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**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** Yes

Committee meeting of Senate Judiciary Committee. The following nomination will be interviewed: "Michael Noriega, of Fanwood, to succeed Honorable Barry Albin, for the term prescribed by law, ending seven years from the date of appointment" June 26, 2023 <https://hdl.handle.net/10929/111858>

**NEWSPAPER ARTICLES:** Yes

Brent Johnson, 'Legislature's lame duck fails to live up to active billing', *Times, The*, 14 Jan 2024

CL/MM

P.L. 2023, CHAPTER 335, *approved January 16, 2024*  
Assembly, No. 5610 (*Fourth Reprint*)

1 AN ACT concerning possession or consumption of alcoholic  
2 beverages by underage persons and amending various parts of  
3 the statutory law.

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

7  
8 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to  
9 read as follows:

10 1. a. (1) Any person under the legal age to purchase **[alcoholic**  
11 **beverages, or under the legal age to purchase]** <sup>4</sup>alcoholic beverages,  
12 or under the legal age to purchase<sup>4</sup> cannabis items, who knowingly  
13 possesses without legal authority or who knowingly consumes any  
14 **[alcoholic beverage,]** <sup>4</sup>alcoholic beverage,<sup>4</sup> cannabis item,  
15 marijuana, or hashish in any school, public conveyance, public  
16 place, or place of public assembly, or motor vehicle shall be subject  
17 to the following consequences:

18 (a) for a first violation, a written warning issued by a law  
19 enforcement officer to the underage person. The written warning  
20 shall include the person's name, address, and date of birth, and a  
21 copy of the warning containing this information, plus a sworn  
22 statement that includes a description of the relevant facts and  
23 circumstances that support the officer's determination that the  
24 person committed the violation, shall be temporarily maintained in  
25 accordance with this section only for the purposes of determining a  
26 second or subsequent violation subject to the consequences set forth  
27 in subparagraph (b) or (c) of this paragraph. If the violation of this  
28 section is by a person under 18 years of age, a written notification  
29 concerning the violation shall be provided to the parent, guardian or  
30 other person having legal custody of the underage person in  
31 accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

32 (b) for a second violation, a written warning issued by a law  
33 enforcement officer to the underage person indicating that a second  
34 violation has occurred, which includes the person's name, address,  
35 and date of birth. If the violation is by a person 18 years of age or  
36 older, the officer shall provide the person with informational  
37 materials about how to access community services provided by  
38 public or private agencies and organizations that shall assist the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AJU committee amendments adopted June 15, 2023.

<sup>2</sup>Assembly AAP committee amendments adopted June 22, 2023.

<sup>3</sup>Assembly ABU committee amendments adopted June 27, 2023.

<sup>4</sup>Assembly amendments adopted in accordance with Governor's recommendations January 8, 2024.

1 person with opportunities to access further social services,  
2 including, but not limited to, counseling, tutoring programs,  
3 mentoring services, and faith-based or other community initiatives.  
4 If the violation is by a person under 18 years of age, a written  
5 notification concerning the second violation shall be provided to the  
6 parent, guardian or other person having legal custody of the  
7 underage person in accordance with section 3 of P.L.1991, c.169  
8 (C.33:1-81.1a). The written notification shall include the same or  
9 similar informational materials about how to access community  
10 services provided by public or private agencies and organizations as  
11 those provided directly by a law enforcement officer to a person 18  
12 years of age or older who commits a second violation of this  
13 paragraph. A copy of the second written warning to the underage  
14 person, and, if applicable, the written notification to the parent,  
15 guardian or other person having legal custody of the underage  
16 person concerning the second warning, plus a sworn statement that  
17 includes a description of the relevant facts and circumstances that  
18 support the officer's determination that the person committed the  
19 second violation, shall be temporarily maintained in accordance  
20 with this section only for the purposes of determining a subsequent  
21 violation subject to the consequences set forth in subparagraph (c)  
22 of this paragraph.

23 (c) for a third or subsequent violation, a write-up issued by a  
24 law enforcement officer to the underage person indicating that a  
25 third or subsequent violation has occurred, which includes the  
26 person's name, address, and date of birth. If the violation is by a  
27 person 18 years of age or older, the officer shall include with the  
28 write-up a referral for accessing community services provided by a  
29 public or private agency or organization, and provide notice to that  
30 agency or organization of the referral which may also be used to  
31 initiate contact with the person, and the agency or organization shall  
32 offer assistance to the person with opportunities to access further  
33 social services, including but not limited to counseling, tutoring  
34 programs, mentoring services, and faith-based or other community  
35 initiatives. If the violation is by a person under 18 years of age, a  
36 written notification concerning the third or subsequent violation  
37 shall be provided to the parent, guardian or other person having  
38 legal custody of the underage person in accordance with section 3  
39 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall  
40 include a referral for the person and the parent, guardian or other  
41 person having legal custody of the underage person for accessing  
42 community services provided by a public or private agency or  
43 organization, and provide notice to that agency or organization of  
44 the referral which may also then be used to initiate contact with  
45 both persons, and the agency or organization shall offer assistance  
46 to both with opportunities to access further social services,  
47 including counseling, tutoring programs, mentoring services, and  
48 faith-based or other community initiatives. A copy of a write-up for

1 a third or subsequent violation, the written notification to the  
2 parent, guardian or other person having legal custody of the  
3 underage person, if applicable, and accompanying referrals, plus a  
4 sworn statement that includes a description of the relevant facts and  
5 circumstances that support the officer's determination that the  
6 person committed the third or subsequent violation, shall be  
7 temporarily maintained in accordance with this section only to the  
8 extent necessary to track referrals to agencies and organizations, as  
9 well as for the purposes of determining a subsequent violation  
10 subject to the consequences set forth in this subparagraph.

11 The failure of a person under the legal age to purchase ~~alcoholic~~  
12 ~~beverages or~~ <sup>4</sup>alcoholic beverages or <sup>4</sup>cannabis items, or the  
13 failure of a parent, guardian or other person having legal custody of  
14 the underage person, to accept assistance from an agency or  
15 organization to which a law enforcement referral was made, or to  
16 access any community services provided by that agency or  
17 organization shall not result in any summons, initiation of a  
18 complaint, or other legal action to be adjudicated and enforced in  
19 any court.

20 <sup>4</sup>[(d) Any person under the legal age to purchase alcoholic  
21 beverages who knowingly possesses without legal authority or who  
22 knowingly consumes any alcoholic beverage in any school, public  
23 conveyance, public place, or place of public assembly, or motor  
24 vehicle shall be charged with a violation of this subparagraph on a  
25 complaint-summons and shall be subject to a fine of <sup>2</sup>~~[\$100] \$50<sup>2</sup>.~~  
26 If the violation of this subparagraph is by a person under 18 years  
27 of age, a written notification concerning the violation shall be  
28 provided to the parent, guardian, or other person having legal  
29 custody of the underage person in accordance with section 3 of  
30 P.L.1991, c.169 (C.33:1-81.1a).

31 The law enforcement officer also shall take possession of any  
32 alcoholic beverages from the person who committed the violation of  
33 this subparagraph.]<sup>4</sup>

34 (2) (a) A person under the legal age to purchase alcoholic  
35 beverages or cannabis items is not capable of giving lawful consent  
36 to a search to determine a violation of this section, and a law  
37 enforcement officer shall not request that a person consent to a  
38 search for that purpose.

39 (b) The odor of an alcoholic beverage, marijuana, hashish,  
40 cannabis, or cannabis item, or burnt marijuana, hashish, cannabis,  
41 or cannabis item, shall not constitute reasonable articulable  
42 suspicion to initiate an investigatory stop of a person, nor shall it  
43 constitute probable cause to initiate a search of a person or that  
44 person's personal property to determine a violation of paragraph (1)  
45 of this subsection. Additionally, the unconcealed possession of ~~an~~  
46 ~~alcoholic beverage,~~ <sup>1</sup>an alcoholic beverage, <sup>1</sup>marijuana, hashish, or  
47 cannabis item in violation of paragraph (1) of this subsection,

1 observed in plain sight by a law enforcement officer, shall not  
2 constitute probable cause to initiate a search of a person or that  
3 person's personal property to determine any further violation of that  
4 paragraph or any other violation of law. <sup>1</sup>1~~The unconcealed~~  
5 possession of an alcoholic beverage in violation of subparagraph (d)  
6 of paragraph (1) of this subsection, observed in plain sight by a law  
7 enforcement officer, shall constitute probable cause to initiate a  
8 search of a person or that person's personal property to determine a  
9 further violation of subparagraph (d) of paragraph (1) of this  
10 subsection regarding the possession or consumption of alcoholic  
11 beverages.<sup>1</sup>

12 (3) A person under the legal age to purchase alcoholic beverages  
13 or cannabis items who violates paragraph (1) of this subsection for  
14 possessing or consuming an alcoholic beverage, marijuana, hashish,  
15 or a cannabis item shall not be subject to arrest, shall not be  
16 transported to a police station, police headquarters, or other place of  
17 law enforcement operations, and shall not otherwise be subject to  
18 detention or be taken into custody by a law enforcement officer at  
19 or near the location where the violation occurred, except to the  
20 extent that detention or custody at or near the location is required to  
21 issue a written warning or write-up, <sup>4</sup>4~~issue a complaint-~~  
22 summons.<sup>4</sup> collect the information necessary to provide notice of a  
23 violation to a parent, guardian or other person having legal custody  
24 of the underage person in accordance with section 3 of P.L.1991,  
25 c.169 (C.33:1-81a), or make referrals for accessing community  
26 services provided by a public or private agency or organization due  
27 to a third or subsequent violation, unless the person is being  
28 arrested, detained, or otherwise taken into custody for also  
29 committing another violation of law for which that action is legally  
30 permitted or required.

31 (4) Consistent with the provisions of subsection c. of section 1  
32 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording  
33 functions of a law enforcement officer's body worn camera, as  
34 defined in that section, shall be activated whenever the law  
35 enforcement officer is responding to a call for service related to a  
36 violation or suspected violation of paragraph (1) of this subsection  
37 for possessing or consuming an alcoholic beverage, marijuana,  
38 hashish, or a cannabis item, or at the initiation of any other law  
39 enforcement or investigative encounter between an officer and a  
40 person related to a violation or suspected violation of that  
41 paragraph, and shall remain activated until the encounter has fully  
42 concluded and the officer leaves the scene of the encounter;  
43 provided, however, that the video and audio recording functions of  
44 a body worn camera shall not be deactivated pursuant to  
45 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,  
46 c.129 (C.40A:14-118.5), based on a request to deactivate the  
47 camera by a person who is the subject of a responsive call for

1 service or law enforcement or investigative encounter related to a  
2 violation or suspected violation of paragraph (1) of this subsection.

3 (5) As part of the process for the issuance of a written warning  
4 or write-up to a person for a violation of paragraph (1) of this  
5 subsection, the law enforcement officer shall take possession of any  
6 **[alcoholic beverage,]** <sup>4</sup>alcoholic beverage,<sup>4</sup> marijuana, hashish, or  
7 cannabis item from the person, and any drug or cannabis  
8 paraphernalia for use with any marijuana, hashish, or cannabis item.  
9 The existence and description of the **[alcoholic beverage,]**  
10 <sup>4</sup>alcoholic beverage,<sup>4</sup> marijuana, hashish, or cannabis item, and any  
11 drug or cannabis paraphernalia shall be included in the sworn  
12 statement that includes a description of the relevant facts and  
13 circumstances that support the officer's determination that the  
14 person committed a violation, and which record is temporarily  
15 maintained in accordance with this section to determine subsequent  
16 possession or consumption violations, and track referrals for  
17 accessing community services provided by a public or private  
18 agency or organization due to a third or subsequent violation. Any  
19 **[alcoholic beverage,]** <sup>4</sup>alcoholic beverage,<sup>4</sup> marijuana, hashish,  
20 cannabis item, or drug or cannabis paraphernalia obtained by the  
21 law enforcement officer shall either be destroyed or secured for use  
22 in law enforcement training or educational programs in accordance  
23 with applicable law and directives issued by the Attorney General.

24 (6) With respect to any violation of paragraph (1) of this  
25 subsection concerning the possession or consumption of an  
26 alcoholic beverage, marijuana, hashish, or any cannabis item:

27 (a) a person under the legal age to purchase alcoholic beverages  
28 or cannabis items shall not be photographed or fingerprinted,  
29 notwithstanding any provisions of section 2 of P.L.1982, c.79  
30 (C.2A:4A-61) to the contrary;

31 (b) (i) any copy of any written warning or write-up issued to a  
32 person under the legal age to purchase **[alcoholic beverages or]**  
33 <sup>4</sup>alcoholic beverages or<sup>4</sup> cannabis items, written notification  
34 provided to the person's parent, guardian or other person having  
35 legal custody in accordance with section 3 of P.L.1991, c.169  
36 (C.33:1-81.1a), sworn statement describing the relevant facts and  
37 circumstances that support an officer's determination that a person  
38 committed a violation, or referrals for accessing community  
39 services provided by a public or private agency or organization  
40 pertaining to a third or subsequent violation shall be segregated and  
41 maintained in a separate physical location or electronic repository  
42 or database from any other records maintained by a law  
43 enforcement agency, and reported to the Attorney General in a  
44 manner so that they are similarly segregated and maintained in a  
45 separate physical location or electronic repository or database from  
46 other law enforcement records accessible to the Attorney General  
47 and State and local law enforcement agencies, and shall not be

1 transferred to or copied and placed in any other physical location or  
2 electronic repository or database containing any other law  
3 enforcement records. These records shall only be used to the extent  
4 necessary to determine a subsequent violation of paragraph (1) of  
5 this subsection or to track referrals to agencies and organizations,  
6 and shall not be revealed, reviewed, or considered in any manner  
7 with respect to any current or subsequent juvenile delinquency  
8 matter, including but not limited to, a charge, filing, eligibility or  
9 decision for diversion or discharge, or sentencing, other disposition,  
10 or related decision affecting the juvenile, or with respect to any  
11 current or subsequent prosecution for committing an offense or  
12 other violation of law, including but not limited to, a charge, filing,  
13 eligibility or decision for diversion or discharge, or sentencing,  
14 other disposition, or related decision affecting an adult under 21  
15 years of age. Also, these records shall be deemed confidential and  
16 shall not be subject to public inspection or copying pursuant to the  
17 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence  
18 shall not be acknowledged based upon any inquiry in the same  
19 manner as if the records were expunged records pursuant to the  
20 provisions of subsection a. of N.J.S.2C:52-15.

21 The Attorney General may use the records described herein to  
22 generate the number of occurrences and other statistics concerning  
23 first, second, third and subsequent violations of paragraph (1) of  
24 this subsection, the municipal, county or other geographic areas  
25 within which first, second, third and subsequent violations occur,  
26 and the law enforcement agencies involved in first, second, third  
27 and subsequent violations, which are to be compiled and made  
28 available by the Attorney General in accordance with section 4 of  
29 P.L.2021, c.25 (C.2C:33-15.1). The identity of any person named in  
30 a record shall not be revealed or included in the information to be  
31 compiled and made available in accordance with that section.

32 The records of violations shall only be maintained temporarily  
33 and shall be destroyed or permanently deleted as set forth in  
34 subparagraph (c) of this paragraph.

35 (ii) any records pertaining to a person's acceptance of assistance  
36 from an agency or organization to which a law enforcement referral  
37 was made shall not be revealed, reviewed, or considered in any  
38 manner with respect to any current or subsequent juvenile  
39 delinquency matter, including, but not limited to, a charge, filing,  
40 eligibility or decision for diversion or discharge, or sentencing,  
41 other disposition, or related decision affecting the juvenile, or with  
42 respect to any current or subsequent prosecution for committing an  
43 offense or other violation of law, including, but not limited to, a  
44 charge, filing, eligibility or decision for diversion or discharge, or  
45 sentencing, other disposition, or related decision affecting an adult  
46 under 21 years of age. Also, these records shall be deemed  
47 confidential and shall not be subject to public inspection or copying  
48 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),

1 and their existence shall not be acknowledged based upon any  
2 inquiry in the same manner as if the records were expunged records  
3 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

4 (c) All of the records maintained by a law enforcement agency  
5 and reported to the Attorney General as described in  
6 subparagraph (i) of subparagraph (b) of this paragraph shall be  
7 destroyed or permanently deleted by the law enforcement agency  
8 and Attorney General on the second anniversary following the  
9 creation of the record concerning a violation, or not later than the  
10 last day of the month in which that second anniversary date falls, or  
11 alternatively not later than the 21st birthday of a person who is the  
12 subject of a record, or not later than the last day of the month in  
13 which that birthday falls, whichever date occurs sooner, except that  
14 a record shall be maintained upon request by the person named in  
15 the record or representative thereof, the law enforcement officer  
16 who made the record, or the law enforcement agency currently  
17 maintaining the record if it involves a lawsuit, disciplinary  
18 complaint, or criminal prosecution arising from the violation  
19 described in the record, based on an assertion that the record has  
20 evidentiary or exculpatory value. Upon final disposition of the  
21 matter for which the extended record retention was requested, the  
22 record shall be destroyed or permanently deleted.

23 (d) A law enforcement officer shall be guilty of the crime of  
24 official deprivation of civil rights as set forth in section 3 of  
25 P.L.2021, c.25 (C.2C:30-6.1) for violating the provisions of  
26 paragraph (1) of this subsection that address law enforcement  
27 actions involving persons who are under the legal age to purchase  
28 alcoholic beverages or cannabis items.

29 b. (Deleted by amendment, P.L.2021, c.25)

30 c. (Deleted by amendment, P.L.2021, c.25)

31 d. Nothing in this act shall apply to possession of alcoholic  
32 beverages by any such person while actually engaged in the  
33 performance of employment pursuant to an employment permit  
34 issued by the Director of the Division of Alcoholic Beverage  
35 Control, or for a bona fide hotel or restaurant, in accordance with  
36 the provisions of R.S.33:1-26, or while actively engaged in the  
37 preparation of food while enrolled in a culinary arts or hotel  
38 management program at a county vocational school or post-  
39 secondary educational institution; and nothing in this section shall  
40 apply to possession of cannabis items by any such person while  
41 actually engaged in the performance of employment by a cannabis  
42 establishment, distributor, or delivery service as permitted pursuant  
43 to the "New Jersey Cannabis Regulatory, Enforcement Assistance,  
44 and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et  
45 al.).

46 e. Except as otherwise provided in this section, the provisions  
47 of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a

1 parent, guardian or other person with legal custody of a person  
2 under 18 years of age who is found to be in violation of this section.

