

[Fourth Reprint]

ASSEMBLY, No. 5610

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 8, 2023

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

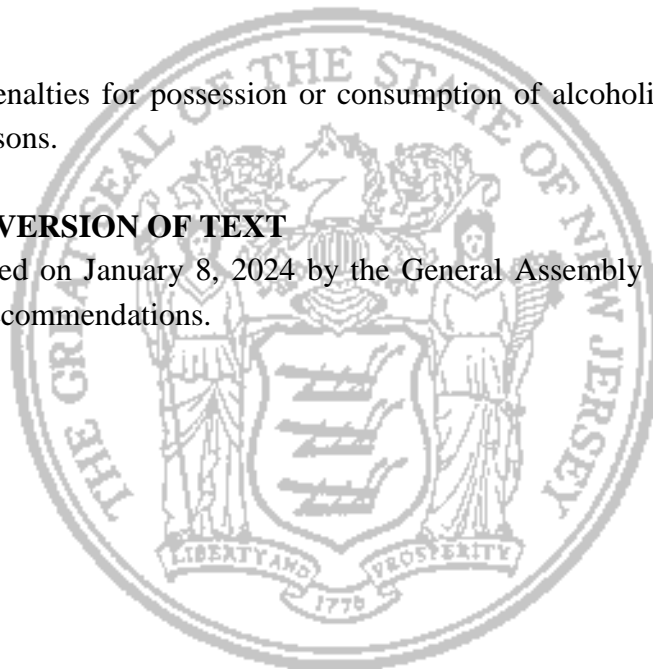
Assemblywoman Murphy and Senator Gopal

SYNOPSIS

Revises penalties for possession or consumption of alcoholic beverages by underage persons.

CURRENT VERSION OF TEXT

As amended on January 8, 2024 by the General Assembly pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 12/21/2023)

1 AN ACT concerning possession or consumption of alcoholic
2 beverages by underage persons and amending various parts of
3 the statutory law.

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

7
8 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to
9 read as follows:

10 1. a. (1) Any person under the legal age to purchase [alcoholic
11 beverages, or under the legal age to purchase] ⁴alcoholic beverages,
12 or under the legal age to purchase⁴ cannabis items, who knowingly
13 possesses without legal authority or who knowingly consumes any
14 [alcoholic beverage,] ⁴alcoholic beverage,⁴ cannabis item,
15 marijuana, or hashish in any school, public conveyance, public
16 place, or place of public assembly, or motor vehicle shall be subject
17 to the following consequences:

18 (a) for a first violation, a written warning issued by a law
19 enforcement officer to the underage person. The written warning
20 shall include the person's name, address, and date of birth, and a
21 copy of the warning containing this information, plus a sworn
22 statement that includes a description of the relevant facts and
23 circumstances that support the officer's determination that the
24 person committed the violation, shall be temporarily maintained in
25 accordance with this section only for the purposes of determining a
26 second or subsequent violation subject to the consequences set forth
27 in subparagraph (b) or (c) of this paragraph. If the violation of this
28 section is by a person under 18 years of age, a written notification
29 concerning the violation shall be provided to the parent, guardian or
30 other person having legal custody of the underage person in
31 accordance with section 3 of P.L.1991, c.169 (C.33:1-81.1a).

32 (b) for a second violation, a written warning issued by a law
33 enforcement officer to the underage person indicating that a second
34 violation has occurred, which includes the person's name, address,
35 and date of birth. If the violation is by a person 18 years of age or
36 older, the officer shall provide the person with informational
37 materials about how to access community services provided by
38 public or private agencies and organizations that shall assist the
39 person with opportunities to access further social services,
40 including, but not limited to, counseling, tutoring programs,
41 mentoring services, and faith-based or other community initiatives.
42 If the violation is by a person under 18 years of age, a written
43 notification concerning the second violation shall be provided to the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted June 15, 2023.

²Assembly AAP committee amendments adopted June 22, 2023.

³Assembly ABU committee amendments adopted June 27, 2023.

