

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

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

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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.).