

# ASSEMBLY, No. 2280

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

**Sponsored by:**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Assemblyman CHARLES MAINOR**

**District 31 (Hudson)**

**Assemblyman ANGEL FUENTES**

**District 5 (Camden and Gloucester)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

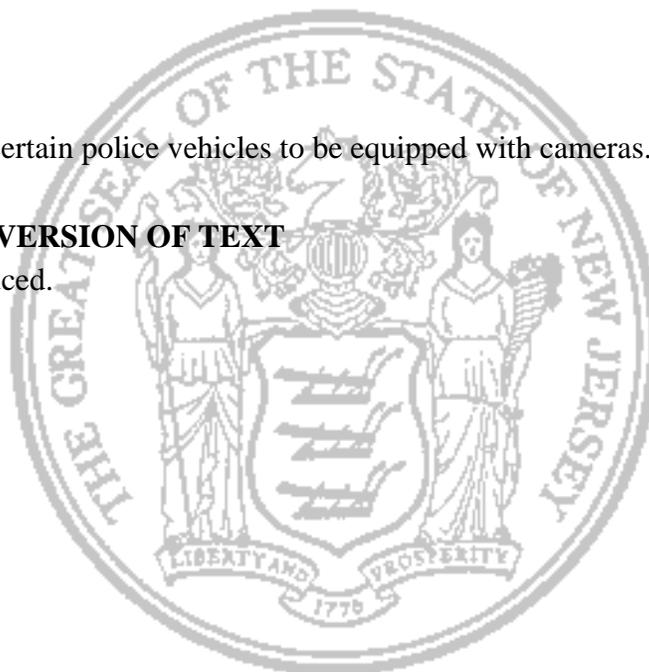
**Assemblymen Benson, Johnson, Mazzeo, Diegnan, Assemblywoman Pinkin, Assemblymen Coughlin, Eustace, Lagana, Singleton, Assemblywoman Watson Coleman, Assemblyman Wilson, Assemblywomen Oliver, Jimenez and Senator Norcross**

**SYNOPSIS**

Requires certain police vehicles to be equipped with cameras.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/27/2014)**

A2280 MORIARTY, MAINOR

2

1 AN ACT concerning certain municipal police vehicles,  
2 supplementing chapter 14 of Title 40A of the New Jersey  
3 Statutes and amending R.S.39:4-50.

4

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

7

8 1. (New section) Every new or used municipal police vehicle  
9 purchased, leased, or otherwise acquired on or after the effective  
10 date of P.L. , c. (C. ) (pending before the Legislature as  
11 this bill) which is primarily used for traffic stops shall be equipped  
12 with a mobile video recording system.

13 As used in this section “mobile video recording system” means a  
14 device or system installed or used in a police vehicle or worn or  
15 otherwise used by an officer that electronically records visual  
16 images depicting activities that take place during a motor vehicle  
17 stop or other law enforcement action.

18

19 2. R.S.39:4-50 is amended to read as follows:

20 39:4-50. (a) Except as provided in subsection (g) of this section,  
21 a person who operates a motor vehicle while under the influence of  
22 intoxicating liquor, narcotic, hallucinogenic or habit-producing  
23 drug, or operates a motor vehicle with a blood alcohol concentration  
24 of 0.08% or more by weight of alcohol in the defendant's blood or  
25 permits another person who is under the influence of intoxicating  
26 liquor, narcotic, hallucinogenic or habit-producing drug to operate a  
27 motor vehicle owned by him or in his custody or control or permits  
28 another to operate a motor vehicle with a blood alcohol  
29 concentration of 0.08% or more by weight of alcohol in the  
30 defendant's blood shall be subject:

31 (1) For the first offense:

