

SENATE, No. 1478

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Criminalizes fifth or subsequent drunk driving offenses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning driving while under the influence and
2 supplementing Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. A person who is convicted of a fifth or subsequent
8 violation of R.S.39:4-50 shall be guilty of a crime of the third
9 degree and, notwithstanding the provisions of subsection c. of
10 N.J.S.2C:43-2, shall forfeit his right to operate a motor vehicle over
11 the highways of this State for 10 years.

12 Notwithstanding the provisions of subsection c. of N.J.S.2C:43-
13 2, the person shall forfeit his right to operate a motor vehicle over
14 the highways of this State for 20 years if the fifth or subsequent
15 violation occurs while:

16 (1) on any school property used for school purposes which is
17 owned by or leased to any elementary or secondary school or school
18 board, or within 1,000 feet of such school property;

19 (2) driving through a school crossing as defined in R.S.39:1-1 if
20 the municipality, by ordinance or resolution, has designated the
21 school crossing as such; or

22 (3) driving through a school crossing as defined in R.S.39:1-1
23 knowing that juveniles are present and if the municipality has not
24 designated the school crossing as such by ordinance or resolution.

25 b. Pursuant to the requirements set forth in R.S.39:4-50, a
26 person convicted under this section shall satisfy the screening,
27 evaluation, referral, program and fee requirements of the Division
28 of mental Health and Addiction Services' Intoxicated Driving
29 Program Unit, and of the Intoxicated Driver Resource Center and a
30 program of alcohol and drug education and highway safety, as
31 prescribed by the Chief Administrator of the New Jersey Motor
32 Vehicle Commission. The sentencing court shall inform the person
33 convicted that failure to satisfy such requirements shall result in a
34 mandatory two-day term of imprisonment in a county jail and a
35 driver license revocation or suspension and continuation of
36 revocation or suspension until such requirements are satisfied,
37 unless stayed by court order in accordance with the Rules
38 Governing the Courts of the State of New Jersey or R.S.39:5-22.
39 Upon sentencing, the court shall forward to the Intoxicated Driving
40 Program Unit a copy of a person's conviction record. A fee of \$100
41 shall be payable to the Alcohol Education, Rehabilitation and
42 Enforcement Fund established pursuant to section 3 of P.L.1983,
43 c.531 (C.26:2B-32) to support the Intoxicated Driving Program
44 Unit.

45
46 2. This act shall take effect immediately and shall be applicable
47 to offenses committed on or after the effective date.

1

3 This bill would establish criminal penalties for fifth and
4 subsequent offenses of driving under the influence (DUI).
5 Currently, DUI is a traffic offense under Title 39 of the Revised
6 Statutes (the State motor vehicle code).

13 The bill also provides that if the fifth or subsequent violation
14 occurs in a school zone or in or near a school crosswalk, the
15 person's driver's license would be suspended for 20 years.