

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 5472**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 17, 2021

The Assembly Community Development and Affairs Committee reports favorably and with committee amendments Assembly Bill No. 5472.

This bill as amended requires notification to the parent or guardian of certain underage persons for a first offense of possessing or consuming alcohol, cannabis, marijuana, or hashish. The amended bill also bars law enforcement from transporting such persons to a police station to deliver the statutory warning for a first offense.

Under the amended bill, if a person under the age of 18 violates the law by possessing or consuming alcohol, cannabis, marijuana, or hashish and receives a written warning from a law enforcement officer for a first offense, the law enforcement officer would also be required to provide a written notice to the parent, guardian, or other person having legal custody of the minor. The bill as amended also provides that a law enforcement officer providing a written warning to a person under the age of 18 would not transport the person to a police station or other law enforcement location.

P.L.2021, c.25 established certain consequences for persons who possess or consume alcoholic beverages or cannabis items when under the legal age to do so, or unlawfully possess or consume marijuana or hashish. These consequences include, for a second or third violation where the person is under age 18, a written notification to the minor's parent, guardian, or other person having legal custody of the minor. However, P.L.2021, c.25 does not provide that a parent, guardian, or other person having custody would be notified about the minor's first violation. This bill would require such notice.

The bill as amended also provides that the person under age 18 would not be subject to arrest, not be transported to a police station, police headquarters, or other place of law enforcement operations, and not otherwise be subject to detention or taken into custody by a law enforcement officer at or near the location where the violation occurred, except to the extent that detention or custody at or near the location is required to issue a written warning or write-up, collect the information necessary to provide notice of a violation to a parent,

guardian or other person having legal custody of the underage person, or make referrals for accessing community services.

COMMITTEE AMENDMENTS:

The committee amendments:

-- provide that an underage person who violates the law shall not be transported to a police station, police headquarters, or other place of law enforcement operations, and shall not otherwise be subject to detention or be taken into custody at or near the location where the violation occurred, except to the extent that detention or custody at or near the location is required to issue a written warning or write-up, or collect necessary information to provide notice to a parent or guardian, make referrals for community services, or unless the person is being arrested or detained for also committing another violation of law for which arrest or detention is permitted or required;

-- amend the bill title to add marijuana and hashish use to the listed offenses; and

-- replace the bill's synopsis to clarify that the bill applies to possessing or consuming alcohol, cannabis, marijuana, or hashish.