

**iSENATE, No. 3633**

---

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

---

INTRODUCED FEBRUARY 23, 2023

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Senator MICHAEL L. TESTA, JR.**

**District 1 (Atlantic, Cape May and Cumberland)**

**Co-Sponsored by:**

**Senator Holzapfel**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/8/2023)**

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 (2) (a) A person under the legal age to purchase [alcoholic  
12 beverages or] cannabis items is not capable of giving lawful  
13 consent to a search to determine a violation of this section, and a  
14 law enforcement officer shall not request that a person consent to a  
15 search for that purpose.

16 (b) The odor of [an alcoholic beverage,] marijuana, hashish,  
17 cannabis, or cannabis item, or burnt marijuana, hashish, cannabis,  
18 or cannabis item, shall not constitute reasonable articulable  
19 suspicion to initiate an investigatory stop of a person, nor shall it  
20 constitute probable cause to initiate a search of a person or that  
21 person's personal property to determine a violation of paragraph (1)  
22 of this subsection. Additionally, the unconcealed possession of [an  
23 alcoholic beverage,] marijuana, hashish, or cannabis item in  
24 violation of paragraph (1) of this subsection, observed in plain sight  
25 by a law enforcement officer, shall not constitute probable cause to  
26 initiate a search of a person or that person's personal property to  
27 determine any further violation of that paragraph or any other  
28 violation of law.

29 (3) A person under the legal age to purchase [alcoholic  
30 beverages or] cannabis items who violates paragraph (1) of this  
31 subsection for possessing or consuming [an alcoholic beverage,]  
32 marijuana, hashish, or a cannabis item shall not be subject to arrest,  
33 shall not be transported to a police station, police headquarters, or  
34 other place of law enforcement operations, and shall not otherwise  
35 be subject to detention or be taken into custody by a law  
36 enforcement officer at or near the location where the violation  
37 occurred, except to the extent that detention or custody at or near  
38 the location is required to issue a written warning or write-up,  
39 collect the information necessary to provide notice of a violation to  
40 a parent, guardian or other person having legal custody of the  
41 underage person in accordance with section 3 of P.L.1991, c.169  
42 (C.33:1-81a), or make referrals for accessing community services  
43 provided by a public or private agency or organization due to a third  
44 or subsequent violation, unless the person is being arrested,  
45 detained, or otherwise taken into custody for also committing  
46 another violation of law for which that action is legally permitted or  
47 required.

1 (4) Consistent with the provisions of subsection c. of section 1  
2 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording  
3 functions of a law enforcement officer's body worn camera, as  
4 defined in that section, shall be activated whenever the law  
5 enforcement officer is responding to a call for service related to a  
6 violation or suspected violation of paragraph (1) of this subsection  
7 for possessing or consuming [an alcoholic beverage,] marijuana,  
8 hashish, or a cannabis item, or at the initiation of any other law  
9 enforcement or investigative encounter between an officer and a  
10 person related to a violation or suspected violation of that  
11 paragraph, and shall remain activated until the encounter has fully  
12 concluded and the officer leaves the scene of the encounter;  
13 provided, however, that the video and audio recording functions of  
14 a body worn camera shall not be deactivated pursuant to  
15 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,  
16 c.129 (C.40A:14-118.5), based on a request to deactivate the  
17 camera by a person who is the subject of a responsive call for  
18 service or law enforcement or investigative encounter related to a  
19 violation or suspected violation of paragraph (1) of this subsection.

