

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.