

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2022

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2022.

The New Jersey Law Revision Commission examined the criminal statutes still found in Titles 2A and 24 with a view toward completing the task of codifying all criminal statutes in Title 2C. This bill implements the Commission's recommendations as provided in the "Report and Recommendations Relating to Compilation of the Criminal Law" dated February 15, 1996.

Title 2C, the "New Jersey Code of Criminal Justice" enacted in 1979 codified New Jersey's criminal law and established a statutory framework to regulate crimes. This codification was accomplished largely through the repeal of many sections of Title 2A. However, several sections of law setting criminal penalties remain in Title 2A. Similarly, when the "Comprehensive Drug Reform Act of 1986" was enacted many sections of Title 24 were repealed and incorporated into Title 2C. A few drug related offenses, however, remain in Title 24. The bill incorporates into Title 2C those provisions in Title 2A and Title 24 with continuing validity that concern criminal offenses.

Some Title 2A provisions are repealed and suggested for reenactment in more appropriate Titles. For example, the bill suggests that those sections which comprise the New Jersey Sunday closing laws should be repealed and recompiled in Title 40A, Municipalities and Counties. In addition, N.J.S.A.2A:102-13 through 2A:102-17, regulating the payments made to funeral directors, cemetaries and undertakers, may be incorporated into Title 45 where regulations concerning the profession of mortuary science are found. Language of the provisions that are reenacted may have been revised but generally follows the substantive meaning of existing law. The bill indicates the source law for the sections which are being repealed but reenacted for recompilation.

Provisions in Title 2A that are obsolete or superseded are repealed and not reenacted. For example, the bill repeals N.J.S.A.2A:108-9 which criminalizes as a high misdemeanor the act of persuading another to use a narcotic drug unlawfully. This provision is redundant with subsection b. of N.J.S.A.2C:35-10 which makes it a disorderly

persons offense to use or be under the influence of a controlled dangerous substance for a purpose other than the treatment of an illness or injury as prescribed by a physician. This bill would also repeal those sections of the law which comprise the New Jersey flagship statute, 2A:170-77.12 through 2A:170-77.14, which prohibits the sale of tickets for passage aboard any vessel, or the advertisement of any such tickets, unless the ticket indicates the country in which the vessel is registered. Other sections which have been repealed are N.J.S.A.2A:170-77.2, 2A:170-77.2a. and 2A:170-77.2b concerning unlawful distribution practices.

The committee amended section 2 of the bill concerning hypodermic needles and syringes to incorporate the provisions of P.L.1996, c.66 which extend the time for which a prescription for these needles and syringes is valid from six months to one year. The committee also amended section 21 of the bill to correct a typographical error.