

SENATE, No. 3577

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 22, 2021

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

Senators Holzapfel, Singer, Testa and Bateman

SYNOPSIS

Removes criminal liability for law enforcement officers who have investigative encounter with underage person for possession of alcohol or cannabis unless civil rights are violated.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning law enforcement and amending P.L.2021, c.25

2

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

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6 1. Section 3 of P.L.2021 c.25 (C.2C:30-6.1) is amended to read as
7 follows:

8 3. a. A law enforcement officer, when responding to a call for
9 service or upon the initiation of any other law enforcement or
10 investigative encounter related to a violation or suspected violation
11 of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264
12 (C.2C:33-15), concerning the possession or consumption of
13 alcoholic beverages, marijuana, hashish, or any cannabis item by a
14 person under the legal age to purchase alcoholic beverages or
15 cannabis items, shall be guilty of a crime of official deprivation of
16 civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if
17 that officer knowingly violates the provisions of subsection a. of
18 section 1 of P.L.1979, c.264 (C.2C:33-15) that address law
19 enforcement actions involving persons who are under the legal age
20 to purchase alcoholic beverages or cannabis items by:

21 (1) requesting that a person consent to a search who is not
22 capable of giving lawful consent or searching a person after
23 wrongfully obtaining that person's consent **[,]** ;

24 (2) initiating an investigatory stop without reasonable
25 articulable suspicion **[,]** ;

26 (3) initiating a search without probable cause **[,]** ;

27 (4) issuing a warning or write-up without a proper basis that a
28 person committed a violation **[, or]** ;

29 (5) detaining or taking into custody a person in a manner or for
30 a longer period beyond the extent required to issue a warning or
31 write-up **[, or]** ;

32 (6) arresting a person for a possession or consumption violation
33 of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264
34 (C.2C:33-15) **[,]** ; or **[if that officer]**

35 (7) knowingly **[engages]** engaging in any other unlawful act, as
36 described in subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-
37 6), against the person arising out of the call for service or initiation
38 of any other law enforcement or investigative encounter, including
39 but not limited to the unjustified use of force in violation of
40 N.J.S.2C:3-7.

41 b. A violation set forth in this section shall **[not]** require a
42 finding that the law enforcement officer **[have]** acted with the
43 purpose to intimidate or discriminate against a person or group of
44 persons because of race, color, religion, gender, handicap, sexual
45 orientation or ethnicity in accordance with section 2 of P.L.2003,
46 c.31 (C.2C:30-6).

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.