32 (i) if the person's blood alcohol concentration is 0.08% or  
33 higher but less than 0.10%, or the person operates a motor vehicle  
34 while under the influence of intoxicating liquor, or the person  
35 permits another person who is under the influence of intoxicating  
36 liquor to operate a motor vehicle owned by him or in his custody or  
37 control or permits another person with a blood alcohol  
38 concentration of 0.08% or higher but less than 0.10% to operate a  
39 motor vehicle, to a fine of not less than \$250 nor more than \$400  
40 and a period of detainment of not less than 12 hours nor more than  
41 48 hours spent during two consecutive days of not less than six  
42 hours each day and served as prescribed by the program  
43 requirements of the Intoxicated Driver Resource Centers established  
44 under subsection (f) of this section and, in the discretion of the  
45 court, a term of imprisonment of not more than 30 days and shall

**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 forthwith forfeit his right to operate a motor vehicle over the  
2 highways of this State for a period of three months;

3 (ii) if the person's blood alcohol concentration is 0.10% or  
4 higher, or the person operates a motor vehicle while under the  
5 influence of narcotic, hallucinogenic or habit-producing drug, or the  
6 person permits another person who is under the influence of  
7 narcotic, hallucinogenic or habit-producing drug to operate a motor  
8 vehicle owned by him or in his custody or control, or permits  
9 another person with a blood alcohol concentration of 0.10% or more  
10 to operate a motor vehicle, to a fine of not less than \$300 nor more  
11 than \$500 and a period of detainment of not less than 12 hours nor  
12 more than 48 hours spent during two consecutive days of not less  
13 than six hours each day and served as prescribed by the program  
14 requirements of the Intoxicated Driver Resource Centers established  
15 under subsection (f) of this section and, in the discretion of the  
16 court, a term of imprisonment of not more than 30 days and shall  
17 forthwith forfeit his right to operate a motor vehicle over the  
18 highways of this State for a period of not less than seven months  
19 nor more than one year;

20 (iii) For a first offense, a person also shall be subject to the  
21 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

22 (2) For a second violation, a person shall be subject to a fine of  
23 not less than \$~~500.00~~ 500 nor more than \$~~1,000.00~~ 1,000, and  
24 shall be ordered by the court to perform community service for a  
25 period of 30 days, which shall be of such form and on such terms as  
26 the court shall deem appropriate under the circumstances, and shall  
27 be sentenced to imprisonment for a term of not less than 48  
28 consecutive hours, which shall not be suspended or served on  
29 probation, nor more than 90 days, and shall forfeit his right to  
30 operate a motor vehicle over the highways of this State for a period  
31 of two years upon conviction, and, after the expiration of said  
32 period, he may make application to the Chief Administrator of the  
33 New Jersey Motor Vehicle Commission for a license to operate a  
34 motor vehicle, which application may be granted at the discretion of  
35 the chief administrator, consistent with subsection (b) of this  
36 section. For a second violation, a person also shall be required to  
37 install an ignition interlock device under the provisions of P.L.1999,  
38 c.417 (C.39:4-50.16 et al.).

39 (3) For a third or subsequent violation, a person shall be subject  
40 to a fine of \$~~1,000.00~~ 1,000, and shall be sentenced to  
41 imprisonment for a term of not less than 180 days in a county jail or  
42 workhouse, except that the court may lower such term for each day,  
43 not exceeding 90 days, served participating in a drug or alcohol  
44 inpatient rehabilitation program approved by the Intoxicated Driver  
45 Resource Center and shall thereafter forfeit his right to operate a  
46 motor vehicle over the highways of this State for 10 years. For a  
47 third or subsequent violation, a person also shall be required to  
48 install an ignition interlock device under the provisions of P.L.1999,  
49 c.417 (C.39:4-50.16 et al.).

1 As used in this section, the phrase "narcotic, hallucinogenic or  
2 habit-producing drug" includes an inhalant or other substance  
3 containing a chemical capable of releasing any toxic vapors or  
4 fumes for the purpose of inducing a condition of intoxication, such  
5 as any glue, cement or any other substance containing one or more  
6 of the following chemical compounds: acetone and acetate, amyl  
7 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl  
8 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,  
9 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or  
10 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous  
11 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl  
12 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or  
13 any other chemical substance capable of causing a condition of  
14 intoxication, inebriation, excitement, stupefaction or the dulling of  
15 the brain or nervous system as a result of the inhalation of the  
16 fumes or vapors of such chemical substance.

