

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 388

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 29, 1996

The Assembly Law and Public Safety Committee favorably reports Assembly, No. 388 with committee amendments.

Assembly Bill No. 388 prohibits the possession or consumption of alcoholic beverages on private property by persons under 21 years of age.

Under the provisions of the amended bill, an underage person is prohibited from possessing or consuming an alcoholic beverage on private property, unless that possession or consumption is in connection with a religious observance, ceremony or rite, or the underage person possesses or consumes that beverage in the presence of and with the permission of a parent or guardian who is of legal age. Violators are subject to a \$200 fine for a first offense and a \$350 fine for any subsequent offense. In addition to the fine, the violator is required to perform up to 180 days of community service. Finally, for a second or subsequent offense, a violator's driving privileges are to be either suspended or postponed for six months. The suspension is imposed in those cases where the violator has a New Jersey driver's license; the postponement applies to violators under the age of 17, pushing back the age at which they are eligible for a New Jersey driver's license from 17 to 17 years and six months.

The bill also amends section 1 of P.L. 1979, c.264 (C.2C:33-15), which prohibits the possession and consumption of alcoholic beverages by underage persons in certain public places, to provide additional sanctions. Currently, violators of this section are guilty of a disorderly persons offense. A disorderly person's offense is punishable by a fine of not more than \$1,000 (the section specifies, however, that in this case the fine may not be less than \$500), imprisonment for a term of not more than six months, or both.

Under this amended section, a violator also would be required to perform up to 180 days of community service and have his driving privileges would be suspended or postponed for a period of six months, depending upon his age at the time of the offense. Currently, the court may impose such a suspension or postponement only if the offense took place in a motor vehicle.

The bill includes an exemption for underage persons who are

employed by alcoholic beverage licensees. This provision makes it permissible for underage persons who, for example, are working as waiters, waitresses, busboys, or stock boys in restaurants or liquor stores to legally possess the alcoholic beverage they are delivering to a customer or placing on display for sale.

Finally, the bill amends N.J.S.2A:4A:23 to include the illegal possession or consumption of an alcoholic beverage by a underage person on private property as an action which constitutes an act of "delinquency" under the "New Jersey Code of Juvenile Justice," P.L. 1982, c.77 (C.2A:4A-20 et seq.).

The committee, at the sponsor's request, amended the bill to increase the monetary penalties for underage drinking on private property from \$100 to \$200 for a first offense, and from \$250 to \$350 for any subsequent offense. The committee also amended the bill to provide that the driver's license suspension or postponement provision does not apply to first time offenders. For a second or subsequent offense of drinking on private property, however, a underage person could have his driving privileges suspended or postponed. Finally, the committee adopted a technical amendment to clarify the court's authority to suspend or postpone the driving privileges of underage persons who possess or consume alcoholic beverages on certain public property.

This bill was pre-filed for introduction in the 1996-1997 legislative session pending technical review. As reported by the committee, the bill contains changes required by technical review which has been performed.