20 (5) As part of the process for the issuance of a written warning  
21 or write-up to a person for a violation of paragraph (1) of this  
22 subsection, the law enforcement officer shall take possession of any  
23 [alcoholic beverage,] marijuana, hashish, or cannabis item from the  
24 person, and any drug or cannabis paraphernalia for use with any  
25 marijuana, hashish, or cannabis item. The existence and description  
26 of the [alcoholic beverage,] marijuana, hashish, or cannabis item,  
27 and any drug or cannabis paraphernalia shall be included in the  
28 sworn statement that includes a description of the relevant facts and  
29 circumstances that support the officer's determination that the  
30 person committed a violation, and which record is temporarily  
31 maintained in accordance with this section to determine subsequent  
32 possession or consumption violations, and track referrals for  
33 accessing community services provided by a public or private  
34 agency or organization due to a third or subsequent violation. Any  
35 [alcoholic beverage,] marijuana, hashish, cannabis item, or drug or  
36 cannabis paraphernalia obtained by the law enforcement officer  
37 shall either be destroyed or secured for use in law enforcement  
38 training or educational programs in accordance with applicable law  
39 and directives issued by the Attorney General.

40 (6) With respect to any violation of paragraph (1) of this  
41 subsection concerning the possession or consumption of [an  
42 alcoholic beverage,] marijuana, hashish, or any cannabis item:

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

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

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

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

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

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

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

46 (7) (a) Any person under the legal age to purchase alcoholic  
47 beverages who knowingly possesses without legal authority or who  
48 knowingly consumes any alcoholic beverage in any school, public

1 conveyance, public place, or place of public assembly, or motor  
2 vehicle, is guilty of a disorderly persons offense, and shall be fined  
3 not less than \$500.

4 (b) Whenever this offense is committed in a motor vehicle, the  
5 court shall, in addition to the sentence authorized for the offense,  
6 suspend or postpone for six months the driving privilege of the  
7 defendant. Upon the conviction of any person under this section,  
8 the court shall forward a report to the New Jersey Motor Vehicle  
9 Commission stating the first and last day of the suspension or  
10 postponement period imposed by the court pursuant to this section.  
11 If a person at the time of the imposition of a sentence is less than 17  
12 years of age, the period of license postponement, including a  
13 suspension or postponement of the privilege of operating a  
14 motorized bicycle, shall commence on the day the sentence is  
15 imposed and shall run for a period of six months after the person  
16 reaches the age of 17 years.

17 If a person at the time of the imposition of a sentence has a valid  
18 driver's license issued by this State, the court shall immediately  
19 collect the license and forward it to the commission along with the  
20 report. If for any reason the license cannot be collected, the court  
21 shall include in the report the complete name, address, date of birth,  
22 eye color, and sex of the person as well as the first and last date of  
23 the license suspension period imposed by the court.

24 The court shall inform the person orally and in writing that if the  
25 person is convicted of operating a motor vehicle during the period  
26 of license suspension or postponement, the person shall be subject  
27 to the penalties set forth in R.S.39:3-40. A person shall be required  
28 to acknowledge receipt of the written notice in writing. Failure to  
29 receive a written notice or failure to acknowledge in writing the  
30 receipt of a written notice shall not be a defense to a subsequent  
31 charge of a violation of R.S.39:3-40.

32 If the person convicted under this section is not a New Jersey  
33 resident, the court shall suspend or postpone, as appropriate, the  
34 non-resident driving privilege of the person based on the age of the  
35 person and submit to the commission the required report. The court  
36 shall not collect the license of a non-resident convicted under this  
37 section. Upon receipt of a report by the court, the commission shall  
38 notify the appropriate officials in the licensing jurisdiction of the  
39 suspension or postponement.

40 (c) In addition to the general penalty prescribed for a disorderly  
41 persons offense, the court may require any person who violates this  
42 paragraph to participate in an alcohol education or treatment  
43 program, authorized by the Division of Mental Health and  
44 Addiction Services in the Department of Human Services, for a  
45 period not to exceed the maximum period of confinement  
46 prescribed by law for the offense for which the individual has been  
47 convicted.

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



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

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

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

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

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

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

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

33 (4) the underage person and, if applicable, one or two other  
34 persons acting in concert with the underage person who made the 9-  
35 1-1 call remained on the scene with the person under the legal age  
36 in need of medical assistance until assistance arrived and  
37 cooperated with medical assistance and law enforcement personnel  
38 on the scene.

