

APPENDIX^{1,2}

No Action

2A:67-6. Sending citizen as prisoner out of State for offense committed within State; action for damages; punishment; disqualification; exceptions

For preventing illegal imprisonment of citizens of this State in prisons out of this State, no citizen of this State who is an inhabitant or resident thereof, shall be sent as a prisoner to any place whatsoever out of this State, for any crime or offense committed within this State, and every such imprisonment is hereby declared to be illegal unless such transfer of such person to a place of confinement outside the State is accomplished pursuant to the provisions of any interstate compact approved by the Legislature for such purpose and to which the State is signatory.

If any such citizen shall be so imprisoned, except as provided for herein by compact, he may, for every such imprisonment, maintain, by virtue of this chapter, an action at law in the Superior Court for the damages sustained thereby, against the person by whom he shall be so committed, detained, imprisoned, sent prisoner or transported contrary to the true intent and meaning of this chapter, and against any person who shall frame, contrive, write, seal, sign, or countersign any warrant or writing for such commitment, detainer, imprisonment or transportation, or who shall advise, aid or assist in the same or any of them. In such action the plaintiff may recover penal as well as compensatory damages but in any case the damages shall not be less than \$1,500.00.

Any person who shall knowingly frame, contrive, write, seal, sign or countersign any warrant for such commitment, detainer, or transportation, or shall so commit, detain, imprison or transport any person contrary to this chapter, or advise, aid or assist therein, shall be fined or imprisoned at hard labor, or both, at the discretion of the court before which the conviction shall be had and shall in addition thereto, from thenceforth be disqualified from holding any office or trust or profit under this State.

Nothing contained in this chapter shall be construed to prevent the sending of a citizen of this State or person at any time resident therein, who has committed any treason, felony or misdemeanor in another state of the United States or in any foreign country, to such other state or foreign country having jurisdiction of such offense, for the purpose of being tried therefor.

Amended by L.1973, c. 16, § 1, eff. Jan. 31, 1973; L.1991, c. 91, § 111, eff. April 9, 1991.

Comment

No action; necessary reference. The statute references “misdemeanor” in the context of crimes that may have occurred in **other** states.

¹ Where applicable, the proposed modifications to each statute are shown with underscore and ~~strikeout~~.

² The full text of the statutes referenced herein may be found at either <https://njlaw.rutgers.edu/collections/njstats/> or <https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish:10.1048/Enu>

2C:1-4. Classes of offenses

a. An offense defined by this code or by any other statute of this State, for which a sentence of imprisonment in excess of 6 months is authorized, constitutes a crime within the meaning of the Constitution of this State. Crimes are designated in this code as being of the first, second, third or fourth degree.

b. An offense is a disorderly persons offense if it is so designated in this code or in a statute other than this code. An offense is a petty disorderly persons offense if it is so designated in this code or in a statute other than this code. Disorderly persons offenses and petty disorderly persons offenses are petty offenses and are not crimes within the meaning of the Constitution of this State. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Conviction of such offenses shall not give rise to any disability or legal disadvantage based on conviction of a crime.

c. An offense defined by any statute of this State other than this code shall be classified as provided in this section or in section 2C:43-1 and, except as provided in section 2C:1-5b and chapter 43, the sentence that may be imposed upon conviction thereof shall hereafter be governed by this code. Insofar as any provision outside the code declares an offense to be a misdemeanor when such offense specifically provides a maximum penalty of 6 months' imprisonment or less, whether or not in combination with a fine, such provision shall constitute a disorderly persons offense.

d. Subject to the provisions of section 2C:43-1, reference in any statute, rule, or regulation outside the code to the term "high misdemeanor" shall mean crimes of the first, second, or third degree and reference to the term "misdemeanor" shall mean all crimes.

L.1978, c. 95, § 2C:1-4, eff. Sept. 1, 1979. Amended by L.1979, c. 178, § 3, eff. Sept. 1, 1979; L.1981, c. 290, § 1, eff. Sept. 24, 1981.

Comment

No action – necessary reference.

2C:1-5. Abolition of common law crimes; all offenses defined by statute; application of general provisions of the code; limitation of local government laws

a. Common law crimes are abolished and no conduct constitutes an offense unless the offense is defined by this code or another statute of this State.

b. The provisions of subtitle 1 of the code¹ are applicable to offenses defined by other statutes. The provisions of subtitle 32 are applicable to offenses defined by other statutes but the maximum penalties applicable to such offenses, if specifically provided in the statute defining such offenses, shall be as provided therein, rather than as provided in this code, except that if the non-code offense is a misdemeanor with a maximum penalty of more than 18 months imprisonment, the provisions of section 2C:43-1b shall apply.

c. This section does not affect the power to punish for contempt, either summarily or after indictment, or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

d. Notwithstanding any other provision of law, the local governmental units of this State may neither enact nor enforce any ordinance or other local law or regulation conflicting with, or preempted by, any provision of this code or with any policy of this State expressed by this code, whether that policy be expressed by inclusion of a provision in the code or by exclusion of that subject from the code.

Comment

No action – necessary reference.

2C:43-1. Degrees of crimes

a. Crimes defined by this code are classified, for the purpose of sentence, into four degrees, as follows:

- (1) Crimes of the first degree;
- (2) Crimes of the second degree;
- (3) Crimes of the third degree; and
- (4) Crimes of the fourth degree.

A crime is of the first, second, third or fourth degree when it is so designated by the code. An offense, declared to be a crime, without specification of degree, is of the fourth degree.

b. Notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a high misdemeanor shall constitute for the purpose of sentence a crime of the third degree. Except as provided in sections 2C:1-4c. and 2C:1-5b. and notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a misdemeanor shall constitute for the purpose of sentence a crime of the fourth degree.

Comment

No action – necessary reference.

53:1-32. "National Crime Prevention and Privacy Compact"

... (9) CRITERION OFFENSE.--The term "criterion offense" means any felony or misdemeanor offense not included on the list of nonserious offenses published periodically by the FBI.

Comment

No action – necessary reference.

Conform / Update Statutory Language

2A:155-2. Definitions

As used in this chapter:

“State” shall include the District of Columbia.

“Fresh pursuit” shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a ~~felony~~ an indictable offense or who is reasonably suspected of having committed an ~~felony~~ indictable offense. It shall also include the pursuit of a person suspected of having committed a supposed indictable offense, though no indictable offense has actually been committed, if there is reasonable ground for believing that an indictable offense has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

“Felony” shall include ~~high misdemeanor~~ crimes of the first, second or third degree.

Section 2A:155-2 shall remain in full force and effect for use, administration and enforcement as heretofore, pending enactment of acts to revise, repeal or to compile in Title 2C, see N.J.S.A. § 2C:98-3.

L.1937, c. 94, §§ 4, 5, p. 230.

Comment

Recommend updating statutory language.

2A:156-1. Peace officer in fresh pursuit may arrest anywhere in state

Any peace officer of this state in fresh pursuit of a person who is reasonably believed by him to have committed a ~~high misdemeanor~~ indictable offense in this state or has committed, or attempted to commit, any criminal offense in this state in the presence of such officer, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state.

L.1941, c. 89, p. 203, § 1

Comment

Recommend updating statutory language. See N.J.S. 2C:1-4(d). Subject to the provisions of section N.J.S. 2C:43-1, reference in any statute, rule or regulation outside the code to the term “high misdemeanor” shall mean crimes of the first, second, or third degree and reference to the term “misdemeanor” shall mean all crimes.

2A:156-2. "Fresh pursuit" defined

The term "fresh pursuit" as used in this chapter shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed, or is reasonably suspected of having committed a crime of the first, second, or third degree ~~a high misdemeanor or is reasonably suspected of having committed a high misdemeanor~~ in this state, or who has committed or attempted to commit any criminal offense in this state in the presence of the arresting officer referred to in section 2A:156-1 of this title, or for whom such officer holds a warrant of arrest for a criminal offense. It shall also include the pursuit of a person suspected of having committed a supposed ~~high misdemeanor~~ crime of the first, second, or third degree in this state, though no ~~high misdemeanor~~ crime has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Comment

Recommend updating statutory language. See N.J.S. 2C:1-4(d).

17B:30B-4 Refusal to issue, suspension, revocation, refusal to renew license.

4. a. The commissioner may refuse to issue, suspend, revoke or refuse to renew the license of a viatical settlement provider, if the commissioner finds that:

- (1) There was any material misrepresentation in the application for the license;
- (2) The licensee or any officer, partner, member or key management personnel has been convicted of fraudulent or dishonest practices, is subject to a final administrative action or is otherwise shown to be untrustworthy or incompetent to act as a licensee;
- (3) The licensee demonstrates a pattern of unreasonable payments to viators;
- (4) The licensee or any officer, partner, member or key management personnel has been found guilty of, or has pleaded guilty or nolo contendere to, any ~~felony~~ indictable offense, or ~~to a misdemeanor~~ any offense involving fraud or moral turpitude, regardless of whether a judgment of conviction has been entered by the court;
- (5) The licensee has entered into any settlement contract that has not been approved pursuant to this act;
- (6) The licensee has failed to honor contractual obligations set out in a viatical settlement contract;
- (7) The licensee no longer meets the requirements for initial licensure;
- (8) The licensee has assigned, transferred or pledged a viaticated policy to a person other than a viatical settlement provider licensed in this State, an accredited investor or qualified institutional buyer as defined respectively in Regulation D, Rule 501 (17 C.F.R. 230.501 through 230.508) or Rule 144A (17 C.F.R. 230.144A) of the federal "Securities Act of 1933" (15 U.S.C. s.77a et seq.), as amended, financing entity, special purpose entity or related provider trust; or
- (9) The licensee or any officer, partner, member or key management personnel has violated any provision of this act.

b. The commissioner may suspend, revoke or refuse to renew the license of a life insurance producer if the commissioner finds that the life insurance producer has violated the provisions of this act.

c. Before the commissioner denies a license, application or suspends, revokes or refuses to renew the license of a viatical settlement provider or suspends, revokes or refuses to renew the license of a life insurance producer pursuant to this act, the commissioner shall conduct a hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

L.2005, c.229, s.4.

Comment

Recommend updating statutory language.

18A:71C-7 Falsely securing federal loan a ~~misdemeanor~~; penalty.

Any person who, having obtained a federal loan under this act, solicits, applies for, or accepts another such loan, except as specifically authorized in this act, and any person who knowingly or willfully furnishes any false or misleading information for the purpose of obtaining a loan, or of enabling another to obtain a loan, under this act, shall be guilty of a crime of the fourth degree.

L.1999, c.46,s.1.

Comment

No action – Revise Title. The statute properly reflects the fact that it is a fourth degree offense. The statutory title, however, indicates that the offense is a misdemeanor. Recommend conforming the title to the proper reference.

19:44A-40. Violations; ~~misdemeanor~~ penalty; forfeiture of office

a. Any person who willfully and knowingly violates section 4, 9 or 10 of P.L.1974, c. 26 or section 17 of P.L.1980, c. 74 (C. 19:44A-18.1) is guilty of a crime of the fourth degree.

b. The election to office of any candidate who is guilty of any violation within the description of subsection a. of this section shall be void, and the office shall be filled as required by law in the case of a vacancy; provided, however, that nothing herein contained shall be construed in derogation of the constitutional authority of either House of the Legislature to be the judge of the election and qualification of its own members.

L.1974, c. 26, s. 15, eff. May 6, 1974. Amended by L.1980, c. 74, s. 14, eff. July 23, 1980; L.1981, c. 511, s. 13, eff. Jan. 12, 1982.

Comment

No action – Revise title. The statute properly reflects the fact that it is a fourth degree offense. The statutory title, however, indicates that the offense is a misdemeanor. Recommend conforming the title to the proper reference.

26:2B-17 Procedure for individuals arrested for violation of municipal ordinance, disorderly persons offense.

11. Any person who is arrested for a violation of a municipal ordinance, or for a disorderly persons offense, and who is not also arrested for ~~misdemeanor~~ an indictable offense as set forth in the New Jersey Code of Criminal Justice, and who the arresting police officer has reasonable cause to believe is intoxicated, may be taken by a police officer directly to an intoxication treatment center or other appropriate facility. To determine whether or not such person is intoxicated, the police officer may request the person to submit to any reasonable test, including, but not limited to, tests of his coordination, coherency of speech, and breath.

.....

When a person who is arrested for a violation of a municipal ordinance, or disorderly persons offense, and who is not also arrested for a ~~misdemeanor~~ an indictable offense as set forth in the New Jersey Code of Criminal Conduct, is brought before the court on such charge, the court shall inform the person that the person is entitled to request a medical examination to determine whether or not the person has alcohol use disorder if the person has been admitted to a facility pursuant to the provisions of the preceding paragraph and has not received a medical examination by a physician. The court shall further inform the defendant of the consequences which follow a determination by a physician that the person is a person with an alcohol use disorder who would benefit by treatment. Any request for an examination shall be in writing. If the person makes such request, the proceedings shall be stayed for the period during which the request is under consideration by the court. If the defendant requests an examination, the court shall appoint a physician to conduct the examination at an appropriate location designated by it.

Comment

Recommend updating statutory language. Conform language to the terms used in the Code of Criminal Justice.

By virtue of its jurisdiction over petty criminal matters, municipal courts frequently must deal with defendants who were drunk at the time they committed their offenses. The Legislature has provided a procedure for diverting this type of defendant from the criminal justice system. Those defendants who qualify for diversion and who complete the statutory requirements are entitled to have their municipal court quasi-criminal charges dismissed.¹

In order to qualify, an intoxicated defendant must be arrested and charged with a disorderly persons offense or a municipal ordinance violation. If these petty charges are related or companion to a criminal offense of the fourth degree or higher, the defendant is ineligible for diversion.²

¹ See N.J.S. 26:2B-17.

² N.J.S. 26:2B-17 uses the phrase “who is also arrested for a misdemeanor ...” The Code of Criminal Justice now defines the term “misdemeanor” as meaning all crimes. N.J.S. 2C:1-4(a) and N.J.S. 2C:1-4(d). Generally, a misdemeanor is equivalent to a fourth degree offense for purposes of sentencing. N.J.S. 2C:43-1(b).

27:19-36.3. Appointment of bridge police; authority; procedure on arrest

Notwithstanding any of the provisions of the article of which this act is a supplement, any county bridge commission created pursuant to said article may appoint policemen and all policemen so

appointed are hereby authorized and empowered to make arrests on view and without warrant ~~on Sunday or any other day~~ for crimes, ~~misdemeanors~~ and offenses of any character, or for disorder or breach of the peace or violations of any rules and regulations adopted by such county bridge commissions, committed within the jurisdiction of this State on any bridge owned by or under the control of such county bridge commission, or at the approaches thereof, or on any other property owned by or under the control of such commission. In addition, such policemen shall have all the powers conferred by law on police officers or constables in the enforcement of laws in this State and the apprehension of violators.

Any person so arrested shall be conducted by the officer to a municipal magistrate of the political subdivision in which the arrest is made or, if there is no such available magistrate, to the nearest available magistrate in any other political subdivision.

Any policeman may, instead of arresting an offender as herein provided, serve upon him a summons.

L.1960, c. 168, p. 709, s. 1.

Comment

Recommend updating statutory language.

32:4-6. Delaware River Port Authority police officers

The Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, and its wholly-owned subsidiary corporations, through which it is effectuating its authorized purposes, shall have the power and authority to appoint such number of police officers as may be found necessary to keep in safety and preserve order upon such bridges and tunnels and approaches thereto, and upon the rapid transit systems, ferries, facilities and other property as the Delaware River Port Authority or subsidiary corporations do or may hereafter own, lease or operate; to administer to the police officers an oath or affirmation faithfully to perform the duties of their respective positions or offices; and to provide for the payment of the police officers from the tolls, fares, charges and other revenue of the Delaware River Port Authority or subsidiary corporations. The police officers so appointed shall have the power and authority to make arrests for any crimes, ~~misdemeanors~~, and the offenses committed under the laws of the State of New Jersey or the Commonwealth of Pennsylvania, upon said bridges or within said tunnels or approaches thereto, on the rapid transit systems, ferries, facilities or other property owned, leased or operated by the Delaware River Port Authority or a subsidiary corporation, for disorder or breach of the peace, or for violations of any lawful regulation which may be or may heretofore have been adopted by the Delaware River Port Authority or subsidiary corporations. Police officers shall be further authorized and empowered to make arrests or issue summonses for evasion or attempts to evade the payment of tolls, fares or other charges which may be fixed or may have been fixed for the use of a bridge, tunnel, rapid transit system, or ferry, facility or other property owned, leased or operated by the Delaware River Port Authority or a subsidiary corporation. In addition, while acting within any other areas of the port district, police officers appointed by the Delaware

River Port Authority shall have all of the powers, including the right to carry firearms while on duty, and all of the immunities conferred by law on police officers or municipal police officers in the enforcement of the laws of the State of New Jersey and the Commonwealth of Pennsylvania; provided that no police officer shall be so empowered unless the officer has satisfied all the training and requalification requirements of section 2 of this amendatory and supplementary act. To pass over any part of said bridges or through said tunnels and approaches thereto in any vehicle for which tolls shall be collectible, or for any person or vehicle to use the rapid transit systems or ferries or other facilities or property without passing through the toll gates or paying such tolls, fares or charges, shall constitute such evasion and shall subject the person so evading or attempting to evade such payment to arrest or receipt of a summons as aforesaid. Any such summons shall direct such person to appear before any proper judicial officer as defined in this section at such time as the summons shall direct. Upon the return of such summons or upon the apprehension or arrest of any person or persons for any of the other foregoing reasons, the offender may be taken before any proper judicial officer of the Commonwealth of Pennsylvania or of the State of New Jersey, without respect to the portion of the bridge, tunnel, ferry facility, rapid transit system, facilities or other property upon or within which such offense may have been committed or attempted or such offender arrested, and thereupon such judicial officer shall have the power and authority to punish such offender as hereinafter provided. The Delaware River Port Authority and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes shall have the power to adopt such rules and regulations as they may respectively deem expedient for the proper government of said bridges, tunnels, approaches thereto, rapid transit systems, ferries, facilities or other property and for the preservation of good order, safe traffic, and proper conduct thereon or therein. For any violation of any of the foregoing provisions of this act or of any rule or regulation adopted by the Delaware River Port Authority, or its said subsidiary corporations, or for any evasion or attempt to evade payment of tolls, fares or charges, the offender or offenders shall be subject to a fine or penalty of not less than \$10.00 or more than \$25.00, together with costs, to be adjudged by the proper judicial officer of the city and county of Philadelphia or other proper judicial officer of the Commonwealth of Pennsylvania or of the State of New Jersey before whom such offender or offenders may be brought; and on default of payment of such fine or penalty, then to imprisonment of not less than 10 days or more than 30 days in the place of incarceration decreed by said magistrate or other judicial officer; and upon conviction of any subsequent offense, shall be subject to a fine or penalty of not less than \$25.00 or more than \$50.00, together with costs, or to imprisonment of not less than 30 days or more than 60 days, or both, at the discretion of the said magistrate or other judicial officer.