3 f. An underage person and one or two other persons shall be  
4 immune from prosecution under this section if:

5 (1) one of the underage persons called 9-1-1 and reported that  
6 another underage person was in need of medical assistance due to  
7 alcohol consumption, or the consumption of marijuana, hashish, or  
8 a cannabis item;

9 (2) the underage person who called 9-1-1 and, if applicable, one  
10 or two other persons acting in concert with the underage person  
11 who called 9-1-1 provided each of their names to the 9-1-1 first  
12 responder dispatcher;

13 (3) the underage person was the first person to make the 9-1-1  
14 report; and

15 (4) the underage person and, if applicable, one or two other  
16 persons acting in concert with the underage person who made the  
17 9-1-1 call remained on the scene with the person under the legal age  
18 in need of medical assistance until assistance arrived and  
19 cooperated with medical assistance and law enforcement personnel  
20 on the scene.

21 The underage person who received medical assistance also shall  
22 be immune from prosecution under this section.

23 g. For purposes of this section, an alcoholic beverage includes  
24 powdered alcohol as defined by R.S.33:1-1, a cannabis item  
25 includes any item available for lawful consumption pursuant to the  
26 "New Jersey Cannabis Regulatory, Enforcement Assistance, and  
27 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.),  
28 and the terms "marijuana" and "hashish" have the same meaning as  
29 set forth in N.J.S.2C:35-2, and the terms "drug paraphernalia" and  
30 "cannabis paraphernalia" have the same meaning as set forth in  
31 N.J.S.2C:36-1 and section 3 of P.L.2021, c.16 (C.24:6I-33),  
32 respectively.

33 (cf: P.L.2021, c.447, s.4)

34

35 2. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to  
36 read as follows:

37 4. a. (1) The Attorney General shall biannually issue a  
38 comprehensive report detailing the number of occurrences and other  
39 statistics, without revealing or including any personal identifying  
40 information, concerning first, second, third and subsequent  
41 violations of <sup>4</sup>subparagraphs (a), (b), and (c) of<sup>4</sup> paragraph (1) of  
42 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
43 involving the possession or consumption of any alcoholic  
44 beverage, <sup>4</sup>alcoholic beverage, <sup>4</sup> marijuana, hashish, or cannabis  
45 items by persons under the legal age to purchase alcoholic  
46 beverages or <sup>4</sup>alcoholic beverages or <sup>4</sup> cannabis items <sup>4</sup>and the  
47 number of violations of subparagraph (d) of paragraph (1) of

1 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
2 involving the possession or consumption of alcoholic beverages by  
3 persons under the legal age to purchase alcoholic beverages】<sup>4</sup>, the  
4 municipal, county or other geographic areas within which 【first,  
5 second, third and subsequent】 the violations occur, and the law  
6 enforcement agencies involved in 【first, second, third and  
7 subsequent】 the violations, covering the previous six-month period.  
8 The initial report shall be issued by June 30, 2021, the second report  
9 shall be issued by January 30, 2022, and then the next report issued  
10 every six months thereafter. Each report shall also be submitted to  
11 the Governor and the Legislature pursuant to section 2 of P.L.1991,  
12 c.164 (C.52:14-19.1).

13 (2) The Attorney General shall also make reports available to  
14 the task force established pursuant to subsection b. of this section  
15 based on the Attorney General's periodic review of body worn  
16 camera recordings of law enforcement officers responding to a call  
17 for service related to a violation or suspected violation of paragraph  
18 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or  
19 at the initiation of any other law enforcement or investigative  
20 encounter between an officer and a person related to a violation or  
21 suspected violation of that paragraph, which recordings are required  
22 to be made in accordance with paragraph (4) of subsection a. of  
23 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review  
24 shall be conducted using body worn camera recordings both  
25 selected by the Attorney General and randomly determined, and the  
26 task force may request an Attorney General review a particular  
27 municipality, region, or time period. The identity of any person  
28 included in a recording reviewed by the Attorney General shall be  
29 kept confidential and shall not be revealed to the members of the  
30 task force or any staff provided to the task force by the Department  
31 of Law and Public Safety pursuant to paragraph (6) of subsection b.  
32 of this section to support its work.

33 b. (1) A taskforce shall be established in the Department of Law  
34 and Public Safety, comprised of 26 members to review each  
35 Attorney General report described in subsection a. of this section,  
36 and make recommendations thereon to the Governor and  
37 Legislature related to law enforcement activities to address the  
38 enforcement of underage possession or consumption of alcoholic  
39 beverages, marijuana, hashish, or cannabis items in violation of  
40 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader  
41 issue of underage possession or consumption of these substances.

42 (2) The membership of the taskforce shall include the following  
43 individuals:

- 44 (a) the Attorney General, or a designee;
- 45 (b) the Public Defender, or a designee;
- 46 (c) the Commissioner of the Department of Children and  
47 Families, or a designee;

- 1 (d) the Commissioner of Education, or a designee;
- 2 (e) a representative from the Juvenile Justice Commission,  
3 appointed by the Governor;
- 4 (f) a representative from the Division of Criminal Justice in the  
5 Department of Law and Public Safety, appointed by the Governor;
- 6 (g) the Chair of the Governor's Juvenile Justice Delinquency  
7 and Prevention Committee;
- 8 (h) two members appointed by the Governor upon the  
9 recommendation of the President of the Senate, at least one of  
10 whom shall be a member of the Legislative Black Caucus or  
11 Legislative Latino Caucus, determined in coordination with the  
12 members recommended by the Speaker of the General Assembly  
13 pursuant to subparagraph (i) of this paragraph, so that there is at  
14 least one member of each caucus serving as a member of the task  
15 force;
- 16 (i) two members appointed by the Governor upon the  
17 recommendation of the Speaker of the General Assembly, at least  
18 one of whom shall be a member of the Legislative Black Caucus or  
19 Legislative Latino Caucus, determined in coordination with the  
20 members recommended by the Senate President pursuant to  
21 subparagraph (h) of this paragraph, so that there is at least one  
22 member of each caucus serving as a member of the task force;
- 23 (j) the Administrative Director of the Courts, or a designee;
- 24 (k) a representative from the New Jersey Institute for Social  
25 Justice, appointed by the Governor;
- 26 (l) a representative from the American Civil Liberties Union of  
27 New Jersey, appointed by the Governor;
- 28 (m) a representative from the County Prosecutors Association of  
29 New Jersey who is actively and presently involved in juvenile  
30 matters, appointed by the Governor;
- 31 (n) a representative from the New Jersey Juvenile Officers  
32 Association, appointed by the Governor;
- 33 (o) one representative each from the Annie E. Casey Foundation  
34 and Vera Institute of Justice, both appointed by the Governor;
- 35 (p) a representative of the NAACP New Jersey State  
36 Conference, appointed by the Governor;
- 37 (q) a representative of Salvation and Social Justice, appointed  
38 by the Governor;
- 39 (r) a representative from the County Youth Services  
40 Commission Administrators, appointed by the Governor;
- 41 (s) a representative from the faith-based ethical community in  
42 New Jersey, appointed by the Governor;
- 43 (t) a representative of an employee organization representing  
44 employees who work at juvenile justice facilities, appointed by the  
45 Governor; and
- 46 (u) three representatives who have been involved with the New  
47 Jersey juvenile justice system, appointed by the Governor,  
48 including at least one representative of a non-profit organization

1 that deals with juvenile justice issues and at least one individual  
2 who has been subject to the custody of the juvenile justice system.

3 (3) All members appointed by the Governor, other than the  
4 members of the Legislature recommended for appointment, shall  
5 serve at the pleasure of the Governor. The members of the  
6 Legislature shall serve on the task force during their elective term  
7 of office. Any vacancies in the membership of the task force shall  
8 be filled in the same manner as the original appointments were  
9 made.

10 (4) Members of the task force shall serve without compensation,  
11 but shall be reimbursed for necessary expenditures incurred in the  
12 performance of their duties as members of the task force within the  
13 limits of funds appropriated or otherwise made available to the task  
14 force for its purposes.

15 (5) The task force shall organize as soon as practicable  
16 following the appointment of its members. The task force shall  
17 choose a chairperson from among its members and shall appoint a  
18 secretary who need not be a member of the task force.

19 (6) The Department of Law and Public Safety shall provide such  
20 stenographic, clerical, and other administrative assistants, and such  
21 professional staff as the task force requires to carry out its work.

22 (cf: P.L.2021, c.25, s.4)

23

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

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

29 a. A crime;

30 b. A disorderly persons offense or petty disorderly persons  
31 offense; or

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

34 But, the commission of (1) an act which constitutes a violation of  
35 chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile  
36 of any age; (2) an act relating to the ownership or operation of a  
37 motorized bicycle which constitutes a violation of chapter 3 or 4 of  
38 Title 39 of the Revised Statutes by a juvenile of any age; (3) an act  
39 which constitutes a violation of article 3 or 6 of chapter 4 of Title  
40 39 of the Revised Statutes pertaining to pedestrians and bicycles, by  
41 a juvenile of any age; (4) the commission of an act which  
42 constitutes a violation of P.L.1981, c.318 (C.26:3D-1 et seq.),  
43 P.L.1981, c.319 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-15  
44 et seq.), P.L.1985, c.185 (C.26:3E-7 et seq.), P.L.1985, c.186  
45 (C.26:3D-32 et seq.), N.J.S.2C:33-13, P.L.1985, c.318 (C.26:3D-38  
46 et seq.), P.L.1985, c.381 (C.26:3D-46 et seq.), or of any amendment  
47 or supplement thereof, by a juvenile of any age;(5) an act which  
48 constitutes a violation of chapter 7 of Title 12 of the Revised

1 Statutes relating to the regulation and registration of power vessels,  
2 by a juvenile of any age or section 2 of P.L.1987, c.453 (C.12:7-  
3 61); **[or] <sup>4</sup>or<sup>4</sup>** (6) an act which constitutes a violation of a  
4 municipal ordinance enacted pursuant to section 2 of P.L.1992,  
5 c.132 (C.40:48-2.52) pertaining to curfew ordinances <sup>4</sup>**;** or (7) an  
6 act which constitutes a violation of subparagraph (d) of paragraph  
7 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
8 pertaining to the possession or consumption of alcoholic beverages  
9 by a juvenile of any age]<sup>4</sup> shall not constitute delinquency as  
10 defined in this act. The municipal court having jurisdiction over a  
11 case involving a violation by a juvenile of a section of Title 26  
12 listed in this subsection, Title 40 listed in this subsection or  
13 N.J.S.2C:33-13, shall forward a copy of the record of conviction in  
14 that case to the Family Part intake service of the county where the  
15 municipal court is located.

16 If a municipal court orders detention or imposes a term of  
17 imprisonment on a juvenile in connection with a violation of Title  
18 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised  
19 Statutes, Title 40 of the Revised Statutes or N.J.S.2C:33-13, that  
20 detention or term of imprisonment shall be served at a suitable  
21 juvenile institution and not at a county jail or county workhouse.  
22 (cf: P.L.1997, c.383, s.1)

23  
24 <sup>2</sup>4. Section 3 of P.L.2021 c.25 (C.2C:30-6.1) is amended to read  
25 as follows:

26 3. a. A law enforcement officer, when responding to a call for  
27 service or upon the initiation of any other law enforcement or  
28 investigative encounter related to a violation or suspected violation  
29 of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264  
30 (C.2C:33-15), concerning the possession or consumption of  
31 alcoholic beverages, marijuana, hashish, or any cannabis item by a  
32 person under the legal age to purchase alcoholic beverages or  
33 cannabis items, shall be guilty of a crime of official deprivation of  
34 civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if  
35 that officer knowingly violates the provisions of subsection a. of  
36 section 1 of P.L.1979, c.264 (C.2C:33-15) that address law  
37 enforcement actions involving persons who are under the legal age  
38 to purchase alcoholic beverages or cannabis items by:

39 (1) requesting that a person consent to a search who is not  
40 capable of giving lawful consent or searching a person after  
41 wrongfully obtaining that person's consent **[,] ;**

42 (2) initiating an investigatory stop without reasonable  
43 articulable suspicion **[,] ;**

44 (3) initiating a search without probable cause **[,] ;**

45 (4) issuing a warning or write-up without a proper basis that a  
46 person committed a violation **[, or] ;**

1 (5) detaining or taking into custody a person in a manner or for  
2 a longer period beyond the extent required to issue a warning or  
3 write-up **[, or]** ;

4 (6) arresting a person for a possession or consumption violation  
5 of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264  
6 (C.2C:33-15) **[,]** ; or **[if that officer]**

7 (7) knowingly **[engages]** engaging in any other unlawful act, as  
8 described in subsection e. of section 2 of P.L.2003, c.31  
9 (C.2C:30-6), against the person arising out of the call for service or  
10 initiation of any other law enforcement or investigative encounter,  
11 including but not limited to the unjustified use of force in violation  
12 of N.J.S.2C:3-7.

13 b. <sup>3</sup>**[(1)]<sup>3</sup>** A violation set forth in this section <sup>3</sup>**[involving the**  
14 possession or consumption of marijuana, hashish, or any cannabis  
15 item shall not require a finding that the law enforcement officer  
16 **[have]** acted with the purpose to intimidate or discriminate against  
17 a person or group of persons because of race, color, religion,  
18 gender, handicap, sexual orientation or ethnicity.

19 (2) A violation set forth in this section involving the possession  
20 or consumption of alcoholic beverages]<sup>3</sup> shall require a finding that  
21 the law enforcement officer acted with the purpose to intimidate or  
22 discriminate against a person or group of persons because of race,  
23 color, religion, gender, handicap, sexual orientation or ethnicity.

24 c. A violation of this section shall be graded in the same  
25 manner as set forth in **[section 2 of P.L.2003, c.21 (C.2C:30-6)]**  
26 section 2 of P.L.2003, c.31 (C.2C:30-6) for other crimes of official  
27 deprivation of civil rights.<sup>2</sup>  
28 (cf: P.L.2021, c.25, s.3)

29  
30 <sup>2</sup>**[4.]** 5.<sup>2</sup> This act shall take effect immediately.

31  
32  
33  
34  
35 Revises penalties for possession or consumption of alcoholic  
36 beverages by underage persons.

# ASSEMBLY, No. 5610

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 8, 2023

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Murphy**

**SYNOPSIS**

Revises penalties for possession or consumption of alcoholic beverages by underage persons.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/15/2023)**

1 AN ACT concerning possession or consumption of alcoholic  
2 beverages by underage persons and amending various parts of  
3 the statutory law.

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

7  
8 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read  
9 as follows:

10 1. a. (1) Any person under the legal age to purchase **[alcoholic**  
11 **beverages, or under the legal age to purchase]** cannabis items, who  
12 knowingly possesses without legal authority or who knowingly  
13 consumes any **[alcoholic beverage,]** cannabis item, marijuana, or  
14 hashish in any school, public conveyance, public place, or place of  
15 public assembly, or motor vehicle shall be subject to the following  
16 consequences:

17 (a) for a first violation, a written warning issued by a law  
18 enforcement officer to the underage person. The written warning  
19 shall include the person's name, address, and date of birth, and a  
20 copy of the warning containing this information, plus a sworn  
21 statement that includes a description of the relevant facts and  
22 circumstances that support the officer's determination that the  
23 person committed the violation, shall be temporarily maintained in  
24 accordance with this section only for the purposes of determining a  
25 second or subsequent violation subject to the consequences set forth  
26 in subparagraph (b) or (c) of this paragraph. If the violation of this  
27 section is by a person under 18 years of age, a written notification  
28 concerning the violation shall be provided to the parent, guardian or  
29 other person having legal custody of the underage person in  
30 accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

31 (b) for a second violation, a written warning issued by a law  
32 enforcement officer to the underage person indicating that a second  
33 violation has occurred, which includes the person's name, address,  
34 and date of birth. If the violation is by a person 18 years of age or  
35 older, the officer shall provide the person with informational  
36 materials about how to access community services provided by  
37 public or private agencies and organizations that shall assist the  
38 person with opportunities to access further social services,  
39 including, but not limited to, counseling, tutoring programs,  
40 mentoring services, and faith-based or other community initiatives.  
41 If the violation is by a person under 18 years of age, a written  
42 notification concerning the second violation shall be provided to the  
43 parent, guardian or other person having legal custody of the  
44 underage person in accordance with section 3 of P.L.1991, c.169  
45 (C.33:1-81.1a). The written notification shall include the same or

**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 similar informational materials about how to access community  
2 services provided by public or private agencies and organizations as  
3 those provided directly by a law enforcement officer to a person 18  
4 years of age or older who commits a second violation of this  
5 paragraph. A copy of the second written warning to the underage  
6 person, and, if applicable, the written notification to the parent,  
7 guardian or other person having legal custody of the underage  
8 person concerning the second warning, plus a sworn statement that  
9 includes a description of the relevant facts and circumstances that  
10 support the officer's determination that the person committed the  
11 second violation, shall be temporarily maintained in accordance  
12 with this section only for the purposes of determining a subsequent  
13 violation subject to the consequences set forth in subparagraph (c)  
14 of this paragraph.

15 (c) for a third or subsequent violation, a write-up issued by a  
16 law enforcement officer to the underage person indicating that a  
17 third or subsequent violation has occurred, which includes the  
18 person's name, address, and date of birth. If the violation is by a  
19 person 18 years of age or older, the officer shall include with the  
20 write-up a referral for accessing community services provided by a  
21 public or private agency or organization, and provide notice to that  
22 agency or organization of the referral which may also be used to  
23 initiate contact with the person, and the agency or organization shall  
24 offer assistance to the person with opportunities to access further  
25 social services, including but not limited to counseling, tutoring  
26 programs, mentoring services, and faith-based or other community  
27 initiatives. If the violation is by a person under 18 years of age, a  
28 written notification concerning the third or subsequent violation  
29 shall be provided to the parent, guardian or other person having  
30 legal custody of the underage person in accordance with section 3  
31 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall  
32 include a referral for the person and the parent, guardian or other  
33 person having legal custody of the underage person for accessing  
34 community services provided by a public or private agency or  
35 organization, and provide notice to that agency or organization of  
36 the referral which may also then be used to initiate contact with  
37 both persons, and the agency or organization shall offer assistance  
38 to both with opportunities to access further social services,  
39 including counseling, tutoring programs, mentoring services, and  
40 faith-based or other community initiatives. A copy of a write-up for  
41 a third or subsequent violation, the written notification to the  
42 parent, guardian or other person having legal custody of the  
43 underage person, if applicable, and accompanying referrals, plus a  
44 sworn statement that includes a description of the relevant facts and  
45 circumstances that support the officer's determination that the  
46 person committed the third or subsequent violation, shall be  
47 temporarily maintained in accordance with this section only to the  
48 extent necessary to track referrals to agencies and organizations, as

1 well as for the purposes of determining a subsequent violation  
2 subject to the consequences set forth in this subparagraph.

