

ASSEMBLY, No. 4255

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman GERARD SCHARFENBERGER

District 13 (Monmouth)

Co-Sponsored by:

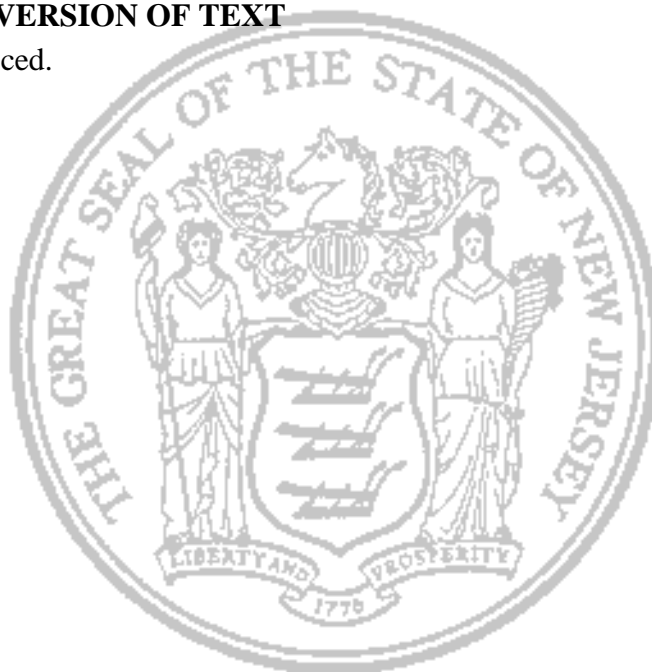
Assemblymen Rooney, DiMaio, Space, Wirths, Thomson, McClellan and Simonsen

SYNOPSIS

“Murphy’s Law”; nullifies Governor’s order, rule, or regulation to address declared emergency, or relevant portion thereof, when Governor violates same; creates affirmative defense to prosecution for same violation committed by Governor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/5/2021)

A4255 WEBBER, SCHARFENBERGER

2

1 AN ACT concerning the Governor's own violation of any order, rule
2 or regulation adopted by the Governor to address a declared state
3 of emergency in accordance with P.L.1942, c.251, designated as
4 "Murphy's Law," and amending P.L.1942, c.251.

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

8
9 1. Section 17 of P.L.1942, c.251 (C.App.A:9-49) is amended to
10 read as follows:

11 17. Any person who shall:

12 a. Commit any unauthorized or otherwise unlawful act during
13 the threat or imminence of danger in any emergency that
14 jeopardizes the health, welfare and safety of the people; or

15 b. Commit any unauthorized or otherwise unlawful act during
16 the threat or imminence of danger during any emergency that
17 contributes to the loss of or destruction to property; or

18 c. Hamper, impede, or in any way interfere with any person
19 who is performing any function authorized under this act; or

20 d. Drive any motor vehicle in a prohibited area during a black-
21 out or while an air raid alert is in progress or in any other manner
22 contrary to the rules and regulations covering any period of danger
23 or any emergency; or

24 e. Go within a prohibited area contrary to rules and regulations;
25 or

26 f. Refuse to obey the lawful orders of any air raid warden,
27 civilian protection worker, or other person who is duly authorized
28 to perform any act or function during the threat or imminence of
29 danger or any emergency; or

30 g. Refuse to cooperate with any air raid warden, civilian
31 protection worker, or other person who is duly authorized to
32 perform any act or function in connection with activities during the
33 threat or imminence of danger or any emergency; or

34 h. Violate any order, rule or regulation adopted by the
35 Governor and promulgated as **[provider]** provided by this act. If
36 the Governor violates any order, rule or regulation, or portion
37 thereof, adopted by that Governor, then the Governor's own
38 violation shall render the order, rule or regulation, or portion
39 thereof, that was violated null and void and of no force and effect;
40 or

41 i. Violate any other provision of this act declared herein to be
42 unlawful--shall be adjudged a disorderly person and shall be subject
43 to imprisonment for a term not to exceed 6 months or shall pay a
44 fine not to exceed \$1,000.00 or to both a fine and imprisonment, in
45 the discretion of the court.

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 Prosecution for the imposition of a penalty pursuant to this
2 section shall be commenced in the municipal court of the
3 municipality wherein the offense is alleged to have occurred. The
4 State shall be required to prove all elements of the offense beyond a
5 reasonable doubt in order to obtain a conviction. It is an affirmative
6 defense to prosecution if the violation relates to any order, rule or
7 regulation adopted by the Governor, as described in subsection h. of
8 this section, and the Governor committed the same violation,
9 whether or not the Governor is prosecuted for that same violation.
10 (cf: P.L.1982, c.108, s.1)

11
12 2. Section 18 of P.L.1942, c.251 (C.App.A:9-50) is amended to
13 read as follows:

14 18. Any person who shall knowingly aid or abet another in the
15 violation of any provision of this act shall also be adjudged a
16 disorderly person and punishable in the same manner as the
17 violation aided or abetted. It is an affirmative defense to
18 prosecution based on aiding or abetting another if the violation
19 aided or abetted relates to any order, rule or regulation adopted by
20 the Governor, as described in subsection h. of section 17 of
21 P.L.1942, c.251 (C.App.A:9-49), and the Governor committed the
22 same violation, whether or not the Governor is prosecuted for that
23 same violation.
24 (cf: P.L.1942, c.251, s.18)

25
26 3. This act shall take effect immediately, and apply to any
27 prosecution initiated prior to the effective date for which a final
28 judgment has not been rendered, and any prosecution initiated on
29 and after that date.

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32 STATEMENT

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34 This bill, designated “Murphy’s Law,” would nullify any order,
35 rule, or regulation, or relevant portion thereof, adopted by the
36 Governor to address a declared state of emergency in accordance
37 with P.L.1942, c.251 (C.App.A:9-33 et seq.), if the Governor
38 violates the Governor’s own order, rule, or regulation.
39 Additionally, it would create an affirmative defense to prosecution
40 for violating any such order, rule, or regulation, or aiding and
41 abetting a violation, when the Governor committed the same
42 violation (a violation is a disorderly persons offense, punishable by
43 imprisonment for up to six months, a fine of up to \$1,000, or both).
44 The bill would take effect immediately, and apply to any
45 prosecution initiated prior to the effective date for which a final
46 judgment has not been rendered, and any prosecution initiated on
47 and after that date.