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

41 g. For purposes of this section, an alcoholic beverage includes  
42 powdered alcohol as defined by R.S.33:1-1, a cannabis item  
43 includes any item available for lawful consumption pursuant to the  
44 "New Jersey Cannabis Regulatory, Enforcement Assistance, and  
45 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.),  
46 and the terms "marijuana" and "hashish" have the same meaning as  
47 set forth in N.J.S.2C:35-2, and the terms "drug paraphernalia" and  
48 "cannabis paraphernalia" have the same meaning as set forth in

1 N.J.S.2C:36-1 and section 3 of P.L.2021, c.16 (C.24:6I-33),  
2 respectively.

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

4

5 2. Section 3 of P.L.2021, c.25 (C.2C:30-6.1) is amended to read  
6 as follows:

7 3. A law enforcement officer, when responding to a call for  
8 service or upon the initiation of any other law enforcement or  
9 investigative encounter related to a violation or suspected violation  
10 of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264  
11 (C.2C:33-15), concerning the possession or consumption of  
12 **【alcoholic beverages,】** marijuana, hashish, or any cannabis item by  
13 a person under the legal age to purchase **【alcoholic beverages or】**  
14 cannabis items, shall be guilty of a crime of official deprivation of  
15 civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if  
16 that officer knowingly violates the provisions of subsection a. of  
17 section 1 of P.L.1979, c.264 (C.2C:33-15) that address law  
18 enforcement actions involving persons who are under the legal age  
19 to purchase **【alcoholic beverages or】** cannabis items by requesting  
20 that a person consent to a search who is not capable of giving  
21 lawful consent or searching a person after wrongfully obtaining that  
22 person's consent, initiating an investigatory stop without reasonable  
23 articulable suspicion, initiating a search without probable cause,  
24 issuing a warning or write-up without a proper basis that a person  
25 committed a violation, or detaining or taking into custody a person  
26 in a manner or for a longer period beyond the extent required to  
27 issue a warning or write-up, or arresting a person for a possession  
28 or consumption violation of paragraph (1) of subsection a. of  
29 section 1 of P.L.1979, c.264 (C.2C:33-15), or if that officer  
30 knowingly engages in any other unlawful act, as described in  
31 subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-6), against the  
32 person arising out of the call for service or initiation of any other  
33 law enforcement or investigative encounter, including but not  
34 limited to the unjustified use of force in violation of N.J.S.2C:3-7.  
35 A violation set forth in this section shall not require that the law  
36 enforcement officer have acted with the purpose to intimidate or  
37 discriminate against a person or group of persons because of race,  
38 color, religion, gender, handicap, sexual orientation or ethnicity. A  
39 violation of this section shall be graded in the same manner as set  
40 forth in section 2 of P.L.2003, c.21 (C.2C:30-6) for other crimes of  
41 official deprivation of civil rights.

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

43

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

46 4. a. (1) The Attorney General shall biannually issue a  
47 comprehensive report detailing the number of occurrences and other  
48 statistics, without revealing or including any personal identifying

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

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

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

44 (2) The membership of the taskforce shall include the following  
45 individuals:

- 46 (a) the Attorney General, or a designee;  
47 (b) the Public Defender, or a designee;

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

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

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

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

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

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

25 (cf: P.L.2021, c.24, s.4)

26  
27 4. This act shall take effect immediately.  
28  
29

## 30 STATEMENT

31  
32 This bill concerns the penalties for possession or consumption of  
33 alcoholic beverages by underage persons.

34 Under current law, any person under the legal age to purchase  
35 alcoholic beverages or cannabis items who possesses or consumes  
36 alcoholic beverages or cannabis items, marijuana, or hashish in any  
37 school, public conveyance, public place, place of public assembly,  
38 or motor vehicle is subject to certain consequences, including a  
39 written warning by a law enforcement officer to the underage  
40 person and if the person is under 18 years of age, a written  
41 notification to the person's parent, guardian, or other person having  
42 legal custody of the underage person. For certain violations, the  
43 law enforcement officer is also to provide informational materials  
44 about how to access community services that will assist the person  
45 with opportunities to access further social services. Finally, current  
46 law provides that the officer is also to take possession of any  
47 alcoholic beverage, marijuana, hashish, or cannabis item and any  
48 drug or cannabis paraphernalia.