3 The failure of a person under the legal age to purchase [alcoholic  
4 beverages or] cannabis items, or the failure of a parent, guardian or  
5 other person having legal custody of the underage person, to accept  
6 assistance from an agency or organization to which a law  
7 enforcement referral was made, or to access any community  
8 services provided by that agency or organization shall not result in  
9 any summons, initiation of a complaint, or other legal action to be  
10 adjudicated and enforced in any court.

11 (d) Any person under the legal age to purchase alcoholic  
12 beverages who knowingly possesses without legal authority or who  
13 knowingly consumes any alcoholic beverage in any school, public  
14 conveyance, public place, or place of public assembly, or motor  
15 vehicle shall be charged with a violation of this subparagraph on a  
16 complaint-summons and shall be subject to a fine of \$100. If the  
17 violation of this subparagraph is by a person under 18 years of age,  
18 a written notification concerning the violation shall be provided to  
19 the parent, guardian, or other person having legal custody of the  
20 underage person in accordance with section 3 of P.L.1991, c.169  
21 (C.33:1-81.1a).

22 The law enforcement officer also shall take possession of any  
23 alcoholic beverages from the person who committed the violation of  
24 this subparagraph.

25 (2) (a) A person under the legal age to purchase alcoholic  
26 beverages or cannabis items is not capable of giving lawful consent  
27 to a search to determine a violation of this section, and a law  
28 enforcement officer shall not request that a person consent to a  
29 search for that purpose.

30 (b) The odor of an alcoholic beverage, marijuana, hashish,  
31 cannabis, or cannabis item, or burnt marijuana, hashish, cannabis,  
32 or cannabis item, shall not constitute reasonable articulable  
33 suspicion to initiate an investigatory stop of a person, nor shall it  
34 constitute probable cause to initiate a search of a person or that  
35 person's personal property to determine a violation of paragraph (1)  
36 of this subsection. Additionally, the unconcealed possession of [an  
37 alcoholic beverage,] marijuana, hashish, or cannabis item in  
38 violation of paragraph (1) of this subsection, observed in plain sight  
39 by a law enforcement officer, shall not constitute probable cause to  
40 initiate a search of a person or that person's personal property to  
41 determine any further violation of that paragraph or any other  
42 violation of law. The unconcealed possession of an alcoholic  
43 beverage in violation of subparagraph (d) of paragraph (1) of this  
44 subsection, observed in plain sight by a law enforcement officer,  
45 shall constitute probable cause to initiate a search of a person or  
46 that person's personal property to determine a further violation of  
47 subparagraph (d) of paragraph (1) of this subsection regarding the  
48 possession or consumption of alcoholic beverages.

1 (3) A person under the legal age to purchase alcoholic beverages  
2 or cannabis items who violates paragraph (1) of this subsection for  
3 possessing or consuming an alcoholic beverage, marijuana, hashish,  
4 or a cannabis item shall not be subject to arrest, shall not be  
5 transported to a police station, police headquarters, or other place of  
6 law enforcement operations, and shall not otherwise be subject to  
7 detention or be taken into custody by a law enforcement officer at  
8 or near the location where the violation occurred, except to the  
9 extent that detention or custody at or near the location is required to  
10 issue a written warning or write-up, issue a complaint-summons,  
11 collect the information necessary to provide notice of a violation to  
12 a parent, guardian or other person having legal custody of the  
13 underage person in accordance with section 3 of P.L.1991, c.169  
14 (C.33:1-81a), or make referrals for accessing community services  
15 provided by a public or private agency or organization due to a third  
16 or subsequent violation, unless the person is being arrested,  
17 detained, or otherwise taken into custody for also committing  
18 another violation of law for which that action is legally permitted or  
19 required.

20 (4) Consistent with the provisions of subsection c. of section 1  
21 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording  
22 functions of a law enforcement officer's body worn camera, as  
23 defined in that section, shall be activated whenever the law  
24 enforcement officer is responding to a call for service related to a  
25 violation or suspected violation of paragraph (1) of this subsection  
26 for possessing or consuming an alcoholic beverage, marijuana,  
27 hashish, or a cannabis item, or at the initiation of any other law  
28 enforcement or investigative encounter between an officer and a  
29 person related to a violation or suspected violation of that  
30 paragraph, and shall remain activated until the encounter has fully  
31 concluded and the officer leaves the scene of the encounter;  
32 provided, however, that the video and audio recording functions of  
33 a body worn camera shall not be deactivated pursuant to  
34 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,  
35 c.129 (C.40A:14-118.5), based on a request to deactivate the  
36 camera by a person who is the subject of a responsive call for  
37 service or law enforcement or investigative encounter related to a  
38 violation or suspected violation of paragraph (1) of this subsection.

39 (5) As part of the process for the issuance of a written warning  
40 or write-up to a person for a violation of paragraph (1) of this  
41 subsection, the law enforcement officer shall take possession of any  
42 **【alcoholic beverage,】** marijuana, hashish, or cannabis item from the  
43 person, and any drug or cannabis paraphernalia for use with any  
44 marijuana, hashish, or cannabis item. The existence and description  
45 of the **【alcoholic beverage,】** marijuana, hashish, or cannabis item,  
46 and any drug or cannabis paraphernalia shall be included in the  
47 sworn statement that includes a description of the relevant facts and  
48 circumstances that support the officer's determination that the

1 person committed a violation, and which record is temporarily  
2 maintained in accordance with this section to determine subsequent  
3 possession or consumption violations, and track referrals for  
4 accessing community services provided by a public or private  
5 agency or organization due to a third or subsequent violation. Any  
6 **【alcoholic beverage,】** marijuana, hashish, cannabis item, or drug or  
7 cannabis paraphernalia obtained by the law enforcement officer  
8 shall either be destroyed or secured for use in law enforcement  
9 training or educational programs in accordance with applicable law  
10 and directives issued by the Attorney General.

11 (6) With respect to any violation of paragraph (1) of this  
12 subsection concerning the possession or consumption of an  
13 alcoholic beverage, marijuana, hashish, or any cannabis item:

14 (a) a person under the legal age to purchase alcoholic beverages  
15 or cannabis items shall not be photographed or fingerprinted,  
16 notwithstanding any provisions of section 2 of P.L.1982, c.79  
17 (C.2A:4A-61) to the contrary;

18 (b) (i) any copy of any written warning or write-up issued to a  
19 person under the legal age to purchase **【alcoholic beverages or】**  
20 cannabis items, written notification provided to the person's parent,  
21 guardian or other person having legal custody in accordance with  
22 section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement  
23 describing the relevant facts and circumstances that support an  
24 officer's determination that a person committed a violation, or  
25 referrals for accessing community services provided by a public or  
26 private agency or organization pertaining to a third or subsequent  
27 violation shall be segregated and maintained in a separate physical  
28 location or electronic repository or database from any other records  
29 maintained by a law enforcement agency, and reported to the  
30 Attorney General in a manner so that they are similarly segregated  
31 and maintained in a separate physical location or electronic  
32 repository or database from other law enforcement records  
33 accessible to the Attorney General and State and local law  
34 enforcement agencies, and shall not be transferred to or copied and  
35 placed in any other physical location or electronic repository or  
36 database containing any other law enforcement records. These  
37 records shall only be used to the extent necessary to determine a  
38 subsequent violation of paragraph (1) of this subsection or to track  
39 referrals to agencies and organizations, and shall not be revealed,  
40 reviewed, or considered in any manner with respect to any current  
41 or subsequent juvenile delinquency matter, including but not limited  
42 to, a charge, filing, eligibility or decision for diversion or discharge,  
43 or sentencing, other disposition, or related decision affecting the  
44 juvenile, or with respect to any current or subsequent prosecution  
45 for committing an offense or other violation of law, including but  
46 not limited to, a charge, filing, eligibility or decision for diversion  
47 or discharge, or sentencing, other disposition, or related decision  
48 affecting an adult under 21 years of age. Also, these records shall be

1 deemed confidential and shall not be subject to public inspection or  
2 copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et  
3 seq.), and their existence shall not be acknowledged based upon any  
4 inquiry in the same manner as if the records were expunged records  
5 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

6 The Attorney General may use the records described herein to  
7 generate the number of occurrences and other statistics concerning  
8 first, second, third and subsequent violations of paragraph (1) of  
9 this subsection, the municipal, county or other geographic areas  
10 within which first, second, third and subsequent violations occur,  
11 and the law enforcement agencies involved in first, second, third  
12 and subsequent violations, which are to be compiled and made  
13 available by the Attorney General in accordance with section 4 of  
14 P.L.2021, c.25 (C.2C:33-15.1). The identity of any person named in  
15 a record shall not be revealed or included in the information to be  
16 compiled and made available in accordance with that section.

17 The records of violations shall only be maintained temporarily  
18 and shall be destroyed or permanently deleted as set forth in  
19 subparagraph (c) of this paragraph.

20 (ii) any records pertaining to a person's acceptance of assistance  
21 from an agency or organization to which a law enforcement referral  
22 was made shall not be revealed, reviewed, or considered in any  
23 manner with respect to any current or subsequent juvenile  
24 delinquency matter, including, but not limited to, a charge, filing,  
25 eligibility or decision for diversion or discharge, or sentencing,  
26 other disposition, or related decision affecting the juvenile, or with  
27 respect to any current or subsequent prosecution for committing an  
28 offense or other violation of law, including, but not limited to, a  
29 charge, filing, eligibility or decision for diversion or discharge, or  
30 sentencing, other disposition, or related decision affecting an adult  
31 under 21 years of age. Also, these records shall be deemed  
32 confidential and shall not be subject to public inspection or copying  
33 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),  
34 and their existence shall not be acknowledged based upon any  
35 inquiry in the same manner as if the records were expunged records  
36 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

37 (c) All of the records maintained by a law enforcement agency  
38 and reported to the Attorney General as described in  
39 subparagraph (i) of subparagraph (b) of this paragraph shall be  
40 destroyed or permanently deleted by the law enforcement agency  
41 and Attorney General on the second anniversary following the  
42 creation of the record concerning a violation, or not later than the  
43 last day of the month in which that second anniversary date falls, or  
44 alternatively not later than the 21st birthday of a person who is the  
45 subject of a record, or not later than the last day of the month in  
46 which that birthday falls, whichever date occurs sooner, except that  
47 a record shall be maintained upon request by the person named in  
48 the record or representative thereof, the law enforcement officer

1 who made the record, or the law enforcement agency currently  
2 maintaining the record if it involves a lawsuit, disciplinary  
3 complaint, or criminal prosecution arising from the violation  
4 described in the record, based on an assertion that the record has  
5 evidentiary or exculpatory value. Upon final disposition of the  
6 matter for which the extended record retention was requested, the  
7 record shall be destroyed or permanently deleted.

8 (d) A law enforcement officer shall be guilty of the crime of  
9 official deprivation of civil rights as set forth in section 3 of  
10 P.L.2021, c.25 (C.2C:30-6.1) for violating the provisions of  
11 paragraph (1) of this subsection that address law enforcement  
12 actions involving persons who are under the legal age to purchase  
13 alcoholic beverages or cannabis items.

14 b. (Deleted by amendment, P.L.2021, c.25)

15 c. (Deleted by amendment, P.L.2021, c.25)

16 d. Nothing in this act shall apply to possession of alcoholic  
17 beverages by any such person while actually engaged in the  
18 performance of employment pursuant to an employment permit  
19 issued by the Director of the Division of Alcoholic Beverage  
20 Control, or for a bona fide hotel or restaurant, in accordance with  
21 the provisions of R.S.33:1-26, or while actively engaged in the  
22 preparation of food while enrolled in a culinary arts or hotel  
23 management program at a county vocational school or post-  
24 secondary educational institution; and nothing in this section shall  
25 apply to possession of cannabis items by any such person while  
26 actually engaged in the performance of employment by a cannabis  
27 establishment, distributor, or delivery service as permitted pursuant  
28 to the "New Jersey Cannabis Regulatory, Enforcement Assistance,  
29 and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et  
30 al.).

31 e. Except as otherwise provided in this section, the provisions  
32 of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a  
33 parent, guardian or other person with legal custody of a person  
34 under 18 years of age who is found to be in violation of this section.

35 f. An underage person and one or two other persons shall be  
36 immune from prosecution under this section if:

37 (1) one of the underage persons called 9-1-1 and reported that  
38 another underage person was in need of medical assistance due to  
39 alcohol consumption, or the consumption of marijuana, hashish, or  
40 a cannabis item;

41 (2) the underage person who called 9-1-1 and, if applicable, one  
42 or two other persons acting in concert with the underage person  
43 who called 9-1-1 provided each of their names to the 9-1-1 first  
44 responder dispatcher;

45 (3) the underage person was the first person to make the 9-1-1  
46 report; and

1 (4) the underage person and, if applicable, one or two other  
2 persons acting in concert with the underage person who made the 9-  
3 1-1 call remained on the scene with the person under the legal age  
4 in need of medical assistance until assistance arrived and  
5 cooperated with medical assistance and law enforcement personnel  
6 on the scene.

7 The underage person who received medical assistance also shall  
8 be immune from prosecution under this section.

9 g. For purposes of this section, an alcoholic beverage includes  
10 powdered alcohol as defined by R.S.33:1-1, a cannabis item  
11 includes any item available for lawful consumption pursuant to the  
12 "New Jersey Cannabis Regulatory, Enforcement Assistance, and  
13 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.),  
14 and the terms "marijuana" and "hashish" have the same meaning as  
15 set forth in N.J.S.2C:35-2, and the terms "drug paraphernalia" and  
16 "cannabis paraphernalia" have the same meaning as set forth in  
17 N.J.S.2C:36-1 and section 3 of P.L.2021, c.16 (C.24:6I-33),  
18 respectively.

19 (cf: P.L.2021, c.447, s.4)

20

21 2. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to  
22 read as follows:

23 4. a. (1) The Attorney General shall biannually issue a  
24 comprehensive report detailing the number of occurrences and other  
25 statistics, without revealing or including any personal identifying  
26 information, concerning first, second, third and subsequent  
27 violations of subparagraphs (a), (b), and (c) of paragraph (1) of  
28 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
29 involving the possession or consumption of any [alcoholic  
30 beverage,] marijuana, hashish, or cannabis items by persons under  
31 the legal age to purchase [alcoholic beverages or] cannabis items  
32 and the number of violations of subparagraph (d) of paragraph (1)  
33 of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
34 involving the possession or consumption of alcoholic beverages by  
35 persons under the legal age to purchase alcoholic beverages, the  
36 municipal, county or other geographic areas within which [first,  
37 second, third and subsequent] the violations occur, and the law  
38 enforcement agencies involved in [first, second, third and  
39 subsequent] the violations, covering the previous six-month period.  
40 The initial report shall be issued by June 30, 2021, the second report  
41 shall be issued by January 30, 2022, and then the next report issued  
42 every six months thereafter. Each report shall also be submitted to  
43 the Governor and the Legislature pursuant to section 2 of P.L.1991,  
44 c.164 (C.52:14-19.1).

45 (2) The Attorney General shall also make reports available to  
46 the task force established pursuant to subsection b. of this section  
47 based on the Attorney General's periodic review of body worn

1 camera recordings of law enforcement officers responding to a call  
2 for service related to a violation or suspected violation of paragraph  
3 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or  
4 at the initiation of any other law enforcement or investigative  
5 encounter between an officer and a person related to a violation or  
6 suspected violation of that paragraph, which recordings are required  
7 to be made in accordance with paragraph (4) of subsection a. of  
8 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review  
9 shall be conducted using body worn camera recordings both  
10 selected by the Attorney General and randomly determined, and the  
11 task force may request an Attorney General review a particular  
12 municipality, region, or time period. The identity of any person  
13 included in a recording reviewed by the Attorney General shall be  
14 kept confidential and shall not be revealed to the members of the  
15 task force or any staff provided to the task force by the Department  
16 of Law and Public Safety pursuant to paragraph (6) of subsection b.  
17 of this section to support its work.

18 b. (1) A taskforce shall be established in the Department of Law  
19 and Public Safety, comprised of 26 members to review each  
20 Attorney General report described in subsection a. of this section,  
21 and make recommendations thereon to the Governor and  
22 Legislature related to law enforcement activities to address the  
23 enforcement of underage possession or consumption of alcoholic  
24 beverages, marijuana, hashish, or cannabis items in violation of  
25 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader  
26 issue of underage possession or consumption of these substances.

27 (2) The membership of the taskforce shall include the following  
28 individuals:

29 (a) the Attorney General, or a designee;

30 (b) the Public Defender, or a designee;

31 (c) the Commissioner of the Department of Children and  
32 Families, or a designee;

33 (d) the Commissioner of Education, or a designee;

34 (e) a representative from the Juvenile Justice Commission,  
35 appointed by the Governor;

36 (f) a representative from the Division of Criminal Justice in the  
37 Department of Law and Public Safety, appointed by the Governor;

38 (g) the Chair of the Governor's Juvenile Justice Delinquency  
39 and Prevention Committee;

40 (h) two members appointed by the Governor upon the  
41 recommendation of the President of the Senate, at least one of  
42 whom shall be a member of the Legislative Black Caucus or  
43 Legislative Latino Caucus, determined in coordination with the  
44 members recommended by the Speaker of the General Assembly  
45 pursuant to subparagraph (i) of this paragraph, so that there is at  
46 least one member of each caucus serving as a member of the task  
47 force;

- 1 (i) two members appointed by the Governor upon the  
2 recommendation of the Speaker of the General Assembly, at least  
3 one of whom shall be a member of the Legislative Black Caucus or  
4 Legislative Latino Caucus, determined in coordination with the  
5 members recommended by the Senate President pursuant to  
6 subparagraph (h) of this paragraph, so that there is at least one  
7 member of each caucus serving as a member of the task force;
- 8 (j) the Administrative Director of the Courts, or a designee;
- 9 (k) a representative from the New Jersey Institute for Social  
10 Justice, appointed by the Governor;
- 11 (l) a representative from the American Civil Liberties Union of  
12 New Jersey, appointed by the Governor;
- 13 (m) a representative from the County Prosecutors Association of  
14 New Jersey who is actively and presently involved in juvenile  
15 matters, appointed by the Governor;
- 16 (n) a representative from the New Jersey Juvenile Officers  
17 Association, appointed by the Governor;
- 18 (o) one representative each from the Annie E. Casey Foundation  
19 and Vera Institute of Justice, both appointed by the Governor;
- 20 (p) a representative of the NAACP New Jersey State  
21 Conference, appointed by the Governor;
- 22 (q) a representative of Salvation and Social Justice, appointed  
23 by the Governor;
- 24 (r) a representative from the County Youth Services  
25 Commission Administrators, appointed by the Governor;
- 26 (s) a representative from the faith-based ethical community in  
27 New Jersey, appointed by the Governor;
- 28 (t) a representative of an employee organization representing  
29 employees who work at juvenile justice facilities, appointed by the  
30 Governor; and
- 31 (u) three representatives who have been involved with the New  
32 Jersey juvenile justice system, appointed by the Governor,  
33 including at least one representative of a non-profit organization  
34 that deals with juvenile justice issues and at least one individual  
35 who has been subject to the custody of the juvenile justice system.
- 36 (3) All members appointed by the Governor, other than the  
37 members of the Legislature recommended for appointment, shall  
38 serve at the pleasure of the Governor. The members of the  
39 Legislature shall serve on the task force during their elective term  
40 of office. Any vacancies in the membership of the task force shall  
41 be filled in the same manner as the original appointments were  
42 made.
- 43 (4) Members of the task force shall serve without compensation,  
44 but shall be reimbursed for necessary expenditures incurred in the  
45 performance of their duties as members of the task force within the  
46 limits of funds appropriated or otherwise made available to the task  
47 force for its purposes.