⁴Assembly amendments adopted in accordance with Governor's recommendations January 8, 2024.

1 parent, guardian or other person having legal custody of the
2 underage person in accordance with section 3 of P.L.1991, c.169
3 (C.33:1-81.1a). The written notification shall include the same or
4 similar informational materials about how to access community
5 services provided by public or private agencies and organizations as
6 those provided directly by a law enforcement officer to a person 18
7 years of age or older who commits a second violation of this
8 paragraph. A copy of the second written warning to the underage
9 person, and, if applicable, the written notification to the parent,
10 guardian or other person having legal custody of the underage
11 person concerning the second warning, plus a sworn statement that
12 includes a description of the relevant facts and circumstances that
13 support the officer's determination that the person committed the
14 second violation, shall be temporarily maintained in accordance
15 with this section only for the purposes of determining a subsequent
16 violation subject to the consequences set forth in subparagraph (c)
17 of this paragraph.

18 (c) for a third or subsequent violation, a write-up issued by a
19 law enforcement officer to the underage person indicating that a
20 third or subsequent violation has occurred, which includes the
21 person's name, address, and date of birth. If the violation is by a
22 person 18 years of age or older, the officer shall include with the
23 write-up a referral for accessing community services provided by a
24 public or private agency or organization, and provide notice to that
25 agency or organization of the referral which may also be used to
26 initiate contact with the person, and the agency or organization shall
27 offer assistance to the person with opportunities to access further
28 social services, including but not limited to counseling, tutoring
29 programs, mentoring services, and faith-based or other community
30 initiatives. If the violation is by a person under 18 years of age, a
31 written notification concerning the third or subsequent violation
32 shall be provided to the parent, guardian or other person having
33 legal custody of the underage person in accordance with section 3
34 of P.L.1991, c.169 (C.33:1-81.1a). The written notification shall
35 include a referral for the person and the parent, guardian or other
36 person having legal custody of the underage person for accessing
37 community services provided by a public or private agency or
38 organization, and provide notice to that agency or organization of
39 the referral which may also then be used to initiate contact with
40 both persons, and the agency or organization shall offer assistance
41 to both with opportunities to access further social services,
42 including counseling, tutoring programs, mentoring services, and
43 faith-based or other community initiatives. A copy of a write-up for
44 a third or subsequent violation, the written notification to the
45 parent, guardian or other person having legal custody of the
46 underage person, if applicable, and accompanying referrals, plus a
47 sworn statement that includes a description of the relevant facts and
48 circumstances that support the officer's determination that the

1 person committed the third or subsequent violation, shall be
2 temporarily maintained in accordance with this section only to the
3 extent necessary to track referrals to agencies and organizations, as
4 well as for the purposes of determining a subsequent violation
5 subject to the consequences set forth in this subparagraph.

6 The failure of a person under the legal age to purchase ~~alcoholic~~
7 ~~beverages or~~ ⁴alcoholic beverages or ⁴cannabis items, or the
8 failure of a parent, guardian or other person having legal custody of
9 the underage person, to accept assistance from an agency or
10 organization to which a law enforcement referral was made, or to
11 access any community services provided by that agency or
12 organization shall not result in any summons, initiation of a
13 complaint, or other legal action to be adjudicated and enforced in
14 any court.

15 ⁴[(d) Any person under the legal age to purchase alcoholic
16 beverages who knowingly possesses without legal authority or who
17 knowingly consumes any alcoholic beverage in any school, public
18 conveyance, public place, or place of public assembly, or motor
19 vehicle shall be charged with a violation of this subparagraph on a
20 complaint-summons and shall be subject to a fine of ²~~[\$100] \$50².~~
21 If the violation of this subparagraph is by a person under 18 years
22 of age, a written notification concerning the violation shall be
23 provided to the parent, guardian, or other person having legal
24 custody of the underage person in accordance with section 3 of
25 P.L.1991, c.169 (C.33:1-81.1a).

