

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5472

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 5472 (1R).

As amended and reported by the committee, Assembly Bill No. 5472 (1R) 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 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 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 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 amended the bill to make technical changes and to add the terms “marijuana” and “hashish” to an additional section of law concerning parental notification for purposes of consistency.