1 (5) The task force shall organize as soon as practicable  
2 following the appointment of its members. The task force shall  
3 choose a chairperson from among its members and shall appoint a  
4 secretary who need not be a member of the task force.

5 (6) The Department of Law and Public Safety shall provide such  
6 stenographic, clerical, and other administrative assistants, and such  
7 professional staff as the task force requires to carry out its work.

8 (cf: P.L.2021, c.25, s.4)

9

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

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

15 a. A crime;

16 b. A disorderly persons offense or petty disorderly persons  
17 offense; or

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

20 But, the commission of (1) an act which constitutes a violation of  
21 chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile  
22 of any age; (2) an act relating to the ownership or operation of a  
23 motorized bicycle which constitutes a violation of chapter 3 or 4 of  
24 Title 39 of the Revised Statutes by a juvenile of any age; (3) an act  
25 which constitutes a violation of article 3 or 6 of chapter 4 of Title  
26 39 of the Revised Statutes pertaining to pedestrians and bicycles, by  
27 a juvenile of any age; (4) the commission of an act which  
28 constitutes a violation of P.L.1981, c.318 (C.26:3D-1 et seq.),  
29 P.L.1981, c.319 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-15  
30 et seq.), P.L.1985, c.185 (C.26:3E-7 et seq.), P.L.1985, c.186  
31 (C.26:3D-32 et seq.), N.J.S.2C:33-13, P.L.1985, c.318 (C.26:3D-38  
32 et seq.), P.L.1985, c.381 (C.26:3D-46 et seq.), or of any amendment  
33 or supplement thereof, by a juvenile of any age;(5) an act which  
34 constitutes a violation of chapter 7 of Title 12 of the Revised  
35 Statutes relating to the regulation and registration of power vessels,  
36 by a juvenile of any age or section 2 of P.L.1987, c.453 (C.12:7-  
37 61); **[or]** (6) an act which constitutes a violation of a municipal  
38 ordinance enacted pursuant to section 2 of P.L.1992, c.132  
39 (C.40:48-2.52) pertaining to curfew ordinances; or (7) an act which  
40 constitutes a violation of subparagraph (d) of paragraph (1) of  
41 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
42 pertaining to the possession or consumption of alcoholic beverages  
43 by a juvenile of any age shall not constitute delinquency as defined  
44 in this act. The municipal court having jurisdiction over a case  
45 involving a violation by a juvenile of a section of Title 26 listed in  
46 this subsection, Title 40 listed in this subsection or N.J.S.2C:33-13,  
47 shall forward a copy of the record of conviction in that case to the

1 Family Part intake service of the county where the municipal court  
2 is located.

3 If a municipal court orders detention or imposes a term of  
4 imprisonment on a juvenile in connection with a violation of Title  
5 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised  
6 Statutes, Title 40 of the Revised Statutes or N.J.S.2C:33-13, that  
7 detention or term of imprisonment shall be served at a suitable  
8 juvenile institution and not at a county jail or county workhouse.  
9 (cf: P.L.1997, c.383, s.1)

10

11 4. This act shall take effect immediately.

12

13

14

#### STATEMENT

15

16 This bill revises the penalties for the possession or consumption  
17 of alcoholic beverages by underage persons.

18 Under current law, any person under the legal age to purchase  
19 alcoholic beverages or cannabis items who possesses or consumes  
20 alcoholic beverages or cannabis items, marijuana, or hashish in any  
21 school, public conveyance, public place, place of public assembly,  
22 or motor vehicle is subject to certain consequences, including a  
23 written warning or write-up, as appropriate, by a law enforcement  
24 officer to the underage person, and if the person is under 18 years of  
25 age, a written notification to the person's parent, guardian, or other  
26 person having legal custody of the underage person. For certain  
27 violations, the law enforcement officer is also to provide  
28 informational materials regarding community services that will  
29 assist the person with opportunities to access further social services.  
30 Finally, current law provides that the officer is also to take  
31 possession of any alcoholic beverage, marijuana, hashish, or  
32 cannabis item and any drug or cannabis paraphernalia as part of the  
33 process for the issuance of a written warning or write up.

34 Under this bill, any person under the legal age to purchase  
35 alcoholic beverages who knowingly possesses without legal  
36 authority or who knowingly consumes any alcoholic beverage in  
37 any school, public conveyance, public place, or place of public  
38 assembly, or motor vehicle is to be charged with a violation on a  
39 complaint-summons and subject to a fine of \$100. If the violation  
40 is by a person under 18 years of age, a written notification  
41 concerning the violation is required to be provided to the parent,  
42 guardian, or other person having legal custody of the underage  
43 person. The bill provides that a violation of this provision does not  
44 constitute delinquency under current law. The bill also provides  
45 that a law enforcement officer is required to take possession of any  
46 alcoholic beverages from the person who committed the violation.

47 Further, under current law, the unconcealed possession of an  
48 alcoholic beverage, marijuana, hashish, or cannabis item in

1 violation of current law, observed in plain sight by a law  
2 enforcement officer, does not constitute probable cause to initiate a  
3 search of a person or that person's personal property to determine a  
4 further violation of law. Under this bill, the unconcealed possession  
5 of an alcoholic beverage, observed in plain sight by a law  
6 enforcement officer, would constitute probable cause to initiate a  
7 search of a person or that person's personal property to determine a  
8 further violation of current law regarding the underage possession  
9 or consumption of alcoholic beverages.

10 In addition, under current law, the Attorney General is to  
11 biannually issue a report detailing the number of occurrences and  
12 other statistics concerning first, second, third, and subsequent  
13 violations involving the possession or consumption of alcoholic  
14 beverages, marijuana, hashish, or cannabis items by underage  
15 persons, the municipal, county, or other geographic areas within  
16 which first, second, third, and subsequent violations occur, and the  
17 law enforcement agencies involved in first, second, third, and  
18 subsequent violations, covering the previous six month period.

19 This bill makes clarifying changes regarding the information the  
20 report is required to contain for violations for the possession or  
21 consumption of alcoholic beverages by underage persons as these  
22 persons would no longer be issued first, second, third, and  
23 subsequent violations under the bill.

24 According to the sponsor, alcohol is the number one drug of  
25 choice for young people in this country, with research indicating  
26 that the average age of first use of alcohol is 11 years old. Roughly  
27 half of children have already tried alcohol by age 15. Research  
28 indicates that young people in this State appear to be experimenting  
29 with alcohol at a rate above that reported nationally, with  
30 approximately 407,000 underage youth consuming alcohol each  
31 year. Youth who start drinking before age 15 are six times more  
32 likely to develop alcohol dependence or abuse later in life than  
33 those who begin drinking at or after age 21.

34 According to the sponsor, underage drinking is a significant  
35 health problem in this country. Youth who drink alcohol are more  
36 likely to experience problems in school, such as higher rates of  
37 absences or lower grades; social problems, such as fighting or lack  
38 of participation in youth activities; legal problems, such as driving  
39 while intoxicated; disruption of normal growth or development;  
40 increased risk of suicide and homicide; alcohol-related motor  
41 vehicle crashes; misuse of other substances; changes in brain  
42 development that may have life-long effects; and alcohol poisoning.  
43 It is imperative to protect the youth in this State by preventing  
44 underage drinking and the related harmful effects.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 5610**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 15, 2023

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5610.

This bill revises the penalties for the possession or consumption of alcoholic beverages by underage persons.

Under current law, any person under the legal age to purchase alcoholic beverages or cannabis items who possesses or consumes alcoholic beverages or cannabis items, marijuana, or hashish in any school, public conveyance, public place, place of public assembly, or motor vehicle is subject to certain consequences, including a written warning or write-up, as appropriate, by a law enforcement officer to the underage person, and, if the person is under 18 years of age, to the person's parent, guardian, or other person having legal custody of the underage person. For certain violations, the law enforcement officer is also to provide informational materials regarding community services that will assist the person with opportunities to access social services. Finally, current law provides that the officer is also to take possession of any alcoholic beverage, marijuana, hashish, or cannabis item and any drug or cannabis paraphernalia as part of the process for the issuance of a written warning or write up.

Under this bill, any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, or place of public assembly, or motor vehicle is to be charged with a violation on a complaint-summons and subject to a fine of \$100. If the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person. The bill provides that a violation of this provision does not constitute delinquency under current law. The bill also provides that a law enforcement officer is required to take possession of any alcoholic beverages from the person who committed the violation.

As amended, the bill provides that the unconcealed possession of an alcoholic beverage, marijuana, hashish, or cannabis item observed in plain sight by a law enforcement officer, would not constitute probable cause to initiate a search of a person or that person's personal property to determine a further violation of current law regarding the

underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items, or any other violation of law. The committee amendments revert this section back to current law.

In addition, under current law, the Attorney General is to biannually issue a report detailing the number of occurrences and other statistics concerning first, second, third, and subsequent violations involving the possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items by underage persons, the municipal, county, or other geographic areas within which first, second, third, and subsequent violations occur, and the law enforcement agencies involved in first, second, third, and subsequent violations, covering the previous six month period.

This bill makes clarifying changes regarding the information that the Attorney General's report is required to contain for violations for the possession or consumption of alcoholic beverages by underage persons as these persons would no longer be issued first, second, third, and subsequent violations under the bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to provide that unconcealed possession of an alcoholic beverage, observed in plain sight, does not constitute probable cause to initiate a search of a person or that person's personal property, reverting that section back to current law.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 5610

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5610 (1R).

This bill revises the penalties for the possession or consumption of alcoholic beverages by underage persons.

Under current law, any person under the legal age to purchase alcoholic beverages or cannabis items who possesses or consumes alcoholic beverages or cannabis items, marijuana, or hashish in any school, public conveyance, public place, place of public assembly, or motor vehicle is subject to certain consequences, including a written warning or write-up, as appropriate, by a law enforcement officer to the underage person, and, if the person is under 18 years of age, to the person's parent, guardian, or other person having legal custody of the underage person. For certain violations, the law enforcement officer is also to provide informational materials regarding community services that will assist the person with opportunities to access social services. Finally, current law provides that the officer is also to take possession of any alcoholic beverage, marijuana, hashish, or cannabis item and any drug or cannabis paraphernalia as part of the process for the issuance of a written warning or write up.

Under this bill, as amended, any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, or place of public assembly, or motor vehicle is to be charged with a violation on a complaint-summons and subject to a fine of \$50. If the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person. The bill provides that a violation of this provision does not constitute delinquency under current law. The bill also provides that a law enforcement officer is required to take possession of any alcoholic beverages from the person who committed the violation.

In addition, under current law, the Attorney General is to biannually issue a report detailing the number of occurrences and other

statistics concerning first, second, third, and subsequent violations involving the possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items by underage persons, the municipal, county, or other geographic areas within which first, second, third, and subsequent violations occur, and the law enforcement agencies involved in first, second, third, and subsequent violations, covering the previous six month period.

This bill makes clarifying changes regarding the information that the Attorney General's report is required to contain for violations for the possession or consumption of alcoholic beverages by underage persons as these persons would no longer be issued first, second, third, and subsequent violations under the bill.

Current law provides that a law enforcement officer is guilty of the crime of official deprivation of civil rights for violating certain provisions of current law that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items. Under current law, there is not a requirement that the law enforcement officer have acted with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity in order to be guilty of this crime. The provisions of this amended bill provide that with regard to the possession or consumption of alcoholic beverages, in order to be guilty of the crime of official deprivation of civil rights, a finding is required that the law enforcement officer acted with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation, or ethnicity.

#### COMMITTEE AMENDMENTS

The committee amendments:

(1) lower the fine for underage possession or consumption of alcoholic beverages from \$100 to \$50; and

(2) provide that with regard to the possession or consumption of alcoholic beverages, in order to be guilty of the crime of official deprivation of civil rights, a finding is required that the law enforcement officer acted with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation, or ethnicity.

#### FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### [Second Reprint] **ASSEMBLY, No. 5610**

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 27, 2023

The Assembly Budget Committee reports favorably and with committee amendments Assembly Bill No. 5610 (2R).

This bill revises the penalties for the possession or consumption of alcoholic beverages by underage persons.

Under current law, any person under the legal age to purchase alcoholic beverages or cannabis items who possesses or consumes alcoholic beverages or cannabis items, marijuana, or hashish in any school, public conveyance, public place, place of public assembly, or motor vehicle is subject to certain consequences, including a written warning or write-up, as appropriate, by a law enforcement officer to the underage person, and, if the person is under 18 years of age, to the person's parent, guardian, or other person having legal custody of the underage person. For certain violations, the law enforcement officer is also to provide informational materials regarding community services that will assist the person with opportunities to access social services. Finally, current law provides that the officer is also to take possession of any alcoholic beverage, marijuana, hashish, or cannabis item and any drug or cannabis paraphernalia as part of the process for the issuance of a written warning or write-up.

Under this bill, any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, or place of public assembly, or motor vehicle is to be charged with a violation on a complaint-summons and subject to a fine of \$50. If the violation is by a person under 18 years of age, written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person. The bill provides that a violation of this provision does not constitute delinquency under current law. The bill also provides that a law enforcement officer is required to take possession of any alcoholic beverages from the person who committed the violation.

In addition, under current law, the Attorney General is to biannually issue a report detailing the number of occurrences and other statistics concerning first, second, third, and subsequent violations

involving the possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items by underage persons, the municipal, county, or other geographic areas within which first, second, third, and subsequent violations occur, and the law enforcement agencies involved in first, second, third, and subsequent violations, covering the previous six month period.

This bill makes clarifying changes regarding the information that the Attorney General's report is required to contain for violations for the possession or consumption of alcoholic beverages by underage persons, as these persons would no longer be issued first, second, third, and subsequent violations under the bill.

Finally, current law provides that a law enforcement officer is guilty of the crime of official deprivation of civil rights for violating certain provisions of current law that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items. Under current law, there is no requirement that the law enforcement officer have acted with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity in order to be guilty of this crime. As amended, this bill provides that a finding of purpose is required for a law enforcement officer to be guilty of official deprivation of civil rights with regard to underage possession or consumption of alcoholic beverages or marijuana, hashish, or cannabis items.

#### COMMITTEE AMENDMENTS

The committee amendments provide that with regard to the underage possession or consumption of alcoholic beverages or marijuana, hashish, or cannabis items, in order to be guilty of the crime of official deprivation of civil rights, a finding is required that the law enforcement officer acted with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation, or ethnicity. Under the prior version of the bill, this finding only was required for the underage possession or consumption of alcoholic beverages.

#### FISCAL IMPACT:

Fiscal information is currently unavailable.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

[Third Reprint]

**ASSEMBLY, No. 5610**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 7, 2023

The Senate Judiciary Committee reports favorably the Assembly Bill No. 5610 (3R).

This bill addresses two matters related to the possession or consumption of alcoholic beverages, legalized cannabis items, or illegal marijuana or hashish by persons under the legal age to purchase alcoholic beverages or cannabis items (21 years of age): (1) it revises the penalties for the underage possession or consumption of alcoholic beverages in various public settings or motor vehicles; and (2) it alters the criminal liability for law enforcement officers regarding unlawful interactions with underage persons, described in section 3 of P.L.2021, c.25 (C.2C:30-6.1), during encounters for violations or suspected violations of the underage possession or consumption law.

### Underage Possession or Consumption of Alcoholic Beverages

First, the bill would establish a \$50 fine for the underage possession or consumption of any alcoholic beverage in a school, public conveyance, public place, or place of public assembly, or motor vehicle. The underage person would be charged with a violation by a complaint-summons. If the person is under 18 years of age, a written notification concerning the violation would also be provided to the parent, guardian, or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

Under current law, an underage person who unlawfully possesses or consumes an alcoholic beverage is subject to a written warning for a first violation, a written warning with informational materials about accessing community or social services for a second violation, and for a third or subsequent violation a more formal write-up that includes a referral for accessing community and social services. A written notification for each violation is also provided to the person's parent, guardian, or other person having legal custody of the underage person if that person is under 18 years of age. The same consequences apply to the underage possession or consumption of legalized cannabis items or illegal marijuana or hashish. The aforementioned revised penalty of a \$50 fine would only apply to the possession or consumption of alcoholic beverages.

Because the static \$50 fine would apply to each alcoholic beverage violation, the bill updates the Attorney General's current biannual reporting requirements detailing the separate occurrences of first, second, third, and subsequent violations involving alcoholic beverages. It is unnecessary to continue to make such a distinction about first and subsequent violations in any reports concerning alcoholic beverages due to the consequence of the \$50 fine always being the same regardless of the number of times an underage person may violate the law. These reports will continue to detail the separate occurrences of all first and subsequent violations involving cannabis items, marijuana, and hashish since they continue to carry the distinct consequences as described above.

#### Law Enforcement Criminal Liability

Regarding the second matter, law enforcement criminal liability, the current law provides that when responding to a call for service or upon the initiation of any other law enforcement or investigative encounter related to a violation or suspected violation for underage possession or consumption, a law enforcement officer is guilty of a crime of official deprivation of civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if that officer, while interacting with an underage person, knowingly violated the law by:

- requesting that the person consent to a search, even though such person has been legally declared, pursuant to paragraph (2) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), to be incapable of giving consent, or searching the person after wrongfully obtaining that person's consent;
- initiating an investigatory stop without reasonable articulable suspicion;
- initiating a search without probable cause;
- issuing a warning or write-up for a violation without a proper basis that a person committed the violation;
- detaining or taking into custody a person in a manner or for a longer period beyond the extent required to issue a warning or write-up;
- arresting a person for a possession or consumption violation, although prohibited by paragraph (3) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15); or
- engaging in any other unlawful act against the person arising out of the call for service or initiation of any other law enforcement or investigative encounter, including but not limited to the unjustified use of force in violation of N.J.S.2C:3-7.

