

ASSEMBLY, No. 1381

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen STEELE and PASCRELL

1 AN ACT concerning penalties for smoking in elementary and secondary
2 schools and amending P.L.1981, c.320.

3

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

6

7 1. Section 6 of P.L.1981, c.320 (C.26:3D-20) is amended to read
8 as follows:

9 6. a. The person responsible for administration of the school,
10 college, university, or professional training school or any other person
11 having control of such premises or any agent thereof or a police officer
12 or other public servant engaged in executing or enforcing this act may
13 order any person smoking in violation of this act to comply with the
14 provisions of this act. Thereupon any such person who smokes on
15 such premises in violation of this act is subject to a fine not to exceed
16 \$100.00 or may be ordered to perform community service as provided
17 in subsection e. of this section.

18 b. The State Department of Health or the local board of health or
19 such board, body or officers exercising the functions of the local board
20 of health according to law, upon written complaint and having reason
21 to suspect that any school, college, university or professional training
22 school is or may be in violation of the provisions of this act shall, by
23 written notification, advise the person responsible for the
24 administration of the school, college, university or professional
25 training school or other person having control of the premises
26 accordingly and order appropriate action to be taken. Thereupon, any
27 person receiving such notice who knowingly fails or refuses to comply
28 with the order is subject to a fine not to exceed \$25.00 for the first
29 offense and not to exceed \$100.00 for the second offense and not to
30 exceed \$200.00 for each offense thereafter. In addition to the penalty
31 provided herein, the court may order immediate compliance with the
32 provisions of this act.

33 c. Any penalty recovered under the provisions of this act shall be
34 recovered by and in the name of the Commissioner of Health of the
35 State of New Jersey or by and in the name of the local board of health.

1 When the plaintiff is the Commissioner of Health, the penalty
2 recovered shall be paid by the commissioner into the treasury of the
3 State. When the plaintiff is a local board of health, the penalty
4 recovered shall be paid by the local board into the treasury of the
5 municipality where the violation occurred.

6 d. Every municipal court shall have jurisdiction over proceedings
7 to enforce and collect any penalty imposed because of a violation of
8 any provision of this act, if the violation has occurred within the
9 territorial jurisdiction of the court. The proceedings shall be summary
10 and in accordance with the Penalty Enforcement Law (N.J.S.2A:58-1
11 et seq.). Process shall be in the nature of a summons or warrant and
12 shall issue only at the suit of the Commissioner of Health of the State
13 of New Jersey, or the local board of health, as the case may be, as
14 plaintiff.

15 e. In lieu of the fine provided in subsection a. of this section, the
16 court may order a student under 18 years of age who smokes on the
17 premises of a school in violation of P.L.1981, c.320 (C.26:3D-15 et
18 seq.) to perform community service for a period of 20 hours for the
19 first violation and 30 hours for the second and each subsequent
20 violation. The community service shall be of such form and on such
21 terms as the court deems appropriate, except that the court may permit
22 the student to perform the community service in the community in
23 which the student resides if the student does not reside in the
24 community in which the school is located.

25 (cf: P.L.1981, c.320, s.6)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill permits a court to order a student under 18 years of age
33 who smokes on the premises of a school in violation of P.L.1981,
34 c.320 (C.26:3D-15 et seq.) to perform community service for a period
35 of 20 hours for the first violation and 30 hours for the second and each
36 subsequent violation, in lieu of imposing a fine of up to \$100, which
37 the law currently provides.

38 The bill provides that the community service shall be of such form
39 and on such terms as the court deems appropriate, but the court may
40 permit the student to perform the community service in the community
41 in which the student resides if the student does not reside in the
42 community in which the school is located.

43 Under P.L.1981, c.320, smoking is prohibited anywhere in the
44 buildings of a public school and in the classrooms, lecture halls and
45 auditoriums of private schools, higher education facilities and
46 professional training schools and in any other areas designated by the

1 governing body or administrator of the facility.

2

3

4

5

6 Permits judges to order community service for persons under 18 who

7 smoke in school.