

# 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.