

January 8, 2024

ASSEMBLY BILL NO. 5610
(Third Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 5610 (Third Reprint) with my recommendations for reconsideration.

Assembly Bill No. 5610 (Third Reprint) amends N.J.S.A. 2C:33-15 to allow for the issuance of a \$50 fine and a complaint-summons to municipal court for a juvenile – an individual under the age of 18 years old – found to be in possession of alcohol. Additionally, this bill amends the provision relating to a law enforcement officer's involvement with a juvenile if the officer believes the juvenile possesses either alcohol or marijuana. N.J.S.A. 2C:30-6.1 was previously amended to lower the threshold for law enforcement officers to be found guilty of the crime of deprivation of civil rights when interacting with juveniles suspected of using or possessing alcohol or marijuana. This bill reverts that section back to its original language, which provides that for a law enforcement officer to be found guilty of deprivation of civil rights, the aggrieved individual must prove that the officer acted with the purpose to intimidate or discriminate because of a protected characteristic.

I commend the bill's sponsors for listening to law enforcement officers who have expressed concerns about the language relating to the deprivation of civil rights. Simply put, there was no need to amend the longstanding criteria to establish this criminal offense, and this change and the uncertainty regarding its application has chilled law enforcement officers from interacting with juveniles found in possession of alcohol or marijuana.

However, the imposition of a fine of any monetary amount runs counter to the progress that this Administration and the Legislature have made in our juvenile justice system. Research

indicates that fines and fees do not have a deterrent impact on delinquent behavior, and instead only drive additional contact with the criminal legal system. Affluent individuals who have the financial resources to pay fines can do so repeatedly without any impact on their behavior, which neither serves as a deterrent from future delinquent behavior nor addresses the underlying concerns with substance use. Individuals without those same resources, who are disproportionately juveniles of color, are at risk for further involvement with the legal system because of non-payment. These consequences affect not only the juvenile but the entire family unit. Moreover, there is no persuasive justification for treating the possession of alcoholic beverages more harshly than the possession of cannabis items, which is not subjected to monetary fines under the bill.

My Administration strives to alleviate disparate racial and socioeconomic outcomes in the criminal legal system and to address substance use matters with an approach focused on public health. I am therefore recommending amendments that remove the fine and complaint-summons relating to juvenile possession of alcohol. My amendments do not alter the language eliminating the lower threshold for claims of deprivation of civil rights arising out of law enforcement encounters with juveniles suspected of using or possessing alcohol or marijuana. I am grateful to the bill's sponsors for sending that provision to my desk, and I am hopeful that the Legislature will swiftly concur with my recommendations and enact that provision into law.

Accordingly, I herewith return Assembly Bill No. 5610 (Third Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 10: After "purchase" insert "alcoholic beverages, or under the legal age to purchase"

Page 2, Section 1, Line 13: After "any" insert "alcoholic beverage,"

Page 4, Section 1, Line 1: After "purchase" insert "alcoholic beverages or"

Page 4, Section 1, Lines 9-21: Delete in their entirety

Page 5, Section 1, Line 8: Delete "issue a complaint-summons,"

Page 5, Section 1, Line 37: After "any" insert "alcoholic beverage,"

Page 5, Section 1, Line 40: After "of the" insert "alcoholic beverage,"

Page 6, Section 1, Line 1: After "Any" insert "alcoholic beverage,"

Page 6, Section 1, Line 14: After "purchase" insert "alcoholic beverages or"

Page 9, Section 2, Line 18: Delete "subparagraphs (a), (b), and (c) of"

Page 9, Section 2, Line 20: After "any" insert "alcoholic beverage,"

Page 9, Section 2, Line 22: After "purchase" insert "alcoholic beverages or"

Page 9, Section 2, Lines 23-25: Delete in their entirety

Page 9, Section 2, Line 26: Delete "persons under the legal age to purchase alcoholic beverages,"

Page 12, Section 3, Line 28: After "(C.12:7-61);" insert "or"

Page 12, Section 3, Line 30: After "ordinances" delete "; or (7) an act"

Page 12, Section 3, Lines 31-33: Delete in their entirety

Page 12, Section 3, Line 34: Delete "by a juvenile of any age"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor