 install an ignition interlock device under the provisions of P.L.1999,
45 c.417 (C.39:4-50.16 et al.).

46 (3) For a third or subsequent violation, a person shall be subject
47 to a fine of \$~~1,000.00~~ 1,000, and shall be sentenced to
48 imprisonment for a term of not less than 180 days in a county jail or
49 workhouse, except that the court may lower such term for each day,

1 not exceeding 90 days, served participating in a drug or alcohol
2 inpatient rehabilitation program approved by the Intoxicated Driver
3 Resource Center and shall thereafter forfeit his right to operate a
4 motor vehicle over the highways of this State for 10 years. For a
5 third or subsequent violation, a person also shall be required to
6 install an ignition interlock device under the provisions of P.L.1999,
7 c.417 (C.39:4-50.16 et al.).

8 As used in this section, the phrase "narcotic, hallucinogenic or
9 habit-producing drug" includes an inhalant or other substance
10 containing a chemical capable of releasing any toxic vapors or
11 fumes for the purpose of inducing a condition of intoxication, such
12 as any glue, cement or any other substance containing one or more
13 of the following chemical compounds: acetone and acetate, amyl
14 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
15 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
16 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
17 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
18 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl
19 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
20 any other chemical substance capable of causing a condition of
21 intoxication, inebriation, excitement, stupefaction or the dulling of
22 the brain or nervous system as a result of the inhalation of the
23 fumes or vapors of such chemical substance.

24 Whenever an operator of a motor vehicle has been involved in an
25 accident resulting in death, bodily injury or property damage, a
26 police officer shall consider that fact along with all other facts and
27 circumstances in determining whether there are reasonable grounds
28 to believe that person was operating a motor vehicle in violation of
29 this section.

30 A conviction of a violation of a law of a substantially similar
31 nature in another jurisdiction, regardless of whether that jurisdiction
32 is a signatory to the Interstate Driver License Compact pursuant to
33 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
34 conviction under this subsection unless the defendant can
35 demonstrate by clear and convincing evidence that the conviction in
36 the other jurisdiction was based exclusively upon a violation of a
37 proscribed blood alcohol concentration of less than 0.08%.

38 If the driving privilege of any person is under revocation or
39 suspension for a violation of any provision of this Title or Title 2C
40 of the New Jersey Statutes at the time of any conviction for a
41 violation of this section, the revocation or suspension period
42 imposed shall commence as of the date of termination of the
43 existing revocation or suspension period. In the case of any person
44 who at the time of the imposition of sentence is less than 17 years
45 of age, the forfeiture, suspension or revocation of the driving
46 privilege imposed by the court under this section shall commence
47 immediately, run through the offender's seventeenth birthday and
48 continue from that date for the period set by the court pursuant to
49 paragraphs (1) through (3) of this subsection. A court that imposes

1 a term of imprisonment for a first or second offense under this
2 section may sentence the person so convicted to the county jail, to
3 the workhouse of the county wherein the offense was committed, to
4 an inpatient rehabilitation program or to an Intoxicated Driver
5 Resource Center or other facility approved by the chief of the
6 Intoxicated Driving Program Unit in the Department of Health **[and**
7 **Senior Services]**. For a third or subsequent offense a person shall
8 not serve a term of imprisonment at an Intoxicated Driver Resource
9 Center as provided in subsection (f).

10 A person who has been convicted of a previous violation of this
11 section need not be charged as a second or subsequent offender in
12 the complaint made against him in order to render him liable to the
13 punishment imposed by this section on a second or subsequent
14 offender, but if the second offense occurs more than 10 years after
15 the first offense, the court shall treat the second conviction as a first
16 offense for sentencing purposes and if a third offense occurs more
17 than 10 years after the second offense, the court shall treat the third
18 conviction as a second offense for sentencing purposes.

19 (b) A person convicted under this section must satisfy the
20 screening, evaluation, referral, program and fee requirements of the
21 Division of **[Alcoholism and Drug Abuse's]** Mental Health and
22 Addiction Services' Intoxicated Driving Program Unit, and of the
23 Intoxicated Driver Resource Centers and a program of alcohol and
24 drug education and highway safety, as prescribed by the chief
25 administrator. The sentencing court shall inform the person
26 convicted that failure to satisfy such requirements shall result in a
27 mandatory two-day term of imprisonment in a county jail and a
28 driver license revocation or suspension and continuation of
29 revocation or suspension until such requirements are satisfied,
30 unless stayed by court order in accordance with the Rules
31 Governing the Courts of the State of New Jersey, or R.S.39:5-22.
32 Upon sentencing, the court shall forward to the Division of
33 **[Alcoholism and Drug Abuse's]** Mental Health and Addiction
34 Services' Intoxicated Driving Program Unit a copy of a person's
35 conviction record. A fee of **[\$100.00]** 100 shall be payable to the
36 Alcohol Education, Rehabilitation and Enforcement Fund
37 established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to
38 support the Intoxicated Driving Program Unit.

39 (c) Upon conviction of a violation of this section, the court shall
40 collect forthwith the New Jersey driver's license or licenses of the
41 person so convicted and forward such license or licenses to the
42 chief administrator. The court shall inform the person convicted
43 that if he is convicted of personally operating a motor vehicle
44 during the period of license suspension imposed pursuant to
45 subsection (a) of this section, he shall, upon conviction, be subject
46 to the penalties established in R.S.39:3-40. The person convicted
47 shall be informed orally and in writing. A person shall be required
48 to acknowledge receipt of that written notice in writing. Failure to

1 receive a written notice or failure to acknowledge in writing the
2 receipt of a written notice shall not be a defense to a subsequent
3 charge of a violation of R.S.39:3-40. In the event that a person
4 convicted under this section is the holder of any out-of-State
5 driver's license, the court shall not collect the license but shall
6 notify forthwith the chief administrator, who shall, in turn, notify
7 appropriate officials in the licensing jurisdiction. The court shall,
8 however, revoke the nonresident's driving privilege to operate a
9 motor vehicle in this State, in accordance with this section. Upon
10 conviction of a violation of this section, the court shall notify the
11 person convicted, orally and in writing, of the penalties for a
12 second, third or subsequent violation of this section. A person shall
13 be required to acknowledge receipt of that written notice in writing.
14 Failure to receive a written notice or failure to acknowledge in
15 writing the receipt of a written notice shall not be a defense to a
16 subsequent charge of a violation of this section.

17 (d) The chief administrator shall promulgate rules and
18 regulations pursuant to the "Administrative Procedure Act,"
19 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
20 of alcohol education and highway safety, as prescribed by this act.

21 (e) Any person accused of a violation of this section who is
22 liable to punishment imposed by this section as a second or
23 subsequent offender shall be entitled to the same rights of discovery
24 as allowed defendants pursuant to the Rules Governing the Courts
25 of the State of New Jersey.

26 (f) The counties, in cooperation with the Division of
27 **【Alcoholism and Drug Abuse】** Mental Health and Addiction
28 Services and the commission, but subject to the approval of the
29 Division of **【Alcoholism and Drug Abuse】** Mental Health and
30 Addiction Services, shall designate and establish on a county or
31 regional basis Intoxicated Driver Resource Centers. These centers
32 shall have the capability of serving as community treatment referral
33 centers and as court monitors of a person's compliance with the
34 ordered treatment, service alternative or community service. All
35 centers established pursuant to this subsection shall be administered
36 by a counselor certified by the Alcohol and Drug Counselor
37 Certification Board of New Jersey or other professional with a
38 minimum of five years' experience in the treatment of alcoholism.
39 All centers shall be required to develop individualized treatment
40 plans for all persons attending the centers; provided that the
41 duration of any ordered treatment or referral shall not exceed one
42 year. It shall be the center's responsibility to establish networks
43 with the community alcohol and drug education, treatment and
44 rehabilitation resources and to receive monthly reports from the
45 referral agencies regarding a person's participation and compliance
46 with the program. Nothing in this subsection shall bar these centers
47 from developing their own education and treatment programs;

1 provided that they are approved by the Division of **Alcoholism and**
2 **Drug Abuse** Mental Health and Addiction Services.

3 Upon a person's failure to report to the initial screening or any
4 subsequent ordered referral, the Intoxicated Driver Resource Center
5 shall promptly notify the sentencing court of the person's failure to
6 comply.

7 Required detention periods at the Intoxicated Driver Resource
8 Centers shall be determined according to the individual treatment
9 classification assigned by the Intoxicated Driving Program Unit.
10 Upon attendance at an Intoxicated Driver Resource Center, a person
11 shall be required to pay a per diem fee of \$~~75.00~~ 75 for the first
12 offender program or a per diem fee of \$~~100.00~~ 100 for the second
13 offender program, as appropriate. Any increases in the per diem
14 fees after the first full year shall be determined pursuant to rules
15 and regulations adopted by the Commissioner of Health **and Senior**
16 **Services** in consultation with the Governor's Council on
17 Alcoholism and Drug Abuse pursuant to the "Administrative
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

19 The centers shall conduct a program of alcohol and drug
20 education and highway safety, as prescribed by the chief
21 administrator.

22 The Commissioner of Health **and Senior Services** shall adopt
23 rules and regulations pursuant to the "Administrative Procedure
24 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate
25 the purposes of this subsection.