17 Whenever an operator of a motor vehicle has been involved in an  
18 accident resulting in death, bodily injury or property damage, a  
19 police officer shall consider that fact along with all other facts and  
20 circumstances in determining whether there are reasonable grounds  
21 to believe that person was operating a motor vehicle in violation of  
22 this section.

23 A conviction of a violation of a law of a substantially similar  
24 nature in another jurisdiction, regardless of whether that jurisdiction  
25 is a signatory to the Interstate Driver License Compact pursuant to  
26 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior  
27 conviction under this subsection unless the defendant can  
28 demonstrate by clear and convincing evidence that the conviction in  
29 the other jurisdiction was based exclusively upon a violation of a  
30 proscribed blood alcohol concentration of less than 0.08%.

31 If the driving privilege of any person is under revocation or  
32 suspension for a violation of any provision of this Title or Title 2C  
33 of the New Jersey Statutes at the time of any conviction for a  
34 violation of this section, the revocation or suspension period  
35 imposed shall commence as of the date of termination of the  
36 existing revocation or suspension period. In the case of any person  
37 who at the time of the imposition of sentence is less than 17 years  
38 of age, the forfeiture, suspension or revocation of the driving  
39 privilege imposed by the court under this section shall commence  
40 immediately, run through the offender's seventeenth birthday and  
41 continue from that date for the period set by the court pursuant to  
42 paragraphs (1) through (3) of this subsection. A court that imposes  
43 a term of imprisonment for a first or second offense under this  
44 section may sentence the person so convicted to the county jail, to  
45 the workhouse of the county wherein the offense was committed, to  
46 an inpatient rehabilitation program or to an Intoxicated Driver  
47 Resource Center or other facility approved by the chief of the  
48 Intoxicated Driving Program Unit in the Department of Health [and  
49 Senior Services]. For a third or subsequent offense a person shall

1 not serve a term of imprisonment at an Intoxicated Driver Resource  
2 Center as provided in subsection (f).

3 A person who has been convicted of a previous violation of this  
4 section need not be charged as a second or subsequent offender in  
5 the complaint made against him in order to render him liable to the  
6 punishment imposed by this section on a second or subsequent  
7 offender, but if the second offense occurs more than 10 years after  
8 the first offense, the court shall treat the second conviction as a first  
9 offense for sentencing purposes and if a third offense occurs more  
10 than 10 years after the second offense, the court shall treat the third  
11 conviction as a second offense for sentencing purposes.

12 (b) A person convicted under this section must satisfy the  
13 screening, evaluation, referral, program and fee requirements of the  
14 Division of **【Alcoholism and Drug Abuse's】** Mental Health and  
15 Addiction Services' Intoxicated Driving Program Unit, and of the  
16 Intoxicated Driver Resource Centers and a program of alcohol and  
17 drug education and highway safety, as prescribed by the chief  
18 administrator. The sentencing court shall inform the person  
19 convicted that failure to satisfy such requirements shall result in a  
20 mandatory two-day term of imprisonment in a county jail and a  
21 driver license revocation or suspension and continuation of  
22 revocation or suspension until such requirements are satisfied,  
23 unless stayed by court order in accordance with the Rules  
24 Governing the Courts of the State of New Jersey, or R.S.39:5-22.  
25 Upon sentencing, the court shall forward to the Division of  
26 **【Alcoholism and Drug Abuse's】** Mental Health and Addiction  
27 Services' Intoxicated Driving Program Unit a copy of a person's  
28 conviction record. A fee of \$**【100.00】** 100 shall be payable to the  
29 Alcohol Education, Rehabilitation and Enforcement Fund  
30 established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to  
31 support the Intoxicated Driving Program Unit.