There is no requirement to establish criminal liability on the basis that the officer's unlawful act was done with the purpose to intimidate or discriminate against an underage person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity, which motivation must be proven for other criminal

deprivations of civil rights under section 2 of P.L.2003, c.31 (C.2C:30-6).

The bill does not change any of the aforementioned actions by an officer that may be deemed a criminal deprivation of civil rights, but does add in the requirement, to be consistent with other criminal acts of deprivation, for proving that the officer was acting with the purpose to intimidate or discriminate against the underage person or group of persons in order to be guilty of the crime.

The crime would continue to be graded the same as other criminal deprivations of civil rights: it would be a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both, but could be upgraded to a crime of the second degree if bodily injury resulted from the deprivation of rights (five to 10 years' imprisonment; fine of up to \$150,000; or both), or even a crime of the first degree (10 to 20 years' imprisonment; fine of up to \$200,000; or both) if the violation involved murder, manslaughter, kidnapping, or aggravated sexual assault.

The bill, as reported by the committee, is identical to Senate Bill No. 3954, as amended and also reported today by the committee.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Third Reprint]

**ASSEMBLY, No. 5610**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 14, 2023

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5610 (3R).

This bill addresses two matters related to the possession or consumption of alcoholic beverages, legalized cannabis items, or illegal marijuana or hashish by persons under the legal age to purchase alcoholic beverages or cannabis items (21 years of age): (1) it revises the penalties for the underage possession or consumption of alcoholic beverages in various public settings or motor vehicles; and (2) it alters the criminal liability for law enforcement officers regarding unlawful interactions with underage persons, described in section 3 of P.L.2021, c.25 (C.2C:30-6.1), during encounters for violations or suspected violations of the underage possession or consumption law.

### Underage Possession or Consumption of Alcoholic Beverages

First, the bill would establish a \$50 fine for the underage possession or consumption of any alcoholic beverage in a school, public conveyance, public place, or place of public assembly, or motor vehicle. The underage person would be charged with a violation by a complaint-summons. If the person is under 18 years of age, a written notification concerning the violation would also be provided to the parent, guardian, or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

Under current law, an underage person who unlawfully possesses or consumes an alcoholic beverage is subject to a written warning for a first violation, a written warning with informational materials about accessing community or social services for a second violation, and for a third or subsequent violation a more formal write-up that includes a referral for accessing community and social services. A written notification for each violation is also provided to the person's parent, guardian, or other person having legal custody of the underage person if that person is under 18 years of age. The same consequences apply to the underage possession or consumption of legalized cannabis items or illegal marijuana or hashish. The aforementioned revised penalty of a \$50 fine would only apply to the possession or consumption of alcoholic beverages. Because the static \$50 fine would apply to each alcoholic beverage violation, the bill updates the Attorney General's current biannual reporting requirements detailing the separate

occurrences of first, second, third, and subsequent violations involving alcoholic beverages. It is unnecessary to continue to make such a distinction about first and subsequent violations in any reports concerning alcoholic beverages due to the consequence of the \$50 fine always being the same regardless of the number of times an underage person may violate the law. These reports will continue to detail the separate occurrences of all first and subsequent violations involving cannabis items, marijuana, and hashish since they continue to carry the distinct consequences as described above.

Law Enforcement Criminal Liability

Regarding the second matter, law enforcement criminal liability, the current law provides that when responding to a call for service or upon the initiation of any other law enforcement or investigative encounter related to a violation or suspected violation for underage possession or consumption, a law enforcement officer is guilty of a crime of official deprivation of civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if that officer, while interacting with an underage person, knowingly violated the law by:

- requesting that the person consent to a search, even though such person has been legally declared, pursuant to paragraph (2) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), to be incapable of giving consent, or searching the person after wrongfully obtaining that person's consent;
- initiating an investigatory stop without reasonable articulable suspicion;
- initiating a search without probable cause;
- issuing a warning or write-up for a violation without a proper basis that a person committed the violation;
- detaining or taking into custody a person in a manner or for a longer period beyond the extent required to issue a warning or write-up;
- arresting a person for a possession or consumption violation, although prohibited by paragraph (3) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15); or
- engaging in any other unlawful act against the person arising out of the call for service or initiation of any other law enforcement or investigative encounter, including but not limited to the unjustified use of force in violation of N.J.S.2C:3-7.

There is no requirement to establish criminal liability on the basis that the officer's unlawful act was done with the purpose to intimidate or discriminate against an underage person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity, which motivation must be proven for other criminal deprivations of civil rights under section 2 of P.L.2003, c.31 (C.2C:30-6).

The bill does not change any of the aforementioned actions by an officer that may be deemed a criminal deprivation of civil rights, but

does add in the requirement, to be consistent with other criminal acts of deprivation, for proving that the officer was acting with the purpose to intimidate or discriminate against the underage person or group of persons in order to be guilty of the crime.

The crime would continue to be graded the same as other criminal deprivations of civil rights: it would be a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both, but could be upgraded to a crime of the second degree if bodily injury resulted from the deprivation of rights (five to 10 years' imprisonment; fine of up to \$150,000; or both), or even a crime of the first degree (10 to 20 years' imprisonment; fine of up to \$200,000; or both) if the violation involved murder, manslaughter, kidnapping, or aggravated sexual assault.

As reported by the committee, Assembly Bill No. 5610 (3R) is identical to Senate Bill No. 3954 (1R), which was also reported by the committee on this date.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) anticipates that the bill will increase combined State, county, and municipal revenues resulting from the collection of fines from violations of underage alcohol possession or consumption by tens of thousands of dollars annually. Additionally, the OLS anticipates negligible annual combined State, county, and municipal expenditure increases due to revised law enforcement responsibilities and data collection requirements.

The bill establishes a violation on a complaint-summons and a fine of \$50. Additionally, if the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person.

This bill requires the Attorney General in the Department of Law and Public Safety to make certain variations in the biannually issued report detailing certain statistics reported by local law enforcement agencies.

# LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

## ASSEMBLY, No. 5610

### STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JULY 6, 2023

#### SUMMARY

- Synopsis:** Revises penalties for possession or consumption of alcoholic beverages by underage persons.
- Type of Impact:** Annual State and Local Revenue Gain.  
Annual State Expenditure Increase.
- Agencies Affected:** Department of Law and Public Safety; The Judiciary; State, County, and Municipal Law Enforcement Agencies.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>Annual State and Local Revenue Increases</b>	Tens of Thousands
<b>Annual State Expenditure Increase</b>	Negligible

- The Office of Legislative Services (OLS) anticipates that the bill will increase combined State, county, and municipal revenues resulting from the collection of fines from violations of underage alcohol possession or consumption by tens of thousands of dollars annually. Additionally, the OLS anticipates negligible annual combined State, county, and municipal expenditure increases due to revised law enforcement responsibilities and data collection requirements.
- The bill establishes a violation on a complaint-summons and a fine of \$50. Additionally, if the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person.
- This bill requires the Attorney General in the Department of Law and Public Safety to make certain variations in the biannually issued report detailing certain statistics reported by local law enforcement agencies.

## **BILL DESCRIPTION**

This bill revises the penalties for the possession or consumption of alcoholic beverages by underage persons.

Under current law, any person under the legal age to purchase alcoholic beverages or cannabis items who possesses or consumes alcoholic beverages or cannabis items, marijuana, or hashish in any school, public conveyance, public place, place of public assembly, or motor vehicle is subject to certain consequences, including a written warning or write-up, as appropriate, by a law enforcement officer to the underage person, and, if the person is under 18 years of age, to the person's parent, guardian, or other person having legal custody of the underage person. For certain violations, the law enforcement officer is also to provide informational materials regarding community services that will assist the person with opportunities to access social services. Finally, current law provides that the officer is also to take possession of any alcoholic beverage, marijuana, hashish, or cannabis item and any drug or cannabis paraphernalia as part of the process for the issuance of a written warning or write up.

Under this bill, any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, place of public assembly, or motor vehicle is to be charged with a violation on a complaint-summons and subject to a fine of \$50. If the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person. The bill provides that a violation of this provision does not constitute delinquency under current law. The bill also provides that a law enforcement officer is required to take possession of any alcoholic beverages from the person who committed the violation.

In addition, under current law, the Attorney General is to biannually issue a report detailing the number of occurrences and other statistics concerning first, second, third, and subsequent violations involving the possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items by underage persons; the municipal, county, or other geographic areas within which first, second, third, and subsequent violations occur; and the law enforcement agencies involved in first, second, third, and subsequent violations, covering the previous six-month period.

This bill makes clarifying changes regarding the information that the Attorney General's report is required to contain for violations for the possession or consumption of alcoholic beverages by underage persons as these persons would no longer be issued first, second, third, and subsequent violations under the bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS anticipates that the bill will increase State, county, and municipal revenues annually resulting from the collection of fines from violations of underage alcohol possession and consumption. Additionally, the OLS anticipates negligible annual combined State, county, and municipal expenditure increases due to revised law enforcement responsibilities and data collection requirements.

***Annual State, County, and Municipal Revenue Increases*** - The bill establishes a violation on a complaint-summons and a fine of \$50. The OLS estimates that the combined revenue increase to the State, counties, and municipalities may be in the tens of thousands of dollars annually based on 2019 statistics. According to media reports, the State Judiciary reported that in 2019 the police issued 1,322 charges for underage drinking across the State to those 18 to 20 years old, but the courts dismissed 533 charges. If the \$50 fine were in effect in 2019 this would have resulted in the collection of \$26,000 in fine revenue. The OLS notes that if the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person.

***Annual State Expenditure Increases*** - This bill requires the Attorney General in the Department of Law and Public Safety to make certain variations in the currently required biannually issued report detailing certain statistics reported by local law enforcement agencies. The OLS estimates that these increases, if any, will be negligible.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Lead Fiscal Analyst*

*Approved: Thomas Koenig  
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, No. 3954

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 12, 2023

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Senator Gopal**

**SYNOPSIS**

Revises penalties for possession or consumption of alcoholic beverages by underage persons.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/7/2023)

S3954 BEACH, BUCCO

2

1 AN ACT concerning possession or consumption of alcoholic  
2 beverages by underage persons and amending various parts of  
3 the statutory law.

4

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

7

8 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read  
9 as follows:

10 1. a. (1) Any person under the legal age to purchase **[alcoholic**  
11 **beverages, or under the legal age to purchase]** cannabis items, who  
12 knowingly possesses without legal authority or who knowingly  
13 consumes any **[alcoholic beverage,]** cannabis item, marijuana, or  
14 hashish in any school, public conveyance, public place, or place of  
15 public assembly, or motor vehicle shall be subject to the following  
16 consequences:

17 (a) for a first violation, a written warning issued by a law  
18 enforcement officer to the underage person. The written warning  
19 shall include the person's name, address, and date of birth, and a  
20 copy of the warning containing this information, plus a sworn  
21 statement that includes a description of the relevant facts and  
22 circumstances that support the officer's determination that the  
23 person committed the violation, shall be temporarily maintained in  
24 accordance with this section only for the purposes of determining a  
25 second or subsequent violation subject to the consequences set forth  
26 in subparagraph (b) or (c) of this paragraph. If the violation of this  
27 section is by a person under 18 years of age, a written notification  
28 concerning the violation shall be provided to the parent, guardian or  
29 other person having legal custody of the underage person in  
30 accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

31 (b) for a second violation, a written warning issued by a law  
32 enforcement officer to the underage person indicating that a second  
33 violation has occurred, which includes the person's name, address,  
34 and date of birth. If the violation is by a person 18 years of age or  
35 older, the officer shall provide the person with informational  
36 materials about how to access community services provided by  
37 public or private agencies and organizations that shall assist the  
38 person with opportunities to access further social services,  
39 including, but not limited to, counseling, tutoring programs,  
40 mentoring services, and faith-based or other community initiatives.  
41 If the violation is by a person under 18 years of age, a written  
42 notification concerning the second violation shall be provided to the  
43 parent, guardian or other person having legal custody of the  
44 underage person in accordance with section 3 of P.L.1991, c.169  
45 (C.33:1-81.1a). The written notification shall include the same or

**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 similar informational materials about how to access community  
2 services provided by public or private agencies and organizations as  
3 those provided directly by a law enforcement officer to a person 18  
4 years of age or older who commits a second violation of this  
5 paragraph. A copy of the second written warning to the underage  
6 person, and, if applicable, the written notification to the parent,  
7 guardian or other person having legal custody of the underage  
8 person concerning the second warning, plus a sworn statement that  
9 includes a description of the relevant facts and circumstances that  
10 support the officer's determination that the person committed the  
11 second violation, shall be temporarily maintained in accordance  
12 with this section only for the purposes of determining a subsequent  
13 violation subject to the consequences set forth in subparagraph (c)  
14 of this paragraph.

15 (c) for a third or subsequent violation, a write-up issued by a  
16 law enforcement officer to the underage person indicating that a  
17 third or subsequent violation has occurred, which includes the  
18 person's name, address, and date of birth. If the violation is by a  
19 person 18 years of age or older, the officer shall include with the  
20 write-up a referral for accessing community services provided by a  
21 public or private agency or organization, and provide notice to that  
22 agency or organization of the referral which may also be used to  
23 initiate contact with the person, and the agency or organization shall  
24 offer assistance to the person with opportunities to access further  
25 social services, including but not limited to counseling, tutoring  
26 programs, mentoring services, and faith-based or other community  
27 initiatives. If the violation is by a person under 18 years of age, a  
28 written notification concerning the third or subsequent violation  
29 shall be provided to the parent, guardian or other person having  
30 legal custody of the underage person in accordance with section 3  
31 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall  
32 include a referral for the person and the parent, guardian or other  
33 person having legal custody of the underage person for accessing  
34 community services provided by a public or private agency or  
35 organization, and provide notice to that agency or organization of  
36 the referral which may also then be used to initiate contact with  
37 both persons, and the agency or organization shall offer assistance  
38 to both with opportunities to access further social services,  
39 including counseling, tutoring programs, mentoring services, and  
40 faith-based or other community initiatives. A copy of a write-up for  
41 a third or subsequent violation, the written notification to the  
42 parent, guardian or other person having legal custody of the  
43 underage person, if applicable, and accompanying referrals, plus a  
44 sworn statement that includes a description of the relevant facts and  
45 circumstances that support the officer's determination that the  
46 person committed the third or subsequent violation, shall be  
47 temporarily maintained in accordance with this section only to the  
48 extent necessary to track referrals to agencies and organizations, as

1 well as for the purposes of determining a subsequent violation  
2 subject to the consequences set forth in this subparagraph.

3 The failure of a person under the legal age to purchase [alcoholic  
4 beverages or] cannabis items, or the failure of a parent, guardian or  
5 other person having legal custody of the underage person, to accept  
6 assistance from an agency or organization to which a law  
7 enforcement referral was made, or to access any community  
8 services provided by that agency or organization shall not result in  
9 any summons, initiation of a complaint, or other legal action to be  
10 adjudicated and enforced in any court.

11 (d) Any person under the legal age to purchase alcoholic  
12 beverages who knowingly possesses without legal authority or who  
13 knowingly consumes any alcoholic beverage in any school, public  
14 conveyance, public place, or place of public assembly, or motor  
15 vehicle shall be charged with a violation of this subparagraph on a  
16 complaint-summons and shall be subject to a fine of \$100. If the  
17 violation of this subparagraph is by a person under 18 years of age,  
18 a written notification concerning the violation shall be provided to  
19 the parent, guardian, or other person having legal custody of the  
20 underage person in accordance with section 3 of P.L.1991, c.169  
21 (C.33:1-81.1a).

22 The law enforcement officer also shall take possession of any  
23 alcoholic beverages from the person who committed the violation of  
24 this subparagraph.

25 (2) (a) A person under the legal age to purchase alcoholic  
26 beverages or cannabis items is not capable of giving lawful consent  
27 to a search to determine a violation of this section, and a law  
28 enforcement officer shall not request that a person consent to a  
29 search for that purpose.

30 (b) The odor of an alcoholic beverage, marijuana, hashish,  
31 cannabis, or cannabis item, or burnt marijuana, hashish, cannabis,  
32 or cannabis item, shall not constitute reasonable articulable  
33 suspicion to initiate an investigatory stop of a person, nor shall it  
34 constitute probable cause to initiate a search of a person or that  
35 person's personal property to determine a violation of paragraph (1)  
36 of this subsection. Additionally, the unconcealed possession of [an  
37 alcoholic beverage,] marijuana, hashish, or cannabis item in  
38 violation of paragraph (1) of this subsection, observed in plain sight  
39 by a law enforcement officer, shall not constitute probable cause to  
40 initiate a search of a person or that person's personal property to  
41 determine any further violation of that paragraph or any other  
42 violation of law. The unconcealed possession of an alcoholic  
43 beverage in violation of subparagraph (d) of paragraph (1) of this  
44 subsection, observed in plain sight by a law enforcement officer,  
45 shall constitute probable cause to initiate a search of a person or  
46 that person's personal property to determine a further violation of  
47 subparagraph (d) of paragraph (1) of this subsection regarding the  
48 possession or consumption of alcoholic beverages.

1 (3) A person under the legal age to purchase alcoholic beverages  
2 or cannabis items who violates paragraph (1) of this subsection for  
3 possessing or consuming an alcoholic beverage, marijuana, hashish,  
4 or a cannabis item shall not be subject to arrest, shall not be  
5 transported to a police station, police headquarters, or other place of  
6 law enforcement operations, and shall not otherwise be subject to  
7 detention or be taken into custody by a law enforcement officer at  
8 or near the location where the violation occurred, except to the  
9 extent that detention or custody at or near the location is required to  
10 issue a written warning or write-up, issue a complaint-summons,  
11 collect the information necessary to provide notice of a violation to  
12 a parent, guardian or other person having legal custody of the  
13 underage person in accordance with section 3 of P.L.1991, c.169  
14 (C.33:1-81a), or make referrals for accessing community services  
15 provided by a public or private agency or organization due to a third  
16 or subsequent violation, unless the person is being arrested,  
17 detained, or otherwise taken into custody for also committing  
18 another violation of law for which that action is legally permitted or  
19 required.

20 (4) Consistent with the provisions of subsection c. of section 1  
21 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording  
22 functions of a law enforcement officer's body worn camera, as  
23 defined in that section, shall be activated whenever the law  
24 enforcement officer is responding to a call for service related to a  
25 violation or suspected violation of paragraph (1) of this subsection  
26 for possessing or consuming an alcoholic beverage, marijuana,  
27 hashish, or a cannabis item, or at the initiation of any other law  
28 enforcement or investigative encounter between an officer and a  
29 person related to a violation or suspected violation of that  
30 paragraph, and shall remain activated until the encounter has fully  
31 concluded and the officer leaves the scene of the encounter;  
32 provided, however, that the video and audio recording functions of  
33 a body worn camera shall not be deactivated pursuant to  
34 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,  
35 c.129 (C.40A:14-118.5), based on a request to deactivate the  
36 camera by a person who is the subject of a responsive call for  
37 service or law enforcement or investigative encounter related to a  
38 violation or suspected violation of paragraph (1) of this subsection.