26 (g) When a violation of this section occurs while:

27 (1) on any school property used for school purposes which is
28 owned by or leased to any elementary or secondary school or school
29 board, or within 1,000 feet of such school property;

30 (2) driving through a school crossing as defined in R.S.39:1-1 if
31 the municipality, by ordinance or resolution, has designated the
32 school crossing as such; or

33 (3) driving through a school crossing as defined in R.S.39:1-1
34 knowing that juveniles are present if the municipality has not
35 designated the school crossing as such by ordinance or resolution,
36 the convicted person shall: for a first offense, be fined not less than
37 \$500 or more than \$800, be imprisoned for not more than 60 days
38 and have his license to operate a motor vehicle suspended for a
39 period of not less than one year or more than two years; for a
40 second offense, be fined not less than \$1,000 or more than \$2,000,
41 perform community service for a period of 60 days, be imprisoned
42 for not less than 96 consecutive hours, which shall not be suspended
43 or served on probation, nor more than 180 days, except that the
44 court may lower such term for each day, not exceeding 90 days,
45 served performing community service in such form and on such
46 terms as the court shall deem appropriate under the circumstances
47 and have his license to operate a motor vehicle suspended for a
48 period of four years; and, for a third offense, be fined \$2,000,

1 imprisoned for 180 days in a county jail or workhouse, except that
2 the court may lower such term for each day, not exceeding 90 days,
3 served participating in a drug or alcohol inpatient rehabilitation
4 program approved by the Intoxicated Driver Resource Center, and
5 have his license to operate a motor vehicle suspended for a period
6 of 20 years; the period of license suspension shall commence upon
7 the completion of any prison sentence imposed upon that person.

8 A map or true copy of a map depicting the location and
9 boundaries of the area on or within 1,000 feet of any property used
10 for school purposes which is owned by or leased to any elementary
11 or secondary school or school board produced pursuant to section 1
12 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
13 paragraph (1) of this subsection.

14 It shall not be relevant to the imposition of sentence pursuant to
15 paragraph (1) or (2) of this subsection that the defendant was
16 unaware that the prohibited conduct took place while on or within
17 1,000 feet of any school property or while driving through a school
18 crossing. Nor shall it be relevant to the imposition of sentence that
19 no juveniles were present on the school property or crossing zone at
20 the time of the offense or that the school was not in session.

21 (h) A court also may order a person convicted pursuant to
22 subsection (a) of this section, to participate in a supervised
23 visitation program as either a condition of probation or a form of
24 community service, giving preference to those who were under the
25 age of 21 at the time of the offense. Prior to ordering a person to
26 participate in such a program, the court may consult with any
27 person who may provide useful information on the defendant's
28 physical, emotional and mental suitability for the visit to ensure that
29 it will not cause any injury to the defendant. The court also may
30 order that the defendant participate in a counseling session under
31 the supervision of the Intoxicated Driving Program Unit prior to
32 participating in the supervised visitation program. The supervised
33 visitation program shall be at one or more of the following facilities
34 which have agreed to participate in the program under the
35 supervision of the facility's personnel and the probation department:

36 (1) a trauma center, critical care center or acute care hospital
37 having basic emergency services, which receives victims of motor
38 vehicle accidents for the purpose of observing appropriate victims
39 of drunk drivers and victims who are, themselves, drunk drivers;

40 (2) a facility which cares for advanced alcoholics or drug
41 abusers, to observe persons in the advanced stages of alcoholism or
42 drug abuse; or

43 (3) if approved by a county medical examiner, the office of the
44 county medical examiner or a public morgue to observe appropriate
45 victims of vehicle accidents involving drunk drivers.

46 As used in this section, "appropriate victim" means a victim
47 whose condition is determined by the facility's supervisory
48 personnel and the probation officer to be appropriate for
49 demonstrating the results of accidents involving drunk drivers

1 without being unnecessarily gruesome or traumatic to the
2 defendant.

3 If at any time before or during a visitation the facility's
4 supervisory personnel and the probation officer determine that the
5 visitation may be or is traumatic or otherwise inappropriate for that
6 defendant, the visitation shall be terminated without prejudice to the
7 defendant. The program may include a personal conference after
8 the visitation, which may include the sentencing judge or the judge
9 who coordinates the program for the court, the defendant,
10 defendant's counsel, and, if available, the defendant's parents to
11 discuss the visitation and its effect on the defendant's future
12 conduct. If a personal conference is not practicable because of the
13 defendant's absence from the jurisdiction, conflicting time
14 schedules, or any other reason, the court shall require the defendant
15 to submit a written report concerning the visitation experience and
16 its impact on the defendant. The county, a court, any facility visited
17 pursuant to the program, any agents, employees, or independent
18 contractors of the court, county, or facility visited pursuant to the
19 program, and any person supervising a defendant during the
20 visitation, are not liable for any civil damages resulting from injury
21 to the defendant, or for civil damages associated with the visitation
22 which are caused by the defendant, except for willful or grossly
23 negligent acts intended to, or reasonably expected to result in, that
24 injury or damage.

25 The Supreme Court may adopt court rules or directives to
26 effectuate the purposes of this subsection.

27 (i) In addition to any other fine, fee, or other charge imposed
28 pursuant to law, the court shall assess a person convicted of a
29 violation of the provisions of this section a surcharge of **[\$100]**
30 \$125, of which amount \$50 shall be payable to the municipality in
31 which the conviction was obtained **[and]** \$50 shall be payable to
32 the Treasurer of the State of New Jersey for deposit into the General
33 Fund, and \$25 which shall be payable as follows: in a matter where
34 the summons was issued by a municipality's law enforcement
35 agency, to that municipality to be used for the cost of equipping
36 police vehicles with mobile video recording systems pursuant to the
37 provisions of section 1 of P.L. , c. (C.) (pending before the
38 Legislature as this bill); in a matter where the summons was issued
39 by a county's law enforcement agency, to that county; and in a
40 matter where the summons was issued by a State law enforcement
41 agency, to the General Fund.

42 (cf: P.L.2009, c.201, s.1)

43

44 3. (New section) The Attorney General shall adopt, pursuant to
45 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.), rules and regulations to effectuate the provisions of this act.

47

48 4. This act shall take effect on the first day of the sixth month
49 following enactment, but the Attorney General may take such

1 administrative action in advance as shall be necessary for the
2 implementation of the act.

3

4

5

STATEMENT

6

7 This bill requires certain new or used municipal police vehicles
8 that are purchased, leased, or otherwise acquired on or after the
9 bill's effective date to be equipped with cameras. Specifically,
10 municipal police vehicles that are primarily used for traffic stops
11 are required to be equipped with a mobile video recording system.

12 The bill defines a "mobile video recording system" as a device or
13 system installed or used in a police vehicle or worn or otherwise
14 used by an officer that electronically records visual images
15 depicting activities that take place during a motor vehicle stop or
16 other law enforcement action.

17 In addition, the bill increases the surcharge imposed on persons
18 convicted of driving while intoxicated. The additional surcharge is
19 payable to the law enforcement agency that issued the summons
20 with municipalities being required to use the additional funds for
21 the cost of equipping police vehicles with cameras, as required by
22 this bill.

23

24

25

26

27 _____
Requires certain police vehicles to be equipped with cameras.

ASSEMBLY, No. 2280

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Assemblyman ANGEL FUENTES

District 5 (Camden and Gloucester)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Co-Sponsored by:

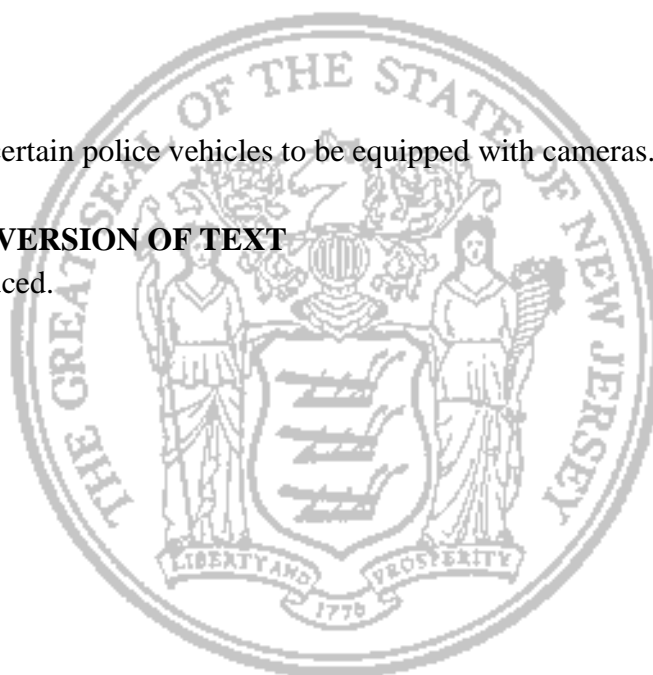
Assemblymen Benson, Johnson, Mazzeo, Diegnan, Assemblywoman Pinkin, Assemblymen Coughlin, Eustace, Lagana, Singleton, Assemblywoman Watson Coleman, Assemblyman Wilson, Assemblywomen Oliver, Jimenez and Senator Norcross

SYNOPSIS

Requires certain police vehicles to be equipped with cameras.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/27/2014)

A2280 MORIARTY, MAINOR

2

1 AN ACT concerning certain municipal police vehicles,
2 supplementing chapter 14 of Title 40A of the New Jersey
3 Statutes and amending R.S.39:4-50.

