

[Second Reprint]

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)

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District 33 (Hudson)

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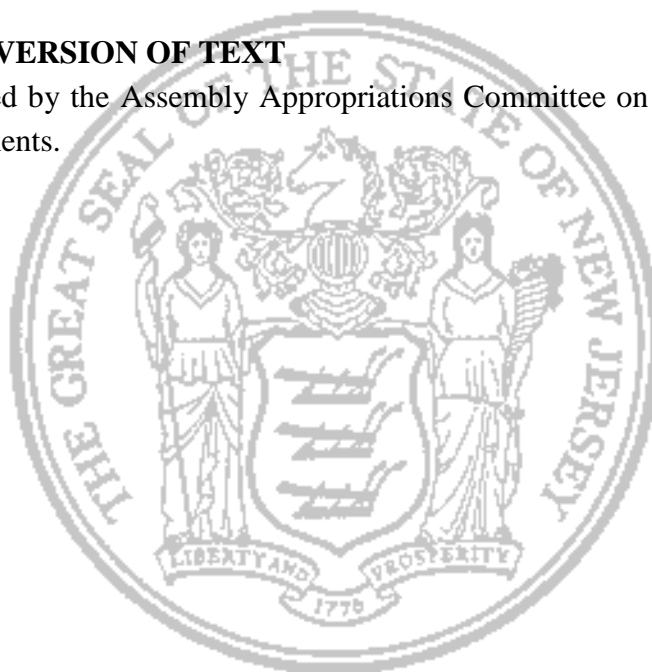
Assemblywoman Murphy

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 22, 2023, with amendments.



(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 shall
19 include the person's name, address, and date of birth, and a copy of the
20 warning containing this information, plus a sworn statement that
21 includes a description of the relevant facts and circumstances that
22 support the officer's determination that the person committed the
23 violation, shall be temporarily maintained in accordance with this
24 section only for the purposes of determining a second or subsequent
25 violation subject to the consequences set forth in subparagraph (b) or
26 (c) of this paragraph. If the violation of this section is by a person
27 under 18 years of age, a written notification concerning the violation
28 shall be 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 (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, and
34 date of birth. If the violation is by a person 18 years of age or older,
35 the officer shall provide the person with informational materials about
36 how to access community services provided by public or private
37 agencies and organizations that shall assist the person with
38 opportunities to access further social services, including, but not
39 limited to, counseling, tutoring programs, mentoring services, and
40 faith-based or other community initiatives. If the violation is by a
41 person under 18 years of age, a written notification concerning the
42 second violation shall be provided to the parent, guardian or other
43 person having legal custody of the underage person in accordance with
44 section 3 of P.L.1991, c.169 (C.33:1-81.1a). The written notification

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:

¹Assembly AJU committee amendments adopted June 15, 2023.

²Assembly AAP committee amendments adopted June 22, 2023.

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

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

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

9 (d) Any person under the legal age to purchase alcoholic beverages
10 who knowingly possesses without legal authority or who knowingly
11 consumes any alcoholic beverage in any school, public conveyance,
12 public place, or place of public assembly, or motor vehicle shall be
13 charged with a violation of this subparagraph on a complaint-summons
14 and shall be subject to a fine of ²**[\$100]** \$50². If the violation of this
15 subparagraph is by a person under 18 years of age, a written
16 notification concerning the violation shall be provided to the parent,
17 guardian, or other person having legal custody of the underage person
18 in accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

19 The law enforcement officer also shall take possession of any
20 alcoholic beverages from the person who committed the violation of
21 this subparagraph.

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

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

46 (3) A person under the legal age to purchase alcoholic beverages
47 or cannabis items who violates paragraph (1) of this subsection for

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

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

35 (5) As part of the process for the issuance of a written warning or
36 write-up to a person for a violation of paragraph (1) of this subsection,
37 the law enforcement officer shall take possession of any **【alcoholic
38 beverage,】** marijuana, hashish, or cannabis item from the person, and
39 any drug or cannabis paraphernalia for use with any marijuana,
40 hashish, or cannabis item. The existence and description of the
41 **【alcoholic beverage,】** marijuana, hashish, or cannabis item, and any
42 drug or cannabis paraphernalia shall be included in the sworn
43 statement that includes a description of the relevant facts and
44 circumstances that support the officer's determination that the person
45 committed a violation, and which record is temporarily maintained in
46 accordance with this section to determine subsequent possession or
47 consumption violations, and track referrals for accessing community
48 services provided by a public or private agency or organization due to

1 a third or subsequent violation. Any **【alcoholic beverage,】** marijuana,
2 hashish, cannabis item, or drug or cannabis paraphernalia obtained by
3 the law enforcement officer shall either be destroyed or secured for use
4 in law enforcement training or educational programs in accordance
5 with applicable law and directives issued by the Attorney General.