L.1957, c.35, p.64, s.1; amended by L.1969, c.290, s.1; L.1975, c.348, s.1; L.1986, c.209, s.1.

Comment

Recommend updating statutory language.

32:10-2. Authority of bridge police; disposition of person arrested

All policemen appointed by the Delaware River Joint Toll Bridge Commission when in uniform are hereby authorized and empowered to make arrest on view and without warrant on Sunday or any other

day, for crimes, ~~misdemeanors~~, and offenses of any character or for disorder, or breach of the peace or violations of any rules and regulations adopted by the Delaware River Joint Toll Bridge Commission, committed within the jurisdiction of this State on any bridge owned by or under the control of the said Delaware River Joint Toll Bridge Commission or on the approaches thereto or on any other property owned by or under the control of such commission. In addition such policemen shall have all the powers conferred by law on police officers or constables in the enforcement of laws of this State and the apprehension of violators.

Any person so arrested shall be conducted by the officer to the nearest available alderman, justice of the peace or magistrate of the political subdivision in which the arrest is made or, if there is no such official available, to the nearest available alderman, justice of the peace or magistrate of any adjoining political subdivision.

Amended by L.1945, c. 198, p. 683, s. 1.

Comment

Recommend updating statutory language.

33:1-66. Seizure of unlawful property; bond or cash for return; replevin; forfeiture, sale, etc., of unclaimed property; hearing; certain property subject to seizure; manufacture, sale, etc., of unlawful property; return of seized property; liens

a. Any officer knowing, or having reasonable cause to believe, that any person is engaged in unlawful alcoholic beverage activity, it shall be his duty to investigate, under proper search warrant when necessary, which it shall be his further duty to apply for, and to seize all property which he shall know, or have reasonable ground to believe is unlawful property, including in the case of illicit alcoholic beverages within any vehicle, the vehicle containing the same, and to arrest all persons whom he shall know, or have reasonable ground to believe, are committing, or have committed, a ~~misdemeanor~~ violation of this chapter under this chapter and to make complaint against such persons as in other violations of the Code of Criminal Justice ~~cases of misdemeanors~~. All property when seized shall be under the jurisdiction of the Director of the Division of Alcoholic Beverage Control subject to this chapter.

Amended by L.1953, c. 32, p. 577, s. 3, eff. March 19, 1953.

Comment

Recommend updating statutory language.

33:1-52. Aiding in violations; misdemeanor

Any person who shall knowingly aid or abet another in the violation of this chapter shall be guilty of a ~~misdemeanor~~ crime punishable in the same manner as the violation aided or abetted.

Comment

See Letter, with enclosure, from James B. Graziano, Acting Director, Division of Alcoholic Beverage Control to the New Jersey Law Revision Commission *2-3 (Feb. 20, 2019) requesting that the statute not be repealed, rather amended to reflect the suggested language in order to protect the constitutional principles of fundamental fairness and due process.

33:1-71. Officers to use diligence; arrests

To the end that local police and other enforcing agencies shall enforce this chapter in the interest of economy and effective control, all officers shall use all due diligence to detect violations of this chapter and shall apprehend the offenders and make a proper complaint before a magistrate. Arrests may be made as in other cases. ~~of misdemeanors.~~

L.1933, c. 436, § 70, p. 1222, amended by L.1934, c. 85, § 38, p. 254.

Comment

Recommend updating statutory language.

33:2-3. Seizure of unregistered stills; search warrant; arrest of offenders

Any officer knowing or having reasonable cause to believe that any still or distilling apparatus or any parts thereof constitute such unlawful property, it shall be his duty to investigate, under proper search warrant when necessary, which it shall be his further duty to apply for, and to seize such still or distilling apparatus or parts thereof, together with all articles, implements or paraphernalia used or adaptable for use in connection therewith and all personal property of whatsoever kind, found in a building or in any yard or inclosure connected with a building or on the premises in which such still or distilling apparatus or parts thereof are found, and to arrest all persons whom he shall know, or have reasonable ground to believe, are committing, or have committed, a ~~misdemeanor~~ crime under this chapter or the New Jersey Code of Criminal Conduct and to make complaint against such persons as in other cases of ~~misdemeanors~~ such crimes. All property when seized shall be under the jurisdiction of the commissioner.

L.1934, c. 84, § 3, p. 216, amended by L.1935, c. 255, § 3, p. 782.

Comment

Recommend updating statutory language.

38A:4-7. Exemption from process

No member of the organized militia shall be arrested on any warrant or other process, except for ~~treason or a high misdemeanor~~ an indictable offense, while going to, remaining at or during the performance of any duty of a military character or returning from any place at which he may be required by competent authority to attend for military duty.

L.1963, c. 109. R.S. 38:12-2, derived from L.1937, c. 49, Art. XIII, § 2, p. 133, amended by L.1941, c. 109, § 22.

Comment

Recommend updating statutory language.

39:6-86.3. Denial of benefits; grounds

Any qualified person entitled to receive benefits as provided in section 7 of this act shall be precluded from receiving such benefits where such person's conduct contributed to his personal injuries or death in any of the following ways:

a. While committing an indictable offense as defined by the New Jersey Code of Criminal Justice or seeking to avoid lawful apprehension or arrest by a police officer; or

b. While acting with specific intent of causing injury or damage to himself or others.

L.1972, c. 198, s. 9, eff. Jan. 1, 1973.

Comment

Recommend updating statutory language.

39:6A-7 Exclusion from certain insurance benefits.

a. Insurers may exclude a person from benefits under sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), medical expense benefits provided in section 4 of P.L.1998, c.21 (C.39:6A-3.1) and benefits provided in section 45 of P.L.2003, c.89 (C.39:6A-3.3) if that person's conduct contributed to his personal injuries or death occurred in any of the following ways:

(1) while committing an indictable offense as defined by the New Jersey Code of Criminal Justice or seeking to avoid lawful apprehension or arrest by a police officer; or

(2) while acting with specific intent of causing injury or damage to himself or others.

b. An insurer may also exclude from the benefits provided in sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), the medical expense benefits provided in section 4 of P.L.1998, c.21

(C.39:6A-3.1) and benefits provided in section 45 of P.L.2003, c.89 (C.39:6A-3.3) any person having incurred injuries or death, who, at the time of the accident:

(1) was the owner or registrant of an automobile registered or principally garaged in this State that was being operated without personal injury protection coverage;

(2) was occupying or operating an automobile without the permission of the owner or other named insured;

(3) was a person other than the named insured or a member of the named insured's family residing in his household, if that person is entitled to coverage under section 4 or section 10 of P.L.1972, c.70 (C.39:6A-4 or 39:6A-10), or both, section 4 of P.L.1998, c.21 (C.39:6A-3.1) or section 45 of P.L.2003, c.89 (C.39:6A-3.3), as a named insured or member of the named insured's family residing in his household under the terms of another policy; or

(4) was a member of the named insured's family residing in the named insured's household, if that person is entitled to coverage under section 4 or section 10 of P.L.1972, c.70 (C.39:6A-4 or 39:6A-10), or both, section 4 of P.L.1998, c.21 (C.39:6A-3.1) or section 45 of P.L.2003, c.89 (C.39:6A-3.3) as a named insured under the terms of another policy.

L.1972,c.70,s.7; amended 1972, c.203, s.5; 1983, c.362, s.10; 1997, c.270; 1998, c.21, s.10; 2003, c.89, s.51.

Comment

Recommend updating statutory language.

39:10-11. Certificate of ownership; fees

A. The purchaser of a motor vehicle in this State, other than a dealer licensed pursuant to the provisions of R.S.39:10-19, shall, within 10 working days after its purchase, submit to the director evidence of the purchase. Upon presentation to the director of the certificate of origin, or certificate of ownership, or bill of sale issued prior to October 1, 1946, with proper assignment and certification of the seller, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to the buyer, in case of a sale not subject to a security interest, and the director shall collect a fee of \$20 for the issuance and filing thereof....

I. The failure of any person to comply with the requirements of this section shall not constitute a ~~misdemeanor~~ crime within the provisions of R.S.39:10-24, nor shall such failure affect the validity of any instrument creating or reserving a security interest in a motor vehicle, as between the parties to such instrument.

Amended 1939,c.270,s.2; 1946,c.136,s.7; 1951,c.334,s.1; 1954,c.207; 1955,c.209,s.1; 1956,c.92; 1961,c.122,s.5; 1962,c.193,s.3; 1963,c.34,s.3; 1968,c.130,s.12; 1975,c.180,s.15; 1982,c.27,s.1; 1982,c.53,s.6; 1994,c.60,s.26.

Comment

Recommend updating statutory language.

40A:14-149.1. Suspension of officer charged with offense

Notwithstanding any other law to the contrary, whenever any municipal police officer is charged under the law of this State, another state, or the United States, with an offense, said police officer may be suspended from performing his duties, with pay, until the case against said officer is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided, however, that if a grand jury returns an indictment against said officer, or said officer is charged with an offense which is an indictable offense ~~high misdemeanor~~ or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated.

L.1973, c. 270, s. 1, eff. Nov. 29, 1973.

Comment

Recommend updating statutory language.

45:15-16.74 Refusal to issue, renew, revoke, suspension of registration, penalties.

b. A conviction of the registrant or any principal of the registrant of:

(1) A ~~felony~~ crime that is punishable by death or imprisonment for a term exceeding one year under the laws of any state or federal jurisdiction;

(2) A ~~misdemeanor~~ crime under the laws of any state or federal jurisdiction if an essential element of the offense is dishonesty; or

(3) Any crime under the laws of any state or federal jurisdiction if the crime relates directly to the practice of the profession regulated by this act. [...]

L.2006, c.63, s.25.

Comment

Recommend updating statutory language.

45:15-17 Investigation of actions of licensees; suspension or revocation of licenses and causes therefor.

The commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any real estate broker, broker-salesperson, salesperson, referral agent, or any person who assumes, advertises or represents himself as being authorized to act as a real estate broker, broker-salesperson, salesperson or referral agent or engages in any of the activities described in R.S.45:15-3 without being licensed so to do. The lapse or suspension of a license by operation of law or the voluntary surrender of a license by a licensee shall not deprive the commission of jurisdiction to proceed with any investigation as herein provided or prevent the commission from taking any regulatory action against such licensee, provided, however, that the alleged charges arose while said licensee was duly licensed. Each transaction shall be construed as a separate offense.

In conducting investigations, the commission may take testimony by deposition as provided in R.S.45:15-18, require or permit any person to file a statement in writing, under oath or otherwise as the

commission determines, as to all the facts and circumstances concerning the matter under investigation, and, upon its own motion or upon the request of any party, subpoena witnesses, compel their attendance, take evidence, and require the production of any material which is relevant to the investigation, including any and all records of a licensee pertaining to his activities as a real estate broker, broker-salesperson, salesperson or referral agent. The commission may also require the provision of any information concerning the existence, description, nature, custody, condition and location of any books, documents, or other tangible material and the identity and location of persons having knowledge of relevant facts of any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure to obey a subpoena or to answer questions posed by an investigator or legal representative of the commission and upon reasonable notice to all affected persons, the commission may commence an administrative action as provided below or apply to the Superior Court for an order compelling compliance.

The commission may place on probation, suspend for a period less than the unexpired portion of the license period, or may revoke any license issued under the provisions of R.S.45:15-1 et seq., or the right of licensure when such person is no longer the holder of a license at the time of hearing, or may impose, in addition or as an alternative to such probation, revocation or suspension, a penalty of not more than \$5,000 for the first violation, and a penalty of not more than \$10,000 for any subsequent violation, which penalty shall be sued for and recovered by and in the name of the commission and shall be collected and enforced by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), where the licensee or any person, in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

- a. Making any false promises or any substantial misrepresentation; or
- b. Acting for more than one party in a transaction without the knowledge of all parties thereto; or
- c. Pursuing a flagrant and continued course of misrepresentation or making of false promises through agents, broker-salespersons, salespersons or referral agents, advertisements or otherwise; or
- d. Failure to account for or to pay over any moneys belonging to others, coming into the possession of the licensee; or
- e. Any conduct which demonstrates unworthiness, incompetency, bad faith or dishonesty. The failure of any person to cooperate with the commission in the performance of its duties or to comply with a subpoena issued by the commission compelling the production of materials in the course of an investigation, or the failure to give a verbal or written statement concerning a matter under investigation may be construed as conduct demonstrating unworthiness; or
- f. Failure to provide his client with a fully executed copy of any sale or exclusive sales or rental listing contract at the time of execution thereof, or failure to specify therein a definite terminal date which terminal date shall not be subject to any qualifying terms or conditions; or
- g. Using any plan, scheme or method for the sale or promotion of the sale of real estate which involves

a lottery, a contest, a game, a prize, a drawing, or the offering of a lot or parcel or lots or parcels for advertising purposes, provided, however, that a promotion or offer of free, discounted or other services or products which does not require that the recipient of any free, discounted or other services or products enter into a sale, listing or other real estate contract as a condition of the promotion or offer shall not constitute a violation of this subsection if that promotion or offering does not involve a lottery, a contest, a game, a drawing or the offering of a lot or parcel or lots or parcels for advertising purposes. A broker shall disclose in writing any compensation received for such promotion or offer in the form and substance as required by the federal "Real Estate Settlement Procedures Act of 1974," 12 U.S.C. ss.2601 et seq., except that, notwithstanding the provisions of that federal act, written disclosure shall be provided no later than when the promotion or offer is extended by the broker to the consumer; or

h. Being convicted of a crime, knowledge of which the commission did not have at the time of last issuing a real estate license to the licensee; or

i. Collecting a commission as a real estate broker in a transaction, when at the same time representing either party in a transaction in a different capacity for a consideration; or

j. Using any trade name or insignia of membership in any real estate organization of which the licensee is not a member; or

k. Paying any rebate, profit, compensation or commission to anyone not possessed of a real estate license, except that: (1) free, discounted or other services or products provided for in subsection g. of this section shall not constitute a violation of this subsection; and (2) a real estate broker may provide a purchaser of residential real property, but no other third party a rebate of a portion of the commission paid to the broker in a transaction, so long as: the broker and the purchaser contract for such a rebate at the onset of the broker relationship in a written document, electronic document or a buyer agency agreement; the broker complies with any State or federal requirements with respect to the disclosure of the payment of the rebate; and the broker recommends to the purchaser that the purchaser contact a tax professional concerning the tax implications of receiving that rebate. The rebate paid to the purchaser shall be in the form of a credit, reducing the amount of the commission payable to the broker, or a check paid by the closing agent and shall be made at the time of closing; or

l. Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing; or

m. Accepting a commission or valuable consideration as a real estate broker-salesperson, salesperson or referral agent for the performance of any of the acts specified in this act, from any person, except his employing broker, who must be a licensed broker; or

n. Procuring a real estate license, for himself or anyone else, by fraud, misrepresentation or deceit; or

o. Commingling the money or other property of his principals with his own or failure to maintain and deposit in a special account, separate and apart from personal or other business accounts, all moneys received by a real estate broker, acting in said capacity, or as escrow agent, or the temporary custodian of the funds of others, in a real estate transaction; or

p. Selling property in the ownership of which he is interested in any manner whatsoever, unless he first discloses to the purchaser in the contract of sale his interest therein and his status as a real estate broker, broker-salesperson, salesperson or referral agent; or

q. Purchasing any property unless he first discloses to the seller in the contract of sale his status as a real estate broker, broker-salesperson, salesperson or referral agent; or

r. Charging or accepting any fee, commission or compensation in exchange for providing information on purportedly available rental housing, including lists of such units supplied verbally or in written form, before a lease has been executed or, where no lease is drawn, before the tenant has taken possession of the premises without complying with all applicable rules promulgated by the commission regulating these practices; or

s. Failing to notify the commission within 30 days of having been convicted of any crime, ~~misdemeanor~~ indictable offense, or disorderly persons offense, or an equivalent statute of another state or jurisdiction or of having been indicted, or of the filing of any formal criminal charges, or of the suspension or revocation of any real estate license issued by another state, or of the initiation of formal disciplinary proceedings in another state affecting any real estate license held, or failing to supply any documentation available to the licensee that the commission may request in connection with such matter; or

t. The violation of any of the provisions of R.S.45:15-1 et seq. or of the administrative rules adopted by the commission pursuant to the provisions of R.S.45:15-1 et seq. The commission is expressly vested with the power and authority to make, prescribe and enforce any and all rules and regulations for the conduct of the real estate brokerage business consistent with the provisions of chapter 15 of Title 45 of the Revised Statutes.