4

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

7

8 1. (New section) Every new or used municipal police vehicle
9 purchased, leased, or otherwise acquired on or after the effective
10 date of P.L. , c. (C.) (pending before the Legislature as
11 this bill) which is primarily used for traffic stops shall be equipped
12 with a mobile video recording system.

13 As used in this section “mobile video recording system” means a
14 device or system installed or used in a police vehicle or worn or
15 otherwise used by an officer that electronically records visual
16 images depicting activities that take place during a motor vehicle
17 stop or other law enforcement action.

18

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

20 39:4-50. (a) Except as provided in subsection (g) of this section,
21 a person who operates a motor vehicle while under the influence of
22 intoxicating liquor, narcotic, hallucinogenic or habit-producing
23 drug, or operates a motor vehicle with a blood alcohol concentration
24 of 0.08% or more by weight of alcohol in the defendant's blood or
25 permits another person who is under the influence of intoxicating
26 liquor, narcotic, hallucinogenic or habit-producing drug to operate a
27 motor vehicle owned by him or in his custody or control or permits
28 another to operate a motor vehicle with a blood alcohol
29 concentration of 0.08% or more by weight of alcohol in the
30 defendant's blood shall be subject:

31 (1) For the first offense:

32 (i) if the person's blood alcohol concentration is 0.08% or
33 higher but less than 0.10%, or the person operates a motor vehicle
34 while under the influence of intoxicating liquor, or the person
35 permits another person who is under the influence of intoxicating
36 liquor to operate a motor vehicle owned by him or in his custody or
37 control or permits another person with a blood alcohol
38 concentration of 0.08% or higher but less than 0.10% to operate a
39 motor vehicle, to a fine of not less than \$250 nor more than \$400
40 and a period of detainment of not less than 12 hours nor more than
41 48 hours spent during two consecutive days of not less than six
42 hours each day and served as prescribed by the program
43 requirements of the Intoxicated Driver Resource Centers established
44 under subsection (f) of this section and, in the discretion of the
45 court, a term of imprisonment of not more than 30 days and shall

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 forthwith forfeit his right to operate a motor vehicle over the
2 highways of this State for a period of three months;

3 (ii) if the person's blood alcohol concentration is 0.10% or
4 higher, or the person operates a motor vehicle while under the
5 influence of narcotic, hallucinogenic or habit-producing drug, or the
6 person permits another person who is under the influence of
7 narcotic, hallucinogenic or habit-producing drug to operate a motor
8 vehicle owned by him or in his custody or control, or permits
9 another person with a blood alcohol concentration of 0.10% or more
10 to operate a motor vehicle, to a fine of not less than \$300 nor more
11 than \$500 and a period of detainment of not less than 12 hours nor
12 more than 48 hours spent during two consecutive days of not less
13 than six hours each day and served as prescribed by the program
14 requirements of the Intoxicated Driver Resource Centers established
15 under subsection (f) of this section and, in the discretion of the
16 court, a term of imprisonment of not more than 30 days and shall
17 forthwith forfeit his right to operate a motor vehicle over the
18 highways of this State for a period of not less than seven months
19 nor more than one year;

20 (iii) For a first offense, a person also shall be subject to the
21 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

22 (2) For a second violation, a person shall be subject to a fine of
23 not less than \$~~500.00~~ 500 nor more than \$~~1,000.00~~ 1,000, and
24 shall be ordered by the court to perform community service for a
25 period of 30 days, which shall be of such form and on such terms as
26 the court shall deem appropriate under the circumstances, and shall
27 be sentenced to imprisonment for a term of not less than 48
28 consecutive hours, which shall not be suspended or served on
29 probation, nor more than 90 days, and shall forfeit his right to
30 operate a motor vehicle over the highways of this State for a period
31 of two years upon conviction, and, after the expiration of said
32 period, he may make application to the Chief Administrator of the
33 New Jersey Motor Vehicle Commission for a license to operate a
34 motor vehicle, which application may be granted at the discretion of
35 the chief administrator, consistent with subsection (b) of this
36 section. For a second violation, a person also shall be required to
37 install an ignition interlock device under the provisions of P.L.1999,
38 c.417 (C.39:4-50.16 et al.).

39 (3) For a third or subsequent violation, a person shall be subject
40 to a fine of \$~~1,000.00~~ 1,000, and shall be sentenced to
41 imprisonment for a term of not less than 180 days in a county jail or
42 workhouse, except that the court may lower such term for each day,
43 not exceeding 90 days, served participating in a drug or alcohol
44 inpatient rehabilitation program approved by the Intoxicated Driver
45 Resource Center and shall thereafter forfeit his right to operate a
46 motor vehicle over the highways of this State for 10 years. For a
47 third or subsequent violation, a person also shall be required to
48 install an ignition interlock device under the provisions of P.L.1999,
49 c.417 (C.39:4-50.16 et al.).

1 As used in this section, the phrase "narcotic, hallucinogenic or
2 habit-producing drug" includes an inhalant or other substance
3 containing a chemical capable of releasing any toxic vapors or
4 fumes for the purpose of inducing a condition of intoxication, such
5 as any glue, cement or any other substance containing one or more
6 of the following chemical compounds: acetone and acetate, amyl
7 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
8 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
9 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
10 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
11 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl
12 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
13 any other chemical substance capable of causing a condition of
14 intoxication, inebriation, excitement, stupefaction or the dulling of
15 the brain or nervous system as a result of the inhalation of the
16 fumes or vapors of such chemical substance.

17 Whenever an operator of a motor vehicle has been involved in an
18 accident resulting in death, bodily injury or property damage, a
19 police officer shall consider that fact along with all other facts and
20 circumstances in determining whether there are reasonable grounds
21 to believe that person was operating a motor vehicle in violation of
22 this section.

23 A conviction of a violation of a law of a substantially similar
24 nature in another jurisdiction, regardless of whether that jurisdiction
25 is a signatory to the Interstate Driver License Compact pursuant to
26 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
27 conviction under this subsection unless the defendant can
28 demonstrate by clear and convincing evidence that the conviction in
29 the other jurisdiction was based exclusively upon a violation of a
30 proscribed blood alcohol concentration of less than 0.08%.

31 If the driving privilege of any person is under revocation or
32 suspension for a violation of any provision of this Title or Title 2C
33 of the New Jersey Statutes at the time of any conviction for a
34 violation of this section, the revocation or suspension period
35 imposed shall commence as of the date of termination of the
36 existing revocation or suspension period. In the case of any person
37 who at the time of the imposition of sentence is less than 17 years
38 of age, the forfeiture, suspension or revocation of the driving
39 privilege imposed by the court under this section shall commence
40 immediately, run through the offender's seventeenth birthday and
41 continue from that date for the period set by the court pursuant to
42 paragraphs (1) through (3) of this subsection. A court that imposes
43 a term of imprisonment for a first or second offense under this
44 section may sentence the person so convicted to the county jail, to
45 the workhouse of the county wherein the offense was committed, to
46 an inpatient rehabilitation program or to an Intoxicated Driver
47 Resource Center or other facility approved by the chief of the
48 Intoxicated Driving Program Unit in the Department of Health [and
49 Senior Services]. For a third or subsequent offense a person shall

1 not serve a term of imprisonment at an Intoxicated Driver Resource
2 Center as provided in subsection (f).

3 A person who has been convicted of a previous violation of this
4 section need not be charged as a second or subsequent offender in
5 the complaint made against him in order to render him liable to the
6 punishment imposed by this section on a second or subsequent
7 offender, but if the second offense occurs more than 10 years after
8 the first offense, the court shall treat the second conviction as a first
9 offense for sentencing purposes and if a third offense occurs more
10 than 10 years after the second offense, the court shall treat the third
11 conviction as a second offense for sentencing purposes.

12 (b) A person convicted under this section must satisfy the
13 screening, evaluation, referral, program and fee requirements of the
14 Division of **【Alcoholism and Drug Abuse's】** Mental Health and
15 Addiction Services' Intoxicated Driving Program Unit, and of the
16 Intoxicated Driver Resource Centers and a program of alcohol and
17 drug education and highway safety, as prescribed by the chief
18 administrator. The sentencing court shall inform the person
19 convicted that failure to satisfy such requirements shall result in a
20 mandatory two-day term of imprisonment in a county jail and a
21 driver license revocation or suspension and continuation of
22 revocation or suspension until such requirements are satisfied,
23 unless stayed by court order in accordance with the Rules
24 Governing the Courts of the State of New Jersey, or R.S.39:5-22.
25 Upon sentencing, the court shall forward to the Division of
26 **【Alcoholism and Drug Abuse's】** Mental Health and Addiction
27 Services' Intoxicated Driving Program Unit a copy of a person's
28 conviction record. A fee of \$**【100.00】** 100 shall be payable to the
29 Alcohol Education, Rehabilitation and Enforcement Fund
30 established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to
31 support the Intoxicated Driving Program Unit.

