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.

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

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

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

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

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

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

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

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

e. As used in this section, "personal protective equipment" means any items commonly used to protect an individual from bacterial or viral infections, including, but not necessarily limited to, disinfecting wipes, disposable gloves, disposable gowns, face shields, face masks, portable respirators, medical equipment, or 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 <u>thus</u> is new matter.

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

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

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

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

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

3. This act shall take effect immediately.

STATEMENT

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

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

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

1) would be sentenced to pay a fine of $1,000 to $2,000;

2) may be sentenced to imprisonment for a definite term not to exceed 60 days; and

3) may be directed to perform community service, including litter pickup and removal from any public property or from any private property if permission of the owner has been granted, for 40 to 80 hours.

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

1) half would be remitted to the Department of Health to fund the purchase of personal protective equipment; and

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