

SENATE, No. 134

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Authorizes court to impose rescue operation costs of public entity under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning costs incurred by a public entity performing a
2 rescue operation and supplementing Title 39 of the Revised
3 Statutes.

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

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8 1. In addition to any other penalties imposed, a court may
9 assess the value of any services provided and any costs or expenses
10 incurred by a public entity, including but not limited to law
11 enforcement and emergency medical services, arising from or
12 associated with the recovery or rescue of a person, and the person's
13 pet or property if applicable, if the person is guilty of:
14 a. criminal mischief, pursuant to N.J.S.2C:17-3; and
15 b. (1) reckless driving, pursuant to R.S.39:4-96;
16 (2) careless driving, pursuant to R.S.39:4-97; or
17 (3) driving or operating a motor vehicle in an unsafe manner,
18 pursuant to section 1 of P.L.2000, c.75 (C.39:4-97.2).

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20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill authorizes a court to impose the expense of a recovery
26 or rescue operation by a public entity upon a person in violation of
27 certain criminal mischief and motor vehicle operation laws.

28 Specifically, the bill allows a court to assess the value of any
29 services provided and any costs or expenses incurred by a public
30 entity, including but not limited to law enforcement and emergency
31 medical services, arising from or associated with the recovery or
32 rescue of a person, and the person's pet or property if applicable, if
33 the person is guilty of criminal mischief and: (1) reckless driving;
34 (2) careless driving; or (3) driving or operating a vehicle in an
35 unsafe manner.

36 Public entities such as law enforcement and emergency
37 management and medical services are often called upon to aid in the
38 recovery or rescue of persons in dangerous situations. Some of
39 these situations are the result of purposeful, knowing, or heedless
40 disregard for the safety of others and result in damages to, or the
41 endangerment of, a person, animal, or property. This bill would
42 allow public entities to recover rescue operation costs in the event
43 that a person was guilty of criminal mischief (e.g., damaging
44 tangible property of another; tampering with tangible property to
45 endanger a person or property) and the reckless, careless, or unsafe
46 operation of a vehicle (e.g., driving on a frozen body of water).