32 (c) Upon conviction of a violation of this section, the court shall
33 collect forthwith the New Jersey driver's license or licenses of the
34 person so convicted and forward such license or licenses to the
35 chief administrator. The court shall inform the person convicted
36 that if he is convicted of personally operating a motor vehicle
37 during the period of license suspension imposed pursuant to
38 subsection (a) of this section, he shall, upon conviction, be subject
39 to the penalties established in R.S.39:3-40. The person convicted
40 shall be informed orally and in writing. A person shall be required
41 to acknowledge receipt of that written notice in writing. Failure to
42 receive a written notice or failure to acknowledge in writing the
43 receipt of a written notice shall not be a defense to a subsequent
44 charge of a violation of R.S.39:3-40. In the event that a person
45 convicted under this section is the holder of any out-of-State
46 driver's license, the court shall not collect the license but shall
47 notify forthwith the chief administrator, who shall, in turn, notify
48 appropriate officials in the licensing jurisdiction. The court shall,
49 however, revoke the nonresident's driving privilege to operate a

1 motor vehicle in this State, in accordance with this section. Upon
2 conviction of a violation of this section, the court shall notify the
3 person convicted, orally and in writing, of the penalties for a
4 second, third or subsequent violation of this section. A person shall
5 be required to acknowledge receipt of that written notice in writing.
6 Failure to receive a written notice or failure to acknowledge in
7 writing the receipt of a written notice shall not be a defense to a
8 subsequent charge of a violation of this section.

9 (d) The chief administrator shall promulgate rules and
10 regulations pursuant to the "Administrative Procedure Act,"
11 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
12 of alcohol education and highway safety, as prescribed by this act.

13 (e) Any person accused of a violation of this section who is
14 liable to punishment imposed by this section as a second or
15 subsequent offender shall be entitled to the same rights of discovery
16 as allowed defendants pursuant to the Rules Governing the Courts
17 of the State of New Jersey.

18 (f) The counties, in cooperation with the Division of
19 **【Alcoholism and Drug Abuse】** Mental Health and Addiction
20 Services and the commission, but subject to the approval of the
21 Division of **【Alcoholism and Drug Abuse】** Mental Health and
22 Addiction Services, shall designate and establish on a county or
23 regional basis Intoxicated Driver Resource Centers. These centers
24 shall have the capability of serving as community treatment referral
25 centers and as court monitors of a person's compliance with the
26 ordered treatment, service alternative or community service. All
27 centers established pursuant to this subsection shall be administered
28 by a counselor certified by the Alcohol and Drug Counselor
29 Certification Board of New Jersey or other professional with a
30 minimum of five years' experience in the treatment of alcoholism.
31 All centers shall be required to develop individualized treatment
32 plans for all persons attending the centers; provided that the
33 duration of any ordered treatment or referral shall not exceed one
34 year. It shall be the center's responsibility to establish networks
35 with the community alcohol and drug education, treatment and
36 rehabilitation resources and to receive monthly reports from the
37 referral agencies regarding a person's participation and compliance
38 with the program. Nothing in this subsection shall bar these centers
39 from developing their own education and treatment programs;
40 provided that they are approved by the Division of **【Alcoholism and**
41 **Drug Abuse】** Mental Health and Addiction Services.

42 Upon a person's failure to report to the initial screening or any
43 subsequent ordered referral, the Intoxicated Driver Resource Center
44 shall promptly notify the sentencing court of the person's failure to
45 comply.

46 Required detention periods at the Intoxicated Driver Resource
47 Centers shall be determined according to the individual treatment
48 classification assigned by the Intoxicated Driving Program Unit.

1 Upon attendance at an Intoxicated Driver Resource Center, a person
2 shall be required to pay a per diem fee of \$~~75.00~~ 75 for the first
3 offender program or a per diem fee of \$~~100.00~~ 100 for the second
4 offender program, as appropriate. Any increases in the per diem
5 fees after the first full year shall be determined pursuant to rules
6 and regulations adopted by the Commissioner of Health ~~and Senior~~
7 ~~Services~~ in consultation with the Governor's Council on
8 Alcoholism and Drug Abuse pursuant to the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

10 The centers shall conduct a program of alcohol and drug
11 education and highway safety, as prescribed by the chief
12 administrator.

13 The Commissioner of Health ~~and Senior Services~~ shall adopt
14 rules and regulations pursuant to the "Administrative Procedure
15 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate
16 the purposes of this subsection.

17 (g) When a violation of this section occurs while:

18 (1) on any school property used for school purposes which is
19 owned by or leased to any elementary or secondary school or school
20 board, or within 1,000 feet of such school property;

21 (2) driving through a school crossing as defined in R.S.39:1-1
22 the municipality, by ordinance or resolution, has designated the
23 school crossing as such; or

24 (3) driving through a school crossing as defined in R.S.39:1-1
25 knowing that juveniles are present if the municipality has not
26 designated the school crossing as such by ordinance or resolution,
27 the convicted person shall: for a first offense, be fined not less than
28 \$500 or more than \$800, be imprisoned for not more than 60 days
29 and have his license to operate a motor vehicle suspended for a
30 period of not less than one year or more than two years; for a
31 second offense, be fined not less than \$1,000 or more than \$2,000,
32 perform community service for a period of 60 days, be imprisoned
33 for not less than 96 consecutive hours, which shall not be suspended
34 or served on probation, nor more than 180 days, except that the
35 court may lower such term for each day, not exceeding 90 days,
36 served performing community service in such form and on such
37 terms as the court shall deem appropriate under the circumstances
38 and have his license to operate a motor vehicle suspended for a
39 period of four years; and, for a third offense, be fined \$2,000,
40 imprisoned for 180 days in a county jail or workhouse, except that
41 the court may lower such term for each day, not exceeding 90 days,
42 served participating in a drug or alcohol inpatient rehabilitation
43 program approved by the Intoxicated Driver Resource Center, and
44 have his license to operate a motor vehicle suspended for a period
45 of 20 years; the period of license suspension shall commence upon
46 the completion of any prison sentence imposed upon that person.

47 A map or true copy of a map depicting the location and
48 boundaries of the area on or within 1,000 feet of any property used

1 for school purposes which is owned by or leased to any elementary
2 or secondary school or school board produced pursuant to section 1
3 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
4 paragraph (1) of this subsection.

5 It shall not be relevant to the imposition of sentence pursuant to
6 paragraph (1) or (2) of this subsection that the defendant was
7 unaware that the prohibited conduct took place while on or within
8 1,000 feet of any school property or while driving through a school
9 crossing. Nor shall it be relevant to the imposition of sentence that
10 no juveniles were present on the school property or crossing zone at
11 the time of the offense or that the school was not in session.

12 (h) A court also may order a person convicted pursuant to
13 subsection (a) of this section, to participate in a supervised
14 visitation program as either a condition of probation or a form of
15 community service, giving preference to those who were under the
16 age of 21 at the time of the offense. Prior to ordering a person to
17 participate in such a program, the court may consult with any
18 person who may provide useful information on the defendant's
19 physical, emotional and mental suitability for the visit to ensure that
20 it will not cause any injury to the defendant. The court also may
21 order that the defendant participate in a counseling session under
22 the supervision of the Intoxicated Driving Program Unit prior to
23 participating in the supervised visitation program. The supervised
24 visitation program shall be at one or more of the following facilities
25 which have agreed to participate in the program under the
26 supervision of the facility's personnel and the probation department:

27 (1) a trauma center, critical care center or acute care hospital
28 having basic emergency services, which receives victims of motor
29 vehicle accidents for the purpose of observing appropriate victims
30 of drunk drivers and victims who are, themselves, drunk drivers;

31 (2) a facility which cares for advanced alcoholics or drug
32 abusers, to observe persons in the advanced stages of alcoholism or
33 drug abuse; or

34 (3) if approved by a county medical examiner, the office of the
35 county medical examiner or a public morgue to observe appropriate
36 victims of vehicle accidents involving drunk drivers.

37 As used in this section, "appropriate victim" means a victim
38 whose condition is determined by the facility's supervisory
39 personnel and the probation officer to be appropriate for
40 demonstrating the results of accidents involving drunk drivers
41 without being unnecessarily gruesome or traumatic to the
42 defendant.

43 If at any time before or during a visitation the facility's
44 supervisory personnel and the probation officer determine that the
45 visitation may be or is traumatic or otherwise inappropriate for that
46 defendant, the visitation shall be terminated without prejudice to the
47 defendant. The program may include a personal conference after
48 the visitation, which may include the sentencing judge or the judge
49 who coordinates the program for the court, the defendant,

1 defendant's counsel, and, if available, the defendant's parents to
2 discuss the visitation and its effect on the defendant's future
3 conduct. If a personal conference is not practicable because of the
4 defendant's absence from the jurisdiction, conflicting time
5 schedules, or any other reason, the court shall require the defendant
6 to submit a written report concerning the visitation experience and
7 its impact on the defendant. The county, a court, any facility visited
8 pursuant to the program, any agents, employees, or independent
9 contractors of the court, county, or facility visited pursuant to the
10 program, and any person supervising a defendant during the
11 visitation, are not liable for any civil damages resulting from injury
12 to the defendant, or for civil damages associated with the visitation
13 which are caused by the defendant, except for willful or grossly
14 negligent acts intended to, or reasonably expected to result in, that
15 injury or damage.