26 The law enforcement officer also shall take possession of any
27 alcoholic beverages from the person who committed the violation of
28 this subparagraph.]⁴

29 (2) (a) A person under the legal age to purchase alcoholic
30 beverages or cannabis items is not capable of giving lawful consent
31 to a search to determine a violation of this section, and a law
32 enforcement officer shall not request that a person consent to a
33 search for that purpose.

34 (b) The odor of an alcoholic beverage, marijuana, hashish,
35 cannabis, or cannabis item, or burnt marijuana, hashish, cannabis,
36 or cannabis item, shall not constitute reasonable articulable
37 suspicion to initiate an investigatory stop of a person, nor shall it
38 constitute probable cause to initiate a search of a person or that
39 person's personal property to determine a violation of paragraph (1)
40 of this subsection. Additionally, the unconcealed possession of ~~an~~
41 ~~alcoholic beverage,~~ ¹an alcoholic beverage, ¹marijuana, hashish, or
42 cannabis item in violation of paragraph (1) of this subsection,
43 observed in plain sight by a law enforcement officer, shall not
44 constitute probable cause to initiate a search of a person or that
45 person's personal property to determine any further violation of that
46 paragraph or any other violation of law. ¹[The unconcealed
47 possession of an alcoholic beverage in violation of subparagraph (d)

1 of paragraph (1) of this subsection, observed in plain sight by a law
2 enforcement officer, shall constitute probable cause to initiate a
3 search of a person or that person's personal property to determine a
4 further violation of subparagraph (d) of paragraph (1) of this
5 subsection regarding the possession or consumption of alcoholic
6 beverages.】¹

7 (3) A person under the legal age to purchase alcoholic beverages
8 or cannabis items who violates paragraph (1) of this subsection for
9 possessing or consuming an alcoholic beverage, marijuana, hashish,
10 or a cannabis item shall not be subject to arrest, shall not be
11 transported to a police station, police headquarters, or other place of
12 law enforcement operations, and shall not otherwise be subject to
13 detention or be taken into custody by a law enforcement officer at
14 or near the location where the violation occurred, except to the
15 extent that detention or custody at or near the location is required to
16 issue a written warning or write-up, ⁴【issue a complaint-
17 summons.】⁴ collect the information necessary to provide notice of a
18 violation to a parent, guardian or other person having legal custody
19 of the underage person in accordance with section 3 of P.L.1991,
20 c.169 (C.33:1-81a), or make referrals for accessing community
21 services provided by a public or private agency or organization due
22 to a third or subsequent violation, unless the person is being
23 arrested, detained, or otherwise taken into custody for also
24 committing another violation of law for which that action is legally
25 permitted or required.

26 (4) Consistent with the provisions of subsection c. of section 1
27 of P.L.2020, c.129 (C.40A:14-118.5), the video and audio recording
28 functions of a law enforcement officer's body worn camera, as
29 defined in that section, shall be activated whenever the law
30 enforcement officer is responding to a call for service related to a
31 violation or suspected violation of paragraph (1) of this subsection
32 for possessing or consuming an alcoholic beverage, marijuana,
33 hashish, or a cannabis item, or at the initiation of any other law
34 enforcement or investigative encounter between an officer and a
35 person related to a violation or suspected violation of that
36 paragraph, and shall remain activated until the encounter has fully
37 concluded and the officer leaves the scene of the encounter;
38 provided, however, that the video and audio recording functions of
39 a body worn camera shall not be deactivated pursuant to
40 subparagraph (a) of paragraph (2) of subsection c. of P.L.2020,
41 c.129 (C.40A:14-118.5), based on a request to deactivate the
42 camera by a person who is the subject of a responsive call for
43 service or law enforcement or investigative encounter related to a
44 violation or suspected violation of paragraph (1) of this subsection.

