

5-15 CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY BY PERSONS UNDER THE LEGAL AGE PROHIBITED.

5-24.1 Prohibited Acts.

It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property. (New; N.J.S.A. 40:48-1.2)

5-24.2 Violations and Penalties; Exception.

a. Any person who violates any provision of this section shall be subject, upon conviction, to a penalty of two hundred fifty (\$250.00) dollars for a first offense and three hundred fifty (\$350.00) dollars for any subsequent offense.

b. In addition to the fine authorized by N.J.S.A. 40:48-1.2 and paragraph b, above, the court may suspend or postpone for six (6) months the driving privilege of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Motor Vehicle Commission stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than seventeen (17) years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six (6) months after the person reaches the age of seventeen (17) years.

If a person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the Motor Vehicle Commission along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the court.

The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

If the person convicted under this section is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the Motor Vehicle Commission the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the Motor Vehicle Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

c. No person under the legal age shall be prohibited from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

d. This section shall not prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the New Jersey Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post secondary educational institution; however, this section shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

(New; N.J.S.A. 40:48-1.2)

5-24.3 Underage Possession or Consumption of Alcoholic Beverage; Exemption From Prosecution.

a. An underage person and one or two other persons shall be immune from prosecution under an ordinance authorized by N.J.S.A. 40:48-1.2 prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property if:

1. One of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;
2. The underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;
3. The underage person was the first person to make the 9-1-1 report; and

4. The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

b. The underage person who received medical assistance as provided in subsection a. of this section also shall be immune from prosecution under an ordinance authorized by N.J.S.A. 40:48-1.2.

(New; N.J.S.A. 40:48-1.2a)