16 The Supreme Court may adopt court rules or directives to
17 effectuate the purposes of this subsection.

18 (i) In addition to any other fine, fee, or other charge imposed
19 pursuant to law, the court shall assess a person convicted of a
20 violation of the provisions of this section a surcharge of **[\$100]**
21 \$125, of which amount \$50 shall be payable to the municipality in
22 which the conviction was obtained **[and]** \$50 shall be payable to
23 the Treasurer of the State of New Jersey for deposit into the General
24 Fund, and \$25 which shall be payable as follows: in a matter where
25 the summons was issued by a municipality's law enforcement
26 agency, to that municipality to be used for the cost of equipping
27 police vehicles with mobile video recording systems pursuant to the
28 provisions of section 1 of P.L. , c. (C.) (pending before the
29 Legislature as this bill); in a matter where the summons was issued
30 by a county's law enforcement agency, to that county; and in a
31 matter where the summons was issued by a State law enforcement
32 agency, to the General Fund.

33 (cf: P.L.2009, c.201, s.1)

34

35 3. (New section) The Attorney General shall adopt, pursuant to
36 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), rules and regulations to effectuate the provisions of this act.

38

39 4. This act shall take effect on the first day of the sixth month
40 following enactment, but the Attorney General may take such
41 administrative action in advance as shall be necessary for the
42 implementation of the act.

43

44

45

STATEMENT

46

47 This bill requires certain new or used municipal police vehicles
48 that are purchased, leased, or otherwise acquired on or after the
49 bill's effective date to be equipped with cameras. Specifically,

1 municipal police vehicles that are primarily used for traffic stops
2 are required to be equipped with a mobile video recording system.

3 The bill defines a “mobile video recording system” as a device or
4 system installed or used in a police vehicle or worn or otherwise
5 used by an officer that electronically records visual images
6 depicting activities that take place during a motor vehicle stop or
7 other law enforcement action.

8 In addition, the bill increases the surcharge imposed on persons
9 convicted of driving while intoxicated. The additional surcharge is
10 payable to the law enforcement agency that issued the summons
11 with municipalities being required to use the additional funds for
12 the cost of equipping police vehicles with cameras, as required by
13 this bill.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2280

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 2014

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2280.

Assembly Bill No. 2880 requires certain new or used municipal police vehicles that are purchased, leased, or otherwise acquired on or after the bill's effective date to be equipped with cameras. Specifically, municipal police vehicles that are primarily used for traffic stops are required to be equipped with a mobile video recording system.

The bill defines a "mobile video recording system" as a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

In addition, the bill increases the surcharge imposed on persons convicted of driving while intoxicated. The additional surcharge is payable to the law enforcement agency that issued the summons with municipalities being required to use the additional funds for the cost of equipping police vehicles with cameras, as required by this bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2280

STATE OF NEW JERSEY

DATED: MAY 8, 2014

The Assembly Appropriations Committee reports favorably on Assembly Bill No. 2280.

This bill requires certain municipal police vehicles to be equipped with mobile video recording systems, and increases an existing surcharge on persons convicted of driving while intoxicated to provide funding for the municipal cost of equipping police vehicles with video systems.

Under the bill, every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the bill's effective date that is primarily used for traffic stops must be equipped with a mobile video recording system.

The bill defines a "mobile video recording system" as a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

The bill increases, from \$100 to \$125, the current surcharge imposed on persons convicted of driving while intoxicated. The bill provides for the additional \$25 surcharge to be payable to the State, county, or municipal entity that issued the summons, and stipulates that the increased amounts payable to municipalities from the surcharge must be used for the cost of equipping police vehicles with mobile video recording systems.

The bill requires the Attorney General to adopt rules and regulations to effectuate the bill's provisions.

The bill takes effect on the first day of the sixth month following enactment, but permits the Attorney General to take prior administrative actions in advance of the bill's effective date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) has estimated that the \$25 increase to the current surcharge imposed on persons convicted of driving while intoxicated may generate an additional \$576,525 of revenues annually, based on data provided by the Administrative Office of the Courts. That data indicate 22,150 persons were convicted of driving under the influence Statewide in 2012, 23,084 persons were convicted in 2011, and 23,949 persons were convicted in 2010.

However, it is unclear how the additional revenues generated from the increased surcharge will be allocated. The bill provides for the increased surcharge to be paid to the State, county, or municipal entity that issued the summons, with an additional requirement that municipalities use the revenue collected from the surcharge to equip police vehicles with mobile video recording systems.

Additionally, the total cost that may be incurred by municipalities to equip new or used police vehicles with mobile video recording systems cannot be determined. The OLS lacks sufficient information to determine the annual number of police vehicles that may be purchased by municipalities in which equipping police vehicles or officers with mobile video recording systems is not already standard practice.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2280
STATE OF NEW JERSEY
216th LEGISLATURE

DATED: MAY 13, 2014

SUMMARY

Synopsis: Requires certain police vehicles to be equipped with cameras.

Type of Impact: Municipal expenditure and revenue increase. State and County revenue increase.

Agencies Affected: Department of Law and Public Safety, Administrative Office of the Courts, and Municipal Police Departments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Indeterminate Increase.	
State Revenue		Indeterminate Increase.	
Local Cost		Indeterminate Increase.	
Local Revenue		Indeterminate Increase.	

- The Office of Legislative Services (OLS) estimates that total municipal costs associated with the enactment of this bill will likely be higher than the municipal share of revenue raised by the increased fee on DUI convictions. Insufficient information is available to estimate the impact on individual municipalities.
- According to the Administrative Office of the Courts, there were 22,150 DUI convictions Statewide in 2012, 23,084 in 2011, and 23,949 in 2010. If the surcharges can be collected, the State, counties and municipalities would receive an estimated combined increase of \$576,525 annually.
- Requires certain new or used municipal police vehicles that are purchased, leased, or otherwise acquired on or after the bill's effective date to be equipped with mobile video recording systems. The bill's provisions also provide that the mobile device video recording systems worn or otherwise used by a police officer would qualify in lieu of a device placed in a vehicle. The OLS lacks reliable data upon which to base an estimate of the annual number of vehicles to be purchased by municipalities in which equipping vehicles or officers with video recording systems is not already standard practice.

- Increases the surcharge imposed on persons convicted of driving while intoxicated under N.J.S.39:4-50. The additional \$25 surcharge is payable to the State, county, or municipality where the conviction was obtained. Municipalities are required to use the extra funding for the cost of equipping newly purchased police vehicles with video recording systems.

BILL DESCRIPTION

Assembly Bill No. 2280 of 2014 requires certain new or used municipal police vehicles that are purchased, leased, or otherwise acquired on or after the bill's effective date to be equipped with cameras. The bill's provisions also are applicable to mobile device video recording systems worn or otherwise used by a police officer.

The bill defines a "mobile video recording system" as a device or system installed or used in a police vehicle or on an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

In addition, the bill increases the surcharge imposed on persons convicted of driving while intoxicated. The additional surcharge is payable to the municipality where the conviction was obtained for the cost of equipping police vehicles with cameras, as required by this bill. If the summons is issued by a county's law enforcement agency or a State law enforcement agency, the additional surcharge will be directed to the entity that issued the summons.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that total municipal costs associated with the enactment of this bill will likely be higher than the municipal share of revenue raised by the increased fee on DUI convictions. Insufficient information is available to estimate the impact on individual municipalities.

According to the Administrative Office of the Courts, there were 22,150 DUI convictions Statewide in 2012, 23,084 in 2011, and 23,949 in 2010. If the surcharges can be collected, the State, counties, and municipalities would receive an estimated combined increase of \$576,525 annually. Under this bill, only municipal police departments would need to purchase cameras for their patrol vehicles and only municipalities that have obtained DUI convictions would receive the increased surcharges.

A March 2012 online article from New Jersey.com reported that the City of Newark spent \$336,000 on the installation of cameras on 52 patrol and traffic cruisers, or an estimated \$6,461.53 per vehicle.

If this cost is representative of what municipalities will expend to comply with the bill's mandate, then additional surcharges imposed and collected at the levels noted above would be

adequate to equip about 90 vehicles per year. It is unknown what the cost would be for the mobile device video recording systems worn or otherwise used by a police officer.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2280

STATE OF NEW JERSEY

DATED: JUNE 16, 2014

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2280.

The bill requires certain municipal police vehicles to be equipped with mobile video recording systems, and increases an existing surcharge on persons convicted of driving while intoxicated to provide funding for the municipal cost of equipping police vehicles with video systems. Under the bill, every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the bill's effective date that is primarily used for traffic stops must be equipped with a mobile video recording system.

The bill defines a "mobile video recording system" as a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

The bill increases, from \$100 to \$125, the current surcharge imposed on persons convicted of driving while intoxicated. The bill provides for the additional \$25 surcharge to be payable to the State, county, or municipal entity that issued the summons, and stipulates that the increased amounts payable to municipalities from the surcharge must be used for the cost of equipping police vehicles with mobile video recording systems.

The bill requires the Attorney General to adopt rules and regulations to effectuate the bill's provisions. The bill takes effect on the first day of the sixth month following enactment, but permits the Attorney General to take prior administrative actions in advance of the bill's effective date.