If a licensee is deemed to be guilty of a third violation of any of the provisions of this section, whether of the same provision or of separate provisions, the commission may deem that person a repeat offender, in which event the commission may direct that no license as a real estate broker, broker-salesperson, salesperson or referral agent shall henceforth be issued to that person.

Amended 1948, c.155, s.2; 1953, c.229, s.5; 1954, c.193, s.2; 1966, c.11, s.5; 1977, c.331, s.5; 1989, c.126, s.3; 1993, c.51, s.20; 2001, c.68; 2009, c.238, s.11; 2009, c.273, s.1

Comment

Recommend updating statutory language.

45:19-26. Violation of Act as ground for revocation of license

A violation of any of the provisions of this act shall be cause for revocation of any license issued hereunder, notwithstanding that the same violation may constitute a ~~misdemeanor or high misdemeanor~~ crime of the third or fourth degree.

L.1939, c. 369, p. 898, s. 19.

Comment

Recommend updating statutory language.

52:9M-15 Disclosure of information, violation, penalties; privilege, certain; OPRA not applicable.

a. Any person conducting or participating in any examination or investigation who shall disclose or any person who, coming into possession of or knowledge of the substance of any examination or investigation, shall disclose, or any person who shall cause, encourage or induce a person, including any witness or informant, to disclose, other than as authorized or required by law, to any person other than the commission or an officer having the power to appoint one or more of the commissioners the name of any witness examined, or any information obtained or given upon such examination or investigation, except as directed by the Governor or commission, or any person other than a member or employee of the commission or any person entitled to assert a legal privilege who, coming into possession of or knowledge of the substance of any pending examination or investigation who fails to advise the Attorney General and the commission of such possession or knowledge and to deliver to the Attorney General and the commission any documents or materials containing such information, shall be guilty of ~~a misdemeanor until September 1, 1979 when such person shall be guilty of~~ a crime of the third degree. Any member or employee of the commission who shall violate this section shall be dismissed from his office or discharged from his employment.

L.1968, c.266, s.15; amended 1969, c.67, s.3; 1979, c.254, s.14; 1996, c.44, s.5; 2005, c.58, s.3.

Comment

Recommend updating statutory language.

52:9M-17.1. Failure to answer questions after order; penalty

a. Any person who shall willfully refuse to answer a question or questions or produce evidence after being ordered to do so by the State Commission of Investigation in accordance with the act to which this act is a supplement P.L.1968, c. 266 (C. 52:9M-1 et seq.) is guilty of a ~~high misdemeanor until September 1, 1979, when such person shall be guilty of~~ a crime of the second degree. Notwithstanding any other provision of law, no person imprisoned pursuant to this section shall be eligible for parole or reconsideration of sentence except upon a showing that after imposition of the sentence he testified or furnished the required evidence at a time when the commission's needs were substantially met. Action against such person shall ensue upon a complaint signed by the chairman upon resolution of the commission. Such complaint shall be referred for prosecution to the Attorney General.

b. The trial of a defendant for an indictment made pursuant to this act shall be stayed pending the disposition of any review on appeal of the commission's order to testify and the indictment shall be dismissed if the order to testify is set aside on appeal or if, within 30 days after the order to testify is sustained on appeal, the defendant notifies the commission that he will comply with the order and does so promptly upon being afforded an opportunity to do so.

c. Any period of incarceration for contempt of an order of the commission shall be credited against any period of imprisonment to which a defendant is sentenced pursuant to subsection a. of this section.

L.1979, c. 254, s. 13, eff. Dec. 21, 1979.

Comment

Recommend updating statutory language.

Remove Penalty

17:9A-18 Names of banks, savings banks; use, certain, waiver.

A. The name of every bank shall contain the word “bank” or “banking” or “trust,” or a combination of the words “bank” or “banking” and “trust,” except that no bank which is not qualified to exercise any of the powers specified in section 281 shall use the word “trust” as part of its name. Any bank which, immediately prior to the effective date of this act,² lawfully used the word “savings” as part of its name, may continue the use thereof, but no other bank shall hereafter use such word as part of its name.

B. The name of every savings bank shall contain the words “savings bank” or “savings fund society” or “savings institution” or “institution for savings” or “bank for savings ” or “bank.” Any savings bank which, immediately prior to the effective date of this act, lawfully used the word “trust” as part of its name, may continue the use thereof, but no other savings bank shall hereafter use such word as part of its name.

C. No bank or savings bank shall assume a name identical with that of an existing banking institution, or so similar thereto that confusion may result therefrom; except that, if a bank or savings bank is organized to succeed another bank or savings bank pursuant to section 16,³ it may adopt the name of the bank or savings bank which it succeeds.

D. No person, other than a banking institution or bank holding company, shall use the words “bank” or “banker” or “banking” or “trust” or “savings” or any of them, as part of his or its name, or in any representations describing his or its powers, services or functions, except as otherwise permitted by law, provided, however, that the commissioner may waive the provisions of this subsection if the commissioner upon application determines that: (1) the applicant has used the requested name in at least one other state for at least six years and use of that name has not resulted in a pattern of confusion to consumers in that or any other state; (2) there is no risk of confusion to consumers in this State; (3) the services provided by an applicant are not financial services; and (4) the applicant only does business with other commercial entities and not with consumers.

Upon receipt of an application for a waiver of the provisions of this subsection, the commissioner shall provide notice of that application to the New Jersey Bankers Association, the New Jersey League of Community Bankers, and any successor trade associations. Upon receipt of the notice from the commissioner, the trade associations or any member thereof shall have 30 days in which to provide written comments supporting or opposing the application to the commissioner. ~~A violation of the provisions of this subsection shall be a misdemeanor, and~~ The Superior Court shall have jurisdiction to enjoin such violation at the suit of the commissioner.

E. The provisions of subsection D of this section shall not apply to any corporation or association formed for the purpose of promoting the interests of banking institutions, the membership of which is comprised of banking institutions, their officers or other representatives; nor shall the said subsection apply to any

partnership, association, or corporation, which, on the effective date of this act, lawfully used the words “bank,” “banker,” “banking,” “trust,” or “savings,” or any of them, as part of its name.

F. The provisions of subsection D of this section shall not prevent the use of the word “savings” by a building and loan association or a savings and loan association, or by a corporation or association formed for the purpose of promoting the interests of building and loan associations or savings and loan associations, the membership of which is comprised of building and loan or savings and loan associations, their officers or other representatives.

G. The provisions of subsection D of this section shall not prevent the use of the word “trust” by a Real Estate Investment Trust as defined in 26 U.S.C. s.856.

L.1948, c. 67, p. 194, § 18. Amended by L.1985, c. 528, § 13, eff. Jan. 21, 1986; L.1997, c. 370, § 1, eff. Jan. 19, 1998; L.2000, c. 68, § 1, eff. July 13, 2000; L.2004, c. 77, § 1, eff. July 1, 2004.

Comment

Remove penalty.

17:9A-214. Violations; penalty

~~A violation of this article shall be a misdemeanor and~~ The Superior Court shall have jurisdiction to enjoin such a violation of this article at the suit of the commissioner.

L.1948, c. 67, p. 349, § 214.

Comment

Remove penalty.

17:47-12. Penalty for violations

Any person who as principal, attorney, agent, broker or other representative, engages in the business contemplated by this chapter, or any variety or portion thereof, without complying with the requirements hereof, or who violates any provisions of this chapter, shall be ~~guilty of a misdemeanor and sentenced~~ liable to pay a fine penalty of not less than fifty nor more than five hundred dollars- to be enforced by summary proceedings pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.)

L.1915, c. 204, § 14, p. 374 [1924 Suppl. § 99-172].

Comment

Remove penalty.

17:49-6. Penalties; restraining violations; receiver

Any person who shall violate any provision of this act shall be ~~guilty of a misdemeanor and punished accordingly, and, in addition thereto, shall be~~ liable to a penalty in the sum of five hundred dollars (\$500.00) for each violation, to be sued for and collected by the Commissioner of Banking and Insurance in a civil action in the name of the State. The Superior Court shall have jurisdiction to restrain any violation of this act in an action brought for that purpose by the Commissioner of Banking and Insurance, and may appoint a receiver for such assets of any person, partnership, or association of persons as are actually employed in the conduct of business in violation of this act.

L.1939, c. 188, § 6, eff. July 11, 1939. Amended by L.1953, c. 17, § 188, eff. March 19, 1953.

Comment

Remove penalty.

17:50-10. ~~Misdemeanor;~~s Solicitation of powers of attorney and applications for insurance contract; injunction; appointment of receiver

Any attorney who shall exchange any contracts of insurance of the kind and character specified in this act, or any attorney or representative of such attorney who shall solicit or negotiate any applications for same, without the attorney first complying with the foregoing provisions, ~~shall be deemed guilty of a misdemeanor, and upon conviction thereof~~ shall be subjected to a fine of not less than \$100.00 nor more than \$1,000.00. The Superior Court shall have jurisdiction to restrain any violation of this act in an action brought for that purpose by the Commissioner of Banking and Insurance, and may appoint a receiver for such assets of any person, partnership, or association of persons as are actually employed in the conduct of business in violation of this act.

For the purposes of organization, and upon issuance of permit by the Commissioner of Banking and Insurance of this State, and under such conditions as he may impose, powers of attorney and applications for such insurance contracts may be solicited without compliance with the provisions of this act, but no attorney or other person shall execute or issue any such contracts of insurance until all the provisions of this act shall have been complied with and certificate of authority issued by the Commissioner of Banking and Insurance.

L.1945, c. 161, § 10, eff. April 13, 1945. Amended by L.1959, c. 69, § 1, eff. June 4, 1959.

Comment

Remove penalty.

23:3-18. Antedating license ~~a misdemeanor~~

A clerk or agent who antedates a license ~~shall be guilty of a misdemeanor~~ liable for a penalty of not less than \$100.00 nor more than \$500.00.

L.1914, c. 152, § 12, p. 279 [1924 Suppl. § 79-301B(12)], amended by L.1927, c. 42, § 10, p. 90.

Comment

The Division of Fish and Wildlife opposed any modification to the statute that involved a reference to N.J.S. 2C:21-4. The Division points out that all Title 23 matters are quasi-criminal in nature and allows Conservation Police Officers (CPO) to issue citations or tickets. The burden of proof in these matters is “preponderance of the evidence” and not the much higher burden of “beyond a reasonable doubt” required by Title 2C. In addition, CPOs and/or Prosecutors do not have to establish “intent”, unlike the requirement set forth in Title 2C. The Division concurs with the elimination of the reference to the term misdemeanor and provided the proposed language that appears in the draft statute.

23:3-20. Penalty for violations of article

(a) A person who at any time alters, disfigures or changes in any manner, or loans or transfers to another, a license or button or tag issued under this article, gives false information or makes any misrepresentation to the clerk or agent to whom application is made for a license hereunder, or who violates any provision of this article for the violation of which a penalty is not herein otherwise provided, shall be liable to a penalty of not less than \$25.00 nor more than \$50.00 for each offense, and upon conviction the license and button or tag issued to him, if any, shall be revoked by the court or magistrate before whom the conviction is secured.

(b) The court or magistrate shall send the license and button or tag marked "revoked," to the office of the division, and any license issued to a person whose license has been revoked during the year for which the license was issued shall be void.

(c) A person who shall fail or neglect to perform a duty imposed on him by this article shall be liable to a penalty of \$20.00 for each failure. ~~No penalty fixed by this section shall apply to an offense which is a misdemeanor under this article.~~

Amended by L.1947, c. 159, p. 714, s. 12; L.1951, c. 226, p. 802, s. 16, eff. Jan. 1, 1952; L.1975, c. 116, s. 5, eff. June 3, 1975.

Comment

The Division of Fish and Wildlife opposed the removal of the clause “gives false information or makes any misrepresentation to the clerk or agency to whom application is made for a license hereunder” and replacing it with a reference to N.J.S. 2C:21-4. The Division points out that all Title 23 matters are quasi-criminal in nature and allows Conservation Police Officers (CPO) to issue citations or tickets. The burden of proof in these matters is “preponderance of the evidence” and not the much higher burden of “beyond a reasonable doubt” required by Title 2C. In addition, CPOs and/or Prosecutors do not have to establish “intent”, unlike the requirement set forth in Title 2C. The Division did not have any objection to the removal of the last sentence in the newly established section (c). Based upon the communication with the Division, Staff believes that the adoption of the Division’s request is appropriate.

23:4-41. Penalties

~~Except as otherwise specifically permitted by this article, any person hunting, pursuing, taking or trapping a mink, muskrat, or otter in this State at any time except during the period designated therefor by the State Fish and Game Code, or, in the absence of such provision in said code, except during the period designated therefor in this article, or violating any other provision of this article, shall be guilty of a misdemeanor and pay a penalty of one hundred dollars (\$100.00), and whether or not he has been criminally prosecuted for the violation, shall be liable to a penalty of twenty dollars (\$20.00) for each offense.~~

Amended by L.1948, c. 448, p. 1814, s. 56; L.1952, c. 114, p. 454, s. 2, eff. May 5, 1952.

Except as otherwise specifically permitted by this article: any person hunting for, pursuing, taking or trapping a mink, muskrat, or otter in this State except during the period designated therefor by the State Fish and Game Code, or in the absence of such provision in said code, except during the period designated therefor in this article; or violating any other provisions of this article, shall be liable to a penalty of not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$300.00 nor more than \$1,000.00 for the second and each subsequent offense.

Comment

Remove criminal penalty. The Division of Fish and Wildlife had no objection to the proposed modifications to this statute.

45:23-12. Penalty for violation of chapter; jurisdiction

~~Any person or trading stamp company violating any provision of this chapter shall be guilty of a misdemeanor.~~

The Superior Court shall have jurisdiction on the complaint of any interested person to restrain and enjoin the violation of any ~~of said provisions~~ of this act, any rule or regulation promulgated pursuant to this act. Administrative determinations of the Secretary of State shall be subject to review by appeal to the Appellate Division of the Superior Court.

L.1964, c. 274, s. 13.

Comment

Remove penalty.

52:3-4. Display of foreign flag unaccompanied by national flag prohibited; exception; ~~violation~~ misdemeanor

It shall be unlawful to display the flag or emblem of any foreign state or country either on public or private property within this state, unless such foreign flag or emblem be accompanied by a national flag

of the United States of America, of at least equal dimensions; but whenever a foreigner becomes the guest of the United States, the state, or any city or municipality, upon the proclamation of the governor or the mayor of any such city or municipality, the flag of the country of which such public guest shall be a citizen may be displayed upon any state, county or municipal building without being accompanied by a national flag as above provided.

~~Any person violating this section shall be guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding sixty days, or both.~~

L.1895, c. 101, § 1, p. 205 [C.S. p. 2561, § 1], amended by L.1943, c. 67, § 2, p. 184. L.1934, c. 67, § 3, p. 184.

Comment

Remove Penalty. *See* 4 U.S.C. 7(g). The Flag Code. (g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

This section relating to proper manner of display of national flag are not intended to proscribe conduct but are merely declaratory or advisory; recurrent use of word “should” throughout such provisions is indicative of lack of penal purpose. *Holmes v. Wallace*, M.D.Ala.1976, 407 F.Supp. 493, affirmed 540 F.2d 1083.

56:6-22. Rebates, allowances and discounts; leases and contracts; discrimination in price; violations a misdemeanor penalty

It shall be unlawful and a violation of this act for any distributor, refiner, wholesaler or supplier, with intent to injure competitors or destroy or substantially lessen competition:

(a) To offer, directly or indirectly, a rebate, concession, allowance, discount or benefit, of any kind or nature whatsoever, in connection with the sale or distribution of motor fuel or other products marketed by the distributor, refiner, wholesaler or supplier except that this shall not apply to discounts uniformly applied for timely payments, quantity, or quality; or

(b) To lease or make a contract on condition, promise, agreement or understanding, where the effect of such lease, contract on condition, promise, agreement or understanding may be to substantially lessen competition that the lessee or purchaser thereof shall not use or deal in goods, wares, merchandise, supplies or other commodities of a competitor of such distributor, refiner, wholesaler or supplier except that this shall not apply to tanks or pumps if furnished by the distributor, refiner, wholesaler or supplier to be used in the distribution of its motor fuel; or

(c) To discriminate, either directly or indirectly, in tank wagon price between different retail dealers purchasing the same grade, quality or quantity of branded motor fuel, except to meet competition.