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

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

13 (b) (i) any copy of any written warning or write-up issued to a
14 person under the legal age to purchase **【alcoholic beverages or】**
15 cannabis items, written notification provided to the person's parent,
16 guardian or other person having legal custody in accordance with
17 section 3 of P.L.1991, c.169 (C.33:1-81.1a), sworn statement
18 describing the relevant facts and circumstances that support an
19 officer's determination that a person committed a violation, or referrals
20 for accessing community services provided by a public or private
21 agency or organization pertaining to a third or subsequent violation
22 shall be segregated and maintained in a separate physical location or
23 electronic repository or database from any other records maintained by
24 a law enforcement agency, and reported to the Attorney General in a
25 manner so that they are similarly segregated and maintained in a
26 separate physical location or electronic repository or database from
27 other law enforcement records accessible to the Attorney General and
28 State and local law enforcement agencies, and shall not be transferred
29 to or copied and placed in any other physical location or electronic
30 repository or database containing any other law enforcement records.
31 These records shall only be used to the extent necessary to determine a
32 subsequent violation of paragraph (1) of this subsection or to track
33 referrals to agencies and organizations, and shall not be revealed,
34 reviewed, or considered in any manner with respect to any current or
35 subsequent juvenile delinquency matter, including but not limited to, a
36 charge, filing, eligibility or decision for diversion or discharge, or
37 sentencing, other disposition, or related decision affecting the juvenile,
38 or with respect to any current or subsequent prosecution for
39 committing an offense or other violation of law, including but not
40 limited to, a charge, filing, eligibility or decision for diversion or
41 discharge, or sentencing, other disposition, or related decision
42 affecting an adult under 21 years of age. Also, these records shall be
43 deemed confidential and shall not be subject to public inspection or
44 copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et
45 seq.), and their existence shall not be acknowledged based upon any
46 inquiry in the same manner as if the records were expunged records
47 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

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

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

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

32 (c) All of the records maintained by a law enforcement agency and
33 reported to the Attorney General as described in subparagraph (i)
34 of subparagraph (b) of this paragraph shall be destroyed or
35 permanently deleted by the law enforcement agency and Attorney
36 General on the second anniversary following the creation of the record
37 concerning a violation, or not later than the last day of the month in
38 which that second anniversary date falls, or alternatively not later than
39 the 21st birthday of a person who is the subject of a record, or not later
40 than the last day of the month in which that birthday falls, whichever
41 date occurs sooner, except that a record shall be maintained upon
42 request by the person named in the record or representative thereof, the
43 law enforcement officer who made the record, or the law enforcement
44 agency currently maintaining the record if it involves a lawsuit,
45 disciplinary complaint, or criminal prosecution arising from the
46 violation described in the record, based on an assertion that the record
47 has evidentiary or exculpatory value. Upon final disposition of the

1 matter for which the extended record retention was requested, the
2 record shall be destroyed or permanently deleted.

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

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

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

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

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

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

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

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

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

41 (4) the underage person and, if applicable, one or two other
42 persons acting in concert with the underage person who made the 9-1-
43 1 call remained on the scene with the person under the legal age in
44 need of medical assistance until assistance arrived and cooperated with
45 medical assistance and law enforcement personnel on the scene.

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

1 g. For purposes of this section, an alcoholic beverage includes
2 powdered alcohol as defined by R.S.33:1-1, a cannabis item includes
3 any item available for lawful consumption pursuant to the "New Jersey
4 Cannabis Regulatory, Enforcement Assistance, and Marketplace
5 Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.), and the terms
6 "marijuana" and "hashish" have the same meaning as set forth in
7 N.J.S.2C:35-2, and the terms "drug paraphernalia" and "cannabis
8 paraphernalia" have the same meaning as set forth in N.J.S.2C:36-1
9 and section 3 of P.L.2021, c.16 (C.24:6I-33), respectively.
10 (cf: P.L.2021, c.447, s.4)

11
12 2. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
13 read as follows:

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

36 (2) The Attorney General shall also make reports available to
37 the task force established pursuant to subsection b. of this section
38 based on the Attorney General's periodic review of body worn
39 camera recordings of law enforcement officers responding to a call
40 for service related to a violation or suspected violation of paragraph
41 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
42 at the initiation of any other law enforcement or investigative
43 encounter between an officer and a person related to a violation or
44 suspected violation of that paragraph, which recordings are required
45 to be made in accordance with paragraph (4) of subsection a. of
46 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
47 shall be conducted using body worn camera recordings both

1 selected by the Attorney General and randomly determined, and the
2 task force may request an Attorney General review a particular
3 municipality, region, or time period. The identity of any person
4 included in a recording reviewed by the Attorney General shall be
5 kept confidential and shall not be revealed to the members of the
6 task force or any staff provided to the task force by the Department
7 of Law and Public Safety pursuant to paragraph (6) of subsection b.
8 of this section to support its work.