As reported, this bill is identical to Senate Bill No. 1305, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) has estimated that the \$25 increase to the current surcharge imposed on persons convicted of driving while intoxicated may generate an additional \$576,525 of revenues annually, based on data provided by the Administrative Office of the Courts. That data indicate 22,150 persons were convicted

of driving under the influence Statewide in 2012, 23,084 persons were convicted in 2011, and 23,949 persons were convicted in 2010.

However, it is unclear how the additional revenues generated from the increased surcharge will be allocated. The bill provides for the increased surcharge to be paid to the State, county, or municipal entity that issued the summons, with an additional requirement that municipalities use the revenue collected from the surcharge to equip police vehicles with mobile video recording systems.

Additionally, the total cost that may be incurred by municipalities to equip new or used police vehicles with mobile video recording systems cannot be determined. The OLS lacks sufficient information to determine the annual number of police vehicles that may be purchased by municipalities in which equipping police vehicles or officers with mobile video recording systems is not already standard practice.

SENATE, No. 1305

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Requires certain police vehicles to be equipped with cameras.

CURRENT VERSION OF TEXT

As introduced.



S1305 NORCROSS

2

1 AN ACT concerning certain municipal police vehicles,
2 supplementing chapter 14 of Title 40A of the New Jersey
3 Statutes and amending R.S.39:4-50.

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

7
8 1. (New section) Every new or used municipal police vehicle
9 purchased, leased, or otherwise acquired on or after the effective
10 date of P.L. , c. (C.) (pending before the Legislature as
11 this bill) which is primarily used for traffic stops shall be equipped
12 with a mobile video recording system.

13 As used in this section “mobile video recording system” means a
14 device or system installed or used in a police vehicle or worn or
15 otherwise used by an officer that electronically records visual
16 images depicting activities that take place during a motor vehicle
17 stop or other law enforcement action.

18
19 2. R.S.39:4-50 is amended to read as follows:

20 39:4-50. (a) Except as provided in subsection (g) of this section,
21 a person who operates a motor vehicle while under the influence of
22 intoxicating liquor, narcotic, hallucinogenic or habit-producing
23 drug, or operates a motor vehicle with a blood alcohol concentration
24 of 0.08% or more by weight of alcohol in the defendant's blood or
25 permits another person who is under the influence of intoxicating
26 liquor, narcotic, hallucinogenic or habit-producing drug to operate a
27 motor vehicle owned by him or in his custody or control or permits
28 another to operate a motor vehicle with a blood alcohol
29 concentration of 0.08% or more by weight of alcohol in the
30 defendant's blood shall be subject:

31 (1) For the first offense:

32 (i) if the person's blood alcohol concentration is 0.08% or
33 higher but less than 0.10%, or the person operates a motor vehicle
34 while under the influence of intoxicating liquor, or the person
35 permits another person who is under the influence of intoxicating
36 liquor to operate a motor vehicle owned by him or in his custody or
37 control or permits another person with a blood alcohol
38 concentration of 0.08% or higher but less than 0.10% to operate a
39 motor vehicle, to a fine of not less than \$250 nor more than \$400
40 and a period of detainment of not less than 12 hours nor more than
41 48 hours spent during two consecutive days of not less than six
42 hours each day and served as prescribed by the program
43 requirements of the Intoxicated Driver Resource Centers established
44 under subsection (f) of this section and, in the discretion of the
45 court, a term of imprisonment of not more than 30 days and shall

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.

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1 forthwith forfeit his right to operate a motor vehicle over the
2 highways of this State for a period of three months;

3 (ii) if the person's blood alcohol concentration is 0.10% or
4 higher, or the person operates a motor vehicle while under the
5 influence of narcotic, hallucinogenic or habit-producing drug, or the
6 person permits another person who is under the influence of
7 narcotic, hallucinogenic or habit-producing drug to operate a motor
8 vehicle owned by him or in his custody or control, or permits
9 another person with a blood alcohol concentration of 0.10% or more
10 to operate a motor vehicle, to a fine of not less than \$300 nor more
11 than \$500 and a period of detainment of not less than 12 hours nor
12 more than 48 hours spent during two consecutive days of not less
13 than six hours each day and served as prescribed by the program
14 requirements of the Intoxicated Driver Resource Centers established
15 under subsection (f) of this section and, in the discretion of the
16 court, a term of imprisonment of not more than 30 days and shall
17 forthwith forfeit his right to operate a motor vehicle over the
18 highways of this State for a period of not less than seven months
19 nor more than one year;

20 (iii) For a first offense, a person also shall be subject to the
21 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

22 (2) For a second violation, a person shall be subject to a fine of
23 not less than ~~【\$500.00】~~ \$500 nor more than ~~【\$1,000.00】~~ \$1,000,
24 and shall be ordered by the court to perform community service for
25 a period of 30 days, which shall be of such form and on such terms
26 as the court shall deem appropriate under the circumstances, and
27 shall be sentenced to imprisonment for a term of not less than 48
28 consecutive hours, which shall not be suspended or served on
29 probation, nor more than 90 days, and shall forfeit his right to
30 operate a motor vehicle over the highways of this State for a period
31 of two years upon conviction, and, after the expiration of said
32 period, he may make application to the Chief Administrator of the
33 New Jersey Motor Vehicle Commission for a license to operate a
34 motor vehicle, which application may be granted at the discretion of
35 the chief administrator, consistent with subsection (b) of this
36 section. For a second violation, a person also shall be required to
37 install an ignition interlock device under the provisions of P.L.1999,
38 c.417 (C.39:4-50.16 et al.).

39 (3) For a third or subsequent violation, a person shall be subject
40 to a fine of ~~【\$1,000.00】~~ \$1,000, and shall be sentenced to
41 imprisonment for a term of not less than 180 days in a county jail or
42 workhouse, except that the court may lower such term for each day,
43 not exceeding 90 days, served participating in a drug or alcohol
44 inpatient rehabilitation program approved by the Intoxicated Driver
45 Resource Center and shall thereafter forfeit his right to operate a
46 motor vehicle over the highways of this State for 10 years. For a
47 third or subsequent violation, a person also shall be required to

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1 install an ignition interlock device under the provisions of P.L.1999,
2 c.417 (C.39:4-50.16 et al.).

3 As used in this section, the phrase "narcotic, hallucinogenic or
4 habit-producing drug" includes an inhalant or other substance
5 containing a chemical capable of releasing any toxic vapors or
6 fumes for the purpose of inducing a condition of intoxication, such
7 as any glue, cement or any other substance containing one or more
8 of the following chemical compounds: acetone and acetate, amyl
9 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
10 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
11 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
12 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
13 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl
14 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
15 any other chemical substance capable of causing a condition of
16 intoxication, inebriation, excitement, stupefaction or the dulling of
17 the brain or nervous system as a result of the inhalation of the
18 fumes or vapors of such chemical substance.

19 Whenever an operator of a motor vehicle has been involved in an
20 accident resulting in death, bodily injury or property damage, a
21 police officer shall consider that fact along with all other facts and
22 circumstances in determining whether there are reasonable grounds
23 to believe that person was operating a motor vehicle in violation of
24 this section.

25 A conviction of a violation of a law of a substantially similar
26 nature in another jurisdiction, regardless of whether that jurisdiction
27 is a signatory to the Interstate Driver License Compact pursuant to
28 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
29 conviction under this subsection unless the defendant can
30 demonstrate by clear and convincing evidence that the conviction in
31 the other jurisdiction was based exclusively upon a violation of a
32 proscribed blood alcohol concentration of less than 0.08%.

33 If the driving privilege of any person is under revocation or
34 suspension for a violation of any provision of this Title or Title 2C
35 of the New Jersey Statutes at the time of any conviction for a
36 violation of this section, the revocation or suspension period
37 imposed shall commence as of the date of termination of the
38 existing revocation or suspension period. In the case of any person
39 who at the time of the imposition of sentence is less than 17 years
40 of age, the forfeiture, suspension or revocation of the driving
41 privilege imposed by the court under this section shall commence
42 immediately, run through the offender's seventeenth birthday and
43 continue from that date for the period set by the court pursuant to
44 paragraphs (1) through (3) of this subsection. A court that imposes
45 a term of imprisonment for a first or second offense under this
46 section may sentence the person so convicted to the county jail, to
47 the workhouse of the county wherein the offense was committed, to
48 an inpatient rehabilitation program or to an Intoxicated Driver

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1 Resource Center or other facility approved by the chief of the
2 Intoxicated Driving Program Unit in the Department of Health **[and**
3 **Senior Services]**. For a third or subsequent offense a person shall
4 not serve a term of imprisonment at an Intoxicated Driver Resource
5 Center as provided in subsection (f).

6 A person who has been convicted of a previous violation of this
7 section need not be charged as a second or subsequent offender in
8 the complaint made against him in order to render him liable to the
9 punishment imposed by this section on a second or subsequent
10 offender, but if the second offense occurs more than 10 years after
11 the first offense, the court shall treat the second conviction as a first
12 offense for sentencing purposes and if a third offense occurs more
13 than 10 years after the second offense, the court shall treat the third
14 conviction as a second offense for sentencing purposes.

