

SENATE, No. 3954

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 12, 2023

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

Senator Gopal

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2023)

S3954 BEACH

2

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.

S3954 BEACH

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

S3954 BEACH

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

22 The law enforcement officer also shall take possession of any
23 alcoholic beverages from the person who committed the violation of
24 this subparagraph.

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

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

S3954 BEACH

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

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

39 (5) As part of the process for the issuance of a written warning
40 or write-up to a person for a violation of paragraph (1) of this
41 subsection, the law enforcement officer shall take possession of any
42 **【alcoholic beverage,】** marijuana, hashish, or cannabis item from the
43 person, and any drug or cannabis paraphernalia for use with any
44 marijuana, hashish, or cannabis item. The existence and description
45 of the **【alcoholic beverage,】** marijuana, hashish, or cannabis item,
46 and any drug or cannabis paraphernalia shall be included in the
47 sworn statement that includes a description of the relevant facts and
48 circumstances that support the officer's determination that the

S3954 BEACH

1 person committed a violation, and which record is temporarily
2 maintained in accordance with this section to determine subsequent
3 possession or consumption violations, and track referrals for
4 accessing community services provided by a public or private
5 agency or organization due to a third or subsequent violation. Any
6 **【alcoholic beverage,】** marijuana, hashish, cannabis item, or drug or
7 cannabis paraphernalia obtained by the law enforcement officer
8 shall either be destroyed or secured for use in law enforcement
9 training or educational programs in accordance with applicable law
10 and directives issued by the Attorney General.

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

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

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

S3954 BEACH

1 deemed confidential and shall not be subject to public inspection or
2 copying pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et
3 seq.), and their existence shall not be acknowledged based upon any
4 inquiry in the same manner as if the records were expunged records
5 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

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

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

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

37 (c) All of the records maintained by a law enforcement agency
38 and reported to the Attorney General as described in
39 subparagraph (i) of subparagraph (b) of this paragraph shall be
40 destroyed or permanently deleted by the law enforcement agency
41 and Attorney General on the second anniversary following the
42 creation of the record concerning a violation, or not later than the
43 last day of the month in which that second anniversary date falls, or
44 alternatively not later than the 21st birthday of a person who is the
45 subject of a record, or not later than the last day of the month in
46 which that birthday falls, whichever date occurs sooner, except that
47 a record shall be maintained upon request by the person named in
48 the record or representative thereof, the law enforcement officer

1 who made the record, or the law enforcement agency currently
2 maintaining the record if it involves a lawsuit, disciplinary
3 complaint, or criminal prosecution arising from the violation
4 described in the record, based on an assertion that the record has
5 evidentiary or exculpatory value. Upon final disposition of the
6 matter for which the extended record retention was requested, the
7 record shall be destroyed or permanently deleted.

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

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

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

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

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

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

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

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

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

47 (4) the underage person and, if applicable, one or two other
48 persons acting in concert with the underage person who made the

1 9-1-1 call remained on the scene with the person under the legal age
2 in need of medical assistance until assistance arrived and
3 cooperated with medical assistance and law enforcement personnel
4 on the scene.

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

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

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

18

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

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

43 (2) The Attorney General shall also make reports available to
44 the task force established pursuant to subsection b. of this section
45 based on the Attorney General's periodic review of body worn
46 camera recordings of law enforcement officers responding to a call
47 for service related to a violation or suspected violation of paragraph

1 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
2 at the initiation of any other law enforcement or investigative
3 encounter between an officer and a person related to a violation or
4 suspected violation of that paragraph, which recordings are required
5 to be made in accordance with paragraph (4) of subsection a. of
6 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
7 shall be conducted using body worn camera recordings both
8 selected by the Attorney General and randomly determined, and the
9 task force may request an Attorney General review a particular
10 municipality, region, or time period. The identity of any person
11 included in a recording reviewed by the Attorney General shall be
12 kept confidential and shall not be revealed to the members of the
13 task force or any staff provided to the task force by the Department
14 of Law and Public Safety pursuant to paragraph (6) of subsection b.
15 of this section to support its work.