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

18 (2) The membership of the taskforce shall include the following
19 individuals:

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

- 1 (l) a representative from the American Civil Liberties Union of
2 New Jersey, appointed by the Governor;
- 3 (m) a representative from the County Prosecutors Association of
4 New Jersey who is actively and presently involved in juvenile
5 matters, appointed by the Governor;
- 6 (n) a representative from the New Jersey Juvenile Officers
7 Association, appointed by the Governor;
- 8 (o) one representative each from the Annie E. Casey Foundation
9 and Vera Institute of Justice, both appointed by the Governor;
- 10 (p) a representative of the NAACP New Jersey State
11 Conference, appointed by the Governor;
- 12 (q) a representative of Salvation and Social Justice, appointed
13 by the Governor;
- 14 (r) a representative from the County Youth Services
15 Commission Administrators, appointed by the Governor;
- 16 (s) a representative from the faith-based ethical community in
17 New Jersey, appointed by the Governor;
- 18 (t) a representative of an employee organization representing
19 employees who work at juvenile justice facilities, appointed by the
20 Governor; and
- 21 (u) three representatives who have been involved with the New
22 Jersey juvenile justice system, appointed by the Governor,
23 including at least one representative of a non-profit organization
24 that deals with juvenile justice issues and at least one individual
25 who has been subject to the custody of the juvenile justice system.
- 26 (3) All members appointed by the Governor, other than the
27 members of the Legislature recommended for appointment, shall
28 serve at the pleasure of the Governor. The members of the
29 Legislature shall serve on the task force during their elective term
30 of office. Any vacancies in the membership of the task force shall
31 be filled in the same manner as the original appointments were
32 made.
- 33 (4) Members of the task force shall serve without compensation,
34 but shall be reimbursed for necessary expenditures incurred in the
35 performance of their duties as members of the task force within the
36 limits of funds appropriated or otherwise made available to the task
37 force for its purposes.
- 38 (5) The task force shall organize as soon as practicable
39 following the appointment of its members. The task force shall
40 choose a chairperson from among its members and shall appoint a
41 secretary who need not be a member of the task force.
- 42 (6) The Department of Law and Public Safety shall provide such
43 stenographic, clerical, and other administrative assistants, and such
44 professional staff as the task force requires to carry out its work.
45 (cf: P.L.2021, c.25, s.4)
- 46
- 47 3. Section 4 of P.L.1982, c.77 (C.2A:4A-23) is amended to read
48 as follows:

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

4 a. A crime;

5 b. A disorderly persons offense or petty disorderly persons
6 offense; or

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

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

39 If a municipal court orders detention or imposes a term of
40 imprisonment on a juvenile in connection with a violation of Title
41 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised
42 Statutes, Title 40 of the Revised Statutes or N.J.S.2C:33-13, that
43 detention or term of imprisonment shall be served at a suitable
44 juvenile institution and not at a county jail or county workhouse.

45 (cf: P.L.1997, c.383, s.1)

46
47 ²4. Section 3 of P.L.2021 c.25 (C.2C:30-6.1) is amended to read
48 as follows:

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

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

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

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

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

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

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

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

34 b. (1) A violation set forth in this section involving the
35 possession or consumption of marijuana, hashish, or any cannabis
36 item shall not require a finding that the law enforcement officer
37 **[have]** acted with the purpose to intimidate or discriminate against
38 a person or group of persons because of race, color, religion,
39 gender, handicap, sexual orientation or ethnicity.

40 (2) A violation set forth in this section involving the possession
41 or consumption of alcoholic beverages shall require a finding that
42 the law enforcement officer acted with the purpose to intimidate or
43 discriminate against a person or group of persons because of race,
44 color, religion, gender, handicap, sexual orientation or ethnicity.

45 c. A violation of this section shall be graded in the same
46 manner as set forth in **[section 2 of P.L.2003, c.21 (C.2C:30-6)]**

1 section 2 of P.L.2003, c.31 (C.2C:30-6) for other crimes of official
2 deprivation of civil rights.²

3 (cf: P.L.2021 c.25, s.3)

4

5 ²**[4.]** 5.² This act shall take effect immediately.