

[First Reprint]
SENATE, No. 2517

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MAY 12, 2005

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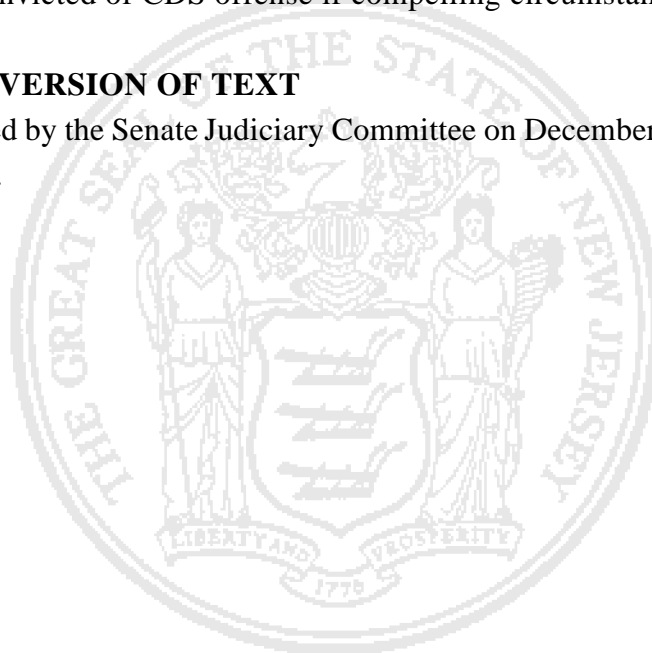
Senator Adler

SYNOPSIS

Authorizes court to refrain from imposing driver's license suspension on defendant convicted of CDS offense if compelling circumstances exist.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on December 12, 2005, with amendments.



(Sponsorship Updated As Of: 6/10/2005)

1 AN ACT concerning penalties for drug offenses and amending
2 N.J.S.2C:35-16.

3

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

6

7 1. N.J.S.2C:35-16 is amended to read as follows:

8 2C:35-16. **[Mandatory]** Forfeiture or Postponement of Driving
9 Privileges.

10 a. In addition to any disposition authorized by this title, the
11 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other
12 statute indicating the dispositions that can be ordered for an
13 adjudication of delinquency, and notwithstanding the provisions of
14 subsection c. of N.J.S.2C:43-2 **[every]**, a person convicted of or
15 adjudicated delinquent for a violation of any offense defined in this
16 chapter or chapter 36 of this title shall forthwith forfeit his right to
17 operate a motor vehicle over the highways of this State for a period to
18 be fixed by the court at not less than six months or more than two
19 years which shall commence on the day the sentence is imposed unless
20 the court finds compelling circumstances warranting an exception. For
21 the purposes of this section, compelling circumstances warranting an
22 exception exist if the forfeiture of the person's right to operate a motor
23 vehicle over the highways of this State will result in extreme hardship
24 and alternative means of transportation are not available. In the case
25 of **[any]** a person who at the time of the imposition of sentence is less
26 than 17 years of age, the period of **[the]** any suspension of driving
27 privileges authorized herein, including a suspension of the privilege of
28 operating a motorized bicycle, shall commence on the day the sentence
29 is imposed and shall run for a period as fixed by the court of not less
30 than six months or more than two years after the day the person
31 reaches the age of 17 years. If the driving privilege of any person is
32 under revocation, suspension, or postponement for a violation of any
33 provision of this title or Title 39 of the Revised Statutes at the time of
34 any conviction or adjudication of delinquency for a violation of any
35 offense defined in this chapter or chapter 36 of this title, **[the]** any
36 revocation, suspension, or postponement period imposed herein shall
37 commence as of the date of termination of the existing revocation,
38 suspension, or postponement. ¹A person, at any time after sentencing
39 and upon notice to the prosecutor, may make an application to the
40 court to restore his right to operate a motor vehicle over the highways
41 of this State; provided the application is based upon new evidence or

EXPLANATION - Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted December 12, 2005.

1 new information which demonstrates compelling circumstances
2 warranting an exception.¹

3 [The] b. If forfeiture or postponement of driving privileges is
4 ordered by the court pursuant to subsection a. of this section, the
5 court [before whom any person is convicted of or adjudicated
6 delinquent for a violation of any offense defined in this chapter or
7 chapter 36 of this title] shall collect forthwith the New Jersey driver's
8 license or licenses of the person and forward such license or licenses
9 to the Director of the Division of Motor Vehicles along with a report
10 indicating the first and last day of the suspension or postponement
11 period imposed by the court pursuant to this section. If the court is
12 for any reason unable to collect the license or licenses of the person,
13 the court shall cause a report of the conviction or adjudication of
14 delinquency to be filed with the Director. That report shall include the
15 complete name, address, date of birth, eye color, and sex of the person
16 and shall indicate the first and last day of the suspension or
17 postponement period imposed by the court pursuant to this section.
18 The court shall inform the person orally and in writing that if the
19 person is convicted of personally operating a motor vehicle during the
20 period of license suspension or postponement imposed pursuant to this
21 section, the person shall, upon conviction, be subject to the penalties
22 set forth in R.S.39:3-40. A person shall be required to acknowledge
23 receipt of the written notice in writing. Failure to receive a written
24 notice or failure to acknowledge in writing the receipt of a written
25 notice shall not be a defense to a subsequent charge of a violation of
26 R.S.39:3-40. If the person is the holder of a driver's license from
27 another jurisdiction, the court shall not collect the license but shall
28 notify forthwith the Director who shall notify the appropriate officials
29 in the licensing jurisdiction. The court shall, however, in accordance
30 with the provisions of this section, revoke the person's non-resident
31 driving privilege in this State.

32 c. In addition to any other condition imposed, a court may in its
33 discretion suspend, revoke or postpone in accordance with the
34 provisions of this section the driving privileges of a person admitted
35 to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12
36 without a plea of guilty or finding of guilt.

37 (cf: P.L.1988,c.44,s.7)

38

39 2. This act shall take effect immediately.