

ASSEMBLY JOINT RESOLUTION

No. 63

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

**Assemblywoman McKnight, Assemblyman Verrelli and Assemblywoman
Murphy**

SYNOPSIS

Establishes Commission on Drunk and Impaired Driving.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A JOINT RESOLUTION** establishing a commission on drunk and
2 impaired driving.

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

6
7 1. There is hereby created a commission to be known as the
8 “Commission on Drunk and Impaired Driving.” The commission
9 shall consist of the following 21 voting members:

10 a. Twelve ex officio members or their designees, who shall
11 include the: Attorney General; Director of the Division of Highway
12 Traffic Safety; Superintendent of State Police; Chief Administrator
13 of the New Jersey Motor Vehicle Commission; Commissioner of
14 Health; Commissioner of Transportation; Assistant Commissioner
15 of the Division of Mental Health and Addiction Services in the
16 Department of Human Services; Executive Director of the New
17 Jersey Transit Corporation; Public Defender; Executive Director of
18 the Governor’s Council on Alcoholism and Drug Abuse; Director of
19 the Rutgers University Center of Alcohol Studies; and
20 Administrative Director of the Courts;

21 b. Two members of the Senate, appointed by the President of
22 the Senate, not more than one of whom shall be of the same
23 political party; and two members of the General Assembly,
24 appointed by the Speaker of the General Assembly, not more than
25 one of whom shall be of the same political party; and

26 c. Five public members appointed by the Governor, who shall
27 include a retired municipal court judge, municipal prosecutor, an
28 attorney who represents persons charged with drunk or impaired
29 driving, a victims’ rights advocate, and a representative of an
30 organization which provides substance abuse counseling and
31 treatment.

32 d. The commission also shall include four non-voting members
33 who represent the following organizations:

- 34 (1) New Jersey Licensed Beverage Association;
35 (2) New Jersey Wine and Spirits Wholesalers Association;
36 (3) New Jersey Restaurant Association; and
37 (4) American Automobile Association (AAA).

38
39 2. a. The commission shall study all aspects of drunk and
40 impaired driving law in this State and examine methods to reduce
41 the incidence of drunk and impaired driving. The commission shall
42 make recommendations to enhance government services,
43 enforcement, education, and interventions to prevent drunk and
44 impaired driving. The issues to be studied by the commission shall
45 include, but not be limited to:

- 46 (1) the effectiveness of the State’s current penalties for driving
47 under the influence, refusing to submit to a breathalyzer test,
48 driving while the license is suspended for driving under the

- 1 influence, driving without a court-ordered ignition interlock device,
2 and any other related offense, in preventing drunk and impaired
3 driving and discouraging repeat offenses;
- 4 (2) the State's compliance with current federal law and
5 regulations regarding repeat offenders of driving under the
6 influence;
- 7 (3) the need for infrastructure to assure compliance with court-
8 ordered ignition interlock installation and monitor ignition interlock
9 lockouts;
- 10 (4) the collective economic impact of fines, fees, surcharges,
11 automobile insurance premiums, ignition interlock costs, and loss of
12 employment on drivers convicted of drunk or impaired driving;
- 13 (5) improved responses to repeat offenders, including screening
14 and treatment for alcohol or drug addiction, medication-assisted
15 therapies, electronic monitoring, intensive supervision, and criminal
16 prosecution;
- 17 (6) identifying the most effective delivery of screening and
18 treatment for alcohol or drug addicted convicted drivers, including
19 an examination of the costs and benefits of restructuring county-
20 based Intoxicated Driver Resource Centers into regional addiction,
21 treatment, and counseling centers administered by the Division of
22 Mental Health and Addiction Services in the Department of Human
23 Services;
- 24 (7) the need for procedural safeguards to guide the
25 administrative release of convicted drivers who are sentenced to jail
26 time to participate in work release or similar programs;
- 27 (8) the modernization of distribution formulas for alcohol tax
28 revenues which are dedicated to driving under the influence
29 enforcement;
- 30 (9) the potential impact of the New Jersey Supreme Court's
31 holding in State v. Denelsbeck, 225 N.J. 103 (2016) that additional
32 penalties imposed on repeat offenders may trigger the right to a jury
33 trial;
- 34 (10) whether enhanced penalties for drunk drivers with high-
35 blood alcohol content levels are effective in reducing driving under
36 the influence and recidivism;
- 37 (11) whether a restricted-use driver's license should be made
38 available to drunk and impaired offenders as an alternative to full
39 loss of driving privileges or in combination with other penalties;
- 40 (12) ensuring the safety of the public while driving under the
41 influence charges are pending, including use of pre-conviction
42 administrative suspensions, ignition interlock devices, or electronic
43 monitoring;
- 44 (13) improving interagency communication and the integration
45 of State and local automated systems to ensure compliance with
46 post-conviction driving under the influence penalties, treatment,
47 and release conditions;