(d) Any distributor, refiner, wholesaler or supplier who violates the provisions of this section shall be ~~guilty of a misdemeanor~~ subject to the provisions set forth in N.J.S. 56:6-26 (L. 1953, c. 413, p. 2075 § 8. suspension or revocation of license; reinstatement).

L.1953, c. 413, p. 2073, s. 4.

Comment

Remove Penalty. *See* New Jersey's Unfair Motor Fuels Practices Act (the "UMFPA").

58:10-35.2. Rules and regulations; restrictions in permits; violations

The said commissioner shall prescribe rules and regulations to effectuate the provisions of this act and any such permit may contain such restrictions as the said commissioner shall determine to be necessary in the public interest to protect the waters of the State, including subsurface and percolating waters. If Any person who shall violates the provisions of this act shall be guilty of a misdemeanor and the provisions of this act shall be enforceable by action or other proceeding in the Superior Court of New Jersey to obtain relief in the nature of injunctive relief, both restraining and mandatory, and also by action or proceeding in said court in lieu of prerogative writ. the department may institute an action in the Superior Court of New Jersey for injunctive relief to prohibit and prevent such violation or violations or by way of an action in lieu of prerogative writ and the said court may proceed in the action in a summary manner. Any person who violates any of the provisions of this act, or any rule or regulation promulgated pursuant to this act shall be liable to a penalty of not more than \$3,000.00 for each offense to be collected in a summary proceeding under "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.), and in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall have jurisdiction to enforce said Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

L.1951, c. 80, p. 471, s. 2

Comment

Remove penalty.

Substitute Corresponding Degree of the Crime as set forth in the New Jersey Code of Criminal Justice

2A:84A-22.3 Mental incompetence; validity of will; nonprivileged communication

There is no privilege under this act as to any relevant communication between the patient and his physician (a) upon an issue of the patient's condition in an action to commit him or otherwise place him under the control of another or others because of alleged incapacity, or in an action in which the patient seeks to establish his competence or in an action to recover damages on account of conduct of the patient which constitutes a criminal offense other than a ~~misdemeanor~~ fourth degree offense, or (b) upon an issue as to the validity of a document as a will of the patient, or (c) upon an issue between parties claiming by testate or intestate succession from a deceased patient.

L.1968, c. 185, § 3, eff. July 19, 1968. Amended by L.1997, c. 379, § 10, eff. Jan. 19, 1998.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

2A:149-1. Unauthorized use of voting machine or electrical voting system for recording votes

Any person who uses a voting machine or electrical voting system of any legislative or other public body of this state for the purpose of recording a vote or votes thereon or thereby upon any matter or question being considered or voted upon by the members of such legislative or public body, and who is not entitled to use the same for those purposes, is guilty of a ~~misdemeanor~~ fourth degree offense.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

2A:160-19. Noncompliance with section 2A:160-18 a ~~misdemeanor penalty; punishment~~

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant, in willful disobedience to section 2A:160-18 of this title, shall be guilty of a ~~misdemeanor, and, on conviction, shall be fined not more than \$1,000 or be imprisoned not more than 6 months, or both.~~ crime of the fourth degree.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

4:3-17. Violation of act or regulations as ~~misdemeanor penalty~~

Any person who violates any provision of this act, or the regulations made under this act for carrying out its provisions, or who fails or refuses to comply with or with intent to deceive, or who answers or reports falsely in response to any requirements of this act, or who willfully interferes with the Secretary of Agriculture, his employees or agents, in the carrying out of his duties prescribed in this act shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1938, c. 82, p. 201, § 6.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

4:4-20.13 Penalties

a. Any person convicted of violating any of the provisions of this act or the rules and regulations promulgated thereunder or who shall impede, hinder, or otherwise prevent, or attempt to prevent, said secretary or his duly authorized agent in performance of his duty in connection with the provisions of this act, shall be fined not less than \$100.00 or more than \$500.00 for the first violation, and not less than \$200.00 or more than \$1,000.00 for a subsequent violation in any two years.

b. Nothing in this act shall be construed as requiring the State Chemist or his representative to: (1) report for prosecution, or (2) institute seizure proceedings, or (3) issue a withdrawal from distribution order, as a result of minor violations of the act, or when he believes the public interest will best be served by suitable notice of warning in writing.

c. It shall be the duty of the Attorney General to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the State Chemist reports a violation for such prosecution, an opportunity shall be given the distributor to present his view to the secretary.

d. The secretary is hereby authorized to apply for and the court to grant in an appropriate case, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rule or regulation promulgated under the act, notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

e. Any person adversely affected by an act, order, or ruling made pursuant to the provisions of this act may seek judicial review by appeal to the Superior Court by a proceeding in lieu of prerogative writs.

f. Any person who used to his own advantage, or reveals to other than the secretary, or officers of the New Jersey Department of Agriculture, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this act, concerning any method, records, formulations, or processes which as a trade secret is entitled to protection, is guilty of a crime of the fourth degree ~~misdemeanor and shall on conviction thereof be fined not less than \$500.00 or imprisoned for not less than one year or both~~, provided that, this prohibition shall not be deemed as prohibiting the secretary or

his duly authorized agent, from exchanging information of a regulatory nature with duly appointed officials of the United States Government, or of other states, who are similarly prohibited by law from revealing this information.

g. Upon receiving any information of a violation of any provisions of this act or of any rule or regulation adopted thereunder, the secretary or any agent designated by him for such purpose, is empowered to hold hearings upon said violation and, upon finding the violation to have been committed, to assess a penalty against the violator in such amount, as the secretary deems proper under the circumstances. If the violator pays such penalty as settlement, no further prosecution shall be had upon that violation. Payment of such a penalty shall be deemed equivalent to a conviction for violation of this act.

L.1970, c. 338, § 13, eff. Jan. 1, 1971. Amended by L.2002, c. 34, § 4, eff. July 1, 2002.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

4:4-21. Attaching tags on feed bags by metal fasteners

A person who shall sell within this state feed for live stock in bags, to which bags there is attached a tag or tags by means of wire or other metal fasteners, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1920, c. 121, §§ 1, 2, p. 257 [1924 Suppl. §§ 7-209, 7-210].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

4:5-8. Buying or selling affected or exposed animals a ~~misdemeanor~~ penalty

A person who without a permit from the department shall knowingly buy or sell, or cause to be bought or sold, an animal which is a part of a herd or stock held in quarantine, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree, ~~and punished by a fine of not more than two hundred dollars (\$200.00), or imprisonment not exceeding one year, or both.~~

Amended by L.1946, c. 247, p. 870, § 5.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

4:5-11. Disposal of dead or slaughtered animals; disposal for food a ~~misdemeanor~~ penalty

When, by reason of the locality of an infected animal or herd within a city, or by reason of frozen ground or extreme heat, it is, in the judgment of the department of agriculture, inexpedient or impossible to bury any such dead or slaughtered animal on the premises, the department may authorize any veterinarian acting for it to slash the skin and cut the flesh of the animal, and, either under his direct oversight, or that of a city board of health, or contractor for the disposal of dead carcasses, to give over the same to the use of a bone-boiling or glue or other establishment for the disposal of dead animals, but in no case shall the dead animal, or any part thereof, be disposed of for food, and any such disposal of the same shall make the party concerned guilty of a crime of the fourth degree ~~misdemeanor and punishable by a fine of not more than one hundred dollars, or imprisonment in the county jail for a period not exceeding six months.~~

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

4:7-55. Bringing into state hay or seeds containing Canada thistle; ~~misdemeanor~~

A person who shall knowingly and willfully bring into this state a bale of hay containing Canada thistle, or seeds of the same, or any grass or grain seeds with which the seeds of Canada thistle are mixed shall be deemed guilty of a ~~misdemeanor~~ disorderly persons offense, ~~and shall be liable to a fine not exceeding one hundred dollars, or to imprisonment in the county jail, workhouse or penitentiary of the county in which such conviction shall take place, or both fine and imprisonment may be imposed, in the discretion of the court.~~

L.1881, c. 197, § 1, p. 252 [C.S. p. 32, § 91].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

4:7-56. Selling manure containing Canada thistle; ~~misdemeanor~~ disorderly persons offense

A person who shall knowingly and willfully sell any manure containing any Canada thistle, or seeds of the same, shall be guilty of a ~~misdemeanor~~ disorderly persons offense and shall be liable to the fine and imprisonment as provided in section 4:7-55 of this title.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

4:9-35. ~~Misdemeanor~~ Disorderly Person; penalties

Any person, ~~eo partnership, association, or corporation who or which~~ by himself or itself, or by his or its agents, servants, or employees, violates any of the provisions of this act shall be guilty of a ~~misdemeanor disorderly persons offense~~, and, ~~upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00), or in the case of an individual, or the members of a partnership, or the responsible officers of an association or corporation to undergo imprisonment not exceeding six months, or both.~~

L.1944, c. 43, p. 98, § 7.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

5:3-9. ~~Misdemeanor~~ Disorderly Person; penalty

Any person who shall violate any of the provisions of this article shall be guilty of a disorderly persons offense ~~misdemeanor~~, and for each offense, shall be ~~punishable by a~~ subject to a fine of not more than one hundred dollars. The fine shall be paid into the treasury of the firemen's relief fund of the municipality in which the violation occurs, or into the general treasury of such municipality, should there be no firemen's relief fund therein.

L.1918, c. 134, § 3, p. 312 [1924 Suppl. § 73-7p].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). This statute appears to address venues where theatrical performances occur. To make it consistent with the punishments set forth in the "Moving-Picture Places" statute, the penalty recommended is disorderly persons offense. *See* N.J.S. **5:3-21.3**.

5:5-67. Books and records of permit holder; audit of accounts; reports; non-payment of amount due commission as ~~misdemeanor~~ ; penalty

Every permit holder conducting horse race meetings under this act shall keep his books and records as to clearly show a separate record total amount of money contributed to every pari-mutuel pool on each race, and within sixty days after the conclusion of every race meeting shall submit to the commission a complete audit of such accounts certified by a certified public accountant qualified to practice in the State of New Jersey and approved by the commission; provided, that all of such reports shall be filed not later than December first of the year in which such race meeting is held, except where such race meeting is held after November first in which case such report shall be filed no later than December fifteenth of the year in which such race meeting is held. The commission or its duly authorized representatives shall at all reasonable times have access to all records of any holder of a permit for the purpose of examining and checking the same and ascertaining whether or not the proper amount or amounts due the State of New

Jersey are being paid by such permit holder. Any holder of a permit failing or refusing to pay the amount found to be due under the provisions of this act shall be deemed guilty of a ~~misdemeanor~~ fourth degree crime ~~and upon conviction shall be punished by a fine of not more than twenty five thousand dollars (\$25,000.00), in addition to the amount so found to be due from such holder of a permit. In addition to any fine, the permit holder shall also be responsible for any and all amounts due pursuant to this statute.~~ All fines paid into court by a holder of a permit found guilty of violating this section shall be transmitted and paid over by the clerk of the court to the said commission.
L.1940, c. 17, p. 86, § 47, eff. March 18, 1940.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

5:5-69. Holding or conducting horse race meeting for stake, purse or reward, except in accordance with permit, as ~~misdemeanor~~ penalty; disposition of fines

Any person, partnership, association or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of any meeting within the State of New Jersey, at which the racing of horses shall be permitted for any stake, purse or reward, except in accordance with a permit duly issued by the commission as herein provided, shall be guilty of a ~~misdemeanor~~ fourth degree crime; ~~and upon conviction shall be punished for each such offense by a fine of not less than five thousand dollars (\$5,000.00) and not more than ten thousand dollars (\$10,000.00) or by imprisonment in the county jail or workhouse for not more than one year or by both such fine and imprisonment.~~ For the purpose of this section, each day of horse racing in violation of the provisions of this act shall be considered a separate and distinct offense. All fines paid into court by any person, partnership, association or corporation found guilty of violating this section shall be transmitted and paid over by the clerk of the court to the said commission.

L.1940, c. 17, p. 87, § 49, eff. March 18, 1940.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

5:5-70. Holding or conducting horse race meeting contrary to or in violation of statute as ~~misdemeanor~~ penalty; disposition of fines

Any person, partnership, association or corporation holding or conducting any meeting within the State of New Jersey, at which horse racing is permitted¹ held or conducted contrary to or in violation of any of the provisions and requirements of this act, or any person or persons aiding, assisting or abetting in the holding or conducting of such meeting, shall be guilty of a ~~misdemeanor~~ fourth degree crime ~~and upon conviction thereof shall be punished for each such offense by a fine of not less than five thousand dollars (\$5,000.00) and not more than ten thousand dollars (\$10,000.00), or by imprisonment in the county jail or workhouse for not more than one year~~ 18 months ~~or by both such fine and imprisonment.~~ For the purpose

of this section each day of racing in violation of the provisions of this act shall be considered as a separate and distinct offense. All fines paid into court by any person, partnership, association or corporation found guilty of violating this section shall be transmitted and paid over by the clerk of the court to the said commission.

L.1940, c. 17, p. 88, § 50, eff. March 18, 1940.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

5:9-14. Sale above fixed price; unlicensed sales; gifts

No person shall sell a ticket or share at a price greater than that fixed by rule or regulation of the commission. No person other than a licensed lottery sales agent shall sell lottery tickets or shares, except that nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another as a gift. Any person convicted of violating this section shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1970, c. 13, § 14, eff. Feb. 16, 1970.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

5:9-14.1. State lottery ticket; false or fraudulent making, forgery, alteration or counterfeiting

Any person who falsely or fraudulently makes, forges, alters or counterfeits, or causes or procures to be made, forged, altered or counterfeited, any New Jersey State Lottery ticket, or any part thereof, prepared and prescribed by the Director of the Division of the State Lottery or by the State Lottery Commission under the authority of the act to which this act is a supplement, or who knowingly and willfully utters, publishes, passes or tenders as true, any such forged, altered or counterfeited New Jersey State Lottery ticket shall be guilty of a crime of the third degree ~~misdemeanor~~. If any person with intent to defraud secures, manufactures or causes to be secured or manufactured, or has in his possession any counterfeit New Jersey State Lottery ticket or device, he shall be guilty of a ~~misdemeanor~~ crime of the third degree.

L.1973, c. 173, § 1, eff. June 7, 1973.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See also* Forgery and Related Offenses 2C:21-1(b).

6:1-19. Violations; penalty

Any person who shall violate any provision of this article¹ shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1931, c. 190, § 9, p. 478, amended by L.1932, c. 51, § 3, p. 75.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

6:2-11. Acrobatic stunts; low flying over public gatherings prohibited; penalty

Any airman or passenger who, while in flight over a thickly inhabited area or over a public gathering within this state, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose sand or water ballast, shall be guilty of a ~~misdemeanor~~ disorderly persons offense ~~and shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.~~

L.1929, c. 311, § 9, p. 722.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

6:2-12. Killing of birds and animals from planes; penalty

Any airman or passenger who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a ~~misdemeanor~~ crime of the fourth degree. ~~and shall be punished with a fine of not more than one hundred dollars or imprisonment for not more than three months, or both~~

L.1929, c. 311, § 10, p. 723.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

9:6-8.10b. Permitting or encouraging release of record or report; penalty

Any person who willfully permits or encourages the release of the contents of any record or report in contravention of this act shall be guilty of a disorderly persons offense. ~~misdemeanor and subject to a fine of not more than \$1,000.00, or to imprisonment for not more than 3 years, or both.~~

L.1977, c. 102, § 2

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

10:1-6. Penalty and punishment

Any person who shall violate any of the provisions of sections 10:1-2 to 10:1-5 of this Title by denying to any citizen, except for reasons applicable alike to all citizens of every race, creed, color, national origin, ancestry, marital status ~~or~~ , sex gender identity, or affectional or sexual orientation and regardless of race, creed, color, national origin, ancestry, marital status ~~or~~ , sex gender identity, or affectional or sexual orientation, the full enjoyment of any of the accommodations, advantages, facilities or privileges in said sections enumerated, or by aiding or inciting such denial, or who shall aid or incite the violation of any of the said provisions shall, for each and every violation ~~thereof, forfeit and pay the sum of not less than \$100.00 nor more than \$500.00, to the State, to be recovered in a civil action, with costs, and shall also, for every such violation, be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than \$500.00, or by imprisonment of not more than 90 days, or both.~~ be subject to a civil penalty of \$5,000 which shall be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999, "P.L., c.274 (C.2A:58-10 et seq.).

L.1884, c. 219, § 2, p. 339 [C.S. p. 1442, § 2], amended by L.1917, c. 106, § 2, p. 220, L.1921, c. 174, § 2, p. 469 [1924 Suppl. § 39-2], L.1935, c. 247, § 1, p. 762.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See also* S1920, 2018 Leg., 218th Session (N.J. 1996) amending N.J.S. 10:1-8 to address juror disqualification on gender identity, sexual orientation; codifies procedures when discriminatory use of preemptory challenges is alleged.

