

SENATE, No. 2372

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

SYNOPSIS

Requires violators of certain executive orders, rules, and regulations to be charged with offense.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning violations of certain executive orders, rules,
2 and regulations and amending P.L.1942, c.251.

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

6
7 1. Section 17 of P.L.1942, c.251 (C.App.A:9-49) is amended to
8 read as follows:

9 17. App.A:9-49. Violations as disorderly conduct; penalty;
10 prosecution

11 Any person who shall:

12 a. Commit any unauthorized or otherwise unlawful act during
13 the threat or imminence of danger in any emergency that
14 jeopardizes the health, welfare and safety of the people; or

15 b. Commit any unauthorized or otherwise unlawful act during
16 the threat or imminence of danger during any emergency that
17 contributes to the loss of or destruction to property; or

18 c. Hamper, impede, or in any way interfere with any person
19 who is performing any function authorized under this act; or

20 d. Drive any motor vehicle in a prohibited area during a black-
21 out or while an air raid alert is in progress or in any other manner
22 contrary to the rules and regulations covering any period of danger
23 or any emergency; or

24 e. Go within a prohibited area contrary to rules and regulations;
25 or

26 f. Refuse to obey the lawful orders of any air raid warden,
27 civilian protection worker, or other person who is duly authorized
28 to perform any act or function during the threat or imminence of
29 danger or any emergency; or

30 g. Refuse to cooperate with any air raid warden, civilian
31 protection worker, or other person who is duly authorized to
32 perform any act or function in connection with activities during the
33 threat or imminence of danger or any emergency; or

34 h. Violate any order, rule or regulation adopted by the
35 Governor and promulgated as **【provider】** provided by this act; or

36 i. Violate any other provision of this act declared herein to be
37 unlawful--shall be adjudged a disorderly person and shall be subject
38 to imprisonment for a term not to exceed **【6】** six months or shall
39 pay a fine not to exceed \$1,000.00 or to both a fine and
40 imprisonment, in the discretion of the court.

41 j. If an order, rule, or regulation adopted by the Governor and
42 promulgated pursuant to this section requires individuals to practice
43 social distancing or prohibits gatherings of individuals or a specific
44 number of individuals including, but not limited to, parties,

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 thus is new matter.

1 celebrations, and other social events, the following individuals shall
2 be charged with a violation of this section:

3 (1) a person who fails to engage in social distancing as required
4 pursuant to the order, rule, or regulation;

5 2. a person who hosts or organizes a social gathering in
6 violation of the order, rule, or regulation; and

7 3. a person who attends or otherwise participates in a social
8 gathering in violation of the order, rule, or regulation.

9 Prosecution for the imposition of a penalty pursuant to this
10 section shall be commenced in the municipal court of the
11 municipality wherein the offense is alleged to have occurred. The
12 State shall be required to prove all elements of the offense beyond
13 a reasonable doubt in order to obtain a conviction.

14 (cf: P.L.1982, c.108, s.1)

15
16 2. This act shall take effect immediately.

17 18 19 STATEMENT

20
21 This bill requires violators of certain executive orders, rules, and
22 regulations to be charged with violations.

23 Under current law, a person who violates an order, rule, or
24 regulation promulgated by the Governor during a threat or
25 imminence of danger or any emergency is guilty of a disorderly
26 persons offense. The person is to be subject to a term of
27 imprisonment of up to six months, a fine of up to \$1,000 or both.

28 This bill requires that if an order, rule, or regulation adopted by
29 the Governor during a threat of imminence of danger or any
30 emergency requires individuals to practice social distancing or
31 prohibits gatherings of individuals, the following individuals are to
32 be charged with a disorderly persons offense and subject to the
33 penalties provided under the bill: (1) a person who fails to engage in
34 social distancing as required pursuant to the order, rule, or
35 regulation; (2) a person who hosts or organizes a social gathering in
36 violation of the order, rule, or regulation; and (3) a person who
37 attends or otherwise participates in a social gathering in violation of
38 the order, rule, or regulation.

39 The Governor issued Executive Order No. 107, in part, to require
40 individuals to engage in social distancing and prohibit social
41 gatherings as a result of the COVID-19 pandemic. It is the
42 sponsor's understanding that when certain individuals are found to
43 be in violation of this executive order, it is often the hosts of the
44 gathering, and not those who attend the gatherings, who are charged
45 with a violation. This bill requires the hosts of the gatherings, as
46 well as those who participate in the gatherings, to be charged with a
47 violation.