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

25 (2) The membership of the taskforce shall include the following
26 individuals:

27 (a) the Attorney General, or a designee;

28 (b) the Public Defender, or a designee;

29 (c) the Commissioner of the Department of Children and
30 Families, or a designee;

31 (d) the Commissioner of Education, or a designee;

32 (e) a representative from the Juvenile Justice Commission,
33 appointed by the Governor;

34 (f) a representative from the Division of Criminal Justice in the
35 Department of Law and Public Safety, appointed by the Governor;

36 (g) the Chair of the Governor's Juvenile Justice Delinquency
37 and Prevention Committee;

38 (h) two members appointed by the Governor upon the
39 recommendation of the President of the Senate, at least one of
40 whom shall be a member of the Legislative Black Caucus or
41 Legislative Latino Caucus, determined in coordination with the
42 members recommended by the Speaker of the General Assembly
43 pursuant to subparagraph (i) of this paragraph, so that there is at
44 least one member of each caucus serving as a member of the task
45 force;

46 (i) two members appointed by the Governor

47 upon the recommendation of the Speaker of the General
48 Assembly, at least one of whom shall be a member of the

1 Legislative Black Caucus or Legislative Latino Caucus, determined
2 in coordination with the members recommended by the Senate
3 President pursuant to subparagraph (h) of this paragraph, so that
4 there is at least one member of each caucus serving as a member of
5 the task force;

6 (j) the Administrative Director of the Courts, or a designee;

7 (k) a representative from the New Jersey Institute for Social
8 Justice, appointed by the Governor;

9 (l) a representative from the American Civil Liberties Union of
10 New Jersey, appointed by the Governor;

11 (m) a representative from the County Prosecutors Association of
12 New Jersey who is actively and presently involved in juvenile
13 matters, appointed by the Governor;

14 (n) a representative from the New Jersey Juvenile Officers
15 Association, appointed by the Governor;

16 (o) one representative each from the Annie E. Casey Foundation
17 and Vera Institute of Justice, both appointed by the Governor;

18 (p) a representative of the NAACP New Jersey State
19 Conference, appointed by the Governor;

20 (q) a representative of Salvation and Social Justice, appointed
21 by the Governor;

22 (r) a representative from the County Youth Services
23 Commission Administrators, appointed by the Governor;

24 (s) a representative from the faith-based ethical community in
25 New Jersey, appointed by the Governor;

26 (t) a representative of an employee organization representing
27 employees who work at juvenile justice facilities, appointed by the
28 Governor; and

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

34 (3) All members appointed by the Governor, other than the
35 members of the Legislature recommended for appointment, shall
36 serve at the pleasure of the Governor. The members of the
37 Legislature shall serve on the task force during their elective term
38 of office. Any vacancies in the membership of the task force shall
39 be filled in the same manner as the original appointments were
40 made.

41 (4) Members of the task force shall serve without compensation,
42 but shall be reimbursed for necessary expenditures incurred in the
43 performance of their duties as members of the task force within the
44 limits of funds appropriated or otherwise made available to the task
45 force for its purposes.

46 (5) The task force shall organize as soon as practicable
47 following the appointment of its members. The task force shall

S3954 BEACH

12

1 choose a chairperson from among its members and shall appoint a
2 secretary who need not be a member of the task force.

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

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

7

8 3. Section 4 of P.L.1982, c.77 (C.2A:4A-23) is amended to read
9 as follows:

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

13 a. A crime;

14 b. A disorderly persons offense or petty disorderly persons
15 offense; or

16 c. A violation of any other penal statute, ordinance or
17 regulation.

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

1 If a municipal court orders detention or imposes a term of
2 imprisonment on a juvenile in connection with a violation of Title
3 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised
4 Statutes, Title 40 of the Revised Statutes or N.J.S.2C:33-13, that
5 detention or term of imprisonment shall be served at a suitable
6 juvenile institution and not at a county jail or county workhouse.
7 (cf: P.L.1997, c.383, s.1)

8
9 4. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill revises the penalties for the possession or consumption
15 of alcoholic beverages by underage persons.