10:1-8. Jurors not disqualified for race, color, creed, national origin, ancestry, marital status, or sex, gender identity, or affectional or sexual orientation; penalty

10:1-8. No citizen possessing all other qualifications prescribed by law shall be disqualified for service as a grand or petit juror in any court on account of race, color, creed, national origin, ancestry, marital status ~~or~~ , sex, gender identity, or affectional or sexual orientation, and any officer or other person charged with any duty in the selection or summoning of jurors who shall purposely or knowingly exclude or fail to summon any citizen for the cause aforesaid shall ~~, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than \$5,000.00~~ be subject to a civil penalty of \$5,000 which shall be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

Amended by L.1945, c. 168, p. 588, § 3; L.1970, c. 80, § 3, eff. June 2, 1970.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See also* S1920, 2018 Leg., 218th Session (N.J. 1996) amending N.J.S. 10:1-8 to address juror disqualification on gender identity, sexual orientation; codifies procedures when discriminatory use of preemptory challenges is alleged.

10:1-9. Discrimination due to race, color, creed, national origin, ancestry, marital status or sex, gender identity, or affectional or sexual orientation in burial of dead, misdemeanor penalty

No cemetery corporation, association or company, organized under any law of this State, owning or having control of any cemetery or place for the burial of the dead, shall refuse to permit the burial of any deceased person therein because of the race, color, creed, national origin, ancestry, marital status or sex, gender identity, or affectional or sexual orientation of such deceased person; ~~and~~ ~~a~~Any cemetery corporation, association or company who shall be found in violation of this statute shall offending be subject to a civil penalty of \$5,000 which shall be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

Amended by L.1970, c. 80, § 4, eff. June 2, 1970.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See also* S1920, 2018 Leg., 218th Session (N.J. 1996) amending N.J.S. 10:1-8 to address juror disqualification on gender identity, sexual orientation; codifies procedures when discriminatory use of preemptory challenges is alleged.

10:1-11. Exclusion from, denial of, or aid or incitement of another to deny public employment or employment in defense industry

Any employer or person who

(1) Excludes a citizen by reason of race, color, creed, national origin, ancestry, marital status or sex, gender identity, or affectional or sexual orientation from any public employment, or employment in any capacity, in industries engaged on defense contracts, or

(2) Denies, or aids or incites another to deny, to any person, because of race, color, creed, national origin, ancestry, marital status or sex, gender identity, or affectional or sexual orientation, public employment or employment in any capacity, in industries engaged on defense contracts, shall be guilty of a disorderly persons offense ~~misdemeanor and punishable by a fine of not less than \$100.00, nor more than \$500.00, or imprisonment for not more than 6 months or both.~~

L.1942, c. 114, p. 387, § 2. Amended by L.1945, c. 174, p. 604, § 3; L.1970, c. 80, § 6, eff. June 2, 1970.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See also* S1920 introduced February 22, 2018 amending N.J.S. 10:1-8 to address juror disqualification on gender identity, sexual orientation; codifies procedures when discriminatory use of peremptory challenges is alleged. The proposed changes to the statute are predicated upon the language used in S1920.

10:5-26. Resisting or impeding performance of duties; violation of orders; punishment

Any person who shall willfully resist, prevent, impede or interfere with the Attorney General or any representative of the division in the performance of duty under this act, or shall willfully violate an order of the Attorney General, or the director, shall be guilty of a disorderly persons offense ~~misdemeanor~~ and shall be punishable by imprisonment for not more than one year, or by a fine of not more than \$500.00, or by both; but procedure for the review of the order shall not be deemed to be such willful conduct.

L.1945, c. 169, p. 598, § 25. Amended by L.1949, c. 11, p. 48, § 18; L.1963, c. 40, § 17.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

12:7C-1. Flat-bottomed boat, barge, scow or raft; abandonment; ~~misdemeanor~~ disorderly persons

It shall be unlawful for any person to willfully abandon any flat-bottomed boat, barge, scow or raft to or upon any public land or waterway or to or upon any private property without the consent of the official designated by ordinance to perform such functions in the municipality having jurisdiction over such public land or waterway, or the owner or other person in charge of the private property. A flat-bottomed boat, barge, scow or raft which has remained moored, grounded or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than 20 days shall be prima facie evidence of such abandonment. Any person who violates this section shall be guilty of a disorderly persons offense. ~~misdemeanor~~.

L.1969, c. 264, § 1, eff. Jan. 9, 1970.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:9A-75. Violations; penalties; liability

A. A person who violates any or all of the following provisions of this statute shall be guilty of ~~may be prosecuted for misdemeanors~~ a crime of the fourth degree:

(1) A director, or an executive officer of a bank who knowingly incurs liability to the bank in violation of subsections B and C of section 72¹;

(2) Any person who knowingly permits or aids a director, or an executive officer of a bank or a corporation or partnership to incur liability to a bank in violation of subsections B and C of section 72;

(3) A director of a bank who votes in favor of an application presented to the bank by such director or by a corporation in which such director alone, or with one or more directors or officers of the bank, has a controlling interest, or by a partnership of which such director is a general or limited partner, if, pursuant to such application, liability is incurred in violation of subsections B and C of section 72;

(4) A director or an executive officer of a bank who, alone, or with one or more directors or executive officers of the bank, has a controlling interest in a corporation or who is a general or limited partner of a partnership which presents an application to the bank pursuant to which liability is incurred in violation of subsections B and C of section 72 and who, having knowledge of such application prior to its acceptance, fails to disclose his interest to the executive committee or the board of directors prior to such acceptance.

B. Each person described in paragraphs (2), (3), and (4) of subsection A of this section shall be personally liable on demand to the bank for the liability incurred in violation of subsections B and C of section 72, with interest, and, upon payment thereof, shall be subrogated to the rights of the bank.

L.1948, c. 67, p. 253, § 75. Amended by L.1966, c. 273, § 4; L.1979, c. 226, § 6, eff. Oct. 12, 1979.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:9A-330. Violations; disabilities; penalties

A. A foreign bank shall not be entitled to maintain any action in any court of this State on any cause arising out of its transaction of business in this State in violation of the provisions of this article.

B. A foreign bank which violates any of the provisions of this article and its directors, officers, agents and employees who participate in any such violation ~~shall be guilty of~~ may be prosecuted for a crime of the fourth degree. ~~misdemeanor.~~

L.1948, c. 67, p. 411, § 330. Amended by L.1953, c. 17, p. 190, § 55

Comment

Update language to reflect modern criminal offense. Federal statute provisions (12 U.S.C.A. § 94) providing for special venue in suits against national banks are mandatory. *Insurance Co. of North America v. Allied Crude Vegetable Oil Refining Corp.*, 89 N.J.Super. 518, 215 A.2d 579 (Ch.1965).

17:12B-215. Violation; penalty

It shall be a crime of the fourth degree for any natural person ~~who shall~~ to violate the prohibitions of this article ~~shall be guilty of a misdemeanor~~, and, upon conviction thereof, shall be subject to imprisonment for a period not exceeding 1 year, or a fine not exceeding \$1,000.00, or both. He shall also be subject to a

further fine equal to any moneys received by him within this State in violation of this section. It shall be a crime of the fourth degree for ~~The~~ the association which such individual represents ~~shall be guilty of misdemeanor, to violate the prohibitions of this article~~ and, upon conviction thereof, shall be subject to a fine of \$5,000.00; such association shall be subject to a further fine equal to the amount of any moneys received by such association or by its agent in violation of this article.

L.1963, c. 144, § 215.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:16A-20. Offenses and penalties

If any investment company itself or by its agents, attorneys, solicitors, surveyors, canvassers, collectors or other representatives of whatsoever designation shall solicit, negotiate, or in anywise transact any business in this State except in the enforcement of contracts by legal process, without having complied with the requirements of this chapter, the investment company so offending shall be liable to a penalty of one thousand dollars (\$1,000.00) and costs of suit, to be sued for and collected in a civil action by the commissioner in the name and for the benefit of the State. The penalty shall be enforced by summary proceedings pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.).

Any officer, agent, employee or other representative of any investment company doing business in this State who shall have failed or neglected to procure a certificate of authority as agent for such company as required by this act; or who shall issue, circulate or cause or permit to be circulated any estimate, illustration or circular misrepresenting the terms of any investment contract or security issued by such company; and any such representative of any company who shall solicit, negotiate or effect the sale of any investment contract or otherwise transact business on behalf of any company which shall have neglected, failed or refused to procure a certificate of authority as provided for by the provisions of this chapter; or who shall accept any deposit, dues, premiums or other contributions or things of value on behalf of such unauthorized company shall be guilty of a crime of the fourth degree. ~~misdemeanor~~.

L.1938, c. 322, p. 832, § 20. Amended by L.1953, c. 17, p. 233, § 103.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:16C-89. Violations; penalties; enforcement

(a) Any home repair contractor, home financing agency or holder of a home repair contract and any officer, partner, member, employee, agent or representative of either who shall knowingly violate any provision of this act or shall directly or indirectly counsel, aid or abet such violation shall be liable to a penalty of not more than \$2,500.00 for each offense. Such penalties shall be enforced by summary proceedings pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.).

(b) Any person failing to comply with or violating section 16 of this act¹ shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1960, c. 41, p. 173, § 28. n1 N.J.S.A. § 17:16C-77.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:17-12. ~~Misdemeanor to do~~ Conducting business unless without authorization

No person by himself, or by his brokers, agents, solicitors, surveyors, canvassers or other representatives of whatever designation, nor any such broker, agent, solicitor, surveyor, canvasser, or other representative, shall solicit, negotiate or effect any contract of insurance of any kind, including all kinds of insurance described in chapters seventeen to thirty-three of this Title (17:17-1 et seq.), and including annuities involving life contingencies, or sign, deliver or transmit, by mail or otherwise, any policy, annuity contract involving life contingencies, certificate of membership, or certificate of renewal thereof, on any property or thing, or on the life, health or safety of any person, or receive any premium, commission, fee or other payment thereon, or maintain or operate any office in this State for the transaction of the business of insurance, or in any manner, directly or indirectly, transact the business of insurance of any kind whatsoever, within this State, unless specifically authorized under the laws of this State. Any person violating any of the provisions of this section shall be guilty of a crime of the fourth degree. ~~misdemeanor~~.

This section shall not prohibit the granting of annuities by corporations or associations organized without capital stock or not for profit whose funds are derived principally from gifts or bequests and which are used for eleemosynary or charitable purposes, nor shall it prohibit any person or corporation acting as a broker, without being licensed as such, from soliciting or negotiating for others than themselves contracts of insurance against loss or damage on account of encumbrances upon, or defects in, title to real estate with insurance companies duly qualified under the laws of this State to make such insurance.

Amended by L.1942, c. 162, p. 471, §§ 1, 2.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:22-6.38. Violation; ~~misdemeanor~~; penalties

Any person who in this State represents or aids an unauthorized insurer in violation of section 3 of this act¹ shall upon conviction thereof be guilty of a crime of the fourth degree ~~misdemeanor~~.

In addition to the penalty provided for herein such violator shall be liable, personally, jointly and severally with any other person or persons liable therefor, for payment of taxes payable on account of such insurance as if such insurance were independently procured.

L.1960, c. 32, p. 106, § 4.

¹ N.J.S.A. § 17:22-6.37.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:29A-21. Doing business without license a ~~misdemeanor~~ ; penalty

Any person, corporation, partnership or association which conducts the business of rate-making in this State for two or more insurers without having obtained a license therefor pursuant to the provisions of this act, shall be guilty of a crime of the fourth degree. ~~misdemeanor~~.

L.1944, c. 27, § 21, eff. March 9, 1944.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:31-8. Acceptance of guaranteed arrest bond certificate in lieu of cash bail or bond for under \$500

Any guaranteed arrest bond certificate with respect to which a surety company has become surety, as herein provided, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed \$500.00, as a bail bond, to guarantee the appearance of such person in any court in this State, including all municipal courts in this State, at such time as may be required by such court, when the person is arrested for violation of any motor vehicle law of this State or any motor vehicle ordinance of any municipality in this State, except for the offense of driving under the influence of intoxicating liquors or of drugs or for any third degree offense ~~high misdemeanor~~, committed prior to the date of expiration shown on such guaranteed arrest bond certificate; provided that any such guaranteed arrest bond certificate so posted as bail bond in any court in this State shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as otherwise provided by law or as hereafter may be provided by law, and that any such guaranteed arrest bond certificate posted as a bail bond in any municipal court of this State shall be subject to the forfeiture and enforcement provisions of the charter or ordinance of the particular municipality pertaining to bail bonds posted.

L.1970, c. 262, § 3, eff. Nov. 2, 1970. Amended by L.1985, c. 270, § 3, eff. Aug. 2, 1985.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:36-5.24. Violation of regulation or order

Any insurer, insurance agent, insurance broker or other person or persons doing in this State the business of fire insurance which shall violate any regulation or order of the Commissioner of Banking and Insurance¹ or attach to, or otherwise make a part of any contract of fire insurance any contract, supplemental contract or extended coverage endorsement which has been disapproved by the Commissioner of Banking and Insurance shall be guilty of a crime of the fourth degree.

L.1954, c. 268, p. 994, § 10, eff. Jan. 12, 1955.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:45-17. Penalty for violation; recovery; misrepresentation by employee or agent ~~a misdemeanor~~

Any mutual benefit association of this or any other State, country or province which shall have violated any of the provisions of, or shall have neglected, failed or refused to comply with any of the requirements of this chapter, except the failure to file an annual statement, shall be liable to a penalty of five hundred dollars (\$500.00), to be sued for and collected by the commissioner in a civil action in the name of the State. Such penalties shall be enforced by summary proceedings pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.). Each such penalty when recovered shall be paid by the commissioner into the State treasury for the use of the State.

Any officer, agent, employee or member of any such association doing business in this State who shall issue, circulate or cause or permit to be circulated, any estimate, illustration, circular of any sort misrepresenting the terms of any certificate issued by such association or any other association authorized to transact business under this chapter, misrepresent the benefits or advantages promised thereby, use any name or title of any certificate or class of certificates misrepresenting the true nature thereof, solicit, negotiate or effect the sale of any benefit contract or membership certificate of any mutual benefit association which shall have neglected, failed or refused to procure a certificate of authority as provided for by the provisions of this chapter, or accept any dues, contributions, fees, assessments or thing of value of any kind in consideration for such benefit contract or membership certificate on behalf of such association, shall be guilty of a disorderly persons offense. ~~misdemeanor~~.

Amended by L.1953, c. 17, p. 277, § 160, eff. May 19, 1953.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:48-15. Violations of Act; penalties; enforcement

Any hospital service corporation of this or any other State, country or province which shall have violated any of the provisions of or shall have neglected, failed or refused to comply with any of the requirements of this act,¹ except the failure to file an annual statement, shall be liable to a penalty of five hundred dollars (\$500.00), to be sued for and collected by the Commissioner of Banking and Insurance in a civil action in the name of the State. The penalties when recovered shall be paid by the Commissioner of Banking and Insurance into the State treasury for the use of the State. Any officer, agent, employee or member of any such corporation doing business in this State who shall issue, circulate or cause or permit to be circulated, any estimate, illustration, circular of any sort misrepresenting the terms of any contract issued by such corporation, or any other such corporation authorized to transact business under this act, or misrepresent the benefits or advantages promised thereby, or use any name or title of any contract or class of contracts misrepresenting the true nature thereof, or who shall solicit, negotiate or effect the issue of any contract of any hospital service corporation which shall have neglected, failed or refused to procure a certificate of authority as provided for by the provisions of this act or who shall accept any premiums, dues, deposits, contributions, fees, assessments or thing of value of any kind in consideration for such contract or certificate on behalf of such corporation, shall be guilty of a ~~misdemeanor~~ disorderly person offense.

L.1938, c. 366, § 15, eff. Oct. 1, 1938. Amended by L.1953, c. 17, § 180, eff. March 19, 1953.

¹ N.J.S.A. §§ 17:48-1 to 17:48-18.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:48A-22. Violations of chapter; penalty and recovery thereof; ~~misdemeanors~~ penalty

Any medical service corporation of this or any other State, country or province which shall have violated any of the provisions of or shall have neglected, failed or refused to comply with any of the requirements of this act,¹ except the failure to file an annual statement, shall be liable to a penalty of five hundred dollars (\$500.00), to be sued for and collected by the Commissioner of Banking and Insurance in a civil action in the name of the State. The penalties when recovered shall be paid by the Commissioner of Banking and Insurance into the State treasury for the use of the State. Any officer, agent, employee or member of any such corporation doing business in this State, or any other person who shall issue, circulate or cause or permit to be circulated, any estimate, illustration, circular of any sort misrepresenting the terms of any contract issued by such corporation, or any other such corporation authorized to transact business under this act, or misrepresent the benefits or advantages promised thereby, or use any name or title of any contract or class of contracts misrepresenting the true nature thereof, and any person who shall solicit, negotiate or effect the issue of any contract or subscription certificate of any medical service corporation of this or any other State which shall have neglected, failed or refused to procure a certificate of authority as provided for by the provisions of this act, or who shall accept any premiums, dues,

deposits, contributions, fees, assessments or thing of value of any kind in consideration for such contract or certificate on behalf of such corporation, shall be guilty of a ~~misdemeanor~~ disorderly person offense. L.1940, c. 74, § 22, eff. May 29, 1940. Amended by L.1944, c. 102, § 9, eff. April 13, 1944; L.1953, c. 17, § 187, eff. March 19, 1953.

