

ASSEMBLY, No. 1383

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 certain interlocal agreements and supplementing  
2 Title 40 and Title 2C of the New Jersey Statutes.

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

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7 1. Notwithstanding any other provision of law to the contrary, the  
8 governing bodies of any two adjoining municipalities may enter into a  
9 joint contract for the arrest and prosecution of any person violating  
10 section 2 of P.L. c, (C. )(now pending before the Legislature as  
11 section 2 of this bill). Such contract shall be entered into in  
12 accordance with the procedures set forth for the entering into of joint  
13 service contracts in the "Interlocal Services Act," P.L. 1973, c. 208  
14 (C.40:8A-1 et seq.) and shall include a provision which stipulates that  
15 any arrest resulting from a violation of section 2 of P.L. c,  
16 (C. )(now pending before the Legislature as section 2 of this bill) may  
17 be processed in the police department of either participating  
18 municipality.

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20 2. a. Any person who distributes, dispenses, purchases or  
21 possesses with intent to distribute or dispense a controlled dangerous  
22 substance or controlled substance analog while on any area or areas  
23 within 1,000 feet from a participating municipality's boundary is guilty  
24 of a crime of the second degree, except that it is a crime of the third  
25 degree if the violation involved less than one ounce of marijuana.

26 b. Notwithstanding the provisions of N.J.S. 2C:1-8 or any other  
27 provisions of law, a conviction arising under this section shall not  
28 merge with a conviction for a violation of subsection a. of  
29 N.J.S.2C:35-5 (manufacturing, distributing or dispensing) or  
30 N.J.S. 2C:35-6 (employing a juvenile in a drug distribution scheme).

31 c. It shall be no defense to a prosecution for a violation of this  
32 section that the actor was unaware that the prohibited conduct took  
33 place while on or within 1,000 feet from a participating municipality's  
34 boundary.

35 d. It is an affirmative defense to prosecution for a violation of this

1 section that the prohibited conduct did not involve distributing,  
2 dispensing, purchasing or possessing with the intent to distribute or  
3 dispense any controlled dangerous substance or controlled substance  
4 analog for profit and that the prohibited conduct did not involve  
5 distribution to a person 17 years of age or younger. The affirmative  
6 defense established in this section shall be proved by the defendant by  
7 a preponderance of the evidence. Nothing herein shall be construed  
8 to establish an affirmative defense with respect to a prosecution for an  
9 offense defined in any other section of this chapter.

10 e. In a prosecution under this section, a map produced or  
11 reproduced by any municipal engineer for the purpose of depicting the  
12 location and boundaries of the area 1,000 feet from a municipality's  
13 boundary, or a true copy of such a map, shall, upon proper  
14 authentication, be admissible and shall constitute prima facie evidence  
15 of the location and boundaries of those areas, provided that the  
16 governing body of the municipality has adopted a resolution or  
17 ordinance approving the map as official finding and record of the  
18 location and boundaries of the area or areas 1,000 feet from a  
19 municipality's boundary.

20 Any map approved pursuant to this section may be changed from  
21 time to time by the governing body of the municipality. The original  
22 of every map approved or revised pursuant to this section, or a true  
23 copy thereof, shall be filed with the clerk of the municipality or  
24 county, and shall be maintained as an official record of the  
25 municipality. Nothing in this section shall be construed to preclude the  
26 prosecution from introducing or relying upon any other evidence or  
27 testimony to establish any element of this offense; nor shall this section  
28 be construed to preclude the use or admissibility of any map or  
29 diagram other than one which has been approved by the governing  
30 body of a municipality, provided that the map or diagram is otherwise  
31 admissible pursuant to the Rules of Evidence.

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33 2. This act shall take effect immediately.

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## STATEMENT

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38 The bill authorizes the governing bodies of any two municipalities  
39 to enter into a joint contract to establish procedures for the arrest and  
40 prosecution of any person who is arrested while on any area or areas  
41 within 1,000 feet from a participating municipality's boundary involved  
42 in the trafficking of illegal drugs. The joint contract would be in  
43 accordance with the procedures set forth for the entering into of joint  
44 service contracts in N.J.S.A.40:8A-4, "The Interlocal Services Act,"  
45 and would include a provision which would stipulate that the arrest  
46 may be processed in either participating municipality.

1 This bill would also make it a crime of the second degree for any  
2 person to distribute, dispense, purchase or possess a controlled  
3 dangerous substances or controlled substance analogs while on any  
4 area or areas within 1,000 feet from a municipality's boundary, except  
5 that if the violation in the same location involves less than one ounce  
6 of marijuana, the offense is classified as a crime of the third degree.

7 The bill further provides that it is no defense to a charge of  
8 trafficking within this designated area if the person was unaware that  
9 the prohibited conduct took place on or within 1,000 feet of a  
10 municipality's boundary. In addition, the bill provides that a  
11 prosecution for trafficking on or within 1,000 feet of a municipality's  
12 boundary does not preclude a person from being prosecuted for any  
13 other drug-related criminal offense.

14 The bill also provides that it is an affirmative defense to prosecution  
15 if the defendant proves the distribution was not for profit and that the  
16 distribution did not involve a juvenile.

17 It's the sponsor's intent to deter the spread of drug activity.

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23 Authorizes municipalities to enter into certain interlocal agreements;  
24 upgrades some drug offenses within 1,000 feet from certain municipal  
boundaries.