45 (5) As part of the process for the issuance of a written warning
46 or write-up to a person for a violation of paragraph (1) of this
47 subsection, the law enforcement officer shall take possession of any
48 【alcoholic beverage,】⁴alcoholic beverage,⁴ marijuana, hashish, or

1 cannabis item from the person, and any drug or cannabis
2 paraphernalia for use with any marijuana, hashish, or cannabis item.
3 The existence and description of the **【alcoholic beverage,】**
4 ⁴alcoholic beverage,⁴ marijuana, hashish, or cannabis item, and any
5 drug or cannabis paraphernalia shall be included in the sworn
6 statement that includes a description of the relevant facts and
7 circumstances that support the officer's determination that the
8 person committed a violation, and which record is temporarily
9 maintained in accordance with this section to determine subsequent
10 possession or consumption violations, and track referrals for
11 accessing community services provided by a public or private
12 agency or organization due to a third or subsequent violation. Any
13 **【alcoholic beverage,】** ⁴alcoholic beverage,⁴ marijuana, hashish,
14 cannabis item, or drug or cannabis paraphernalia obtained by the
15 law enforcement officer shall either be destroyed or secured for use
16 in law enforcement training or educational programs in accordance
17 with applicable law and directives issued by the Attorney General.

18 (6) With respect to any violation of paragraph (1) of this
19 subsection concerning the possession or consumption of an
20 alcoholic beverage, marijuana, hashish, or any cannabis item:

21 (a) a person under the legal age to purchase alcoholic beverages
22 or cannabis items shall not be photographed or fingerprinted,
23 notwithstanding any provisions of section 2 of P.L.1982, c.79
24 (C.2A:4A-61) to the contrary;

25 (b) (i) any copy of any written warning or write-up issued to a
26 person under the legal age to purchase **【alcoholic beverages or】**
27 ⁴alcoholic beverages or⁴ cannabis items, written notification
28 provided to the person's parent, guardian or other person having
29 legal custody in accordance with section 3 of P.L.1991, c.169
30 (C.33:1-81.1a), sworn statement describing the relevant facts and
31 circumstances that support an officer's determination that a person
32 committed a violation, or referrals for accessing community
33 services provided by a public or private agency or organization
34 pertaining to a third or subsequent violation shall be segregated and
35 maintained in a separate physical location or electronic repository
36 or database from any other records maintained by a law
37 enforcement agency, and reported to the Attorney General in a
38 manner so that they are similarly segregated and maintained in a
39 separate physical location or electronic repository or database from
40 other law enforcement records accessible to the Attorney General
41 and State and local law enforcement agencies, and shall not be
42 transferred to or copied and placed in any other physical location or
43 electronic repository or database containing any other law
44 enforcement records. These records shall only be used to the extent
45 necessary to determine a subsequent violation of paragraph (1) of
46 this subsection or to track referrals to agencies and organizations,
47 and shall not be revealed, reviewed, or considered in any manner
48 with respect to any current or subsequent juvenile delinquency

1 matter, including but not limited to, a charge, filing, eligibility or
2 decision for diversion or discharge, or sentencing, other disposition,
3 or related decision affecting the juvenile, or with respect to any
4 current or subsequent prosecution for committing an offense or
5 other violation of law, including but not limited to, a charge, filing,
6 eligibility or decision for diversion or discharge, or sentencing,
7 other disposition, or related decision affecting an adult under 21
8 years of age. Also, these records shall be deemed confidential and
9 shall not be subject to public inspection or copying pursuant to the
10 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), and their existence
11 shall not be acknowledged based upon any inquiry in the same
12 manner as if the records were expunged records pursuant to the
13 provisions of subsection a. of N.J.S.2C:52-15.

14 The Attorney General may use the records described herein to
15 generate the number of occurrences and other statistics concerning
16 first, second, third and subsequent violations of paragraph (1) of
17 this subsection, the municipal, county or other geographic areas
18 within which first, second, third and subsequent violations occur,
19 and the law enforcement agencies involved in first, second, third
20 and subsequent violations, which are to be compiled and made
21 available by the Attorney General in accordance with section 4 of
22 P.L.2021, c.25 (C.2C:33-15.1). The identity of any person named in
23 a record shall not be revealed or included in the information to be
24 compiled and made available in accordance with that section.

25 The records of violations shall only be maintained temporarily
26 and shall be destroyed or permanently deleted as set forth in
27 subparagraph (c) of this paragraph.