¹N.J.S.A. §§ 17:48A-1 to 17:48A-25.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17:48C-30. Violations of chapter; penalty and recovery thereof; ~~misdemeanors~~ disorderly person

Any dental service corporation which shall have violated any of the provisions of, or shall have neglected, failed or refused to comply with, any of the requirements of this act, except the failure to file an annual statement and the failure to reply in writing to inquiries of the commissioner, shall be liable to a penalty of \$500.00, to be sued for and collected by the commissioner in a civil action in the name of the State. The penalties when recovered shall be paid by the commissioner into the State Treasury for the use of the State. Any officer, agent, employee or member of any such corporation or any other person who shall issue, circulate or cause or permit to be circulated, any estimate, illustration, circular of any sort misrepresenting the terms of any contract issued by such corporation or misrepresent the benefits or advantages promised thereby, or use any name or title of any contract or class of contracts misrepresenting the true nature thereof shall be guilty of a ~~misdemeanor~~ disorderly person offense. L.1968, c. 305, § 30, eff. Sept. 26, 1968.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *But, compare with* N.J.S. 2C:21-7.

17B:17-13. ~~Misdemeanor to do business unless authorized~~ Conducting business without authorization

a. No person shall act as an insurer in this State without complying with the applicable provisions of this Code.

b. No person by himself, or by his brokers, agents, solicitors, surveyors, canvassers or other representatives of whatever designation, nor any such broker, agent, solicitor, surveyor, canvasser, or other representative, shall solicit, negotiate or effect any contract of insurance of any kind or sign, deliver or transmit, by mail or otherwise, any policy or annuity contract or receive any premium, commission, fee or other payment thereon, or maintain or operate any office in this State for the transaction of the business of insurance, or in any manner, directly or indirectly, transact the business of insurance of any kind whatsoever, within this State, unless specifically authorized under the laws of this State.

c. Specific authorization under the laws of this State shall not be required with respect to the following:

(1) Investigation, settlement, or litigation of claims under an insurer's policies lawfully written in this State, or liquidation of such insurer's assets and liabilities (other than the collection of new premiums) all as resulting from its former authorized operation in this State.

(2) Transactions involving a policy subsequent to issuance thereof lawfully solicited, written, or delivered outside this State.

(3) Reinsurance when transacted as authorized under section 17B:18-62.

(4) The continuation and servicing of life or health insurance policies or annuity contracts remaining in force as to residents of this State when the insurer is not transacting new insurance therein.

(5) Group life or health insurance or annuity contracts covering residents of this State under a group policy or contract lawfully issued in another State.

d. Any person violating any of the provisions of this section shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1971, c. 144, s. 17B:17-13.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

17B:17-14. General penalty

Each violation of this Code as to which a penalty is not provided by another provision of this Code or by other applicable laws of this State shall be a ~~misdemeanor~~ crime of the fourth degree, and may in addition to any prescribed applicable denial, suspension, or revocation of certificate of authority, license, or permit be punishable upon conviction in the manner prescribed for misdemeanors under the provisions of Title 2A of the statutes of this State. Each instance of such violation may be considered a separate offense.

L.1971, c. 144, s. 17B:17-14.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

18A:6-5. Inquiry as to religion and religious tests prohibited

No religious test shall be required as a qualification for employment in any capacity in the public school system of the state or any school or educational institution supported wholly or in part with state funds and no inquiry in regard to his religion shall be made of a person proposed for or seeking such employment and any person violating the provisions of this section shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1967, c.271.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

18A:38-5.1. No child to be excluded from school because of race, etc.

No child between the ages of four and 20 years shall be excluded from any public school on account of his race, creed, color, national origin, ~~or~~ ancestry, sex, gender identity, or affectional or sexual orientation. A member of any board of education who shall vote to exclude from any public school any child, on account of his ~~or~~ ancestry, sex, gender identity, or affectional or sexual orientation shall be guilty of a ~~misdemeanor, disorderly persons offense, and punished by a fine of not less than \$50.00 nor more than \$250.00, or by imprisonment in the county jail, workhouse or penitentiary of the county in which the offense has been committed, for not less than 30 days nor more than six months, or by both such fine and imprisonment in the discretion of the court.~~

L.1967, c. 271, § 18A:38-5.1, eff. Jan. 11, 1968.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

18A:41-3. Violations; ~~misdemeanors~~ petty disorderly persons

Any principal, teacher, or janitor failing to comply with the provisions of this chapter shall be guilty of a petty disorderly persons offense ~~misdemeanor~~, and shall be punishable by a fine of not to exceed \$100.00 for each offense.

L.1967, c.271.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

18A:64-6.2. Payments in violation of act; ~~misdemeanor~~ penalty

Any person willfully authorizing, consenting to, making or procuring to be made payment of State College funds for or on account of any purchase, contract or agreement known to him to have been made or entered into in violation of any of the provisions of this act shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1969, c. 145, § 7.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

18A:64M-25 Violations deemed ~~misdemeanor~~ penalty

57. Any person willfully authorizing, consenting to, making or procuring to be made payment of university funds for or on account of any purchase, contract or agreement known to him to have been made or entered into in violation of any of the provisions of this act shall be guilty of a ~~misdemeanor~~. crime of the fourth degree.

L.2012, c.45, s.57.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

18A:64N-27 Violation, ~~misdemeanor~~ penalty.

27. Any person willfully authorizing, consenting to, making or procuring to be made payment of university funds for or on account of any purchase, contract or agreement known to him to have been made or entered into in violation of any of the provisions of this act shall be guilty of a ~~misdemeanor~~. crime of the fourth degree.

L.2017, c.178, s.27.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *But see*, 2C:30-2. Official Misconduct.

19:34-32. Contributions by insurance corporations

No insurance corporation or association doing business in this state shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee, organization or corporation, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used.

Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this title, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this title, shall be guilty of a ~~misdemeanor~~. fourth degree offense.

L.1930, c. 187, ¶464, p. 895.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). An insurance company doing business in this state and any non-insurance holding corporation of such an insurance company or any of the holding company's subsidiary corporations are prohibited from making political contributions to any

candidate for political office under the government of this state or any of its political subdivisions, to any political party in this state or for any political purpose whatsoever in this state. Atty.Gen.F.O.1983, No. 4.

The federal counterpart is 28 U.S.C. 610. The primary congressional concern underlying the enactment of that statute was the growing use of aggregated corporate wealth to control the election process and to influence elective officials to act in a manner favoring corporate interests over those of the general public. *Cort v. Ash*, 422 U.S. 66 (1975). N.J.S. 19:34-45 was originally enacted only three years after the federal act and was intended to address the same concerns as the federal statute. *See also* N.J.S. 19:34-45 for other regulated industries that are similarly prohibited.

19:34-50. Committeemen acting after their election voided

Any person chosen as member of the state committee, county committee, or any municipal committee of any political party who shall sit or perform any duty, or exercise any functions as a member of such committee after his election thereto shall have been declared null and void, shall be guilty of a crime of the fourth degree ~~misdemeanor~~, and each member of any such committee who shall vote to recognize any such member after such election shall have been declared null and void shall likewise be guilty of ~~a misdemeanor.~~ crime of the fourth degree.

L.1930, c. 187, ¶482, p. 905.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

19:34-51. Failure of delegate to national convention to surrender void certificate

Any delegate at large or district delegate to any national convention who shall fail to surrender such certificate of election forthwith after the same has been declared null and void, or who shall use such certificate of election, or who shall present such certificate of election as a credential at any such convention, or to any committee on credentials at such convention, or who shall leave the limits of this state with such certificate in his possession with intent to use the same as a credential for admission to any political convention, shall be guilty of ~~a misdemeanor~~ crime of the fourth degree.

L.1930, c. 187, ¶483, p. 905.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). **Historically see, A268** 1996 Leg., (N.J. 1996).

24:6D-2. Offenses

A person who:

- A. Counterfeits a trademark; or,
- B. Affixes to any drug, cosmetic or device a counterfeit trademark knowing the same to be counterfeit, or the genuine trademark of another, without the latter's consent; or,

[.....]

H. Shall knowingly sell, offer or expose for sale any drug, cosmetic or device, and shall orally or by representation, name or mark written or printed thereon or attached thereto used in connection therewith, or by advertisement, or otherwise, in any manner, whatsoever make any false representation as to the person by whom such drug, cosmetic or device or the material thereof was made, or was in whole or in part produced, manufactured, finished, processed, treated, marketed, packed, bottled, or boxed or falsely represents that such drug, cosmetic or device or the material or any part thereof has or may properly have any trademark attached to it or used in connection with it, or is or may properly be indicated or identified by any trademark.

Is guilty of a ~~high misdemeanor~~ a crime of the third degree if the offense is committed with regard to a drug and is guilty of a ~~misdemeanor~~ a crime of the fourth degree if the offense is committed with respect to a cosmetic or device.

L.1967, c. 311, s. 2, eff. Feb. 27, 1968.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *But see* N.J.S. 2C:21-7 (Deceptive business practices)

24:16B-44. Engaging in business prohibited after removal of inspectors

No person shall continue to engage in business as a primary licensee after the secretary has withdrawn inspection service in accordance with the provisions of this act or the Federal Government has withdrawn inspection service in accordance with the Federal Meat Inspection Act.¹ Any person who violates this section shall be guilty of a ~~high misdemeanor~~ crime of the third degree and, if convicted, shall, in addition to any other penalties imposed, forfeit any license issued to him under this act and shall be forever ineligible to hold a license pursuant to the provisions of this act.

L.1968, c. 105, s. 44, eff. July 1, 1968.

¹ 21 U.S.C.A. § 601 et seq.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

24:17-1. Penalties

(a) Any person who shall violate any provision of this subtitle, or any rule or regulation of the State department made pursuant thereto, or who shall refuse to comply with any lawful order or direction of the department, shall be liable to the following penalties, unless otherwise specifically provided:

- (1) For each first offense a penalty of \$100.00;
- (2) For each second offense a penalty of \$200.00;

(3) For each third and every subsequent offense a penalty of \$400.00.

(b) Any person who shall remove or dispose of any depressant or stimulant drug as defined pursuant to law in violation of section 24:4-12 of this Title is guilty of a ~~misdemeanor~~ fourth degree crime.

Amended by L.1966, c. 314, s. 9, eff. Dec. 29, 1966; L.1983, c. 275, s. 12, eff. July 18, 1983.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

24:21-21. Prohibited acts C.--Records and order forms of registered manufacturers and distributors—Penalties

a. It shall be unlawful for any person:

(1) Who is subject to the requirements of article 3 of this act to distribute or dispense a controlled dangerous substance in violation of section 14;

(2) Who is a registrant, to manufacture, distribute, or dispense a controlled dangerous substance not authorized by his registration;

(3) To omit, remove, alter, or obliterate a symbol, label or mark required by Federal or State law;

(4) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act;

(5) To refuse, any entry into any premises or inspection authorized by this act; or,

(6) Knowingly to keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled dangerous substances in violation of this act for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this act.

b. Any person who violates this section shall be subject to a fine of not more than \$25,000.00; provided, that if the violation is prosecuted by an accusation or indictment which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person is guilty of a ~~high misdemeanor~~ third degree crime and shall be punished by imprisonment for not more than 3 years, or by a fine of not more than \$25,000.00, or both.

L.1970, c. 226, s. 21.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

26:2C-33. Violation of order; penalty

Any person, firm, corporation or other entity within this State which violates any Governor's order with knowledge of same, or knowingly fails to comply with the directions of those authorized by the Governor

to enforce said order, or knowingly interferes with the enforcement of such an order or such directions, shall be guilty of a ~~high misdemeanor and shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not more than 10 years, or both.~~ crime of the third degree.

L.1967, c. 108, s. 8, eff. June 15, 1967.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

26:4-128. Violations of article; ~~misdemeanor~~

Any person who shall violate any of the provisions of this article shall be guilty of a ~~misdemeanor~~ a crime of the fourth degree. ~~On conviction he shall be punished for each offense by a fine not exceeding three thousand dollars, or by imprisonment for a term not exceeding one year, or both.~~

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

26:7-16. Burial permit

Any person who cremates any dead human body without first having received a permit for burial or other final disposition issued according to the laws or regulations of this or any other State ~~shall be guilty of~~ may be prosecuted for a ~~misdemeanor~~ a crime of the fourth degree.

L.1950, c. 256, p. 895, s. 6.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

26:10-5. Violation; ~~misdemeanor~~ penalty

Any person violating any of the provisions of this article shall be guilty of a ~~misdemeanor.~~ a disorderly persons offense.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

27:23-33. Violation resulting in injury or death or property damage over \$5000 a ~~high misdemeanor~~ third degree

Notwithstanding the provisions of section eight hereof,¹ if the violation within the State of the provisions of section seven hereof² shall result in injury or death to a person or persons or damage to property in excess of the value of five thousand dollars (\$5,000.00), such violation shall constitute a ~~high misdemeanor~~ crime of the third degree.

L.1951, c. 264, p. 918, s.9.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

¹27:23-32. Violation constituting violation of law or ordinance if committed in municipality

If the violation of any provision of this act, or the violation of any regulation adopted by the Authority under the provisions of this act, would have been a violation of law or ordinance if committed on any public road, street or highway in the municipality in which such violation occurred, it shall be tried and punished in the same manner as if it had been committed in such municipality.

L.1951, c. 264, p. 918, § 8.

²27:23-31. Transportation of explosives and products likely to endanger persons or property

No person shall transport in or upon any such highway project, any dynamite, nitroglycerin, black powder, fireworks, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other inflammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitro-cellulose film, peroxides or other readily inflammable solids or oxidizing materials, hydrochloric acid, sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any other poisonous substances, liquids or gases, or any compressed gas, or any radioactive article, substance or material, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

L.1951, c. 264, p. 918, § 7. Amended by L.2003, c. 79, § 34.

30:4-55. Bringing inmates of foreign institutions into state; ~~misdemeanor~~ penalty

It shall be unlawful for any person, public official, corporation, association or institution to bring or send or cause to be brought or sent into this State an inmate of any public institution outside of this State for the purpose of placing such inmate in any public institution in this State, without first obtaining the written consent of the Department of Institutions and Agencies of this State in accordance with the terms of the Interstate Mental Health Compact, chapter 178 of the laws of 1956.¹

Any person, public official, corporation, association or institution or any officer or agent thereof who shall violate the provisions of this section shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

Amended by L.1965, c. 59, s. 44.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

¹30:7B-1. Interstate compact on mental health; findings and purposes

32:1-154.15. Certain violations constitute ~~high misdemeanors~~ crimes of the third degree

Notwithstanding the provisions of section fourteen hereof,¹ if the violation within the State of the rule and regulations set forth in section eight hereof² shall result in injury or death to a person or persons or damage to property in excess of the value of five thousand dollars, such violation shall constitute a ~~high misdemeanor~~ crime of the third degree.

L.1950, c. 192, p. 433, s. 15.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

32:1-154.14. Trial and punishment of violations

If the violation within the State of any of the rules and regulations set forth in sections two through eight,¹ inclusive, hereof, including but not limited to those regarding the payment of tolls, would have been a violation of law or ordinance if committed on any public road, street, highway or turnpike in the municipality in which such violation occurred, it shall be tried and punished in the same manner as if it had been committed in such municipality.

L.1950, c. 192, p. 433, § 14.

32:1-154.8. Explosives; inflammable materials; poisonous substances; radioactive materials; transportation of

No person shall transport in or upon a vehicular crossing, any dynamite, nitroglycerin, black powder, fireworks, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other inflammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitro-cellulose film, peroxides or other readily inflammable solids or oxidizing materials, hydrochloric acid, sulfuric acid or other corrosive liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any other poisonous substances, liquids or gases, or any compressed gas, or any radioactive article, substance or material, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

L.1950, c. 192, p. 431, § 8.

32:1-154.20. ~~High misdemeanors~~ Crimes of the third degree, certain violations as

Notwithstanding the provisions of section two hereof,¹ if the violation within the State of the rule and regulation numbered seven and set forth in section one hereof shall result in injury or death to a person or persons or damage to property in excess of the value of five thousand dollars (\$5,000.00), such violation shall constitute a ~~high misdemeanor~~ crime of the third degree.

L.1951, c. 239, p. 858, s. 3.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

¹N.J.S. § 32:1-154.19.

33:1-25 Issuance of license, application, qualifications; criminal record background check, fee.

No license of any class shall be issued to any person under the age of 18 years or to any person who has been convicted of a crime involving moral turpitude. A beneficiary of a trust who is not otherwise disqualified to hold an interest in a license may qualify regardless of age so long as the trustee of the trust qualifies and the trustee shall hold the beneficiary's interest in trust until the beneficiary is at least the age of majority.

Each applicant shall submit to the director the applicant's name, address, fingerprints and written consent for a criminal history record background check to be performed. The director is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. The Division of State Police shall promptly notify the director in the event a current holder of a license or prospective applicant, who was the subject of a criminal history record background check pursuant to this section, is arrested for a crime or offense in this State after the date the background check was performed.

