

SENATE, No. 1379

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Criminalizes fifth or subsequent drunk driving offenses.

CURRENT VERSION OF TEXT

As introduced.



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

12 Notwithstanding the provisions of subsection c. of N.J.S.2C:43-2,
13 the person shall forfeit his right to operate a motor vehicle over the
14 highways of this State for 20 years if the fifth or subsequent violation
15 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 person
26 convicted under this section shall satisfy the screening, evaluation,
27 referral, program and fee requirements of the Division of mental
28 Health and Addiction Services' 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 to
33 satisfy such requirements shall result in a mandatory two-day term of
34 imprisonment in a county jail and a driver license revocation or
35 suspension and continuation of revocation or suspension until such
36 requirements are satisfied, unless stayed by court order in accordance
37 with the Rules Governing the Courts of the State of New Jersey or
38 R.S.39:5-22. Upon sentencing, the court shall forward to the
39 Intoxicated Driving Program Unit a copy of a person's conviction
40 record. A fee of \$100 shall be payable to the Alcohol Education,
41 Rehabilitation and Enforcement Fund established pursuant to section
42 3 of P.L.1983, c.531 (C.26:2B-32) to support the Intoxicated Driving
43 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.

1 STATEMENT

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

7 Under the provisions of the bill, a person who is convicted of a
8 fifth or subsequent DUI offense would be guilty of a crime of the
9 third degree. A crime of the third degree is punishable by a fine of
10 up to \$15,000, imprisonment for three to five years, or both. The
11 person's driver's license also would be suspended for 10 years.

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