28 (ii) any records pertaining to a person's acceptance of assistance
29 from an agency or organization to which a law enforcement referral
30 was made shall not be revealed, reviewed, or considered in any
31 manner with respect to any current or subsequent juvenile
32 delinquency matter, including, but not limited to, a charge, filing,
33 eligibility or decision for diversion or discharge, or sentencing,
34 other disposition, or related decision affecting the juvenile, or with
35 respect to any current or subsequent prosecution for committing an
36 offense or other violation of law, including, but not limited to, a
37 charge, filing, eligibility or decision for diversion or discharge, or
38 sentencing, other disposition, or related decision affecting an adult
39 under 21 years of age. Also, these records shall be deemed
40 confidential and shall not be subject to public inspection or copying
41 pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.),
42 and their existence shall not be acknowledged based upon any
43 inquiry in the same manner as if the records were expunged records
44 pursuant to the provisions of subsection a. of N.J.S.2C:52-15.

45 (c) All of the records maintained by a law enforcement agency
46 and reported to the Attorney General as described in
47 subparagraph (i) of subparagraph (b) of this paragraph shall be
48 destroyed or permanently deleted by the law enforcement agency

1 and Attorney General on the second anniversary following the
2 creation of the record concerning a violation, or not later than the
3 last day of the month in which that second anniversary date falls, or
4 alternatively not later than the 21st birthday of a person who is the
5 subject of a record, or not later than the last day of the month in
6 which that birthday falls, whichever date occurs sooner, except that
7 a record shall be maintained upon request by the person named in
8 the record or representative thereof, the law enforcement officer
9 who made the record, or the law enforcement agency currently
10 maintaining the record if it involves a lawsuit, disciplinary
11 complaint, or criminal prosecution arising from the violation
12 described in the record, based on an assertion that the record has
13 evidentiary or exculpatory value. Upon final disposition of the
14 matter for which the extended record retention was requested, the
15 record shall be destroyed or permanently deleted.

16 (d) A law enforcement officer shall be guilty of the crime of
17 official deprivation of civil rights as set forth in section 3 of
18 P.L.2021, c.25 (C.2C:30-6.1) for violating the provisions of
19 paragraph (1) of this subsection that address law enforcement
20 actions involving persons who are under the legal age to purchase
21 alcoholic beverages or cannabis items.

22 b. (Deleted by amendment, P.L.2021, c.25)

23 c. (Deleted by amendment, P.L.2021, c.25)

24 d. Nothing in this act shall apply to possession of alcoholic
25 beverages by any such person while actually engaged in the
26 performance of employment pursuant to an employment permit
27 issued by the Director of the Division of Alcoholic Beverage
28 Control, or for a bona fide hotel or restaurant, in accordance with
29 the provisions of R.S.33:1-26, or while actively engaged in the
30 preparation of food while enrolled in a culinary arts or hotel
31 management program at a county vocational school or post-
32 secondary educational institution; and nothing in this section shall
33 apply to possession of cannabis items by any such person while
34 actually engaged in the performance of employment by a cannabis
35 establishment, distributor, or delivery service as permitted pursuant
36 to the "New Jersey Cannabis Regulatory, Enforcement Assistance,
37 and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et
38 al.).

39 e. Except as otherwise provided in this section, the provisions
40 of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a
41 parent, guardian or other person with legal custody of a person
42 under 18 years of age who is found to be in violation of this section.

43 f. An underage person and one or two other persons shall be
44 immune from prosecution under this section if:

45 (1) one of the underage persons called 9-1-1 and reported that
46 another underage person was in need of medical assistance due to
47 alcohol consumption, or the consumption of marijuana, hashish, or
48 a cannabis item;

1 (2) the underage person who called 9-1-1 and, if applicable, one
2 or two other persons acting in concert with the underage person
3 who called 9-1-1 provided each of their names to the 9-1-1 first
4 responder dispatcher;

5 (3) the underage person was the first person to make the 9-1-1
6 report; and

7 (4) the underage person and, if applicable, one or two other
8 persons acting in concert with the underage person who made the
9 9-1-1 call remained on the scene with the person under the legal age
10 in need of medical assistance until assistance arrived and
11 cooperated with medical assistance and law enforcement personnel
12 on the scene.