32 (c) Upon conviction of a violation of this section, the court shall  
33 collect forthwith the New Jersey driver's license or licenses of the  
34 person so convicted and forward such license or licenses to the  
35 chief administrator. The court shall inform the person convicted  
36 that if he is convicted of personally operating a motor vehicle  
37 during the period of license suspension imposed pursuant to  
38 subsection (a) of this section, he shall, upon conviction, be subject  
39 to the penalties established in R.S.39:3-40. The person convicted  
40 shall be informed orally and in writing. A person shall be required  
41 to acknowledge receipt of that written notice in writing. Failure to  
42 receive a written notice or failure to acknowledge in writing the  
43 receipt of a written notice shall not be a defense to a subsequent  
44 charge of a violation of R.S.39:3-40. In the event that a person  
45 convicted under this section is the holder of any out-of-State  
46 driver's license, the court shall not collect the license but shall  
47 notify forthwith the chief administrator, who shall, in turn, notify  
48 appropriate officials in the licensing jurisdiction. The court shall,  
49 however, revoke the nonresident's driving privilege to operate a

1 motor vehicle in this State, in accordance with this section. Upon  
2 conviction of a violation of this section, the court shall notify the  
3 person convicted, orally and in writing, of the penalties for a  
4 second, third or subsequent violation of this section. A person shall  
5 be required to acknowledge receipt of that written notice in writing.  
6 Failure to receive a written notice or failure to acknowledge in  
7 writing the receipt of a written notice shall not be a defense to a  
8 subsequent charge of a violation of this section.

9 (d) The chief administrator shall promulgate rules and  
10 regulations pursuant to the "Administrative Procedure Act,"  
11 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program  
12 of alcohol education and highway safety, as prescribed by this act.

13 (e) Any person accused of a violation of this section who is  
14 liable to punishment imposed by this section as a second or  
15 subsequent offender shall be entitled to the same rights of discovery  
16 as allowed defendants pursuant to the Rules Governing the Courts  
17 of the State of New Jersey.

18 (f) The counties, in cooperation with the Division of  
19 **【Alcoholism and Drug Abuse】** Mental Health and Addiction  
20 Services and the commission, but subject to the approval of the  
21 Division of **【Alcoholism and Drug Abuse】** Mental Health and  
22 Addiction Services, shall designate and establish on a county or  
23 regional basis Intoxicated Driver Resource Centers. These centers  
24 shall have the capability of serving as community treatment referral  
25 centers and as court monitors of a person's compliance with the  
26 ordered treatment, service alternative or community service. All  
27 centers established pursuant to this subsection shall be administered  
28 by a counselor certified by the Alcohol and Drug Counselor  
29 Certification Board of New Jersey or other professional with a  
30 minimum of five years' experience in the treatment of alcoholism.  
31 All centers shall be required to develop individualized treatment  
32 plans for all persons attending the centers; provided that the  
33 duration of any ordered treatment or referral shall not exceed one  
34 year. It shall be the center's responsibility to establish networks  
35 with the community alcohol and drug education, treatment and  
36 rehabilitation resources and to receive monthly reports from the  
37 referral agencies regarding a person's participation and compliance  
38 with the program. Nothing in this subsection shall bar these centers  
39 from developing their own education and treatment programs;  
40 provided that they are approved by the Division of **【Alcoholism and**  
41 **Drug Abuse】** Mental Health and Addiction Services.

42 Upon a person's failure to report to the initial screening or any  
43 subsequent ordered referral, the Intoxicated Driver Resource Center  
44 shall promptly notify the sentencing court of the person's failure to  
45 comply.

46 Required detention periods at the Intoxicated Driver Resource  
47 Centers shall be determined according to the individual treatment  
48 classification assigned by the Intoxicated Driving Program Unit.

1 Upon attendance at an Intoxicated Driver Resource Center, a person  
2 shall be required to pay a per diem fee of \$~~75.00~~ 75 for the first  
3 offender program or a per diem fee of \$~~100.00~~ 100 for the second  
4 offender program, as appropriate. Any increases in the per diem  
5 fees after the first full year shall be determined pursuant to rules  
6 and regulations adopted by the Commissioner of Health ~~and Senior~~  
7 ~~Services~~ in consultation with the Governor's Council on  
8 Alcoholism and Drug Abuse pursuant to the "Administrative  
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

10 The centers shall conduct a program of alcohol and drug  
11 education and highway safety, as prescribed by the chief  
12 administrator.

