

**ASSEMBLY, No. 764**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman BRIAN E. RUMPF**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblywoman DIANNE C. GOVE**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Criminalizes fifth or subsequent drunk driving offenses.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

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

## STATEMENT

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

Under the provisions of the bill, a person who is convicted of a fifth or subsequent DUI offense would be guilty of a crime of the third degree. A crime of the third degree is punishable by a fine of up to \$15,000, imprisonment for three to five years, or both. The person's driver's license would also be suspended for 10 years, which is the period of suspension required under current law.

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