13 The underage person who received medical assistance also shall
14 be immune from prosecution under this section.

15 g. For purposes of this section, an alcoholic beverage includes
16 powdered alcohol as defined by R.S.33:1-1, a cannabis item
17 includes any item available for lawful consumption pursuant to the
18 "New Jersey Cannabis Regulatory, Enforcement Assistance, and
19 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.),
20 and the terms "marijuana" and "hashish" have the same meaning as
21 set forth in N.J.S.2C:35-2, and the terms "drug paraphernalia" and
22 "cannabis paraphernalia" have the same meaning as set forth in
23 N.J.S.2C:36-1 and section 3 of P.L.2021, c.16 (C.24:6I-33),
24 respectively.

25 (cf: P.L.2021, c.447, s.4)

26

27 2. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
28 read as follows:

29 4. a. (1) The Attorney General shall biannually issue a
30 comprehensive report detailing the number of occurrences and other
31 statistics, without revealing or including any personal identifying
32 information, concerning first, second, third and subsequent
33 violations of ⁴subparagraphs (a), (b), and (c) of⁴ paragraph (1) of
34 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)
35 involving the possession or consumption of any alcoholic
36 beverage, ⁴alcoholic beverage,⁴ marijuana, hashish, or cannabis
37 items by persons under the legal age to purchase alcoholic
38 beverages or ⁴alcoholic beverages or⁴ cannabis items ⁴and the
39 number of violations of subparagraph (d) of paragraph (1) of
40 subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)
41 involving the possession or consumption of alcoholic beverages by
42 persons under the legal age to purchase alcoholic beverages,⁴ the
43 municipal, county or other geographic areas within which first,
44 second, third and subsequent the violations occur, and the law
45 enforcement agencies involved in first, second, third and
46 subsequent the violations, covering the previous six-month period.
47 The initial report shall be issued by June 30, 2021, the second report

1 shall be issued by January 30, 2022, and then the next report issued
2 every six months thereafter. Each report shall also be submitted to
3 the Governor and the Legislature pursuant to section 2 of P.L.1991,
4 c.164 (C.52:14-19.1).

5 (2) The Attorney General shall also make reports available to
6 the task force established pursuant to subsection b. of this section
7 based on the Attorney General's periodic review of body worn
8 camera recordings of law enforcement officers responding to a call
9 for service related to a violation or suspected violation of paragraph
10 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
11 at the initiation of any other law enforcement or investigative
12 encounter between an officer and a person related to a violation or
13 suspected violation of that paragraph, which recordings are required
14 to be made in accordance with paragraph (4) of subsection a. of
15 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
16 shall be conducted using body worn camera recordings both
17 selected by the Attorney General and randomly determined, and the
18 task force may request an Attorney General review a particular
19 municipality, region, or time period. The identity of any person
20 included in a recording reviewed by the Attorney General shall be
21 kept confidential and shall not be revealed to the members of the
22 task force or any staff provided to the task force by the Department
23 of Law and Public Safety pursuant to paragraph (6) of subsection b.
24 of this section to support its work.

25 b. (1) A taskforce shall be established in the Department of Law
26 and Public Safety, comprised of 26 members to review each
27 Attorney General report described in subsection a. of this section,
28 and make recommendations thereon to the Governor and
29 Legislature related to law enforcement activities to address the
30 enforcement of underage possession or consumption of alcoholic
31 beverages, marijuana, hashish, or cannabis items in violation of
32 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
33 issue of underage possession or consumption of these substances.

34 (2) The membership of the taskforce shall include the following
35 individuals:

- 36 (a) the Attorney General, or a designee;
- 37 (b) the Public Defender, or a designee;
- 38 (c) the Commissioner of the Department of Children and
39 Families, or a designee;
- 40 (d) the Commissioner of Education, or a designee;
- 41 (e) a representative from the Juvenile Justice Commission,
42 appointed by the Governor;
- 43 (f) a representative from the Division of Criminal Justice in the
44 Department of Law and Public Safety, appointed by the Governor;
- 45 (g) the Chair of the Governor's Juvenile Justice Delinquency
46 and Prevention Committee;
- 47 (h) two members appointed by the Governor upon the
48 recommendation of the President of the Senate, at least one of

1 whom shall be a member of the Legislative Black Caucus or
2 Legislative Latino Caucus, determined in coordination with the
3 members recommended by the Speaker of the General Assembly
4 pursuant to subparagraph (i) of this paragraph, so that there is at
5 least one member of each caucus serving as a member of the task
6 force;

7 (i) two members appointed by the Governor upon the
8 recommendation of the Speaker of the General Assembly, at least
9 one of whom shall be a member of the Legislative Black Caucus or
10 Legislative Latino Caucus, determined in coordination with the
11 members recommended by the Senate President pursuant to
12 subparagraph (h) of this paragraph, so that there is at least one
13 member of each caucus serving as a member of the task force;

14 (j) the Administrative Director of the Courts, or a designee;

15 (k) a representative from the New Jersey Institute for Social
16 Justice, appointed by the Governor;

17 (l) a representative from the American Civil Liberties Union of
18 New Jersey, appointed by the Governor;

19 (m) a representative from the County Prosecutors Association of
20 New Jersey who is actively and presently involved in juvenile
21 matters, appointed by the Governor;

22 (n) a representative from the New Jersey Juvenile Officers
23 Association, appointed by the Governor;

24 (o) one representative each from the Annie E. Casey Foundation
25 and Vera Institute of Justice, both appointed by the Governor;

26 (p) a representative of the NAACP New Jersey State
27 Conference, appointed by the Governor;

28 (q) a representative of Salvation and Social Justice, appointed
29 by the Governor;

30 (r) a representative from the County Youth Services
31 Commission Administrators, appointed by the Governor;

32 (s) a representative from the faith-based ethical community in
33 New Jersey, appointed by the Governor;

34 (t) a representative of an employee organization representing
35 employees who work at juvenile justice facilities, appointed by the
36 Governor; and

37 (u) three representatives who have been involved with the New
38 Jersey juvenile justice system, appointed by the Governor,
39 including at least one representative of a non-profit organization
40 that deals with juvenile justice issues and at least one individual
41 who has been subject to the custody of the juvenile justice system.

42 (3) All members appointed by the Governor, other than the
43 members of the Legislature recommended for appointment, shall
44 serve at the pleasure of the Governor. The members of the
45 Legislature shall serve on the task force during their elective term
46 of office. Any vacancies in the membership of the task force shall
47 be filled in the same manner as the original appointments were
48 made.

1 (4) Members of the task force shall serve without compensation,
2 but shall be reimbursed for necessary expenditures incurred in the
3 performance of their duties as members of the task force within the
4 limits of funds appropriated or otherwise made available to the task
5 force for its purposes.

6 (5) The task force shall organize as soon as practicable
7 following the appointment of its members. The task force shall
8 choose a chairperson from among its members and shall appoint a
9 secretary who need not be a member of the task force.

10 (6) The Department of Law and Public Safety shall provide such
11 stenographic, clerical, and other administrative assistants, and such
12 professional staff as the task force requires to carry out its work.
13 (cf: P.L.2021, c.25, s.4)

14

15 3. Section 4 of P.L.1982, c.77 (C.2A:4A-23) is amended to
16 read as follows:

17 4. Definition of delinquency. As used in this act,
18 "delinquency" means the commission of an act by a juvenile which
19 if committed by an adult would constitute:

20 a. A crime;

21 b. A disorderly persons offense or petty disorderly persons
22 offense; or

23 c. A violation of any other penal statute, ordinance or
24 regulation.