13 The Commissioner of Health ~~and Senior Services~~ shall adopt  
14 rules and regulations pursuant to the "Administrative Procedure  
15 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate  
16 the purposes of this subsection.

17 (g) When a violation of this section occurs while:

18 (1) on any school property used for school purposes which is  
19 owned by or leased to any elementary or secondary school or school  
20 board, or within 1,000 feet of such school property;

21 (2) driving through a school crossing as defined in R.S.39:1-1  
22 the municipality, by ordinance or resolution, has designated the  
23 school crossing as such; or

24 (3) driving through a school crossing as defined in R.S.39:1-1  
25 knowing that juveniles are present if the municipality has not  
26 designated the school crossing as such by ordinance or resolution,  
27 the convicted person shall: for a first offense, be fined not less than  
28 \$500 or more than \$800, be imprisoned for not more than 60 days  
29 and have his license to operate a motor vehicle suspended for a  
30 period of not less than one year or more than two years; for a  
31 second offense, be fined not less than \$1,000 or more than \$2,000,  
32 perform community service for a period of 60 days, be imprisoned  
33 for not less than 96 consecutive hours, which shall not be suspended  
34 or served on probation, nor more than 180 days, except that the  
35 court may lower such term for each day, not exceeding 90 days,  
36 served performing community service in such form and on such  
37 terms as the court shall deem appropriate under the circumstances  
38 and have his license to operate a motor vehicle suspended for a  
39 period of four years; and, for a third offense, be fined \$2,000,  
40 imprisoned for 180 days in a county jail or workhouse, except that  
41 the court may lower such term for each day, not exceeding 90 days,  
42 served participating in a drug or alcohol inpatient rehabilitation  
43 program approved by the Intoxicated Driver Resource Center, and  
44 have his license to operate a motor vehicle suspended for a period  
45 of 20 years; the period of license suspension shall commence upon  
46 the completion of any prison sentence imposed upon that person.

47 A map or true copy of a map depicting the location and  
48 boundaries of the area on or within 1,000 feet of any property used

1 for school purposes which is owned by or leased to any elementary  
2 or secondary school or school board produced pursuant to section 1  
3 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
4 paragraph (1) of this subsection.

5 It shall not be relevant to the imposition of sentence pursuant to  
6 paragraph (1) or (2) of this subsection that the defendant was  
7 unaware that the prohibited conduct took place while on or within  
8 1,000 feet of any school property or while driving through a school  
9 crossing. Nor shall it be relevant to the imposition of sentence that  
10 no juveniles were present on the school property or crossing zone at  
11 the time of the offense or that the school was not in session.

12 (h) A court also may order a person convicted pursuant to  
13 subsection (a) of this section, to participate in a supervised  
14 visitation program as either a condition of probation or a form of  
15 community service, giving preference to those who were under the  
16 age of 21 at the time of the offense. Prior to ordering a person to  
17 participate in such a program, the court may consult with any  
18 person who may provide useful information on the defendant's  
19 physical, emotional and mental suitability for the visit to ensure that  
20 it will not cause any injury to the defendant. The court also may  
21 order that the defendant participate in a counseling session under  
22 the supervision of the Intoxicated Driving Program Unit prior to  
23 participating in the supervised visitation program. The supervised  
24 visitation program shall be at one or more of the following facilities  
25 which have agreed to participate in the program under the  
26 supervision of the facility's personnel and the probation department:

27 (1) a trauma center, critical care center or acute care hospital  
28 having basic emergency services, which receives victims of motor  
29 vehicle accidents for the purpose of observing appropriate victims  
30 of drunk drivers and victims who are, themselves, drunk drivers;

31 (2) a facility which cares for advanced alcoholics or drug  
32 abusers, to observe persons in the advanced stages of alcoholism or  
33 drug abuse; or

34 (3) if approved by a county medical examiner, the office of the  
35 county medical examiner or a public morgue to observe appropriate  
36 victims of vehicle accidents involving drunk drivers.

