

ASSEMBLY, No. 5523

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 22, 2021

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

**Assemblyman Thomson, Assemblywoman Stanfield, Assemblymen
DiMaio, Auth and Wirths**

SYNOPSIS

Removes criminal liability for law enforcement officers who have investigative encounter with underage person for possession of alcohol or cannabis unless civil rights are violated.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 AN ACT concerning law enforcement and amending P.L.2021, c.25.

2

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

5

6 1. Section 3 of P.L.2021 c.25 (C.2C:30-6.1) is amended to read as
7 follows:

8 3. a. A law enforcement officer, when responding to a call for
9 service or upon the initiation of any other law enforcement or
10 investigative encounter related to a violation or suspected violation
11 of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264
12 (C.2C:33-15), concerning the possession or consumption of
13 alcoholic beverages, marijuana, hashish, or any cannabis item by a
14 person under the legal age to purchase alcoholic beverages or
15 cannabis items, shall be guilty of a crime of official deprivation of
16 civil rights as defined in section 2 of P.L.2003, c.31 (C.2C:30-6) if
17 that officer knowingly violates the provisions of subsection a. of
18 section 1 of P.L.1979, c.264 (C.2C:33-15) that address law
19 enforcement actions involving persons who are under the legal age
20 to purchase alcoholic beverages or cannabis items by:

21 (1) requesting that a person consent to a search who is not
22 capable of giving lawful consent or searching a person after
23 wrongfully obtaining that person's consent **[.]** ;

24 (2) initiating an investigatory stop without reasonable articulable
25 suspicion **[.]** ;

26 (3) initiating a search without probable cause **[.]** ;

27 (4) issuing a warning or write-up without a proper basis that a
28 person committed a violation **[, or]** ;

29 (5) detaining or taking into custody a person in a manner or for a
30 longer period beyond the extent required to issue a warning or
31 write-up **[, or]** ;

32 (6) arresting a person for a possession or consumption violation
33 of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264
34 (C.2C:33-15) **[.]** ; or **[if that officer]**

35 (7) knowingly **[engages]** engaging in any other unlawful act, as
36 described in subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-
37 6), against the person arising out of the call for service or initiation
38 of any other law enforcement or investigative encounter, including
39 but not limited to the unjustified use of force in violation of
40 N.J.S.2C:3-7.

41 b. A violation set forth in this section shall **[not]** require a
42 finding that the law enforcement officer **[have]** acted with the
43 purpose to intimidate or discriminate against a person or group of
44 persons because of race, color, religion, gender, handicap, sexual

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 orientation or ethnicity in accordance with section 2 of P.L.2003,
2 c.31 (C.2C:30-6).

3 c. A violation of this section shall be graded in the same manner
4 as set forth in **section 2 of P.L.2003, c.21 (C.2C:30-6)** 2 of
5 P.L.2003, c.31 (C.2C:30-6) for other crimes of official deprivation
6 of civil rights.
7 (cf: P.L.2021 c.25, s.3)

8
9 2. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill provides that a law enforcement officer is not criminally
15 liable for deprivation of civil rights for certain interactions with an
16 underage person who possesses or consumes alcohol, marijuana, or
17 certain cannabis items unless the officer acted with the purpose to
18 intimidate or discriminate against a person or group of persons
19 because of race, color, religion, gender, handicap, sexual orientation
20 or ethnicity.

21 Under current law, a law enforcement officer, when responding
22 to a call for service or upon the initiation of any other law
23 enforcement or investigative encounter related to a violation
24 concerning the unlawful possession or consumption of alcoholic
25 beverages, marijuana, hashish, or any cannabis item by a person
26 under the legal age to purchase alcoholic beverages or cannabis
27 items, may be guilty of a crime of official deprivation of civil rights
28 under certain circumstances. Current law imposes criminal liability
29 regardless of whether the officer's act was done with the purpose to
30 intimidate or discriminate against a person or group of persons
31 because of race, color, religion, gender, handicap, sexual orientation
32 or ethnicity, which motivation is required to be proven for other
33 acts of criminal deprivation of civil rights under section 2 of
34 P.L.2003, c.31 (C.2C:30-6).

35 Under this bill, a law enforcement officer who purposely
36 intimidates or discriminates against an underage person because of
37 the person's race, color, religion, gender, handicap, sexual
38 orientation or ethnicity by engaging in a law enforcement or
39 investigative encounter related to a violation concerning the
40 underage possession or consumption of alcoholic beverages,
41 marijuana, hashish, or any cannabis would be guilty of deprivation
42 of civil rights.