1        This bill reinstates the penalties for possession or consumption  
2 of alcoholic beverages by underage persons that were in place prior  
3 to the enactment of P.L.2021, c.25 and P.L.2021, c.38 . Under this  
4 bill, any person under the legal age to purchase alcoholic beverages  
5 who possesses or consumes any alcoholic beverage in any school,  
6 public conveyance, public place, place of public assembly, or motor  
7 vehicle is guilty of a disorderly persons offense and is to be fined  
8 not less than \$500. In addition, when the offense is committed in a  
9 motor vehicle, the court is required to suspend or postpone the  
10 driving privileges of the defendant for six months. The court may  
11 also require the defendant to participate in an alcohol education or  
12 treatment program.

13        Further, current law prohibits certain actions by law enforcement  
14 officers with respect to violations for the consumption or possession  
15 of alcoholic beverages and marijuana, hashish, or cannabis item by  
16 underage persons, including: 1) providing that a person under the  
17 legal age to purchase alcoholic beverages or cannabis items is not  
18 capable of giving lawful consent to a search to determine a  
19 violation of current law and prohibiting an officer from requesting  
20 that a person consent to such a search; 2) providing that the odor of  
21 an alcoholic beverage, marijuana, hashish, or cannabis, or burnt  
22 marijuana, hashish, cannabis or cannabis item does not constitute  
23 reasonable articulable suspicion to initiate an investigatory stop of a  
24 person or probable cause to initiate a search of a person or the  
25 person's property to determine a violation of current law and that  
26 the unconcealed possession of these items observed in plain sight  
27 by an officer does not constitute probable cause to initiate a search  
28 of the person or the person's property to determine a further  
29 violation of law; 3) providing that an underage person who  
30 possesses or consumes alcoholic beverages, marijuana, hashish, or a  
31 cannabis item in violation of current law is not to be subject to  
32 arrest, transported to a police station, police headquarters, or other  
33 place of law enforcement operations and shall not be subject to  
34 detention or taken into custody, with certain limited exceptions; 4)  
35 prohibiting a law enforcement officer from deactivating a body  
36 worn camera at the request of the person who is the subject of a  
37 responsive call for service or law enforcement or investigative  
38 encounter related to a violation for underage possession or  
39 consumption of an alcoholic beverage, cannabis items, marijuana,  
40 or hashish; and 5) providing that an underage person who violates  
41 current law regarding the possession or consumption of alcoholic  
42 beverages, cannabis items, marijuana, or hashish is not to be  
43 photographed or fingerprinted.

44        Under this bill, the prohibitions set forth above would not apply  
45 to actions taken by law enforcement with respect to the  
46 consumption or possession of alcoholic beverages by underage  
47 persons.

1       In addition, current law provides that a law enforcement officer  
2 is guilty of the crime of official deprivation of civil rights for  
3 violating any provisions of current law that address law  
4 enforcement actions involving persons who are under the legal age  
5 to purchase alcoholic beverages or cannabis items. Under this bill,  
6 law enforcement actions involving persons who are under the legal  
7 age to purchase alcoholic beverages would not be included in this  
8 provision.

9       Finally, under current law, the Attorney General is to biannually  
10 issue a report detailing the number of occurrences and other  
11 statistics concerning first, second, third, and subsequent violations  
12 involving the possession or consumption of alcoholic beverages,  
13 marijuana, hashish, or cannabis items by underage persons, the  
14 municipal, county, or other geographic areas within which first,  
15 second, third, and subsequent violations occur, and the law  
16 enforcement agencies involved in first, second, third, and  
17 subsequent violation, covering the previous six month period. This  
18 bill removes the requirement for the report to contain this  
19 information regarding the possession or consumption of alcoholic  
20 beverages by underage persons as these persons would no longer be  
21 issued first, second, third and subsequent violations under the bill.