In applications by corporations, except for club licenses, the names and addresses of, and the amount of stock held by, all stockholders holding 1% or more of any of the stock thereof, and the names and addresses of all officers and of all members of the board of directors must be stated in the application, and if one or more of the officers or members of the board of directors or one or more of the owners, directly or indirectly, of more than 10% of the stock would fail to qualify as an individual applicant in all respects, no license of any class shall be granted.

In applications for club licenses, the names and addresses of all officers, trustees, directors, or other governing official, together with the names and addresses of all members of the corporation, association or organization, must be stated in the application.

In applications by partnerships, the application shall contain the names and addresses of all of the partners. No license shall be issued unless all of the partners would qualify as individual applicants.

A photostatic copy of all federal permits necessary to the lawful conduct of the business for which a State license is sought and which relate to alcoholic beverages, or other evidence in lieu thereof satisfactory to the director, must accompany the license application, together with a deposit of the full amount of the required license fee, which deposit to the extent of 90% thereof shall be returned to the applicant by the director or other issuing authority if the application is denied, and the remaining 10% shall constitute an investigation fee and be accounted for as other license fees.

Every applicant for a license that is not a renewal of an annual license shall cause a notice of the making of the application to be published in a form prescribed by rules and regulations, once per week for two weeks successively in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises are located; but if there shall be no such newspaper, then the notice shall be published in a newspaper, printed in the English language, published and circulated in the county in which the licensed premises are located. No publication shall be required with respect to applications for transportation or public warehouse licenses or with respect to applications for renewal of licenses.

The Division of Alcoholic Beverage Control shall cause a general notice of the making of annual renewal applications and the manner in which members of the public may object to the approving of the

applications to be published in a form prescribed by rules and regulations, once per week from the week of April 1 through the week of June 1 in a newspaper printed in the English language published and circulated in the counties in which the premises of applicants for renewals of annual licenses are located. Any application for the renewal of an annual license shall be made by May 1, and none shall be approved before May 1.

Every person filing an application for license, renewal of license or transfer of license with a municipal issuing authority shall, within 10 days of such filing, file with the director a copy of the application together with a nonreturnable filing fee of \$200.

Applicants for licenses shall answer questions as may be asked and make declarations as shall be required by the form of application for license as may be promulgated by the director from time to time. All applications shall be duly sworn to by each of the applicants, except in the case of applicants in the military service of the United States whose applications may be signed in their behalf by an attorney-in-fact holding a power of attorney in form approved by the director, and except in cases of applications by corporations which shall be duly sworn to by the president or vice-president. All statements in the applications required to be made by law or by rules and regulations shall be deemed material, and any person who shall knowingly misstate any material fact, under oath, in the application shall be guilty of a ~~misdemeanor~~ crime of the fourth degree. Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of the State. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license are grounds for suspension or revocation of the license.

The provisions of section 26 of P.L.2003, c.117 amendatory of this section shall apply to licenses issued or transferred on or after July 1, 2003, and to license renewals commencing on or after July 1, 2003.

Amended 1941, c.97; 1942, c.249; 1943, c.46; 1960, c.117; 1970, c.77, s.2; 1973, c.14, s.1; 1975, c.99; 1976, c.44, s.5; 1992, c.188, s.3; 2003, c.117, s.26; 2003, c.199, s.18; 2008, c.56.

Comment

See Letter, with enclosure, from James B. Graziano, Acting Director, Division of Alcoholic Beverage Control to the New Jersey Law Revision Commission *2-3 (Feb. 20, 2019) (objecting to the reference to Title 2C in N.J.S. 33:1-25; N.J.S. 33:1-26; and N.J.S. 33:1-63) requesting this change.

33:1-26. Term of license; prorated fee; separate licenses; license restrictions; extension of license; procedure on transfer of license; employment regulations; filing fee

All licenses shall be for a term of one year from July 1 in each year. The respective fees for any such license shall be prorated according to the effective date of the license and based on the respective annual fee as in this chapter provided. Where the license fee deposited with the application exceeds the prorated fee, a refund of the excess shall be made to the licensee. Licenses are not transferable except as hereinafter provided. A separate license is required for each specific place of business and the operation and effect of every license is confined to the licensed premises. No retail license of any class shall be issued to any holder of a manufacturer's or wholesaler's license, and no manufacturer's or wholesaler's license shall be issued to the holder of a retail license of any class. Any person who shall exercise or

attempt to exercise, or hold himself out as authorized to exercise, the rights and privileges of a licensee except the licensee and then only with respect to the licensed premises, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason whatsoever the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, the director or the issuing authority may, in his or its discretion, extend the license for a limited time, not exceeding its term, to the executor, administrator, trustee, receiver or other person upon whom the same has devolved by operation of law as aforesaid. Under no circumstances, however, shall a license, or rights thereunder, be deemed property, subject to inheritance, sale, pledge, lien, levy, attachment, execution, seizure for debts, or any other transfer or disposition whatsoever, except for payment of taxes, fees, interest and penalties imposed by any State tax law for which a lien may attach pursuant to R.S.54:49-1 or pursuant to the State Uniform Tax Procedure Law, R.S.54:48-1 et seq., or any similar State lien of tax, except to the extent expressly provided by this chapter.

On application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to the premises, and after publication of notice of intention to apply for transfer, in the same manner as is required in case of an application for license as to the premises, the director or other issuing authority may transfer, upon payment of a fee of 10% of the annual license fee for the license sought to be transferred, any license issued by him or it respectively to a different place of business than that specified therein, by endorsing permission upon the license.

On application made therefor setting forth the same matters and things with reference to the person to whom a transfer of license is sought as are required to be set forth in connection with an original application for license, which application for transfer shall be signed and sworn to by the person to whom the transfer of license is sought and shall bear the consent in writing of the licensee to the transfer, and after publication of notice of intention by the person to whom the transfer of license is sought, to apply for transfer in the same manner as is required in the case of an original application for license, the director or other issuing authority, as the case may be, may transfer any license issued by him or it respectively to the applicant for transfer by endorsing the license. The application and the applicant shall comply with all requirements of this chapter pertaining to an original application for license and shall be accompanied, in lieu of the license fee required on the original application, by a fee of 10% of the annual license fee for the license sought to be transferred, which 10% shall be retained by the director or other issuing authority, as the case may be, whether the transfer be granted or not, and accounted for as other license fees.

If the other issuing authority shall refuse to grant a transfer the applicant shall be notified forthwith of the refusal by a notice served personally upon the applicant, or sent to him by registered mail addressed to him at the address stated in the application, and the applicant may, within 30 days after the date of service or mailing of the notice, appeal to the director from the action of the issuing authority. If the other issuing authority shall grant a transfer, any taxpayer or other aggrieved person opposing the grant of the transfer may, within 30 days after the grant of the transfer, appeal to the director from the action of the issuing authority.

No person who would fail to qualify as a licensee under this chapter shall be knowingly employed by or connected in any business capacity whatsoever with a licensee. A person failing to qualify as to age or by

reason of conviction of a crime involving moral turpitude may, with the approval of the director, and subject to rules and regulations, be employed by any licensee, but the employee if disqualified by age shall not, in any manner whatsoever serve, sell or solicit the sale or participate in the manufacture, rectification, blending, treating, fortification, mixing, processing or bottling of any alcoholic beverage; and further provided, that no permit shall be necessary for the employment in a bona fide hotel or restaurant of any person failing to qualify as to age so long as the person shall not in any manner whatsoever serve, sell or solicit the sale of any alcoholic beverage, or participate in the mixing, processing or preparation thereof. Except for a person convicted of a sex offense as enumerated in subsection b. of N.J.S.2C:7-2 or a person convicted of a crime involving moral turpitude committed while employed on a licensed premises, a person who has been convicted of a crime involving moral turpitude may be employed by a Class C licensee without obtaining the approval of the director or a rehabilitation employment permit provided the person's responsibilities do not involve serving, selling or soliciting the sale of any alcoholic beverage; participating in the mixing, processing or preparation of alcoholic beverages; providing private security or admission-monitoring services for the premises; or providing or participating in any management or professional services.

Each person seeking to be employed or connected in any business capacity whatsoever with a licensee shall submit to the director the applicant's name, address, fingerprints and written consent for a criminal history record background check to be performed. The director is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. The Division of State Police shall promptly notify the director in the event a current holder of a license or prospective applicant, who was the subject of a criminal history record background check pursuant to this section, is arrested for a crime or offense in this State after the date the background check was performed.

Any request for relief under this section shall be accompanied by a nonreturnable filing fee of \$100.00 payable to the director.

Amended 1938, c.297; 1941, c.296; 1941, c.405; 1943, c.152; 1955, c.43; 1970, c.78, s.5; 1973, c.14, s.2; 1973, c.285; 1992, c.188, s.4; 1993, c.232, s.1; 2003, c.199, s.19; 2012, c.32.

Comment

See Letter, with enclosure, from James B. Graziano, Acting Director, Division of Alcoholic Beverage Control to the New Jersey Law Revision Commission *2-3 (Feb. 20, 2019) (objecting to the reference to Title 2C in N.J.S. 33:1-25; N.J.S. 33:1-26; and N.J.S. 33:1-63) requesting this change.

33:1-63. Resisting officer serving or executing search warrant; ~~misdemeanor~~

Any person who shall knowingly and willfully obstruct, resist or oppose any officer or person assisting an officer, in serving or executing, or attempting to serve or execute, any search warrant authorized by this chapter shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1933, c. 436, § 61, p. 1217.

Comment

See Letter, with enclosure, from James B. Graziano, Acting Director, Division of Alcoholic Beverage Control to the New Jersey Law Revision Commission *2-3 (Feb. 20, 2019) (objecting to the reference to Title 2C in N.J.S. 33:1-25; N.J.S. 33:1-26; and N.J.S. 33:1-63) requesting this change.

33:1-30. Sale of alcohols unfit for use as beverages; preparations and products excepted; violations; misdemeanor penalty.

This chapter is not designed to prohibit sales of denatured alcohol and alcoholic mixtures or composition or articles of commerce containing alcohol which are unfit for use as beverages without license hereunder.

No provision of this chapter shall apply to alcohol intended for and actually used in the manufacture and sale of any of the following when they are unfit in fact for beverage purposes, namely:

a. Denatured alcohol produced and used pursuant to acts of congress and regulations promulgated thereunder.

b. Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.

c. Flavoring extracts, syrups and food products.

d. Scientific, chemical, mechanical and industrial products.

Any person who shall knowingly sell, use or transport any of the products enumerated in paragraphs "a", "b", "c" or "d" for beverage purposes, or who shall use, sell or transport any of the same under circumstances from which he might reasonably deduce the intention of the purchaser or consignee to use them for such purposes shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

The commissioner shall have the power to investigate the sale, purchase, use and transportation of industrial alcohol as set forth above to the extent reasonably necessary to prevent conversion into alcoholic beverages fit for consumption.

L.1933, c. 436, § 27, p. 1197, amended by L.1934, c. 85, § 23, p. 241.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

33:1-49. Purchase of illicit beverage; misdemeanor penalty

No person, except an officer, or other person authorized by and acting pursuant to instructions from such officer, so doing in the course of and for the purpose of enforcing this chapter shall knowingly purchase, receive or procure any illicit beverage. Any person who shall violate this provision shall be guilty of a crime of the fourth degree ~~misdemeanor and punished by a fine of not less than ten dollars and not more than one hundred dollars, or imprisonment for not less than two days and not more than ten days, or both.~~

L.1933, c. 436, § 47, p. 1213, amended by L.1934, c. 85, § 33, p. 250.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

33:1-50. Manufacture, sale, possession, etc., in violation of chapter; ~~misdemeanor~~ penalty

Any person who shall:

a. Manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport any alcoholic beverage in violation of this chapter; or

b. Import, own, possess, keep or store in this state alcoholic beverages with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alcoholic beverages in violation of the provisions of this chapter; or

c. Own, possess, keep or store in this state any implement or paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this chapter; or

d. Aid or abet another in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this chapter; or

e. Possess, have custody of, offer for sale or sell any illicit beverage--

~~Shall be guilty of a crime of the fourth degree, misdemeanor, and punished by a fine of not less than one hundred dollars and not more than one thousand dollars, or imprisonment for not less than thirty days and not more than three years, or both.~~

L.1933, c. 436, § 48, p. 1213, amended by L.1934, c. 85, § 34, p. 250, L.1935, c. 257, § 19, p. 820.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

33:1-51. Other violations of chapter; ~~misdemeanor~~ penalty

Any person who shall knowingly violate any of the other provisions of this chapter shall be guilty of a ~~crime of the fourth degree, misdemeanor and punished by a fine of not less than fifty dollars and not more than two hundred fifty dollars, or imprisonment for not less than ten days and not more than ninety days, or both.~~

L.1933, c. 436, § 49, p. 1214.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). Under the Alcoholic Beverage Law the commissioner may institute disciplinary proceedings against a licensee found employing an ineligible person, and the employment by licensee of an ineligible person is a misdemeanor subjecting licensee to criminal proceedings. *Kravis v. Hock*, 136 N.J.L. 161, (1947).

33:1-64. Procuring search warrant without probable cause; ~~misdemeanor~~ penalty

Any person who shall maliciously and without probable cause procure a search warrant to be issued and executed shall be guilty of a crime of the fourth degree ~~misdemeanor~~.

L.1933, c. 436, § 62, p. 1217.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

33:1-65. Search without warrant; ~~misdemeanor~~ penalty

Any person who shall intentionally search any private dwelling occupied exclusively for dwelling purposes, without a warrant therefor, or who shall maliciously and without probable cause, and without a warrant therefor, search any other building, premises, vehicle or place, shall be guilty of a crime of the fourth degree ~~misdemeanor~~.

L.1933, c. 436, § 63, p. 1217.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). The Division of Alcoholic Beverage Control Investigations Bureau is within the Division of Alcoholic Beverage Control and is responsible for investigating criminal and administrative violations of the Alcoholic Beverage Control Act (N.J.S. 33:1-1 et seq.) and the attendant regulations (N.J.A.C. 13:2-1.1 et seq.). The investigators assigned to the A.B.C. Investigations Bureau have the full authority of the Director of the Division of A.B.C. to inspect and investigate licensees and the conduct of activities under the license and on the licensed premises. They may do so without a search warrant and all records must be available and produced to them upon demand. Failure to do so can result in a charge of hindering an investigation. The Investigations Bureau is also staffed with Detectives from the Division of Criminal Justice (which, just as the Division of Alcoholic Beverage Control, is in the Department of Law and Public Safety under the authority of the Attorney General). The Detectives have the authority to arrest persons for violations of any criminal laws of the State of New Jersey.

33:1-67. Solicitor's permit required; exceptions; issuance; fee; violations; penalty

No individual shall offer for sale or solicit any order in the State for the purchase or sale of any alcoholic beverage, whether such sale is to be made within or without this State, unless such person shall have a solicitor's permit issued by the director hereunder.

Nothing contained in this section shall prohibit such offer or solicitation by any licensee himself or any employee of any retail licensee in connection with and in the course of the licensed business.

The director is empowered to issue, subject to rules and regulations, solicitor's permits, which shall set forth such facts as may be prescribed by the director and shall authorize the permittee to make offers for such sales and solicit orders for such sales of alcoholic beverages as are in accordance with this chapter, and any rules and regulations promulgated thereunder, on behalf of any vendor or vendors represented by the solicitor and designated in the permit. The fee for such permits shall be \$15.00 per annum or any part thereof for solicitors employed exclusively by licensees whose licenses permit sale of malt alcoholic beverages only, and \$25.00 per annum or any part thereof for solicitors employed by other licensees. A separate fee shall be paid for each vendor designated in the permit. Such permits shall expire on June 30 following their issuance, except as otherwise specified therein.

Any person who violates any provisions of this section shall be guilty of a ~~misdemeanor~~ crime of the fourth degree, and ~~punished by a fine of not less than \$50.00 and not more than \$200.00 or imprisonment for not less than 10 days or not more than 3 months, or both.~~

Amended by L.1954, c. 26, p. 94, s. 5, eff. May 11, 1954; L.1970, c. 78, s. 7.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). These permits are still required in New Jersey by the Division of Alcoholic Beverage Control. The Division of Alcoholic Beverage Control requested that the monetary penalty set forth in this statute be stricken. *See* Letter, with enclosure, from James B. Graziano, Acting Director, Division of Alcoholic Beverage Control to the New Jersey Law Revision Commission (Feb. 20, 2019), on file with the New Jersey Law Revision Commission.

33:1-78. Bottling without license; ~~misdemeanor~~ penalty

Any person, except a person holding a brewery, distillery, winery or rectifier's license under this chapter, who shall bottle alcoholic beverages for sale or resale shall be guilty of a ~~misdemeanor~~ fourth degree offense.

L.1933, c. 436, § 78, p. 1224.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

33:2-10. Failure to register still; ~~misdemeanor~~ penalty

Any person who shall have in his possession or custody or under his control any still or distilling apparatus set up, dismantled, or in the process of construction, or parts thereof without having registered same in accordance with the provisions of this chapter shall be guilty of a crime of the fourth degree, ~~misdemeanor~~, and ~~punished by a fine of not less than one hundred dollars and not more than one thousand dollars or imprisonment for not less than thirty days and not more than three years, or both.~~

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See also* N.J.S. 2C:40-17. Tampering with cosmetic, drug, or food product; third degree crime; exception

33:3-9. Manufacture, sale, etc., of poisoned liquors; penalty

Any person, corporation, partnership or member of any association or any agent, servant or employee of any person, corporation, partnership or member of any association who shall manufacture, transport, possess, sell, barter, give away, furnish or otherwise dispose of any alcohol for internal consumption, any whiskey, gin, brandy, wine or any other alcoholic beverage of any nature whatsoever containing any poisonous chemical or chemicals or any poisonous ingredients of any description whatsoever which, if taken internally, will injuriously affect the health or bodily condition of any person or which will cause the death of any person shall be guilty of a ~~misdemeanor~~. crime of the fourth degree.

