

SENATE, No. 133

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Criminalizes fourth or subsequent drunk driving offenses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning driving while under the influence and
2 supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. A person who is convicted of a fourth or subsequent
8 violation of R.S.39:4-50 shall be guilty of a crime of the third
9 degree and, notwithstanding the provisions of subsection c. of
10 N.J.S.2C:43-2, shall forfeit his right to operate a motor vehicle over
11 the highways of this State for 10 years.

12 Notwithstanding the provisions of subsection c. of N.J.S.2C:43-
13 2, the person shall forfeit his right to operate a motor vehicle over
14 the highways of this State for 20 years if the fourth or subsequent
15 violation occurs while:

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

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

22 (3) driving through a school crossing as defined in R.S.39:1-1
23 knowing that juveniles are present and if the municipality has not
24 designated the school crossing as such by ordinance or resolution.

25 b. Pursuant to the requirements set forth in R.S.39:4-50, a
26 person convicted under this section shall satisfy the screening,
27 evaluation, referral, program and fee requirements of the Division
28 of Alcoholism and Drug Abuse's Intoxicated Driving Program Unit,
29 and of the Intoxicated Driver Resource Center and a program of
30 alcohol and drug education and highway safety, as prescribed by the
31 Chief Administrator of the New Jersey Motor Vehicle Commission.
32 The sentencing court shall inform the person convicted that failure
33 to satisfy such requirements shall result in a mandatory two-day
34 term of imprisonment in a county jail and a driver license
35 revocation or suspension and continuation of revocation or
36 suspension until such requirements are satisfied, unless stayed by
37 court order in accordance with the Rules Governing the Courts of
38 the State of New Jersey or R.S.39:5-22. Upon sentencing, the court
39 shall forward to the Intoxicated Driving Program Unit a copy of a
40 person's conviction record. A fee of \$100 shall be payable to the
41 Alcohol Education, Rehabilitation and Enforcement Fund
42 established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to
43 support the Intoxicated Driving Program Unit.

44

45 2. This act shall take effect immediately and shall be applicable
46 to offenses committed on or after the effective date.

STATEMENT

This bill would establish criminal penalties for fourth and subsequent offenses of driving under the influence (DUI). Currently, DUI is a traffic offense under Title 39 of the Revised Statutes (the State motor vehicle code).

Under the provisions of the bill, a person who is convicted of a fourth or subsequent DUI offense would be guilty of a crime of the third degree. A crime of the third degree is punishable by a fine of up to \$15,000, imprisonment for three to five years, or both. The person's driver's license also would be suspended for 10 years, which is the period of suspension required under current law.

The bill also provides that if the fourth or subsequent violation occurs in a school zone or in or near a school crosswalk, the person's driver's license would be suspended for 20 years.