1 (14) other evidence-based best practices for addressing the
2 problem of drunk and impaired driving;

3 (15) whether the commission should periodically reconvene to
4 examine recent developments and technology for reducing the
5 incidence of drunk and impaired driving and the impact of any
6 changes in the drunk and impaired driving laws recommended by
7 the commission; and

8 (16) the effect that legalization of marijuana may have on the
9 safety of the public, particularly in regard to impaired driving.

10 b. The commission shall propose new legislation as it deems
11 appropriate.

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13 3. a. The commission shall organize within 30 days of the
14 appointment of a majority of its members and shall select a
15 chairperson and vice-chairperson from among its members. The
16 chairperson shall appoint a secretary, who need not be a member of
17 the commission.

18 b. The commission shall regularly meet and hold hearings at
19 the places it designates.

20 c. The commission may request at these hearings the
21 appearance of officials of any State agency or political subdivision
22 of the State and may solicit testimony of interested groups and the
23 general public, including but not limited to law enforcement
24 agencies, civic organizations, and advocacy groups with an interest
25 in the prevention of drunk and impaired driving or roadway safety.

26 d. Nine voting members of the commission shall constitute a
27 quorum for the transaction of business.

28

29 4. The commission shall be entitled to call to its assistance and
30 avail itself of the services of the employees of any State, county, or
31 municipal department, board, bureau, commission, or agency as it
32 may require and as may be available to it for its purposes, and to
33 employ stenographic and clerical assistance and incur traveling and
34 other miscellaneous expenses necessary to perform its duties, within
35 the limits of funds appropriated or otherwise made available to it
36 for its purposes.

37

38 5. Members of the commission shall serve without
39 compensation, but shall be reimbursed for necessary expenses
40 actually incurred in the performance of their duties as members of
41 the commission.

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43 6. The commission shall report its findings and
44 recommendations, including legislative proposals, to the Governor,
45 and to the Legislature pursuant to section 2 of P.L.1991, c.164
46 (C.52:14-19.1), no later than 12 months following the organization
47 of the commission.

7. This joint resolution shall take effect immediately and shall expire upon the submission of the commission's report required pursuant to section 6 of this resolution.

STATEMENT

This resolution establishes a “Commission on Drunk and Impaired Driving” to examine methods to reduce the incidence of drunk and impaired driving and make recommendations to enhance government services, enforcement, education, and interventions to prevent drunk and impaired driving.

The commission is to be comprised of the following 21 voting members: the Attorney General, Director of Highway Traffic Safety, Superintendent of State Police, Chief Administrator of the New Jersey Motor Vehicle Commission, Commissioner of Health, Commissioner of Transportation, Assistant Commissioner of the Division of Mental Health and Addiction Services in the Department of Human Services, Executive Director of the New Jersey Transit Corporation, Public Defender, Executive Director of the Governor's Council on Alcoholism and Drug Abuse, Director of the Rutgers University Center of Alcohol Studies, and Administrative Director of the Courts. Legislative members include two members of the Senate of different parties and two members of the General Assembly of different parties. Five public members appointed by the Governor are to include a retired municipal court judge, municipal prosecutor, defense attorney, local law enforcement officer, and victims' rights advocate. Members are to serve without compensation, but are to be reimbursed for necessary expenses actually incurred in the performance of their duties.