25 But, the commission of (1) an act which constitutes a violation of
26 chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile
27 of any age; (2) an act relating to the ownership or operation of a
28 motorized bicycle which constitutes a violation of chapter 3 or 4 of
29 Title 39 of the Revised Statutes by a juvenile of any age; (3) an act
30 which constitutes a violation of article 3 or 6 of chapter 4 of Title
31 39 of the Revised Statutes pertaining to pedestrians and bicycles, by
32 a juvenile of any age; (4) the commission of an act which
33 constitutes a violation of P.L.1981, c.318 (C.26:3D-1 et seq.),
34 P.L.1981, c.319 (C.26:3D-7 et seq.), P.L.1981, c.320 (C.26:3D-15
35 et seq.), P.L.1985, c.185 (C.26:3E-7 et seq.), P.L.1985, c.186
36 (C.26:3D-32 et seq.), N.J.S.2C:33-13, P.L.1985, c.318 (C.26:3D-38
37 et seq.), P.L.1985, c.381 (C.26:3D-46 et seq.), or of any amendment
38 or supplement thereof, by a juvenile of any age;(5) an act which
39 constitutes a violation of chapter 7 of Title 12 of the Revised
40 Statutes relating to the regulation and registration of power vessels,
41 by a juvenile of any age or section 2 of P.L.1987, c.453 (C.12:7-
42 61); **or** ⁴or⁴ (6) an act which constitutes a violation of a
43 municipal ordinance enacted pursuant to section 2 of P.L.1992,
44 c.132 (C.40:48-2.52) pertaining to curfew ordinances ⁴**or**; or (7) an
45 act which constitutes a violation of subparagraph (d) of paragraph
46 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)
47 pertaining to the possession or consumption of alcoholic beverages
48 by a juvenile of any age⁴ shall not constitute delinquency as

1 defined in this act. The municipal court having jurisdiction over a
2 case involving a violation by a juvenile of a section of Title 26
3 listed in this subsection, Title 40 listed in this subsection or
4 N.J.S.2C:33-13, shall forward a copy of the record of conviction in
5 that case to the Family Part intake service of the county where the
6 municipal court is located.

7 If a municipal court orders detention or imposes a term of
8 imprisonment on a juvenile in connection with a violation of Title
9 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised
10 Statutes, Title 40 of the Revised Statutes or N.J.S.2C:33-13, that
11 detention or term of imprisonment shall be served at a suitable
12 juvenile institution and not at a county jail or county workhouse.
13 (cf: P.L.1997, c.383, s.1)

14

15 ²4. Section 3 of P.L.2021 c.25 (C.2C:30-6.1) is amended to read
16 as follows:

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

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

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

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

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

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

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

44 (7) knowingly **[engages]** engaging in any other unlawful act, as
45 described in subsection e. of section 2 of P.L.2003, c.31
46 (C.2C:30-6), against the person arising out of the call for service or
47 initiation of any other law enforcement or investigative encounter,

1 including but not limited to the unjustified use of force in violation
2 of N.J.S.2C:3-7.

3 b. ³~~[(1)]~~³ A violation set forth in this section ³~~involving the~~
4 ~~possession or consumption of marijuana, hashish, or any cannabis~~
5 ~~item~~ shall not require a finding that the law enforcement officer
6 ~~have~~ acted with the purpose to intimidate or discriminate against
7 a person or group of persons because of race, color, religion,
8 gender, handicap, sexual orientation or ethnicity.

9 (2) A violation set forth in this section involving the possession
10 or consumption of alcoholic beverages]³ shall require a finding that
11 the law enforcement officer acted with the purpose to intimidate or
12 discriminate against a person or group of persons because of race,
13 color, religion, gender, handicap, sexual orientation or ethnicity.

14 c. A violation of this section shall be graded in the same
15 manner as set forth in ~~section 2 of P.L.2003, c.21 (C.2C:30-6)]~~
16 section 2 of P.L.2003, c.31 (C.2C:30-6) for other crimes of official
17 deprivation of civil rights.²

18 (cf: P.L.2021, c.25, s.3)

19

20 ²~~[4.]~~ 5.² This act shall take effect immediately.