39 (5) As part of the process for the issuance of a written warning  
40 or write-up to a person for a violation of paragraph (1) of this  
41 subsection, the law enforcement officer shall take possession of any  
42 **【alcoholic beverage,】** marijuana, hashish, or cannabis item from the  
43 person, and any drug or cannabis paraphernalia for use with any  
44 marijuana, hashish, or cannabis item. The existence and description  
45 of the **【alcoholic beverage,】** marijuana, hashish, or cannabis item,  
46 and any drug or cannabis paraphernalia shall be included in the  
47 sworn statement that includes a description of the relevant facts and  
48 circumstances that support the officer's determination that the

1 person committed a violation, and which record is temporarily  
2 maintained in accordance with this section to determine subsequent  
3 possession or consumption violations, and track referrals for  
4 accessing community services provided by a public or private  
5 agency or organization due to a third or subsequent violation. Any  
6 **【alcoholic beverage,】** marijuana, hashish, cannabis item, or drug or  
7 cannabis paraphernalia obtained by the law enforcement officer  
8 shall either be destroyed or secured for use in law enforcement  
9 training or educational programs in accordance with applicable law  
10 and directives issued by the Attorney General.

11 (6) With respect to any violation of paragraph (1) of this  
12 subsection concerning the possession or consumption of an  
13 alcoholic beverage, marijuana, hashish, or any cannabis item:

14 (a) a person under the legal age to purchase alcoholic beverages  
15 or cannabis items shall not be photographed or fingerprinted,  
16 notwithstanding any provisions of section 2 of P.L.1982, c.79  
17 (C.2A:4A-61) to the contrary;

18 (b) (i) any copy of any written warning or write-up issued to a  
19 person under the legal age to purchase **【alcoholic beverages or】**  
20 cannabis items, written notification provided to the person's parent,  
21 guardian or other person having legal custody in accordance with  
22 section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement  
23 describing the relevant facts and circumstances that support an  
24 officer's determination that a person committed a violation, or  
25 referrals for accessing community services provided by a public or  
26 private agency or organization pertaining to a third or subsequent  
27 violation shall be segregated and maintained in a separate physical  
28 location or electronic repository or database from any other records  
29 maintained by a law enforcement agency, and reported to the  
30 Attorney General in a manner so that they are similarly segregated  
31 and maintained in a separate physical location or electronic  
32 repository or database from other law enforcement records  
33 accessible to the Attorney General and State and local law  
34 enforcement agencies, and shall not be transferred to or copied and  
35 placed in any other physical location or electronic repository or  
36 database containing any other law enforcement records. These  
37 records shall only be used to the extent necessary to determine a  
38 subsequent violation of paragraph (1) of this subsection or to track  
39 referrals to agencies and organizations, and shall not be revealed,  
40 reviewed, or considered in any manner with respect to any current  
41 or subsequent juvenile delinquency matter, including but not limited  
42 to, a charge, filing, eligibility or decision for diversion or discharge,  
43 or sentencing, other disposition, or related decision affecting the  
44 juvenile, or with respect to any current or subsequent prosecution  
45 for committing an offense or other violation of law, including but  
46 not limited to, a charge, filing, eligibility or decision for diversion  
47 or discharge, or sentencing, other disposition, or related decision  
48 affecting an adult under 21 years of age. Also, these records shall be

1 deemed confidential and shall not be subject to public inspection or  
2 copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et  
3 seq.), and their existence shall not be acknowledged based upon any  
4 inquiry in the same manner as if the records were expunged records  
5 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

6 The Attorney General may use the records described herein to  
7 generate the number of occurrences and other statistics concerning  
8 first, second, third and subsequent violations of paragraph (1) of  
9 this subsection, the municipal, county or other geographic areas  
10 within which first, second, third and subsequent violations occur,  
11 and the law enforcement agencies involved in first, second, third  
12 and subsequent violations, which are to be compiled and made  
13 available by the Attorney General in accordance with section 4 of  
14 P.L.2021, c.25 (C.2C:33-15.1). The identity of any person named in  
15 a record shall not be revealed or included in the information to be  
16 compiled and made available in accordance with that section.

17 The records of violations shall only be maintained temporarily  
18 and shall be destroyed or permanently deleted as set forth in  
19 subparagraph (c) of this paragraph.

20 (ii) any records pertaining to a person's acceptance of assistance  
21 from an agency or organization to which a law enforcement referral  
22 was made shall not be revealed, reviewed, or considered in any  
23 manner with respect to any current or subsequent juvenile  
24 delinquency matter, including, but not limited to, a charge, filing,  
25 eligibility or decision for diversion or discharge, or sentencing,  
26 other disposition, or related decision affecting the juvenile, or with  
27 respect to any current or subsequent prosecution for committing an  
28 offense or other violation of law, including, but not limited to, a  
29 charge, filing, eligibility or decision for diversion or discharge, or  
30 sentencing, other disposition, or related decision affecting an adult  
31 under 21 years of age. Also, these records shall be deemed  
32 confidential and shall not be subject to public inspection or copying  
33 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),  
34 and their existence shall not be acknowledged based upon any  
35 inquiry in the same manner as if the records were expunged records  
36 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

37 (c) All of the records maintained by a law enforcement agency  
38 and reported to the Attorney General as described in  
39 subparagraph (i) of subparagraph (b) of this paragraph shall be  
40 destroyed or permanently deleted by the law enforcement agency  
41 and Attorney General on the second anniversary following the  
42 creation of the record concerning a violation, or not later than the  
43 last day of the month in which that second anniversary date falls, or  
44 alternatively not later than the 21st birthday of a person who is the  
45 subject of a record, or not later than the last day of the month in  
46 which that birthday falls, whichever date occurs sooner, except that  
47 a record shall be maintained upon request by the person named in  
48 the record or representative thereof, the law enforcement officer

1 who made the record, or the law enforcement agency currently  
2 maintaining the record if it involves a lawsuit, disciplinary  
3 complaint, or criminal prosecution arising from the violation  
4 described in the record, based on an assertion that the record has  
5 evidentiary or exculpatory value. Upon final disposition of the  
6 matter for which the extended record retention was requested, the  
7 record shall be destroyed or permanently deleted.

8 (d) A law enforcement officer shall be guilty of the crime of  
9 official deprivation of civil rights as set forth in section 3 of  
10 P.L.2021, c.25 (C.2C:30-6.1) for violating the provisions of  
11 paragraph (1) of this subsection that address law enforcement  
12 actions involving persons who are under the legal age to purchase  
13 alcoholic beverages or cannabis items.

14 b. (Deleted by amendment, P.L.2021, c.25)

15 c. (Deleted by amendment, P.L.2021, c.25)

16 d. Nothing in this act shall apply to possession of alcoholic  
17 beverages by any such person while actually engaged in the  
18 performance of employment pursuant to an employment permit  
19 issued by the Director of the Division of Alcoholic Beverage  
20 Control, or for a bona fide hotel or restaurant, in accordance with  
21 the provisions of R.S.33:1-26, or while actively engaged in the  
22 preparation of food while enrolled in a culinary arts or hotel  
23 management program at a county vocational school or post-  
24 secondary educational institution; and nothing in this section shall  
25 apply to possession of cannabis items by any such person while  
26 actually engaged in the performance of employment by a cannabis  
27 establishment, distributor, or delivery service as permitted pursuant  
28 to the "New Jersey Cannabis Regulatory, Enforcement Assistance,  
29 and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et  
30 al.).

31 e. Except as otherwise provided in this section, the provisions  
32 of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a  
33 parent, guardian or other person with legal custody of a person  
34 under 18 years of age who is found to be in violation of this section.

35 f. An underage person and one or two other persons shall be  
36 immune from prosecution under this section if:

37 (1) one of the underage persons called 9-1-1 and reported that  
38 another underage person was in need of medical assistance due to  
39 alcohol consumption, or the consumption of marijuana, hashish, or  
40 a cannabis item;

41 (2) the underage person who called 9-1-1 and, if applicable, one  
42 or two other persons acting in concert with the underage person  
43 who called 9-1-1 provided each of their names to the 9-1-1 first  
44 responder dispatcher;

45 (3) the underage person was the first person to make the 9-1-1  
46 report; and

47 (4) the underage person and, if applicable, one or two other  
48 persons acting in concert with the underage person who made the

1 9-1-1 call remained on the scene with the person under the legal age  
2 in need of medical assistance until assistance arrived and  
3 cooperated with medical assistance and law enforcement personnel  
4 on the scene.

5 The underage person who received medical assistance also shall  
6 be immune from prosecution under this section.

7 g. For purposes of this section, an alcoholic beverage includes  
8 powdered alcohol as defined by R.S.33:1-1, a cannabis item  
9 includes any item available for lawful consumption pursuant to the  
10 "New Jersey Cannabis Regulatory, Enforcement Assistance, and  
11 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.),  
12 and the terms "marijuana" and "hashish" have the same meaning as  
13 set forth in N.J.S.2C:35-2, and the terms "drug paraphernalia" and  
14 "cannabis paraphernalia" have the same meaning as set forth in  
15 N.J.S.2C:36-1 and section 3 of P.L.2021, c.16 (C.24:6I-33),  
16 respectively.

17 (cf: P.L.2021, c.447, s.4)

18

19 2. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to  
20 read as follows:

21 4. a. (1) The Attorney General shall biannually issue a  
22 comprehensive report detailing the number of occurrences and other  
23 statistics, without revealing or including any personal identifying  
24 information, concerning first, second, third and subsequent  
25 violations of subparagraphs (a), (b), and (c) of paragraph (1) of  
26 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
27 involving the possession or consumption of any [alcoholic  
28 beverage,] marijuana, hashish, or cannabis items by persons under  
29 the legal age to purchase [alcoholic beverages or] cannabis items  
30 and the number of violations of subparagraph (d) of paragraph (1)  
31 of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
32 involving the possession or consumption of alcoholic beverages by  
33 persons under the legal age to purchase alcoholic beverages, the  
34 municipal, county or other geographic areas within which **[**first,  
35 second, third and subsequent**]** the violations occur, and the law  
36 enforcement agencies involved in **[**first, second, third and  
37 subsequent**]** the violations, covering the previous six-month period.  
38 The initial report shall be issued by June 30, 2021, the second report  
39 shall be issued by January 30, 2022, and then the next report issued  
40 every six months thereafter. Each report shall also be submitted to  
41 the Governor and the Legislature pursuant to section 2 of P.L.1991,  
42 c.164 (C.52:14-19.1).

43 (2) The Attorney General shall also make reports available to  
44 the task force established pursuant to subsection b. of this section  
45 based on the Attorney General's periodic review of body worn  
46 camera recordings of law enforcement officers responding to a call  
47 for service related to a violation or suspected violation of paragraph

1 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or  
2 at the initiation of any other law enforcement or investigative  
3 encounter between an officer and a person related to a violation or  
4 suspected violation of that paragraph, which recordings are required  
5 to be made in accordance with paragraph (4) of subsection a. of  
6 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review  
7 shall be conducted using body worn camera recordings both  
8 selected by the Attorney General and randomly determined, and the  
9 task force may request an Attorney General review a particular  
10 municipality, region, or time period. The identity of any person  
11 included in a recording reviewed by the Attorney General shall be  
12 kept confidential and shall not be revealed to the members of the  
13 task force or any staff provided to the task force by the Department  
14 of Law and Public Safety pursuant to paragraph (6) of subsection b.  
15 of this section to support its work.

16 b. (1) A taskforce shall be established in the Department of Law  
17 and Public Safety, comprised of 26 members to review each  
18 Attorney General report described in subsection a. of this section,  
19 and make recommendations thereon to the Governor and  
20 Legislature related to law enforcement activities to address the  
21 enforcement of underage possession or consumption of alcoholic  
22 beverages, marijuana, hashish, or cannabis items in violation of  
23 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader  
24 issue of underage possession or consumption of these substances.

25 (2) The membership of the taskforce shall include the following  
26 individuals:

- 27 (a) the Attorney General, or a designee;  
28 (b) the Public Defender, or a designee;  
29 (c) the Commissioner of the Department of Children and  
30 Families, or a designee;  
31 (d) the Commissioner of Education, or a designee;  
32 (e) a representative from the Juvenile Justice Commission,  
33 appointed by the Governor;  
34 (f) a representative from the Division of Criminal Justice in the  
35 Department of Law and Public Safety, appointed by the Governor;  
36 (g) the Chair of the Governor's Juvenile Justice Delinquency  
37 and Prevention Committee;  
38 (h) two members appointed by the Governor upon the  
39 recommendation of the President of the Senate, at least one of  
40 whom shall be a member of the Legislative Black Caucus or  
41 Legislative Latino Caucus, determined in coordination with the  
42 members recommended by the Speaker of the General Assembly  
43 pursuant to subparagraph (i) of this paragraph, so that there is at  
44 least one member of each caucus serving as a member of the task  
45 force;  
46 (i) two members appointed by the Governor  
47 upon the recommendation of the Speaker of the General  
48 Assembly, at least one of whom shall be a member of the

1 Legislative Black Caucus or Legislative Latino Caucus, determined  
2 in coordination with the members recommended by the Senate  
3 President pursuant to subparagraph (h) of this paragraph, so that  
4 there is at least one member of each caucus serving as a member of  
5 the task force;

6 (j) the Administrative Director of the Courts, or a designee;

7 (k) a representative from the New Jersey Institute for Social  
8 Justice, appointed by the Governor;

9 (l) a representative from the American Civil Liberties Union of  
10 New Jersey, appointed by the Governor;

11 (m) a representative from the County Prosecutors Association of  
12 New Jersey who is actively and presently involved in juvenile  
13 matters, appointed by the Governor;

14 (n) a representative from the New Jersey Juvenile Officers  
15 Association, appointed by the Governor;

16 (o) one representative each from the Annie E. Casey Foundation  
17 and Vera Institute of Justice, both appointed by the Governor;

18 (p) a representative of the NAACP New Jersey State  
19 Conference, appointed by the Governor;

20 (q) a representative of Salvation and Social Justice, appointed  
21 by the Governor;

22 (r) a representative from the County Youth Services  
23 Commission Administrators, appointed by the Governor;

24 (s) a representative from the faith-based ethical community in  
25 New Jersey, appointed by the Governor;

26 (t) a representative of an employee organization representing  
27 employees who work at juvenile justice facilities, appointed by the  
28 Governor; and

29 (u) three representatives who have been involved with the New  
30 Jersey juvenile justice system, appointed by the Governor,  
31 including at least one representative of a non-profit organization  
32 that deals with juvenile justice issues and at least one individual  
33 who has been subject to the custody of the juvenile justice system.

34 (3) All members appointed by the Governor, other than the  
35 members of the Legislature recommended for appointment, shall  
36 serve at the pleasure of the Governor. The members of the  
37 Legislature shall serve on the task force during their elective term  
38 of office. Any vacancies in the membership of the task force shall  
39 be filled in the same manner as the original appointments were  
40 made.

41 (4) Members of the task force shall serve without compensation,  
42 but shall be reimbursed for necessary expenditures incurred in the  
43 performance of their duties as members of the task force within the  
44 limits of funds appropriated or otherwise made available to the task  
45 force for its purposes.

46 (5) The task force shall organize as soon as practicable  
47 following the appointment of its members. The task force shall

1 choose a chairperson from among its members and shall appoint a  
2 secretary who need not be a member of the task force.

3 (6) The Department of Law and Public Safety shall provide such  
4 stenographic, clerical, and other administrative assistants, and such  
5 professional staff as the task force requires to carry out its work.

6 (cf: P.L.2021, c.25, s.4)

7

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

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

13 a. A crime;

14 b. A disorderly persons offense or petty disorderly persons  
15 offense; or

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

18 But, the commission of (1) an act which constitutes a violation of  
19 chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile  
20 of any age; (2) an act relating to the ownership or operation of a  
21 motorized bicycle which constitutes a violation of chapter 3 or 4 of  
22 Title 39 of the Revised Statutes by a juvenile of any age; (3) an act  
23 which constitutes a violation of article 3 or 6 of chapter 4 of Title  
24 39 of the Revised Statutes pertaining to pedestrians and bicycles, by  
25 a juvenile of any age; (4) the commission of an act which  
26 constitutes a violation of P.L.1981, c.318 (C.26:3D-1 et seq.),  
27 P.L.1981, c.319 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-15  
28 et seq.), P.L.1985, c.185 (C.26:3E-7 et seq.), P.L.1985, c.186  
29 (C.26:3D-32 et seq.), N.J.S.2C:33-13, P.L.1985, c.318 (C.26:3D-38  
30 et seq.), P.L.1985, c.381 (C.26:3D-46 et seq.), or of any amendment  
31 or supplement thereof, by a juvenile of any age;(5) an act which  
32 constitutes a violation of chapter 7 of Title 12 of the Revised  
33 Statutes relating to the regulation and registration of power vessels,  
34 by a juvenile of any age or section 2 of P.L.1987, c.453  
35 (C.12:7-61); **[or]** (6) an act which constitutes a violation of a  
36 municipal ordinance enacted pursuant to section 2 of P.L.1992,  
37 c.132 (C.40:48-2.52) pertaining to curfew ordinances; or (7) an act  
38 which constitutes a violation of subparagraph (d) of paragraph (1)  
39 of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)  
40 pertaining to the possession or consumption of alcoholic beverages  
41 by a juvenile of any age shall not constitute delinquency as defined  
42 in this act. The municipal court having jurisdiction over a case  
43 involving a violation by a juvenile of a section of Title 26 listed in  
44 this subsection, Title 40 listed in this subsection or N.J.S.2C:33-13,  
45 shall forward a copy of the record of conviction in that case to the  
46 Family Part intake service of the county where the municipal court  
47 is located.

1 If a municipal court orders detention or imposes a term of  
2 imprisonment on a juvenile in connection with a violation of Title  
3 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised  
4 Statutes, Title 40 of the Revised Statutes or N.J.S.2C:33-13, that  
5 detention or term of imprisonment shall be served at a suitable  
6 juvenile institution and not at a county jail or county workhouse.  
7 (cf: P.L.1997, c.383, s.1)

8  
9 4. This act shall take effect immediately.

10  
11  
12 STATEMENT

13  
14 This bill revises the penalties for the possession or consumption  
15 of alcoholic beverages by underage persons.

