

2A:4A-23

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:4A-23

(Boating laws-- juveniles to be considered adults)

LAWS OF: 1987

CHAPTER: 401

Bill No: S374

Sponsor(s): Gormley

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety, Defense and Corrections

Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: January 11, 1988

Senate: May 5, 1986

Date of Approval: January 14, 1988

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsors statement:

This bill amends N.J.S. 2A:4A-23 to provide that violations by juveniles of boating laws shall not be considered acts of juvenile delinquency and shall be within the jurisdiction of the municipal court.

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SENATE, No. 374

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator GORMLEY

AN ACT concerning juveniles and amending P. L. 1982, c. 77.

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

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

3 ***[4. Definition of delinquency. As used in this act, "delinquency"**
4 means the commission of an act by a juvenile which if committed
5 by an adult would constitute:

6 a. A crime;

7 b. A disorderly persons offense or petty disorderly persons
8 offense; or

9 c. A violation of any other penal statute, ordinance or regula-
10 tion.

11 But, the commission of (1) an act which constitutes a violation
12 of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a
13 juvenile of or over the age of 17 years; (2) an act relating to the
14 ownership or operation of a motorized bicycle which constitutes
15 a violation of chapter 3 or 4 of Title 39 of the Revised Statutes
16 by a juvenile of any age; **[or]** (3) an act which constitutes a
17 violation of article 3 or 6 of chapter 4 of Title 39 of the Revised
18 Statutes pertaining to pedestrians and bicycles, by a juvenile of
19 any age; *or (4) an act which constitutes a violation of chapter 7*
20 *of Title 12 of the Revised Statutes relating to regulation and regis-*
21 *tration of power vessels, by a juvenile of any age shall not con-*
22 *stitute delinquency as defined in this act.]**

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

Matter printed in italics thus is new matter.

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

*—Assembly committee amendments adopted May 18, 1987.

23 *4. Definition of delinquency. As used in this act, "delinquency"
 24 means the commission of an act by a juvenile which if committed
 25 by an adult would constitute:

26 a. A crime;

27 b. A disorderly persons offense or petty disorderly persons
 28 offense; or

29 c. A violation of any other penal statute, ordinance or regulation.

30 But, the commission of (1) an act which constitutes a violation
 31 of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a
 32 juvenile of or over the age of 17 years; (2) an act relating to the
 33 ownership or operation of a motorized bicycle which constitutes a
 34 violation of chapter 3 or 4 of Title 39 of the Revised Statutes by a
 35 juvenile of any age; [or] (3) an act which constitutes a violation
 36 of article 3 or 6 of chapter 4 of Title 39 of the Revised Statutes
 37 pertaining to pedestrians and bicycles, by a juvenile of any age; or
 38 (4) the commission of an act which constitutes a violation of P. L.
 39 1981, c. 318 (C. 26:3D-1 et seq.), P. L. 1981, c. 319 (C. 26:3D-7
 40 et seq.), P. L. 1981, c. 320 (C. 26:3D-15 et seq.), P. L. 1985, c. 185
 41 (C. 26:3E-7 et seq.), P. L. 1985, c. 186 (C. 26:3D-32 et seq.), N. J. S.
 42 2C:33-13, P. L. 1985, c. 318 (C. 26:3D-38 et seq.), P. L. 1985, c. 381
 43 (C. 26:3D-46 et seq.), or of any amendment or supplement thereof,
 44 by a juvenile of any age; or (5) an act which constitutes a viola-
 45 tion of [section 19 of P. L. 1954, c. 236 (C. 12:7-34.19), section 3 of
 46 P. L. 1952, c. 157 (C. 12:7-46) or section 9 of P. L. 1986, c. 39 (C.
 47 12:7-59)] *chapter 7 of Title 12 of the Revised Statutes relating to*
 48 *the regulation and registration of power vessels, by a juvenile of*
 49 *any age shall not constitute delinquency as defined in this act. The*
 50 *municipal court having jurisdiction over a case involving a violation*
 51 *by a juvenile of a section of Title 26 listed in this subsection, or*
 52 *N. J. S. 2C:33-13, shall forward a copy of the record of conviction*
 53 *in that case to the Family Part intake service of the county where*
 54 *the municipal court is located.**

1 2. This act shall take effect immediately.

CRIME—INVESTIGATION, ARREST, PROSECUTION

Provides that violations by juveniles of boating laws shall not be
 considered acts of juvenile delinquency.

STATEMENT

This bill amends N. J. S. 2A:4A-23 to provide that violations by juveniles of boating laws shall not be considered acts of juvenile delinquency and shall be within the jurisdiction of the municipal court.

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ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

SENATE, No. 374

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 27, 1987

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Senate Bill No. 374 with amendments.

Senate Bill No. 374 amends section 4 of P. L. 1982, c. 77 (C. 2A:4A-23) to provide that violations of the State's boating laws by juveniles shall not be considered acts of juvenile delinquency and are, therefore, within the jurisdiction of the municipal court.

"Delinquency" is defined as an act committed by a juvenile which would constitute a crime, disorderly or petty disorderly persons offense, or a violation of some penal statute, ordinance or regulation if it were committed by an adult. Charges of delinquency are tried under the jurisdiction of the family part of the Superior Court.

Currently, violations of the motor vehicle statutes, the statutes governing smoking in certain public places, and certain violations of the boating laws are not deemed and treated as acts of juvenile delinquency when committed by juveniles.

The committee amendments were adopted to bring the provisions of Senate Bill No. 374 into conformance with the provisions of P. L. 1986, c. 16 and section 5 of P. L. 1986, c. 39.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 374

STATE OF NEW JERSEY

DATED: MARCH 24, 1986

The Senate Judiciary Committee reports favorably Senate Bill No. 374.

Juveniles charged with delinquency are under the jurisdiction of the family part of the Superior Court. "Delinquency" is defined as an act committed by a juvenile which if committed by an adult would constitute a crime, disorderly or petty disorderly persons offense or any violation of any other penal ordinance or regulation. Certain violations, for example, motor vehicle violations, are exempted from this definition of delinquency. This permits juveniles charged with such violations to be tried at the municipal court level. This bill would add violations of boating laws to the acts not to be considered acts of juvenile delinquency and thus permit juveniles charged with boating violations to be tried in municipal court.