37 As used in this section, "appropriate victim" means a victim  
38 whose condition is determined by the facility's supervisory  
39 personnel and the probation officer to be appropriate for  
40 demonstrating the results of accidents involving drunk drivers  
41 without being unnecessarily gruesome or traumatic to the  
42 defendant.

43 If at any time before or during a visitation the facility's  
44 supervisory personnel and the probation officer determine that the  
45 visitation may be or is traumatic or otherwise inappropriate for that  
46 defendant, the visitation shall be terminated without prejudice to the  
47 defendant. The program may include a personal conference after  
48 the visitation, which may include the sentencing judge or the judge  
49 who coordinates the program for the court, the defendant,

1 defendant's counsel, and, if available, the defendant's parents to  
2 discuss the visitation and its effect on the defendant's future  
3 conduct. If a personal conference is not practicable because of the  
4 defendant's absence from the jurisdiction, conflicting time  
5 schedules, or any other reason, the court shall require the defendant  
6 to submit a written report concerning the visitation experience and  
7 its impact on the defendant. The county, a court, any facility visited  
8 pursuant to the program, any agents, employees, or independent  
9 contractors of the court, county, or facility visited pursuant to the  
10 program, and any person supervising a defendant during the  
11 visitation, are not liable for any civil damages resulting from injury  
12 to the defendant, or for civil damages associated with the visitation  
13 which are caused by the defendant, except for willful or grossly  
14 negligent acts intended to, or reasonably expected to result in, that  
15 injury or damage.

16 The Supreme Court may adopt court rules or directives to  
17 effectuate the purposes of this subsection.

18 (i) In addition to any other fine, fee, or other charge imposed  
19 pursuant to law, the court shall assess a person convicted of a  
20 violation of the provisions of this section a surcharge of **[\$100]**  
21 \$125, of which amount \$50 shall be payable to the municipality in  
22 which the conviction was obtained **[and]** \$50 shall be payable to  
23 the Treasurer of the State of New Jersey for deposit into the General  
24 Fund, and \$25 which shall be payable as follows: in a matter where  
25 the summons was issued by a municipality's law enforcement  
26 agency, to that municipality to be used for the cost of equipping  
27 police vehicles with mobile video recording systems pursuant to the  
28 provisions of section 1 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill); in a matter where the summons was issued  
30 by a county's law enforcement agency, to that county; and in a  
31 matter where the summons was issued by a State law enforcement  
32 agency, to the General Fund.

33 (cf: P.L.2009, c.201, s.1)

34

35 3. (New section) The Attorney General shall adopt, pursuant to  
36 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
37 seq.), rules and regulations to effectuate the provisions of this act.

38

39 4. This act shall take effect on the first day of the sixth month  
40 following enactment, but the Attorney General may take such  
41 administrative action in advance as shall be necessary for the  
42 implementation of the act.

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44

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#### STATEMENT

46

47 This bill requires certain new or used municipal police vehicles  
48 that are purchased, leased, or otherwise acquired on or after the  
49 bill's effective date to be equipped with cameras. Specifically,

1 municipal police vehicles that are primarily used for traffic stops  
2 are required to be equipped with a mobile video recording system.

3 The bill defines a “mobile video recording system” as a device or  
4 system installed or used in a police vehicle or worn or otherwise  
5 used by an officer that electronically records visual images  
6 depicting activities that take place during a motor vehicle stop or  
7 other law enforcement action.

8 In addition, the bill increases the surcharge imposed on persons  
9 convicted of driving while intoxicated. The additional surcharge is  
10 payable to the law enforcement agency that issued the summons  
11 with municipalities being required to use the additional funds for  
12 the cost of equipping police vehicles with cameras, as required by  
13 this bill.