16 Under current law, any person under the legal age to purchase  
17 alcoholic beverages or cannabis items who possesses or consumes  
18 alcoholic beverages or cannabis items, marijuana, or hashish in any  
19 school, public conveyance, public place, place of public assembly,  
20 or motor vehicle is subject to certain consequences, including a  
21 written warning or write-up, as appropriate, by a law enforcement  
22 officer to the underage person, and if the person is under 18 years of  
23 age, a written notification to the person's parent, guardian, or other  
24 person having legal custody of the underage person. For certain  
25 violations, the law enforcement officer is also to provide  
26 informational materials regarding community services that will  
27 assist the person with opportunities to access further social services.  
28 Finally, current law provides that the officer is also to take  
29 possession of any alcoholic beverage, marijuana, hashish, or  
30 cannabis item and any drug or cannabis paraphernalia as part of the  
31 process for the issuance of a written warning or write up.

32 Under this bill, any person under the legal age to purchase  
33 alcoholic beverages who knowingly possesses without legal  
34 authority or who knowingly consumes any alcoholic beverage in  
35 any school, public conveyance, public place, or place of public  
36 assembly, or motor vehicle is to be charged with a violation on a  
37 complaint-summons and subject to a fine of \$100. If the violation  
38 is by a person under 18 years of age, a written notification  
39 concerning the violation is required to be provided to the parent,  
40 guardian, or other person having legal custody of the underage  
41 person. The bill provides that a violation of this provision does not  
42 constitute delinquency under current law. The bill also provides  
43 that a law enforcement officer is required to take possession of any  
44 alcoholic beverages from the person who committed the violation.

45 Further, under current law, the unconcealed possession of an  
46 alcoholic beverage, marijuana, hashish, or cannabis item in  
47 violation of current law, observed in plain sight by a law  
48 enforcement officer, does not constitute probable cause to initiate a

1 search of a person or that person's personal property to determine a  
2 further violation of law. Under this bill, the unconcealed possession  
3 of an alcoholic beverage, observed in plain sight by a law  
4 enforcement officer, would constitute probable cause to initiate a  
5 search of a person or that person's personal property to determine a  
6 further violation of current law regarding the underage possession  
7 or consumption of alcoholic beverages.

8 In addition, under current law, the Attorney General is to  
9 biannually issue a report detailing the number of occurrences and  
10 other statistics concerning first, second, third, and subsequent  
11 violations involving the possession or consumption of alcoholic  
12 beverages, marijuana, hashish, or cannabis items by underage  
13 persons, the municipal, county, or other geographic areas within  
14 which first, second, third, and subsequent violations occur, and the  
15 law enforcement agencies involved in first, second, third, and  
16 subsequent violations, covering the previous six month period.

17 This bill makes clarifying changes regarding the information the  
18 report is required to contain for violations for the possession or  
19 consumption of alcoholic beverages by underage persons as these  
20 persons would no longer be issued first, second, third, and  
21 subsequent violations under the bill.

22 According to the sponsor, alcohol is the number one drug of  
23 choice for young people in this country, with research indicating  
24 that the average age of first use of alcohol is 11 years old. Roughly  
25 half of children have already tried alcohol by age 15. Research  
26 indicates that young people in this State appear to be experimenting  
27 with alcohol at a rate above that reported nationally, with  
28 approximately 407,000 underage youth consuming alcohol each  
29 year. Youth who start drinking before age 15 are six times more  
30 likely to develop alcohol dependence or abuse later in life than  
31 those who begin drinking at or after age 21.

32 According to the sponsor, underage drinking is a significant  
33 health problem in this country. Youth who drink alcohol are more  
34 likely to experience problems in school, such as higher rates of  
35 absences or lower grades; social problems, such as fighting or lack  
36 of participation in youth activities; legal problems, such as driving  
37 while intoxicated; disruption of normal growth or development;  
38 increased risk of suicide and homicide; alcohol-related motor  
39 vehicle crashes; misuse of other substances; changes in brain  
40 development that may have life-long effects; and alcohol poisoning.  
41 It is imperative to protect the youth in this State by preventing  
42 underage drinking and the related harmful effects.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3954**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 7, 2023

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3954.

This bill, as amended, addresses two matters related to the possession or consumption of alcoholic beverages, legalized cannabis items, or illegal marijuana or hashish by persons under the legal age to purchase alcoholic beverages or cannabis items (21 years of age): (1) it revises the penalties for the underage possession or consumption of alcoholic beverages in various public settings or motor vehicles; and (2) it alters the criminal liability for law enforcement officers regarding unlawful interactions with underage persons, described in section 3 of P.L.2021, c.25 (C.2C:30-6.1), during encounters for violations or suspected violations of the underage possession or consumption law.

#### Underage Possession or Consumption of Alcoholic Beverages

First, the bill would establish a \$50 fine for the underage possession or consumption of any alcoholic beverage in a school, public conveyance, public place, or place of public assembly, or motor vehicle. The underage person would be charged with a violation by a complaint-summons. If the person is under 18 years of age, a written notification concerning the violation would also be provided to the parent, guardian, or other person having legal custody of the underage person in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

Under current law, an underage person who unlawfully possesses or consumes an alcoholic beverage is subject to a written warning for a first violation, a written warning with informational materials about accessing community or social services for a second violation, and for a third or subsequent violation a more formal write-up that includes a referral for accessing community and social services. A written notification for each violation is also provided to the person's parent, guardian, or other person having legal custody of the underage person if that person is under 18 years of age. The same consequences apply to the underage possession or consumption of legalized cannabis items or illegal marijuana or hashish. The aforementioned revised penalty of a \$50 fine would only apply to the possession or consumption of alcoholic beverages.

Because the static \$50 fine would apply to each alcoholic beverage violation, the bill updates the Attorney General's current biannual reporting requirements detailing the separate occurrences of first, second, third, and subsequent violations involving alcoholic beverages. It is unnecessary to continue to make such a distinction about first and subsequent violations in any reports concerning alcoholic beverages due to the consequence of the \$50 fine always being the same regardless of the number of times an underage person may violate the law. These reports will continue to detail the separate occurrences of all first and subsequent violations involving cannabis items, marijuana, and hashish since they continue to carry the distinct consequences as described above.

#### Law Enforcement Criminal Liability

Regarding the second matter, law enforcement criminal liability, the current law provides that when responding to a call for service or upon the initiation of any other law enforcement or investigative encounter related to a violation or suspected violation for underage possession or consumption, a law enforcement officer is guilty of a crime of official deprivation of civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if that officer, while interacting with an underage person, knowingly violated the law by:

- requesting that the person consent to a search, even though such person has been legally declared, pursuant to paragraph (2) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), to be incapable of giving consent, or searching the person after wrongfully obtaining that person's consent;
- initiating an investigatory stop without reasonable articulable suspicion;
- initiating a search without probable cause;
- issuing a warning or write-up for a violation without a proper basis that a person committed the violation;
- detaining or taking into custody a person in a manner or for a longer period beyond the extent required to issue a warning or write-up;
- arresting a person for a possession or consumption violation, although prohibited by paragraph (3) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15); or
- engaging in any other unlawful act against the person arising out of the call for service or initiation of any other law enforcement or investigative encounter, including but not limited to the unjustified use of force in violation of N.J.S.2C:3-7.

There is no requirement to establish criminal liability on the basis that the officer's unlawful act was done with the purpose to intimidate or discriminate against an underage person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity, which motivation must be proven for other criminal

deprivations of civil rights under section 2 of P.L.2003, c.31 (C.2C:30-6).

The bill does not change any of the aforementioned actions by an officer that may be deemed a criminal deprivation of civil rights, but does add in the requirement, to be consistent with other criminal acts of deprivation, for proving that the officer was acting with the purpose to intimidate or discriminate against the underage person or group of persons in order to be guilty of the crime.

The crime would continue to be graded the same as other criminal deprivations of civil rights: it would be a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both, but could be upgraded to a crime of the second degree if bodily injury resulted from the deprivation of rights (five to 10 years' imprisonment; fine of up to \$150,000; or both), or even a crime of the first degree (10 to 20 years' imprisonment; fine of up to \$200,000; or both) if the violation involved murder, manslaughter, kidnapping, or aggravated sexual assault.

The bill, as amended and reported by the committee, is identical to the Third Reprint of Assembly Bill No. 5610, also reported today by the committee.

The committee amendments to the bill:

- reduce the amount of the fine for underage possession or consumption of an alcoholic beverage from \$100 to \$50;

- re-establish that, as per current law, the unconcealed possession of an alcoholic beverage by an underage person, observed in plain sight, does not constitute probable cause to initiate a search of the person or that person's personal property to determine further violations of law; the bill as introduced provided that such an observance would constitute probable cause to initiate a search; and

- provide that a law enforcement officer, in order to be guilty of the crime of official deprivation of civil rights regarding improper actions involving underage persons and possession or consumption violations, would have to be found to have acted with the purpose to intimidate or discriminate against the underage person or group of persons because of race, color, religion, gender, handicap, sexual orientation or ethnicity, making proof of the officer's guilt consistent with the intimidation or discrimination requirement for proving other acts of criminal deprivation.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 3954**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 14, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3954 (1R).

This bill revises the penalties for the possession or consumption of alcoholic beverages by underage persons.

Under current law, any person under the legal age to purchase alcoholic beverages or cannabis items who possesses or consumes alcoholic beverages or cannabis items, marijuana, or hashish in any school, public conveyance, public place, place of public assembly, or motor vehicle is subject to certain consequences, including a written warning or write-up, as appropriate, by a law enforcement officer to the underage person, and if the person is under 18 years of age, a written notification to the person's parent, guardian, or other person having legal custody of the underage person. For certain violations, the law enforcement officer is also to provide informational materials regarding community services that will assist the person with opportunities to access further social services. Finally, current law provides that the officer is also to take possession of any alcoholic beverage, marijuana, hashish, or cannabis item and any drug or cannabis paraphernalia as part of the process for the issuance of a written warning or write up.

Under this bill, any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, or place of public assembly, or motor vehicle is to be charged with a violation on a complaint-summons and subject to a fine of \$100. If the violation is by a person under 18 years of age, a written notification concerning the violation is required to be provided to the parent, guardian, or other person having legal custody of the underage person. The bill provides that a violation of this provision does not constitute delinquency under current law. The bill also provides that a law enforcement officer is required to take possession of any alcoholic beverages from the person who committed the violation.

Further, under current law, the unconcealed possession of an alcoholic beverage, marijuana, hashish, or cannabis item in violation of current law, observed in plain sight by a law

enforcement officer, does not constitute probable cause to initiate a search of a person or that person's personal property to determine a further violation of law. Under this bill, the unconcealed possession of an alcoholic beverage, observed in plain sight by a law enforcement officer, would constitute probable cause to initiate a search of a person or that person's personal property to determine a further violation of current law regarding the underage possession or consumption of alcoholic beverages.

In addition, under current law, the Attorney General is to biannually issue a report detailing the number of occurrences and other statistics concerning first, second, third, and subsequent violations involving the possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items by underage persons, the municipal, county, or other geographic areas within which first, second, third, and subsequent violations occur, and the law enforcement agencies involved in first, second, third, and subsequent violations, covering the previous six month period.

This bill makes clarifying changes regarding the information the report is required to contain for violations for the possession or consumption of alcoholic beverages by underage persons as these persons would no longer be issued first, second, third, and subsequent violations under the bill.

According to the sponsor, alcohol is the number one drug of choice for young people in this country, with research indicating that the average age of first use of alcohol is 11 years old. Roughly half of children have already tried alcohol by age 15. Research indicates that young people in this State appear to be experimenting with alcohol at a rate above that reported nationally, with approximately 407,000 underage youth consuming alcohol each year. Youth who start drinking before age 15 are six times more likely to develop alcohol dependence or abuse later in life than those who begin drinking at or after age 21.

According to the sponsor, underage drinking is a significant health problem in this country. Youth who drink alcohol are more likely to experience problems in school, such as higher rates of absences or lower grades; social problems, such as fighting or lack of participation in youth activities; legal problems, such as driving while intoxicated; disruption of normal growth or development; increased risk of suicide and homicide; alcohol-related motor vehicle crashes; misuse of other substances; changes in brain development that may have life-long effects; and alcohol poisoning. It is imperative to protect the youth in this State by preventing underage drinking and the related harmful effects.

As reported by the committee, Senate Bill No. 3954 (1R) is identical to Assembly Bill No. 5610 (3R), which was also reported by the committee on this date.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) anticipates that the bill will increase combined State, county, and municipal revenues resulting from the collection of fines from violations of underage alcohol possession or consumption by tens of thousands of dollars annually. Additionally, the OLS anticipates negligible annual combined State, county, and municipal expenditure increases due to revised law enforcement responsibilities and data collection requirements.

The bill establishes a violation on a complaint-summons and a fine of \$50. Additionally, if the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person.

This bill requires the Attorney General in the Department of Law and Public Safety to make certain variations in the biannually issued report detailing certain statistics reported by local law enforcement agencies.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**SENATE, No. 3954**

## **STATE OF NEW JERSEY 220th LEGISLATURE**

DATED: DECEMBER 14, 2023

### SUMMARY

- Synopsis:** Revises penalties for possession or consumption of alcoholic beverages by underage persons.
- Type of Impact:** Annual State and Local Revenue Gain.  
Annual State Expenditure Increase.
- Agencies Affected:** Department of Law and Public Safety; The Judiciary; State, County, and Municipal Law Enforcement Agencies.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>Annual State and Local Revenue Increases</b>	Tens of Thousands
<b>Annual State Expenditure Increase</b>	Negligible

- The Office of Legislative Services (OLS) anticipates that the bill will increase combined State, county, and municipal revenues resulting from the collection of fines from violations of underage alcohol possession or consumption by tens of thousands of dollars annually. Additionally, the OLS anticipates negligible annual combined State, county, and municipal expenditure increases due to revised law enforcement responsibilities and data collection requirements.
- The bill establishes a violation on a complaint-summons and a fine of \$50. Additionally, if the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person.
- This bill requires the Attorney General in the Department of Law and Public Safety to make certain variations in the biannually issued report detailing certain statistics reported by local law enforcement agencies.

### BILL DESCRIPTION

This bill revises the penalties for the possession or consumption of alcoholic beverages by underage persons.

Under current law, any person under the legal age to purchase alcoholic beverages or cannabis items who possesses or consumes alcoholic beverages or cannabis items, marijuana, or hashish in any school, public conveyance, public place, place of public assembly, or motor vehicle is subject to certain consequences, including a written warning or write-up, as appropriate, by a law enforcement officer to the underage person, and, if the person is under 18 years of age, to the person's parent, guardian, or other person having legal custody of the underage person. For certain violations, the law enforcement officer is also to provide informational materials regarding community services that will assist the person with opportunities to access social services. Finally, current law provides that the officer is also to take possession of any alcoholic beverage, marijuana, hashish, or cannabis item and any drug or cannabis paraphernalia as part of the process for the issuance of a written warning or write up.

Under this bill, any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, place of public assembly, or motor vehicle is to be charged with a violation on a complaint-summons and subject to a fine of \$50. If the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person. The bill provides that a violation of this provision does not constitute delinquency under current law. The bill also provides that a law enforcement officer is required to take possession of any alcoholic beverages from the person who committed the violation.

In addition, under current law, the Attorney General is to biannually issue a report detailing the number of occurrences and other statistics concerning first, second, third, and subsequent violations involving the possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items by underage persons; the municipal, county, or other geographic areas within which first, second, third, and subsequent violations occur; and the law enforcement agencies involved in first, second, third, and subsequent violations, covering the previous six-month period.

This bill makes clarifying changes regarding the information that the Attorney General's report is required to contain for violations for the possession or consumption of alcoholic beverages by underage persons as these persons would no longer be issued first, second, third, and subsequent violations under the bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS anticipates that the bill will increase State, county, and municipal revenues annually resulting from the collection of fines from violations of underage alcohol possession and consumption. Additionally, the OLS anticipates negligible annual combined State, county, and municipal expenditure increases due to revised law enforcement responsibilities and data collection requirements.

***Annual State, County, and Municipal Revenue Increases*** - The bill establishes a violation on a complaint-summons and a fine of \$50. The OLS estimates that the combined revenue increase to the State, counties, and municipalities may be in the tens of thousands of dollars annually based

on 2019 statistics. According to media reports, the State Judiciary reported that in 2019 the police issued 1,322 charges for underage drinking across the State to those 18 to 20 years old, but the courts dismissed 533 charges. If the \$50 fine were in effect in 2019 this would have resulted in the collection of \$26,000 in fine revenue. The OLS notes that if the violation is by a person under 18 years of age, a written notification is required to be provided to the parent, guardian, or other person having legal custody of the underage person.

***Annual State Expenditure Increases*** - This bill requires the Attorney General in the Department of Law and Public Safety to make certain variations in the currently required biannually issued report detailing certain statistics reported by local law enforcement agencies. The OLS estimates that these increases, if any, will be negligible.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Lead Fiscal Analyst*

*Approved: Thomas Koenig  
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.).

**ASSEMBLY BILL NO. 5610**  
(Third Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 5610 (Third Reprint) with my recommendations for reconsideration.

Assembly Bill No. 5610 (Third Reprint) amends N.J.S.A. 2C:33-15 to allow for the issuance of a \$50 fine and a complaint-summons to municipal court for a juvenile – an individual under the age of 18 years old – found to be in possession of alcohol. Additionally, this bill amends the provision relating to a law enforcement officer's involvement with a juvenile if the officer believes the juvenile possesses either alcohol or marijuana. N.J.S.A. 2C:30-6.1 was previously amended to lower the threshold for law enforcement officers to be found guilty of the crime of deprivation of civil rights when interacting with juveniles suspected of using or possessing alcohol or marijuana. This bill reverts that section back to its original language, which provides that for a law enforcement officer to be found guilty of deprivation of civil rights, the aggrieved individual must prove that the officer acted with the purpose to intimidate or discriminate because of a protected characteristic.

I commend the bill's sponsors for listening to law enforcement officers who have expressed concerns about the language relating to the deprivation of civil rights. Simply put, there was no need to amend the longstanding criteria to establish this criminal offense, and this change and the uncertainty regarding its application has chilled law enforcement officers from interacting with juveniles found in possession of alcohol or marijuana.

However, the imposition of a fine of any monetary amount runs counter to the progress that this Administration and the Legislature have made in our juvenile justice system. Research

indicates that fines and fees do not have a deterrent impact on delinquent behavior, and instead only drive additional contact with the criminal legal system. Affluent individuals who have the financial resources to pay fines can do so repeatedly without any impact on their behavior, which neither serves as a deterrent from future delinquent behavior nor addresses the underlying concerns with substance use. Individuals without those same resources, who are disproportionately juveniles of color, are at risk for further involvement with the legal system because of non-payment. These consequences affect not only the juvenile but the entire family unit. Moreover, there is no persuasive justification for treating the possession of alcoholic beverages more harshly than the possession of cannabis items, which is not subjected to monetary fines under the bill.

