

ASSEMBLY, No. 3751

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Imposes criminal penalties for leaving child unattended and unsupervised in motor vehicle.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT establishing penalties for leaving child unattended in motor
2 vehicle and 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. As used in this act:

8 "Child" means a person under six years of age.

9 "Unattended" refers to a child who has been left in a motor
10 vehicle by a parent, guardian, or other person responsible for that
11 child, when that parent, guardian, or other person is unable to
12 continuously observe the child.

13 "Unsupervised" refers to an unattended child when a person 14
14 years of age or older is not present in the motor vehicle.

15 b. (1) A parent, guardian, or other responsible person who
16 leaves a child younger than six years of age unattended and
17 unsupervised in a motor vehicle shall be a petty disorderly person
18 and subject to a fine of not less than \$500.

19 (2) If the child suffers bodily injury as a direct or indirect result
20 of being left unattended and unsupervised, the parent, guardian, or
21 other responsible person is guilty of a crime of the third degree.

22 (3) If the child suffers serious bodily injury or dies as a direct or
23 indirect result of being left unattended and unsupervised, the parent,
24 guardian, or other responsible person is guilty of a crime of the
25 second degree.

26 c. (1) A law enforcement officer who observes a child left
27 unattended and unsupervised in a motor vehicle in violation of
28 subsection b. of section 1 of P.L. , c. (C.) (pending before
29 the Legislature as this bill) may use whatever means are reasonably
30 necessary to protect the child and remove the child from the
31 vehicle.

32 (2) If the child is removed from the immediate area by the law
33 enforcement officer pursuant to paragraph (1) of this subsection,
34 notification shall be placed on the vehicle. A child removed from a
35 vehicle pursuant to this act shall be placed under supervision of the
36 Division of Child Protection and Permanency if the law
37 enforcement officer is unable to locate the parent, guardian, or other
38 person responsible for the child.

39 (3) A law enforcement officer shall not be liable in any civil
40 action by any party for any act or omission performed in good faith
41 under this act.

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43 2. This act shall take effect immediately.

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45 STATEMENT

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47 This bill provides that a parent, guardian, or other responsible
48 person who leaves a child under 6 years of age unattended and

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1 unattended in a motor vehicle would be guilty of a petty
2 disorderly persons offense and subject to a fine of not less than
3 \$500. A petty disorderly persons offense is generally punishable by
4 a term of imprisonment not exceeding 30 days, a fine of up to \$500,
5 or both. The bill defines an unattended child as one who is left in a
6 motor vehicle by a parent, guardian, or other responsible person
7 who is unable to continuously observe the child. The bill defines
8 “unattended” as an unattended child when a person 14 years of
9 age or older is not present in the vehicle.

10 If the child suffers bodily injury as the result of being left
11 unattended and unattended in a motor vehicle, the parent,
12 guardian, or other person would be guilty of a crime of the third
13 degree. If the child suffers serious bodily injury or death, the
14 parent, guardian, or other person would be charged with a crime of
15 the second degree. A crime of the third degree is generally
16 punishable by imprisonment for three to five years, a fine of up to
17 \$15,000, or both. A crime of the second degree is generally
18 punishable by imprisonment for five to 10 years, a fine of up to
19 \$150,000, or both.

20 The bill authorizes a law enforcement officer who observes an
21 unattended and unattended child in a motor vehicle to take any
22 action necessary to protect the child and remove the child from the
23 vehicle. The officer would be required to place a notification on the
24 vehicle if the child is removed. The officer would be required to
25 place the child under the supervision of the Division of Child
26 Protection and Permanency if the parent, guardian, or other person
27 responsible for the child cannot be located.

28 The bill provides that a law enforcement officer would not be
29 liable in any civil action by any party for any act or omission
30 performed in good faith under the bill.