15 (b) A person convicted under this section must satisfy the
16 screening, evaluation, referral, program and fee requirements of the
17 Division of **[Alcoholism and Drug Abuse's]** Mental Health and
18 Addiction Services' Intoxicated Driving Program Unit, and of the
19 Intoxicated Driver Resource Centers and a program of alcohol and
20 drug education and highway safety, as prescribed by the chief
21 administrator. The sentencing court shall inform the person
22 convicted that failure to satisfy such requirements shall result in a
23 mandatory two-day term of imprisonment in a county jail and a
24 driver license revocation or suspension and continuation of
25 revocation or suspension until such requirements are satisfied,
26 unless stayed by court order in accordance with the Rules
27 Governing the Courts of the State of New Jersey, or R.S.39:5-22.
28 Upon sentencing, the court shall forward to the Division of
29 **[Alcoholism and Drug Abuse's]** Mental Health and Addiction
30 Services' Intoxicated Driving Program Unit a copy of a person's
31 conviction record. A fee of **[\$100.00]** \$100 shall be payable to the
32 Alcohol Education, Rehabilitation and Enforcement Fund
33 established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to
34 support the Intoxicated Driving Program Unit.

35 (c) Upon conviction of a violation of this section, the court shall
36 collect forthwith the New Jersey driver's license or licenses of the
37 person so convicted and forward such license or licenses to the
38 chief administrator. The court shall inform the person convicted
39 that if he is convicted of personally operating a motor vehicle
40 during the period of license suspension imposed pursuant to
41 subsection (a) of this section, he shall, upon conviction, be subject
42 to the penalties established in R.S.39:3-40. The person convicted
43 shall be informed orally and in writing. A person shall be required
44 to acknowledge receipt of that written notice in writing. Failure to
45 receive a written notice or failure to acknowledge in writing the
46 receipt of a written notice shall not be a defense to a subsequent
47 charge of a violation of R.S.39:3-40. In the event that a person
48 convicted under this section is the holder of any out-of-State

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1 driver's license, the court shall not collect the license but shall
2 notify forthwith the chief administrator, who shall, in turn, notify
3 appropriate officials in the licensing jurisdiction. The court shall,
4 however, revoke the nonresident's driving privilege to operate a
5 motor vehicle in this State, in accordance with this section. Upon
6 conviction of a violation of this section, the court shall notify the
7 person convicted, orally and in writing, of the penalties for a
8 second, third or subsequent violation of this section. A person shall
9 be required to acknowledge receipt of that written notice in writing.
10 Failure to receive a written notice or failure to acknowledge in
11 writing the receipt of a written notice shall not be a defense to a
12 subsequent charge of a violation of this section.

13 (d) The chief administrator shall promulgate rules and
14 regulations pursuant to the "Administrative Procedure Act,"
15 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
16 of alcohol education and highway safety, as prescribed by this act.

17 (e) Any person accused of a violation of this section who is
18 liable to punishment imposed by this section as a second or
19 subsequent offender shall be entitled to the same rights of discovery
20 as allowed defendants pursuant to the Rules Governing the Courts
21 of the State of New Jersey.

22 (f) The counties, in cooperation with the Division of
23 **【Alcoholism and Drug Abuse】** Mental Health and Addiction
24 Services and the commission, but subject to the approval of the
25 Division of **【Alcoholism and Drug Abuse】** Mental Health and
26 Addiction Services, shall designate and establish on a county or
27 regional basis Intoxicated Driver Resource Centers. These centers
28 shall have the capability of serving as community treatment referral
29 centers and as court monitors of a person's compliance with the
30 ordered treatment, service alternative or community service. All
31 centers established pursuant to this subsection shall be administered
32 by a counselor certified by the Alcohol and Drug Counselor
33 Certification Board of New Jersey or other professional with a
34 minimum of five years' experience in the treatment of alcoholism.
35 All centers shall be required to develop individualized treatment
36 plans for all persons attending the centers; provided that the
37 duration of any ordered treatment or referral shall not exceed one
38 year. It shall be the center's responsibility to establish networks
39 with the community alcohol and drug education, treatment and
40 rehabilitation resources and to receive monthly reports from the
41 referral agencies regarding a person's participation and compliance
42 with the program. Nothing in this subsection shall bar these centers
43 from developing their own education and treatment programs;
44 provided that they are approved by the Division of **【Alcoholism and**
45 **Drug Abuse】** Mental Health and Addiction Services.

46 Upon a person's failure to report to the initial screening or any
47 subsequent ordered referral, the Intoxicated Driver Resource Center

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1 shall promptly notify the sentencing court of the person's failure to
2 comply.

3 Required detention periods at the Intoxicated Driver Resource
4 Centers shall be determined according to the individual treatment
5 classification assigned by the Intoxicated Driving Program Unit.
6 Upon attendance at an Intoxicated Driver Resource Center, a person
7 shall be required to pay a per diem fee of ~~[\$75.00]~~ \$75 for the first
8 offender program or a per diem fee of ~~[\$100.00]~~ \$100 for the
9 second offender program, as appropriate. Any increases in the per
10 diem fees after the first full year shall be determined pursuant to
11 rules and regulations adopted by the Commissioner of Health ~~[and~~
12 ~~Senior Services]~~ in consultation with the Governor's Council on
13 Alcoholism and Drug Abuse pursuant to the "Administrative
14 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

15 The centers shall conduct a program of alcohol and drug
16 education and highway safety, as prescribed by the chief
17 administrator.

18 The Commissioner of Health ~~[and Senior Services]~~ shall adopt
19 rules and regulations pursuant to the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate
21 the purposes of this subsection.

22 (g) When a violation of this section occurs while:

23 (1) on any school property used for school purposes which is
24 owned by or leased to any elementary or secondary school or school
25 board, or within 1,000 feet of such school property;

26 (2) driving through a school crossing as defined in R.S.39:1-1
27 the municipality, by ordinance or resolution, has designated the
28 school crossing as such; or

29 (3) driving through a school crossing as defined in R.S.39:1-1
30 knowing that juveniles are present if the municipality has not
31 designated the school crossing as such by ordinance or resolution,
32 the convicted person shall: for a first offense, be fined not less than
33 \$500 or more than \$800, be imprisoned for not more than 60 days
34 and have his license to operate a motor vehicle suspended for a
35 period of not less than one year or more than two years; for a
36 second offense, be fined not less than \$1,000 or more than \$2,000,
37 perform community service for a period of 60 days, be imprisoned
38 for not less than 96 consecutive hours, which shall not be suspended
39 or served on probation, nor more than 180 days, except that the
40 court may lower such term for each day, not exceeding 90 days,
41 served performing community service in such form and on such
42 terms as the court shall deem appropriate under the circumstances
43 and have his license to operate a motor vehicle suspended for a
44 period of four years; and, for a third offense, be fined \$2,000,
45 imprisoned for 180 days in a county jail or workhouse, except that
46 the court may lower such term for each day, not exceeding 90 days,
47 served participating in a drug or alcohol inpatient rehabilitation
48 program approved by the Intoxicated Driver Resource Center, and

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1 have his license to operate a motor vehicle suspended for a period
2 of 20 years; the period of license suspension shall commence upon
3 the completion of any prison sentence imposed upon that person.

4 A map or true copy of a map depicting the location and
5 boundaries of the area on or within 1,000 feet of any property used
6 for school purposes which is owned by or leased to any elementary
7 or secondary school or school board produced pursuant to section 1
8 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
9 paragraph (1) of this subsection.

10 It shall not be relevant to the imposition of sentence pursuant to
11 paragraph (1) or (2) of this subsection that the defendant was
12 unaware that the prohibited conduct took place while on or within
13 1,000 feet of any school property or while driving through a school
14 crossing. Nor shall it be relevant to the imposition of sentence that
15 no juveniles were present on the school property or crossing zone at
16 the time of the offense or that the school was not in session.

17 (h) A court also may order a person convicted pursuant to
18 subsection (a) of this section, to participate in a supervised
19 visitation program as either a condition of probation or a form of
20 community service, giving preference to those who were under the
21 age of 21 at the time of the offense. Prior to ordering a person to
22 participate in such a program, the court may consult with any
23 person who may provide useful information on the defendant's
24 physical, emotional and mental suitability for the visit to ensure that
25 it will not cause any injury to the defendant. The court also may
26 order that the defendant participate in a counseling session under
27 the supervision of the Intoxicated Driving Program Unit prior to
28 participating in the supervised visitation program. The supervised
29 visitation program shall be at one or more of the following facilities
30 which have agreed to participate in the program under the
31 supervision of the facility's personnel and the probation department:

32 (1) a trauma center, critical care center or acute care hospital
33 having basic emergency services, which receives victims of motor
34 vehicle accidents for the purpose of observing appropriate victims
35 of drunk drivers and victims who are, themselves, drunk drivers;

36 (2) a facility which cares for advanced alcoholics or drug
37 abusers, to observe persons in the advanced stages of alcoholism or
38 drug abuse; or

39 (3) if approved by a county medical examiner, the office of the
40 county medical examiner or a public morgue to observe appropriate
41 victims of vehicle accidents involving drunk drivers.

42 As used in this section, "appropriate victim" means a victim
43 whose condition is determined by the facility's supervisory
44 personnel and the probation officer to be appropriate for
45 demonstrating the results of accidents involving drunk drivers
46 without being unnecessarily gruesome or traumatic to the
47 defendant.

