

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3160**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

ADOPTED MARCH 12, 2009

**Sponsored by:**

**Assemblywoman MARY PAT ANGELINI**

**District 11 (Monmouth)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Essex, Morris, Somerset and Union)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

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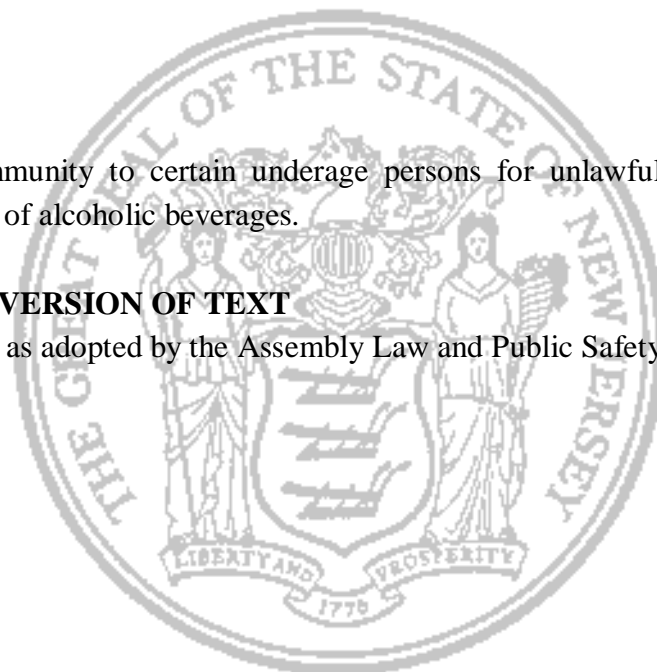
**Assemblywoman Rodriguez, Assemblyman O'Scanlon, Assemblywoman Handlin, Assemblymen Rible, Chivukula, Diegnan, Assemblywomen Casagrande, Wagner, Senators S.Kean, Girgenti, Van Drew, Bateman and Turner**

**SYNOPSIS**

Grants immunity to certain underage persons for unlawful possession or consumption of alcoholic beverages.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Law and Public Safety Committee.



**(Sponsorship Updated As Of: 6/26/2009)**

1 AN ACT concerning persons under the legal age to possess and  
2 consume alcoholic beverages, amending P.L.1979, c.264, and  
3 supplementing P.L.2000, c.33.  
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. Any person under the legal age to purchase alcoholic  
11 beverages who knowingly possesses without legal authority or who  
12 knowingly consumes any alcoholic beverage in any school, public  
13 conveyance, public place, or place of public assembly, or motor  
14 vehicle, is guilty of a disorderly persons offense, and shall be fined  
15 not less than \$500.00.

16 b. Whenever this offense is committed in a motor vehicle, the  
17 court shall, in addition to the sentence authorized for the offense,  
18 suspend or postpone for six months the driving privilege of the  
19 defendant. Upon the conviction of any person under this section,  
20 the court shall forward a report to the **[Division of Motor Vehicles]**  
21 New Jersey Motor Vehicle Commission stating the first and last day  
22 of the suspension or postponement period imposed by the court  
23 pursuant to this section. If a person at the time of the imposition of  
24 a sentence is less than 17 years of age, the period of license  
25 postponement, including a suspension or postponement of the  
26 privilege of operating a motorized bicycle, shall commence on the  
27 day the sentence is imposed and shall run for a period of six months  
28 after the person reaches the age of 17 years.

29 If a person at the time of the imposition of a sentence has a valid  
30 driver's license issued by this State, the court shall immediately  
31 collect the license and forward it to the **[division]** commission  
32 along with the report. If for any reason the license cannot be  
33 collected, the court shall include in the report the complete name,  
34 address, date of birth, eye color, and sex of the person as well as the  
35 first and last date of the license suspension period imposed by the  
36 court.

37 The court shall inform the person orally and in writing that if the  
38 person is convicted of operating a motor vehicle during the period  
39 of license suspension or postponement, the person shall be subject  
40 to the penalties set forth in R.S.39:3-40. A person shall be required  
41 to acknowledge receipt of the written notice in writing. Failure to  
42 receive a written notice or failure to acknowledge in writing the  
43 receipt of a written notice shall not be a defense to a subsequent  
44 charge of a violation of R.S.39:3-40.

**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 If the person convicted under this section is not a New Jersey  
2 resident, the court shall suspend or postpone, as appropriate, the  
3 non-resident driving privilege of the person based on the age of the  
4 person and submit to the **[division] commission** the required report.  
5 The court shall not collect the license of a non-resident convicted  
6 under this section. Upon receipt of a report by the court, the  
7 **[division] commission** shall notify the appropriate officials in the  
8 licensing jurisdiction of the suspension or postponement.

9 c. In addition to the general penalty prescribed for a disorderly  
10 persons offense, the court may require any person who violates this  
11 act to participate in an alcohol education or treatment program,  
12 authorized by the Department of Health and Senior Services, for a  
13 period not to exceed the maximum period of confinement  
14 prescribed by law for the offense for which the individual has been  
15 convicted.

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.

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

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

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

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

46 The underage person who received medical assistance also shall

1 be immune from prosecution under this section.

2 (cf: P.L.1997, c.161, s.1)

3

4 2. (New section) a. An underage person and one or two other  
5 persons shall be immune from prosecution under an ordinance  
6 authorized by section 1 of P.L.2000, c.33 (C.40:48-1.2) prohibiting  
7 any person under the legal age who, without legal authority,  
8 knowingly possesses or knowingly consumes an alcoholic beverage  
9 on private property if:

10 (1) one of the underage persons called 9-1-1 and reported that  
11 another underage person was in need of medical assistance due to  
12 alcohol consumption;

13 (2) the underage person who called 9-1-1 and, if applicable, one  
14 or two other persons acting in concert with the underage person  
15 who called 9-1-1 provided each of their names to the 9-1-1  
16 operator;

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

19 (4) the underage person and, if applicable, one or two other  
20 persons acting in concert with the underage person who made the  
21 9-1-1 call remained on the scene with the person under the legal age  
22 in need of medical assistance until assistance arrived and  
23 cooperated with medical assistance and law enforcement personnel  
24 on the scene.

25 b. The underage person who received medical assistance as  
26 provided in subsection a. of this section also shall be immune from  
27 prosecution under an ordinance authorized by section 1 of P.L.2000,  
28 c.33 (C.40:48-1.2).

29

30 3. This act shall take effect immediately.