16 Under current law, any person under the legal age to purchase
17 alcoholic beverages or cannabis items who possesses or consumes
18 alcoholic beverages or cannabis items, marijuana, or hashish in any
19 school, public conveyance, public place, place of public assembly,
20 or motor vehicle is subject to certain consequences, including a
21 written warning or write-up, as appropriate, by a law enforcement
22 officer to the underage person, and if the person is under 18 years of
23 age, a written notification to the person's parent, guardian, or other
24 person having legal custody of the underage person. For certain
25 violations, the law enforcement officer is also to provide
26 informational materials regarding community services that will
27 assist the person with opportunities to access further social services.
28 Finally, current law provides that the officer is also to take
29 possession of any alcoholic beverage, marijuana, hashish, or
30 cannabis item and any drug or cannabis paraphernalia as part of the
31 process for the issuance of a written warning or write up.

32 Under this bill, any person under the legal age to purchase
33 alcoholic beverages who knowingly possesses without legal
34 authority or who knowingly consumes any alcoholic beverage in
35 any school, public conveyance, public place, or place of public
36 assembly, or motor vehicle is to be charged with a violation on a
37 complaint-summons and subject to a fine of \$100. If the violation
38 is by a person under 18 years of age, a written notification
39 concerning the violation is required to be provided to the parent,
40 guardian, or other person having legal custody of the underage
41 person. The bill provides that a violation of this provision does not
42 constitute delinquency under current law. The bill also provides
43 that a law enforcement officer is required to take possession of any
44 alcoholic beverages from the person who committed the violation.

45 Further, under current law, the unconcealed possession of an
46 alcoholic beverage, marijuana, hashish, or cannabis item in
47 violation of current law, observed in plain sight by a law
48 enforcement officer, does not constitute probable cause to initiate a

S3954 BEACH

1 search of a person or that person's personal property to determine a
2 further violation of law. Under this bill, the unconcealed possession
3 of an alcoholic beverage, observed in plain sight by a law
4 enforcement officer, would constitute probable cause to initiate a
5 search of a person or that person's personal property to determine a
6 further violation of current law regarding the underage possession
7 or consumption of alcoholic beverages.

8 In addition, under current law, the Attorney General is to
9 biannually issue a report detailing the number of occurrences and
10 other statistics concerning first, second, third, and subsequent
11 violations involving the possession or consumption of alcoholic
12 beverages, marijuana, hashish, or cannabis items by underage
13 persons, the municipal, county, or other geographic areas within
14 which first, second, third, and subsequent violations occur, and the
15 law enforcement agencies involved in first, second, third, and
16 subsequent violations, covering the previous six month period.

17 This bill makes clarifying changes regarding the information the
18 report is required to contain for violations for the possession or
19 consumption of alcoholic beverages by underage persons as these
20 persons would no longer be issued first, second, third, and
21 subsequent violations under the bill.

22 According to the sponsor, alcohol is the number one drug of
23 choice for young people in this country, with research indicating
24 that the average age of first use of alcohol is 11 years old. Roughly
25 half of children have already tried alcohol by age 15. Research
26 indicates that young people in this State appear to be experimenting
27 with alcohol at a rate above that reported nationally, with
28 approximately 407,000 underage youth consuming alcohol each
29 year. Youth who start drinking before age 15 are six times more
30 likely to develop alcohol dependence or abuse later in life than
31 those who begin drinking at or after age 21.

32 According to the sponsor, underage drinking is a significant
33 health problem in this country. Youth who drink alcohol are more
34 likely to experience problems in school, such as higher rates of
35 absences or lower grades; social problems, such as fighting or lack
36 of participation in youth activities; legal problems, such as driving
37 while intoxicated; disruption of normal growth or development;
38 increased risk of suicide and homicide; alcohol-related motor
39 vehicle crashes; misuse of other substances; changes in brain
40 development that may have life-long effects; and alcohol poisoning.
41 It is imperative to protect the youth in this State by preventing
42 underage drinking and the related harmful effects.