

ASSEMBLY, No. 4040

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes littering personal protective equipment as separate littering offense and establishes penalties therefor.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning littering of personal protective equipment, and
2 amending and supplementing P.L.1985, c.533.

3

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

6

7 1. (New section) a. A person who throws, drops, discards or
8 otherwise places any personal protective equipment upon public or
9 private property other than in a litter receptacle commits a
10 disorderly persons offense, and notwithstanding the provisions of
11 N.J.S.2C:43-3 to the contrary, for every such offense shall be fined
12 not less than \$500 or more than \$1,000. The Superior Court and
13 every municipal court shall have jurisdiction to enforce this section.
14 The State or any municipality may institute proceedings under this
15 section.

16 b. If a person violates subsection a. of this section the court, in
17 addition to any penalty imposed under that subsection, may direct
18 the person to perform community service, including litter pickup
19 and removal from any public property, or any private property with
20 permission of the owner, upon which the person deposited litter, for
21 a term of not less than 20 hours nor more than 40 hours.

22 c. A person who is convicted of an offense under subsection a.
23 of this section within six months after the date of a previous
24 conviction thereunder shall be sentenced to pay a fine of not less
25 than \$1,000 or more than \$2,000, may be sentenced to
26 imprisonment for a definite term not to exceed 60 days, and may be
27 directed to perform community service, including litter pickup and
28 removal from any public property or from any private property if
29 permission of the owner has been granted, for a term of not less
30 than 40 nor more than 80 hours.

31 d. Any fine imposed or money judgment rendered against a
32 defendant pursuant to this section shall be paid to the court, and:

33 (1) half shall be remitted to the Department of Health to be used
34 by the department to finance the purchase of personal protective
35 equipment; and

36 (2) half shall be remitted to the chief financial officer of the
37 municipality wherein the violation occurred, to be used by the
38 municipality to help finance litter control activities in addition to or
39 supplementing existing litter pickup and removal activities in the
40 municipality.

41 e. As used in this section, "personal protective equipment"
42 means any items commonly used to protect an individual from
43 bacterial or viral infections, including, but not necessarily limited
44 to, disinfecting wipes, disposable gloves, disposable gowns, face
45 shields, face masks, portable respirators, medical equipment, or
46 parts thereof.

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 2. Section 8 of P.L.1985, c.533 (C.13:1E-99.3) is amended to
2 read as follows:

3 8. a. **【A】** Except as provided in section 1 of P.L. , c.
4 (C.) (pending before the Legislature as this bill), a person who
5 throws, drops, discards or otherwise places any litter of any nature
6 upon public or private property other than in a litter receptacle
7 commits a petty disorderly persons offense, and notwithstanding the
8 provisions of N.J.S.2C:43-3 to the contrary, for every such offense
9 shall be fined not less than \$100 or more than \$500. The Superior
10 Court and every municipal court shall have jurisdiction to enforce
11 this section. The State or any municipality may institute
12 proceedings under this section. If a money judgment is rendered
13 against a defendant, the payment made to the court shall be remitted
14 to the chief financial officer of the municipality wherein the
15 violation occurred, to be used by the municipality to help finance
16 litter control activities in addition to or supplementing existing litter
17 pickup and removal activities in the municipality.

18 b. If a person violates subsection a. of this section the court, in
19 addition to any penalty imposed under that subsection, may direct
20 the person to perform community service, including litter pickup
21 and removal from any public property, or any private property with
22 permission of the owner, upon which the person deposited litter, for
23 a term of not less than 20 hours nor more than 40 hours.

24 c. A person who is convicted of an offense under subsection a.
25 of this section within six months after the date of a previous
26 conviction thereunder shall be sentenced to pay a fine not less than
27 \$250 or more than \$1,000, may be sentenced to imprisonment for a
28 definite term not to exceed 60 days, and may be directed to perform
29 community service, including litter pickup and removal from any
30 public property or from any private property if permission of the
31 owner has been granted, for a term of not less than 40 nor more than
32 80 hours.

33 (cf: P.L.2001, c.78, s.1)
34

35 3. This act shall take effect immediately.
36
37

38 STATEMENT

39
40 This bill establishes littering of personal protective equipment
41 upon public or private property as a disorderly persons offense.
42 The bill provides that an offense would be punishable with a fine of
43 at least \$500 and up to \$1,000. The bill authorizes the Superior
44 Court and every municipal court to have enforcement jurisdiction to
45 enforce this section, and the State or any municipality to institute
46 proceedings under the bill.

47 The bill also authorizes the court to direct a violator to perform
48 community service, including litter pickup and removal from any

1 public property, or any private property with permission of the
2 owner, upon which the person deposited litter, for 20 to 40 hours.
3 A violator convicted of the same offense within six months after the
4 date of a previous conviction:

- 5 1) would be sentenced to pay a fine of \$1,000 to \$2,000;
6 2) may be sentenced to imprisonment for a definite term not to
7 exceed 60 days; and
8 3) may be directed to perform community service, including
9 litter pickup and removal from any public property or from any
10 private property if permission of the owner has been granted, for 40
11 to 80 hours.

12 The bill further directs that any fine or money judgment rendered
13 against a defendant pursuant to this bill would be paid to the court,
14 of which:

- 15 1) half would be remitted to the Department of Health to fund the
16 purchase of personal protective equipment; and
17 2) half would be remitted to the chief financial officer of the
18 municipality wherein the violation occurred, to be used by the
19 municipality to help finance litter control activities in addition to or
20 supplementing existing litter pickup and removal activities in the
21 municipality.