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.
AN ACT establishing penalties for leaving child unattended in motor vehicle and supplementing Title 2C of the New Jersey Statutes.

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

1. a. As used in this act:

“Child” means a person under six years of age.

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

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

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

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

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

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

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

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

2. This act shall take effect immediately.

STATEMENT

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

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

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

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