

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1955

STATE OF NEW JERSEY

DATED: MARCH 24, 1997

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1955.

This bill clarifies how New Jersey courts are to treat a New Jersey motorist's conviction in another state for driving while under the influence (DUI).

Under the bill, the court is to count a New Jersey motorist's DUI conviction in another state as a prior conviction if (1) the person's blood alcohol concentration was determined to be .10% or greater, and (2) the person is subsequently found guilty of a DUI violation while operating a vehicle in this State. This provision will enable the court to impose the enhanced penalties available under New Jersey statutes on DUI violators who were previously convicted of operating a vehicle while under the influence.

The bill also specifies that a motorist who refuses to submit to a chemical test for a possible DUI violation in another state would be subject to enhanced penalties if that individual subsequently refused to submit to such a test in New Jersey.

The bill amends R.S.39:4-50 to specifically provide that a conviction or administrative determination for a violation of a law of a substantially similar nature where the person's blood alcohol concentration was .10% or more in another jurisdiction, whether or not it is a party to the Interstate Driver License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et seq.), would constitute a prior conviction, unless the defendant can demonstrate, "by clear and convincing evidence," that the out-of-state conviction was based exclusively upon a blood alcohol concentration of less than .10%. Language is added to section 2 of P.L.1981, c.512 (C.39:4-50.4a), concerning refusal to submit to the chemical test provided for in section 2 of P.L.1966, c.142 (C.39:4-50.2), providing that a conviction or administrative determination for a violation of a law of a substantially similar nature in another jurisdiction, whether or not it is a party to the compact, would constitute a prior conviction.

The bill would codify case law and administrative regulations for violations of this nature committed in states that have not become a party to the Interstate Driver License Compact. Some 35 states belong to this compact under which they agree to share driver violation information. Currently, this information is added to a

motorist's home state record only if received from a state that is a member of the compact.

The bill also acknowledges the drug education component of the Intoxicated Driver Resource Centers (IDRC), clarifies credentials required for IDRC administrators, and updates references to the Division of Alcoholism and Drug Abuse.

Finally, the bill conforms R.S.39:4-50 (section 1 of the bill) to the provisions of P.L.1995, c.134.

This bill is identical to Assembly Bill No. 932 (3R), which also was released by the committee on this date.