My Administration strives to alleviate disparate racial and socioeconomic outcomes in the criminal legal system and to address substance use matters with an approach focused on public health. I am therefore recommending amendments that remove the fine and complaint-summons relating to juvenile possession of alcohol. My amendments do not alter the language eliminating the lower threshold for claims of deprivation of civil rights arising out of law enforcement encounters with juveniles suspected of using or possessing alcohol or marijuana. I am grateful to the bill's sponsors for sending that provision to my desk, and I am hopeful that the Legislature will swiftly concur with my recommendations and enact that provision into law.

Accordingly, I herewith return Assembly Bill No. 5610 (Third Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 10: After "purchase" insert "alcoholic beverages, or under the legal age to purchase"

Page 2, Section 1, Line 13: After "any" insert "alcoholic beverage,"

Page 4, Section 1, Line 1: After "purchase" insert "alcoholic beverages or"

Page 4, Section 1, Lines 9-21: Delete in their entirety

Page 5, Section 1, Line 8: Delete "issue a complaint-summons,"

Page 5, Section 1, Line 37: After "any" insert "alcoholic beverage,"

Page 5, Section 1, Line 40: After "of the" insert "alcoholic beverage,"

Page 6, Section 1, Line 1: After "Any" insert "alcoholic beverage,"

Page 6, Section 1, Line 14: After "purchase" insert "alcoholic beverages or"

Page 9, Section 2, Line 18: Delete "subparagraphs (a), (b), and (c) of"

Page 9, Section 2, Line 20: After "any" insert "alcoholic beverage,"

Page 9, Section 2, Line 22: After "purchase" insert "alcoholic beverages or"

Page 9, Section 2, Lines 23-25: Delete in their entirety

Page 9, Section 2, Line 26: Delete "persons under the legal age to purchase alcoholic beverages,"

Page 12, Section 3, Line 28: After "(C.12:7-61);" insert "or"

Page 12, Section 3, Line 30: After "ordinances" delete "; or (7) an act"

Page 12, Section 3, Lines 31-33: Delete in their entirety

Page 12, Section 3, Line 34: Delete "by a juvenile of any age"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

# Governor Murphy Takes Action on Legislation

01/16/2024

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**SCS for S-281/ACS for A-3791 (Greenstein, Turner/Sumter, Reynolds-Jackson) – w/STATEMENT** - Concerns automatic fire sprinkler systems within newly constructed townhouses

[Copy of Statement](#)

**S-539wGR/A-2140 (Ruiz, Pou/Reynolds-Jackson, Wimberly, Mosquera)** - Permits online purchase of eligible foods using WIC funds and use of WIC funds for grocery delivery charges

**S-659/A-2014 (Oroho, Greenstein/Conaway, Wirths, Umba)** - “Manufacturing in Higher Education Act”; requires various State entities to promote manufacturing career pathways for students and provides assistance to manufacturing industry

**S-1110/A-3936 (Polistina, Singleton/Guardian, Swift, McClellan)** - Authorizes CRDA to finance transportation projects between Atlantic City Airport and Atlantic City Tourism District

**S-1662/A-3526 (Ruiz, Codey/Lampitt, Benson, Saucikie)** - Requires NJ Youth Suicide Prevention Advisory Council to prepare report regarding suicide prevention instruction in public schools

**S-1680wGR/A-2257 (Pou, Ruiz/Murphy, Quijano, Wimberly)** - Designates each community college in State as provider of allowable services under SNAP employment and training program

**S-2076/ACS for A-3319 (Zwicker, Greenstein/McKnight, Lampitt)** - Establishes “Twelfth Grade Postsecondary Transition Year Pilot Program” in Department of Education

**S-2535wGR/A-4048 (Polistina, Pou/Benson, McKnight, Reynolds-Jackson, Carter)** - Requires health benefits coverage of hearing aids and cochlear implants

**S-2841/A-4292 (Scutari, Bramnick/Carter)** - Raises minimum amount of liability coverage for commercial motor vehicles and autocabs

**SCS for S-3080/ACS for-398 (Ruiz, Burgess/Caputo, Giblin, Tucker)** - Establishes position of Youth Disconnection Prevention and Recovery Ombudsperson; establishes “School Disconnection Prevention Task Force”; appropriates \$200,000

**S-3102/A-4715 (Smith, Singleton/Stanley, Benson)** - Establishes uptime requirement for electric vehicle charging station incentive programs

**S-3176/A-4760 (Greenstein, Smith/Swain, Haider, Tully)** - Requires DEP and Drinking Water Quality Institute to perform study concerning regulation and treatment of perfluoroalkyl and polyfluoroalkyl substances

**SCS for S-3632 and 3649w/GR/ACS for A-1948 (Johnson, Cryan/Haider, Conaway, Quijano)** - Requires labeling of non-flushable disposable wipes

**S-3758/A-5343 (Cryan/Karabinchak)** - Changes deadline for unaffiliated mail-in voters to declare their political party before primary election

**S-3837/A-5438 (Pou, Cruz-Perez/Pintor Marin, Wimberly)** - Clarifies process for administrative appropriations to UEZs

**S-3897/A-5578 (Ruiz, Sarlo/Jasey, Carter, Reynolds-Jackson)** - Authorizes Higher Education Student Assistance Authority to award annual summer tuition aid grants

**S-4040/A-5881 (Polistina, Lagana/Tully, Guardian, Swift)** - Concerns jurisdiction and operations of regional municipal courts

**S-4084/A-5851 (Ruiz, Cruz-Perez/Moriarty, Calabrese, Moen)** - Concerns temporary registration certificates and license plates

**S-4130/A-5849 (Codey/Jasey, Tucker)** - Special legislation to change name of “Township of South Orange Village” to “South Orange Village”; changes titles of certain municipal officials; permits nonpartisan municipal elections to be moved to November; permits stipend for governing body members

**S-4206/A-5856 (Sarlo/Calabrese)** - Changes number of signatures required on primary election petition to nominate certain municipal candidates in certain municipalities

**S-4209/A-5879 (Sarlo/Pintor Marin)** - Eliminates vote on school budgets for Type II school districts in April elections, except for separate proposals to spend above cap

**S-4268/A-5911 (Scutari/Danielsen)** - Permits certain special State officers to represent cannabis businesses

**A-203/S-2884 (Rooney, Benson, Caputo/A.M. Bucco)** - Authorizes creation of special license plates commemorating horse as State animal

**A-1100/S-995 (Calabrese, Mukherji, McKnight/Ruiz, Stack)** - Requires entities to remove abandoned lines and mark information on certain lines

**A-1107/S-770 (Chaparro, Murphy, Mukherji/Pou, Beach)** - Directs Chief Technology Officer to conduct study on impacts of redacting handwritten signatures published on State websites; allows for protocols for such redactions to be established by rules and regulations

**ACS for A-1255/SS for S-1794 (Stanley, Conaway, Benson/Gopal, Singer)** - Updates requirements and standards for authorization and prior authorization of health care services

**A-1727/S-3300 (Speight, Reynolds-Jackson, Verrelli/Stanfield, Ruiz)** - Requires Attorney General to perform outreach and provide services to victims of human trafficking under certain circumstances

**A-1729/S-3550 (Speight, Reynolds-Jackson, McKnight/Greenstein, Ruiz)** - Requires AG to address human trafficking in underserved communities

**A-1755/S-2505 (McKeon, Calabrese, Conaway/Smith, Greenstein)** - Requires installation of operational automatic rain sensor or smart sprinkler as condition of sale of certain real properties, and on certain commercial, retail, and industrial properties and common interest communities within specified timeframes

**A-2146wGR/S-855 (Reynolds-Jackson, Wimberly, Sumter/Singleton, Beach)** - Creates State business assistance program to establish contracting agency procurement goals for socially and economically disadvantaged business enterprises

**A-2581/S-2503 (Lampitt, Park/Beach)** - Provides that certain cosmetology and hairstyling courses may be taught using distance learning technology

**A-3142/S-1564 (Moen, Moriarty, Benson/Singleton, Corrado)** - Authorizes grants to purchase and rehabilitate abandoned homes for homeless veterans

**A-3211/S-2302 (Speight, Haider, Swain/Gopal, Ruiz)** - Establishes “New Jersey Feminine Hygiene Products for the Homeless Act”

**A-3980/S-2706 (Speight, McKnight, Atkins/Zwicker, Turner)** - Grants child placed in resource family care and resource family parents the right to be notified when case manager or supervisor is assigned to child; grants child in resource family care right to be notified of certain property and benefits

**A-4033wGR/S-2657 (Coughlin, Wimberly/Sarlo, Ruiz)** - Extends deadline for completion of school district’s annual audit

**A-4049/S-3495 (McKnight, Reynolds-Jackson, Benson/Vitale, Johnson)** - Provides for presumptive eligibility for home and community-based services and services provided through program of all-inclusive care for the elderly under Medicaid

**A-4105/S-4202 (Lopez, Jimenez, Quijano/Vitale, Turner)** - Establishes Interagency Council on Homelessness

**A-4183/S-4264 (Haider/Singleton)** - Concerns local unit filing requirement for certain shared services agreements

**A-4212/S-2762 (Pintor Marin, Reynolds-Jackson, Verrelli/Ruiz, Cunningham)** - Establishes Center for Career Relevant Education and Talent Evaluation of New Jersey at Thomas Edison State University

**A-4337/S-4156 (Conaway, Atkins, Rooney/Singleton, Pou)** - Requires Department of Health to provide information to Statewide 2-1-1 telephone system regarding the location of safe disposal sites for hypodermic syringes and needles and prescription drugs

**ACS for A-4496/SCS for S-3247 (Coughlin, Lampitt, Karabinchak, Wimberly/Zwicker, Greenstein)** - Revises various provisions of law governing construction of school facilities projects and operations of New Jersey Schools Development Authority; establishes "Charter School and Renaissance School Project Facilities Loan Program" in EDA

**A-4522/S-3234 (Moen, McKnight, Quijano/Singer, Singleton)** - Requires certain disclosures by sellers of single-family homes with solar panels installed

**A-4691/S-1530 (Swain, DeAngelo, Speight/Greenstein, Zwicker)** - Requires hazard mitigation plans to include climate change-related threat assessments and hazard prevention and mitigation strategies

**A-4723/S-2740 (McKeon, Moriarty, Rooney/Codey, Scutari)** - Requires motor vehicle dealer to offer to delete personal information in motor vehicles in certain situations

**A-4791/S-3184 (Kennedy, Haider, McKeon/Diegnan, Sarlo)** - Establishes "Resiliency and Environmental System Investment Charge Program"

**ACS for A-4794/S-3224 (Benson, Mukherji/Singleton, Turner)** - Requires request for proposal to establish demonstration projects to develop electric vehicle charging depots serviced by distributed energy resource charging centers for certain electric vehicle use

**A-4814/S-1023 (Moen, Wimberly/Singleton, Gopal)** - Removes expected family contribution from calculation of financial need under circumstances in which public institutions of higher education may reduce student's institutional financial aid

**ACS for A-4821 and 4823wGR/S-3283 (Karabinchak, Conaway, Schaer/Greenstein, Zwicker)** - Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies

**A-4955/S-3531 (S. Kean, Thomson/Singer, Gopal)** - Designates portion of State Highway Route 71 as "John Tarantino Highway"

**A-5094/S-3476 (Spearman/Beach, Greenstein)** - Concerns licensing of security officer companies

**A-5227/S-3662 (Danielsen, Space/Smith, Oroho)** - Expands eligibility for "fishing buddy license" fee

**A-5285/SCS for S-3708 (Greenwald, Haider, Lopez/Greenstein, A.M. Bucco)** - Requires copies of certain law enforcement records to be provided to victims of domestic violence upon request

**A-5293/S-3746 (Greenwald, McKnight, Rooney/Gopal, Ruiz)** - Concerns New Jersey Civic Information Consortium

**A-5311/S-3061 (Verrelli, McKnight, Matsikoudis/Stanfield, Turner)** - Enters New Jersey into Counseling Compact

**A-5391/S-3765 (DeAngelo/Diegnan, Corrado)** - Imposes conditions on drivers approaching disabled vehicles

**A-5412/S-3850 (Greenwald, Swain, Jasey/Gopal, Singer)** - Establishes nonpublic school transportation program to provide funding to consortiums of nonpublic schools that will assume responsibility for mandated nonpublic school busing

**A-5416wGR/S-3883 (Wimberly, Giblin, Haider/Greenstein, Turner)** - Requires State Board of Education to authorize alternate route to expedite teacher certification of persons employed as paraprofessionals in school districts

**A-5442/S-3793 (Karabinchak, Conaway, McKeon/Smith, Greenstein)** - Directs BPU to conduct study to determine feasibility, marketability, and costs of implementing large-scale geothermal heat pump systems in State

**A-5462/S-3867 (Coughlin, McKnight, Speight/Vitale, Turner)** - Revises law establishing Office of Food Security Advocate, and establishes certain conditions for use of monies appropriated to emergency food organizations

**ACS for A-5495/SCS for S-3846 (Danielsen/Scutari, A.M. Bucco)** - Clarifies types of firearms allowed to be carried or transported while hunting

**A-5516/S-4047 (Reynolds-Jackson, Verrelli, Conaway/Burgess, Turner)** - Requires certain health care professionals to undergo bias training

**A-5565/S-3971 (S. Kean, Thomson/Gopal)** - Provides that 10-year term does not apply to lease of certain municipal properties unless they are waterfront properties or related to waterfront concessions

**A-5567/S-3807 (Torrissi, Calabrese/A.M. Bucco, Sarlo)** - Extends period of usefulness of fire engines for bonding purposes from 10 to 20 years; eliminates exclusion of passenger cars and station wagons

**A-5582/S-3781 (Swain, Simonsen/Lagana, Cryan)** - Establishes grant program for NJ YouthBuild programs through DOLWD; makes appropriation

**A-5610wGR/S-3954 (Greenwald, Spearman, Chaparro/Beach, A.M. Bucco)** - Revises penalties for possession or consumption of alcoholic beverages by underage persons

**A-5748/S-4166 (Spearman, Moen, Moriarty/Cruz-Perez, Madden)** - Amends definition of "participating county" under County Option Hospital Fee Program

**A-5755/S-4183 (Carter, Sumter, Wimberly, Quijano/Scutari, Singleton)** - Enhances notice requirements and occupancy restrictions for hotels and multiple dwellings following determination of potentially hazardous condition

**A-5799/S-1472 (Moen, Moriarty/Beach, Stack)** - Authorizes DOT to establish and administer toll collection and enforcement system on behalf of NJ toll authorities and to enter into reciprocal agreements for enforcement of toll violations with toll authorities from other states

**A-5806/S-4165 (Moriarty, Sauickie/Greenstein, Oroho)** - Appropriates \$48 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

**A-5807/S-4138 (Freiman/Johnson, Schepisi)** - Appropriates \$58 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

**A-5808/S-4135 (Park, Freiman, Lopez/Beach, Turner)** - Appropriates \$15,564,293 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

**A-5809/S-4097 (Swain, Lopez, Sauickie/Zwicker, Gopal)** - Amends lists of projects eligible to receive loans for environmental infrastructure projects from NJ Infrastructure Bank for FY 2024

**A-5810/S-4098 (Sampson, Sauickie, Lopez/Greenstein, Stanfield)** - Amends lists of environmental infrastructure projects approved for long-term funding by DEP under FY 2024 environmental infrastructure funding program

**A-5828/S-4201 (Lopez/Vitale)** - Authorizes State Treasurer to sell as surplus certain real property and improvements in Township of Woodbridge in Middlesex County

**A-5835/S-4134 (Greenwald, Lampitt/Beach, Turner)** - Authorizes regional authority to develop and operate regional rehabilitation and reentry center

**A-5836/S-4212 (DeAngelo, Sumter, Wimberly/Gopal, Greenstein)** - Makes supplemental appropriation of \$650,000 to New Jersey Division of State Police for trooper recruitment and retention

**A-5910/S-4266 (Egan/Codey)** - Increases annual salary of certain public employees and officers

**AJR-200/SJR-138 (Park, Freiman, Calabrese/Lagana)** - Designates November 22 of each year as Kimchi Day

Governor Murphy pocket vetoed the following bills:

**S-2989/A-1739 (Pou, Singer/McKeon, Quijano, Flynn)** - Makes certain for-profit debt adjusters eligible for licensing to conduct business in State

**S-3172/A-4689 (Gopal, Turner/Lampitt, Matsikoudis, McKnight)** - Establishes teacher certification route for candidates with Montessori teaching credentials

- S-3287/ACS for A-4852 and 1170 (Turner/Reynolds-Jackson, Jasey, Dunn, Wimberly, Calabrese, Spearman, Verrilli)** - Requires institutions of higher education to maintain supply and develop policy governing use of naloxone hydrochloride nasal spray for opioid overdose emergencies
- A-1476/S-930 (Benson, Dancer/Holzapfel, Diegnan)** - Exempts certain motor vehicles that are owned by certain nutrition programs and certain nonprofit organizations that offer social services from motor vehicle registration fees
- A-3642/S-665 (Wirths, Murphy, Benson, Oroho/Greenstein)** - Requires MVC to place designation on motor vehicle's registration information indicating registrant is deaf
- A-3945/S-1660 (Quijano, Reynolds-Jackson, Carter/Ruiz, Singleton)** - Establishes "Male Teachers of Color Mentorship Pilot Program"; appropriates \$95,000
- A-4177/S-2478 (Mosquera, Swain, McKnight, Tucker, Dunn/Ruiz, Vitale)** - Extends duration of law requiring certain provider subsidy payments for child care services be based on enrollment
- A-4396/S-2927 (Lampitt, Jasey, Caputo/Codey)** - Establishes timelines for review and approval by Commissioner of Education of annual certified audits submitted by approved private schools for students with disabilities
- A-4621/S-3156 (Mosquera, Greenwald, Swain/Madden)** - Requires issuance of report on certain information and data on processing of applications for professional and occupational licenses and mandates review of training and call intake in Division of Consumer Affairs.
- A-4740/S-2970 (Mukherji, DeAngelo, McKnight/Cruz-Perez, Turner)** - Provides employee access to employee's employment records on file with DOLWD
- A-5294/S-1825 (Greenwald, Swain, Rooney/Steinhardt, Sarlo, Doherty)** - Exempts sales of investment metal bullion and investment coins from sales and use tax
- A-5893/S-4228 (Karabinchak, Calabrese, Sauckie/Gopal, Sarlo)** - Extends annual horse racing purse subsidies through State fiscal year 2029