The commission also is to include a representative of the New Jersey Licensed Beverage Association, New Jersey Restaurant Association, New Jersey Wine and Spirits Association, and American Automobile Association (AAA) as non-voting members.

At a minimum, the commission is to consider the following:

(1) the effectiveness of the State's current penalties for driving under the influence (DUI), refusing to submit to a breathalyzer test, driving with a suspended license for DUI, driving without a court-ordered ignition interlock device (IID), and related offenses, in preventing drunk and impaired driving and discouraging repeat offenses;

(2) the State's compliance with current federal law and regulations regarding repeat DUI offenders;

(3) the need for infrastructure to assure compliance with court-ordered IID installation and monitor IID lockouts;

(4) the collective economic impact of fines, fees, surcharges, automobile insurance rates, ignition interlock costs, and loss of employment on drivers convicted of drunk or impaired driving;

- 1 (5) improved responses to repeat offenders, including screening
2 and treatment for alcohol or drug addiction, medication-assisted
3 therapies, electronic monitoring, intensive supervision, and criminal
4 prosecution;
 - 5 (6) identifying the most effective delivery of screening and
6 treatment for alcohol or drug addicted convicted drivers, including an
7 examination of the costs and benefits of restructuring county-based
8 Intoxicated Driver Resource Centers (IDRCs) into regional addiction,
9 treatment, and counseling centers administered by the Division of
10 Mental Health and Addiction Services in the Department of Human
11 Services;
 - 12 (7) the need for procedural safeguards to guide the administrative
13 release of convicted drivers sentenced to jail time to participate in
14 work release or similar programs;
 - 15 (8) the modernization of distribution formulas for alcohol tax
16 revenues dedicated to DUI enforcement;
 - 17 (9) the potential impact of the New Jersey Supreme Court's
18 holding in *State v. Denelsbeck* that additional penalties imposed on
19 repeat offenders may trigger the right to a jury trial;
 - 20 (10) whether enhanced penalties for drunk drivers with high-
21 blood alcohol content levels are effective in reducing DUI and DUI
22 recidivism;
 - 23 (11) whether a restricted-use driver's license should be made
24 available to drunk and impaired offenders as an alternative to full loss
25 of driving privileges or in combination with other penalties;
 - 26 (12) ensuring the safety of the public while DUI charges are
27 pending, including use of pre-conviction administrative suspensions,
28 IIDs, or electronic monitoring;
 - 29 (13) improving interagency communication and the integration
30 of State and local automated systems to administer compliance with
31 post-conviction DUI penalties, treatment, and release conditions;
 - 32 (14) other evidence-based best practices for addressing the
33 problem of drunk and impaired driving;
 - 34 (15) whether the commission should periodically reconvene to
35 examine recent developments and technology for reducing the
36 incidence of drunk and impaired driving and the impact of any
37 changes in the drunk and impaired driving laws recommended by the
38 commission; and
 - 39 (16) the effect that legalization of marijuana may have on the
40 traffic safety of the public, particularly in regard to impaired driving.
- 41 The commission is to organize within 30 days after a majority of
42 its members have been appointed and meet regularly and hold
43 hearings. The commission may request at these hearings the
44 appearance of State officials and solicit testimony of interested groups
45 and the general public including, but not limited to, law enforcement
46 agencies, civic organizations, and advocacy groups with an interest in
47 the prevention of drunk and impaired driving or roadway safety. As

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1 amended, nine voting members of the commission would constitute a
2 quorum for the transaction of business.

3 The commission is to report its findings and recommendations,
4 including legislative proposals, to the Governor and to the Legislature
5 within 12 months of organizing.