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1 If at any time before or during a visitation the facility's
2 supervisory personnel and the probation officer determine that the
3 visitation may be or is traumatic or otherwise inappropriate for that
4 defendant, the visitation shall be terminated without prejudice to the
5 defendant. The program may include a personal conference after
6 the visitation, which may include the sentencing judge or the judge
7 who coordinates the program for the court, the defendant,
8 defendant's counsel, and, if available, the defendant's parents to
9 discuss the visitation and its effect on the defendant's future
10 conduct. If a personal conference is not practicable because of the
11 defendant's absence from the jurisdiction, conflicting time
12 schedules, or any other reason, the court shall require the defendant
13 to submit a written report concerning the visitation experience and
14 its impact on the defendant. The county, a court, any facility visited
15 pursuant to the program, any agents, employees, or independent
16 contractors of the court, county, or facility visited pursuant to the
17 program, and any person supervising a defendant during the
18 visitation, are not liable for any civil damages resulting from injury
19 to the defendant, or for civil damages associated with the visitation
20 which are caused by the defendant, except for willful or grossly
21 negligent acts intended to, or reasonably expected to result in, that
22 injury or damage.

23 The Supreme Court may adopt court rules or directives to
24 effectuate the purposes of this subsection.

25 (i) In addition to any other fine, fee, or other charge imposed
26 pursuant to law, the court shall assess a person convicted of a
27 violation of the provisions of this section a surcharge of ~~【\$100】~~
28 \$125, of which amount \$50 shall be payable to the municipality in
29 which the conviction was obtained ~~【and】~~ \$50 shall be payable to
30 the Treasurer of the State of New Jersey for deposit into the General
31 Fund, and \$25 which shall be payable as follows: in a matter where
32 the summons was issued by a municipality's law enforcement
33 agency, to that municipality to be used for the cost of equipping
34 police vehicles with mobile video recording systems pursuant to the
35 provisions of section 1 of P.L. , c. (C.) (pending before the
36 Legislature as this bill); in a matter where the summons was issued
37 by a county's law enforcement agency, to that county; and in a
38 matter where the summons was issued by a State law enforcement
39 agency, to the General Fund.

40 (cf: P.L.2009, c.201, s.1)

41

42 3. (New section) The Attorney General shall adopt, pursuant to
43 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.), rules and regulations to effectuate the provisions of this act.

45

46 4. This act shall take effect on the first day of the sixth month
47 following enactment, but the Attorney General may take such

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10

1 administrative action in advance as shall be necessary for the
2 implementation of the act.

3

4

5

STATEMENT

6

7 This bill requires certain new or used municipal police vehicles
8 that are purchased, leased, or otherwise acquired on or after the
9 bill's effective date to be equipped with cameras. Specifically,
10 municipal police vehicles that are primarily used for traffic stops
11 are required to be equipped with a mobile video recording system.

12 The bill defines a "mobile video recording system" as a device or
13 system installed or used in a police vehicle or worn or otherwise
14 used by an officer that electronically records visual images
15 depicting activities that take place during a motor vehicle stop or
16 other law enforcement action.

17 In addition, the bill increases the surcharge imposed on persons
18 convicted of driving while intoxicated. The additional surcharge is
19 payable to the law enforcement agency that issued the summons
20 with municipalities being required to use the additional funds for
21 the cost of equipping police vehicles with cameras, as required by
22 this bill.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1305

STATE OF NEW JERSEY

DATED: MARCH 24, 2014

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1305.

Senate Bill No. 1305 requires certain new or used municipal police vehicles that are purchased, leased, or otherwise acquired on or after the bill's effective date to be equipped with cameras. Specifically, municipal police vehicles that are primarily used for traffic stops are required to be equipped with a mobile video recording system.

The bill defines a "mobile video recording system" as a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

In addition, the bill increases the surcharge imposed on persons convicted of driving while intoxicated. The additional surcharge is payable to the law enforcement agency that issued the summons with municipalities being required to use the additional funds for the cost of equipping police vehicles with cameras, as required by this bill.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1305
STATE OF NEW JERSEY
216th LEGISLATURE

DATED: MAY 13, 2014

SUMMARY

- Synopsis:** Requires certain police vehicles to be equipped with cameras.
- Type of Impact:** Municipal expenditure and revenue increase. State and County revenue increase.
- Agencies Affected:** Department of Law and Public Safety, Administrative Office of the Courts, and Municipal Police Departments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Indeterminate Increase.	
State Revenue		Indeterminate Increase.	
Local Cost		Indeterminate Increase.	
Local Revenue		Indeterminate Increase.	

- The Office of Legislative Services (OLS) estimates that total municipal costs associated with the enactment of this bill will likely be higher than the municipal share of revenue raised by the increased fee on DUI convictions. Insufficient information is available to estimate the impact on individual municipalities.
- According to the Administrative Office of the Courts, there were 22,150 DUI convictions Statewide in 2012, 23,084 in 2011, and 23,949 in 2010. If the surcharges can be collected, the State, counties and municipalities would receive an estimated combined increase of \$576,525 annually.
- Requires certain new or used municipal police vehicles that are purchased, leased, or otherwise acquired on or after the bill's effective date to be equipped with mobile video recording systems. The bill's provisions also provide that the mobile device video recording systems worn or otherwise used by a police officer would qualify in lieu of a device placed in a vehicle. The OLS lacks reliable data upon which to base an estimate of the annual number of vehicles to be purchased by municipalities in which equipping vehicles or officers with video recording systems is not already standard practice.

- Increases the surcharge imposed on persons convicted of driving while intoxicated under N.J.S.39:4-50. The additional \$25 surcharge is payable to the State, county, or municipality where the conviction was obtained. Municipalities are required to use the extra funding for the cost of equipping newly purchased police vehicles with video recording systems.

BILL DESCRIPTION

Senate Bill No. 1305 of 2014 requires certain new or used municipal police vehicles that are purchased, leased, or otherwise acquired on or after the bill's effective date to be equipped with cameras. The bill's provisions also are applicable to mobile device video recording systems worn or otherwise used by a police officer.

The bill defines a "mobile video recording system" as a device or system installed or used in a police vehicle or on an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

In addition, the bill increases the surcharge imposed on persons convicted of driving while intoxicated. The additional surcharge is payable to the municipality where the conviction was obtained for the cost of equipping police vehicles with cameras, as required by this bill. If the summons is issued by a county's law enforcement agency or a State law enforcement agency, the additional surcharge will be directed to the entity that issued the summons.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that total municipal costs associated with the enactment of this bill will likely be higher than the municipal share of revenue raised by the increased fee on DUI convictions. Insufficient information is available to estimate the impact on individual municipalities.

According to the Administrative Office of the Courts, there were 22,150 DUI convictions Statewide in 2012, 23,084 in 2011, and 23,949 in 2010. If the surcharges can be collected, the State, counties, and municipalities would receive an estimated combined increase of \$576,525 annually. Under this bill, only municipal police departments would need to purchase cameras for their patrol vehicles and only municipalities that have obtained DUI convictions would receive the increased surcharges.

A March 2012 online article from New Jersey.com reported that the City of Newark spent \$336,000 on the installation of cameras on 52 patrol and traffic cruisers, or an estimated \$6,461.53 per vehicle.

If this cost is representative of what municipalities will expend to comply with the bill's mandate, then additional surcharges imposed and collected at the levels noted above would be

adequate to equip about 90 vehicles per year. It is unknown what the cost would be for the mobile device video recording systems worn or otherwise used by a police officer.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1305

STATE OF NEW JERSEY

DATED: JUNE 16, 2014

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1305.

The bill requires certain municipal police vehicles to be equipped with mobile video recording systems, and increases an existing surcharge on persons convicted of driving while intoxicated to provide funding for the municipal cost of equipping police vehicles with video systems. Under the bill, every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the bill's effective date that is primarily used for traffic stops must be equipped with a mobile video recording system.

The bill defines a "mobile video recording system" as a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

The bill increases, from \$100 to \$125, the current surcharge imposed on persons convicted of driving while intoxicated. The bill provides for the additional \$25 surcharge to be payable to the State, county, or municipal entity that issued the summons, and stipulates that the increased amounts payable to municipalities from the surcharge must be used for the cost of equipping police vehicles with mobile video recording systems.

The bill requires the Attorney General to adopt rules and regulations to effectuate the bill's provisions. The bill takes effect on the first day of the sixth month following enactment, but permits the Attorney General to take prior administrative actions in advance of the bill's effective date.

As reported, this bill is identical to Assembly Bill No. 2280, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) has estimated that the \$25 increase to the current surcharge imposed on persons convicted of driving while intoxicated may generate an additional \$576,525 of revenues annually, based on data provided by the Administrative Office of the Courts. That data indicate 22,150 persons were convicted

of driving under the influence Statewide in 2012, 23,084 persons were convicted in 2011, and 23,949 persons were convicted in 2010.

However, it is unclear how the additional revenues generated from the increased surcharge will be allocated. The bill provides for the increased surcharge to be paid to the State, county, or municipal entity that issued the summons, with an additional requirement that municipalities use the revenue collected from the surcharge to equip police vehicles with mobile video recording systems.

Additionally, the total cost that may be incurred by municipalities to equip new or used police vehicles with mobile video recording systems cannot be determined. The OLS lacks sufficient information to determine the annual number of police vehicles that may be purchased by municipalities in which equipping police vehicles or officers with mobile video recording systems is not already standard practice.