L.1935, c. 138, § 1, p. 350.

Comment

See Letter, with enclosure, from James B. Graziano, Acting Director, Division of Alcoholic Beverage Control to the New Jersey Law Revision Commission *2-3 (Feb. 20, 2019) requesting that the statute not be repealed; rather, amended to reflect the degree of the crime permitted by the New Jersey Code of Criminal Justice.

33:3-10. Sale, etc. of poisoned liquors causing serious injury or death; penalty; certain laws unaffected

Any person, corporation, partnership or member of any association or any agent, servant or employee of any person, corporation, partnership or member of any association who shall have sold, bartered, given away, furnished or otherwise disposed of to any person whatsoever any alcohol for internal consumption, whiskey, gin, brandy, wine or any other alcoholic beverage of any nature whatsoever containing any poisonous chemical or chemicals or any poisonous ingredients of any description whatsoever which shall have caused serious injury to the health or bodily condition of any person or shall have caused the death of any person shall be guilty of a ~~high misdemeanor~~ crime of the second degree ~~and shall be punishable by a fine of not exceeding two thousand dollars (\$2,000.00), or imprisonment at hard labor or otherwise not exceeding ten years, or both.~~

Nothing in this section is ~~intended to diminish, alter or in anywise change or in anywise affect the provisions of sections 2A:113-1 to 2A:113-5 of the New Jersey Statutes.~~ shall preclude an indictment or conviction for any other offense defined by the laws of this State.

Amended by L.1953, c. 32, p. 582, s. 6, eff. March 19, 1953.

Comment

See Letter, with enclosure, from James B. Graziano, Acting Director, Division of Alcoholic Beverage Control to the New Jersey Law Revision Commission *2-3 (Feb. 20, 2019) requesting that the statute not be repealed; rather, amended to reflect the severity of the offense. The Division of Alcoholic Beverage Control also noted that the

sentencing provisions included within N.J.S. 33:3-10 made the offense punishable by a term of imprisonment of up to ten years. Such a sentence is consistent with the sentence term for a second degree crime under the Code of Criminal Justice.

34:4A-13. Discharge or discrimination against employee due to actions to help enforce this act; penalties

(a) Any operator who discharges or in any other manner discriminates against any employee because such employee has made any complaint to the commissioner regarding a violation of this act or any rule or regulation promulgated hereunder, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act or any rule or regulation promulgated hereunder, or because such employee has testified or is about to testify in any such proceeding, shall be guilty of a crime of the fourth degree, misdemeanor and shall, upon conviction therefor, be fined not less than \$50.00 nor more than \$200.00. Such operator shall be required, as a condition of such judgment of conviction, to offer reinstatement in employment to any such discharged employee and to correct any such discriminatory action, and also to pay to any such employee, in full, all wages lost as a result of such discharge or discriminatory action.

(b) Upon a violation of any of the provisions of this act, an aggrieved employee or former employee may, within one year, institute a civil action in a court of competent jurisdiction. Upon the application of any party, a jury trial shall be directed to try the validity of any claim under this act specified in the suit. All remedies available in common law tort actions shall be available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided by this act or any other statute. The court shall also order, where appropriate and to the fullest extent possible:

(1) An injunction to restrain any violation of this act which is continuing at the time that the court issues its order;

(2) The reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position;

(3) The reinstatement of full fringe benefits and seniority rights;

(4) The compensation for all lost wages, benefits and other remuneration; and

(5) The payment by the employer of reasonable costs, and attorney's fees.

(c) In addition, the court or jury may order: the assessment of a civil fine of not more than \$10,000 for the first violation of the act and not more than \$20,000 for each subsequent violation, which shall be paid to the State Treasurer for deposit in the General Fund; punitive damages; or both a civil fine and punitive damages. In determining the amount of punitive damages, the court or jury shall consider not only the amount of compensatory damages awarded to the employee, but also the amount of all damages caused to shareholders, investors, clients, patients, customers, employees, former employees, retirees or pensioners of the employer, or to the public or any governmental entity, by the activities, policies or practices of the employer which the employee disclosed, threatened to disclose, provided testimony regarding, objected to, or refused to participate in.

L.1975, c. 226, s. 13, eff. Oct. 15, 1975.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

34:6-98.9 Complaints; serious accidents.

a. Whenever the commissioner receives a complaint in writing signed by 2 or more persons employed in a mine, setting forth that the mine or part thereof in which he or they are working is being operated contrary to law, or is dangerous in any respect to the health or lives of those employed therein, he shall cause to be inspected such mine as soon as possible. The names of the persons making such complaint shall be kept secret, unless permission to disclose them be expressly granted by the persons making the complaint. Such complaint shall in all cases set forth the nature of the danger existing at the mine, and the time when such danger was first observed. If, after such inspection, it is found that the conditions are dangerous to the health or lives of those employed therein, the commissioner shall serve a notice, setting forth fully the facts, upon the operator or any person having charge of such mine, and shall order the operator of said mine or mines to remove such dangerous or harmful conditions, and the operator of said mine shall obey said order.

b. Whenever loss of life or serious accident shall occur in any mine, the operator thereof shall forthwith give notice immediately in the quickest possible manner, and, in addition, shall report the facts thereof in writing within 24 hours after such occurrence in a manner prescribed by the section.

The refusal or failure of said owner, agent, manager or operator to so report shall be a ~~misdemeanor~~ crime of the fourth degree. The section, upon receipt of notice of such accident, shall investigate the same and make, or cause to be made, a report which shall be filed for future reference. In case of the loss of life, any inspector of the section may take testimony of witnesses relative to the same, for the purpose of ascertaining the cause of such accident, and for his information in filing a report concerning the same. If, after making such investigation, the section considers the facts warrant it, a copy of the report of such accident and all papers relating thereto shall be forwarded to the county prosecutor of the county in which the accident or loss of life occurred, together with an accompanying statement, showing in what particular or particulars it is believed the law to have been violated, and if upon the receipt thereof, the prosecuting officer of the said county deems the facts sufficient to make a prima facie case of criminal action against any person or persons, he shall present such evidence to the grand jury, or take such steps for the criminal prosecution of such operator, employees or persons as may seem advisable.

L.1954, c.197, s.9; amended 2007, c.155, s.8.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

34:9A-34. Penalties

Any person, or the agent or officer thereof, who violates any provision of this article or of any rule or regulation duly issued under this act, shall be guilty of a ~~misdemeanor~~ a crime of the fourth degree and ~~upon conviction thereof shall be punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 1 year, or both.~~ It shall be a complete defense to any criminal proceeding pursuant to this section for the defendant to prove that the violation complained of is solely the result of the willful destruction by the occupants of any camp.

L.1945, c. 71, p. 362, s. 34. Amended by L.1967, c. 259, s. 10, eff. Dec. 26, 1967.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

34:11-19. Punishment for issuing orders in payment for labor

Any person giving or issuing in payment of labor, any due bills or orders contrary to law shall be guilty of a ~~misdemeanor~~ a crime of the fourth degree and punishable by fine of not more than five hundred dollars.

Rev.1877, p. 1375, § 2 [C.S. p. 3047, § 108].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

34:11-22. Penalty for attempting to control employees in purchase of store goods

Any person offending against the provisions of section 34:11-21 of this title shall be guilty of a ~~misdemeanor~~ crime of the fourth degree and on conviction thereof shall be fined not to exceed one hundred dollars, with costs of suit, for each offense to be sued by and for the benefit of any citizen of the state.

L.1881, c. 190, § 2, p. 239 [C.S. p. 3047, § 106].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

34:13B-25. Violations

Any officer or agent of any public utility or labor union, or any person performing the duties of such officer or agent, who shall willfully violate, or aid and abet the violation of any of the provisions of this act, or attempt to do so, shall, for each such offense, be guilty of a ~~misdemeanor~~ crime of the fourth degree and, ~~upon conviction thereof, shall be fined not less than twenty-five dollars (\$25.00) nor more~~

~~than two hundred fifty dollars (\$250.00). Each day's continuance of the violation shall constitute a separate offense.~~

L.1947, c. 47, p. 164, s. 9. Amended by L.1947, c. 75, p. 453, s. 12.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

34:13C-5. Violation; penalty

Any person violating any of the provisions of this act shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1960, c. 193, p. 834, § 5.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See* N.J.S. 34:13C-1. Importation or transportation of strikebreakers; N.J.S. 34:13C-2. Recruitment, etc., of persons to take place of employees during strike or lockout; N.J.S. 34:13C-3. Applicability of provisions to employment agents and New Jersey Employment Service; N.J.S. 34:13C-4. Importation of union pickets.

38:23B-20. Offenses and penalties

Any person who, having obtained a veteran's loan under this act, solicits, applies for, or accepts another such loan, except as specifically authorized in this act, and any person who knowingly and willfully furnishes any false or misleading information for the purpose of obtaining a veteran's loan, or of enabling another to obtain a veteran's loan, under this act, shall be guilty of a crime of the fourth degree. ~~a misdemeanor and upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than three years, or both.~~

L.1944, c. 126, p. 350, s. 20, eff. July 1, 1944.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See also* N.J.S. 2C:21-7 Deceptive business practices; *see also* N.J.S. 2C:28-3 Unsworn Falsification.

40:46-49. Offenses

Any person who, for the purpose of defeating, or obstructing the provisions and purpose of this act, shall:
(a) willfully, by himself or in co-operation with one or more persons defeat, deceive or obstruct a person in respect to his right of taking a test for a certificate of qualification; or

(b) willfully or corruptly or falsely mark, rate, grade, estimate or report upon the test or proper standing of a person tested, or aid in so doing or willfully make any false representation concerning the same or the person tested; or

(c) willfully and corruptly furnish to a person special or secret information for the purpose of either improving or injuring the prospects or chances of a person tested or certified or being tested or certified; or

(d) willfully impersonate another person or permit or aid another person to impersonate him in any test or appointment or request to be tested, certified or appointed;

shall be guilty of a ~~misdemeanor~~ fourth degree crime.

L.1950, c. 211, p. 527, s. 11, eff. June 8, 1950.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

40:76-27. Certain acts prohibited; penalties

Any person not an elector who shall willfully and knowingly sign any petition provided for in this chapter, and any person who shall willfully and knowingly advise, aid or abet any person not an elector to sign any petition provided for in this chapter shall be guilty of a ~~misdemeanor~~ crime of the fourth degree. Any person who shall violate any of the provisions of this chapter shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1911, c. 221, § 19, p. 483, amended by L.1917, c. 79, § 1, p. 146, L.1923, c. 130, § 1, p. 275 [1924 Suppl. § **136-58].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

40A:9-65. Performance of duties before giving bond; ~~misdemeanor~~ penalty

If any person elected county clerk shall assume to perform any of the duties before giving bond as provided by law he shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1902, c. 152, § 1, p. 481 [C.S. p. 1519, § 12]. R.S. 40:38-2, amended by L.1953, c. 37, § 99.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

40A:9-86. Performance of duties before giving bond; ~~misdemeanor~~ penalty

If any person elected register of deeds and mortgages shall assume to perform any of the duties before giving bond as provided by law, he shall be guilty of a ~~misdemeanor~~ crime of the fourth degree. L.1971, c. 200, s. 1, eff. July 1, 1971.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

40A:9-98. Sheriff not to perform duties of office before giving bond and taking oath; ~~misdemeanor~~ penalty

If a sheriff elect shall perform any of the duties of his office before giving bond or taking the oath of office as provided by law, he shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1971, c. 200, s. 1, eff. July 1, 1971.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:1-11. Violations; penalty

Any person violating this act shall be guilty of a ~~misdemeanor~~ crime of the fourth degree. L.1973, c. 322, s. 2, eff. Dec. 18, 1973.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:6-23. Unlawful sale, alteration, use of dental degree, certificate, transcript; ~~misdemeanor~~ penalty

~~Any person is guilty of a crime of the third degree if he: , company or association shall be guilty of a misdemeanor, and upon every conviction thereof shall be punished by a fine of not less than five hundred dollars, or by imprisonment for not less than six months, or both, who:~~

a. ~~S~~ells or barter, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists; or

b. ~~P~~urchases or procures by barter any such diploma, certificate or transcript with intent that the same shall be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or

c. ~~W~~ith fraudulent intent, alters in a material regard any such diploma, certificate or transcript;
or

d. Uses or attempts to use any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist.

Amended L.1995,c.124,s.2.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:7-65.5. Violations; penalty

Any person who violates this act shall be guilty of a ~~misdemeanor~~ fourth degree crime and shall remain liable for any other penalties which may be imposed by the board, where applicable.

L.1979, c. 201, s. 2, eff. Sept. 20, 1979.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:9-51. Filing of bond by association before receiving a body; penalty for certain violations

(a) No such association shall be allowed or permitted to receive any such body until it has given a bond to the State of New Jersey, with sufficient sureties, to be approved by the county clerk of the county in which such association is organized, and filed with said clerk, in the penal sum of one thousand dollars (\$1,000.00), conditioned that all such bodies which the association shall receive shall be used only for the promotion of medical and surgical science within this State.

(b) Whoever sells or buys any such body, or in any way traffics in the same, or transmits or conveys, or causes or procures any such body to be conveyed to any place outside this State shall be deemed guilty of a ~~misdemeanor~~ disorderly persons offense. ~~and, on conviction thereof, be punished by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment at hard labor for a term not exceeding one year, or both, at the discretion of the court.~~

Amended by L.1953, c. 43, p. 807, s. 47.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:17-3. Penalty for violations; ~~misdemeanor~~ penalty

Any person who violates the provisions of sections 45:17-1 or 45:17-2 of this title, or any person engaged in the business of selling goods at auction who fails, neglects or refuses to permit or allow an inspection

of his books as provided by section 45:17-2 of this title, shall be guilty of a crime of the fourth degree.
~~misdemeanor~~.

L.1911, c. 57, § 3, p. 86 [1924 Suppl. § *15-3].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:19-10. License to conduct business, violation of section as ~~misdemeanor~~ penalty

No person, firm, association or corporation shall engage in the private detective business or as a private detective or investigator or advertise his or its business to be a private detective business or that of a detective agency or investigator without having first obtained from the superintendent a license to conduct such business, as hereinafter provided. Any person, firm, association or corporation who shall violate any of the provisions of this section shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1939, c. 369, p. 889, s. 3.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:19-13. Surrender of license after expiration, revocation, etc.

Any person, firm, association or corporation to whom a license may be issued in accordance with this act shall surrender such license and all duplicate copies thereof to the superintendent within five days after such license shall have expired or shall have been revoked, suspended or surrendered. Failure to comply with the provisions of this section shall constitute a ~~misdemeanor~~ crime of the fourth degree.

L.1939, c. 369, p. 892, s. 6.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:19-14. Posting and display of license; loss or destruction of license; change in location of office or place of business

(a) Before any applicant shall exercise any rights under the license issued to him such license, or a certified copy thereof, shall be posted and at all times thereafter while the same is in force be displayed in a conspicuous place in the principal office and in each bureau, agency, subagency, office or branch office for which it is issued. Any person, firm, association or corporation holding any license issued by

the superintendent under this act who posts or permits such license to be posted upon premises other than those described therein, or to which it may be transferred pursuant to the provisions of this act, or who fails to maintain such license in a conspicuous place in such offices or places of business, or knowingly alters, defaces or destroys any such license or permits the alteration, defacement or destruction thereof, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

(b) In the event that any license or certified copy thereof issued by the superintendent is lost or destroyed, notice of such loss or destruction shall be given to the superintendent forthwith, and the superintendent may, in his discretion, issue a duplicate or certified copy thereof. Upon written application to the superintendent setting forth a proposed change in the location of any office or place of business of the licensee as set forth in his license, the superintendent may authorize a new location for any such office or place of business, in which case the licensee shall produce to the superintendent his license and all copies thereof, to the end that the superintendent may either endorse thereon such change of location or issue a new license as of the same date as the original license in lieu of the license so surrendered.
L.1939, c. 369, p. 893, s. 7.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:19-15. Employment of assistants; false statements or misrepresentations; disclosure of information; false reports or statements to employer; reports on convictions

(a) The holder of any license issued under the provisions of this act may employ to assist him in his work and in the conduct of his business as many persons as he may deem necessary, and he shall at all times during such employment be accountable for the good conduct in the business of each and every person so employed. No such employee need be the holder of a license issued under this act, but his employer shall be responsible for his actions and conduct in connection with such employer's business.

(b) Should the holder of a license falsely state or represent that any person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective employed by a private detective business licensed under this act shall be guilty of a ~~misdemeanor~~ fourth degree crime.

Any person who may be or has been employed by the holder of a license under this act shall not divulge to anyone other than his employer, or in such manner and to such person as his employer shall direct, any information acquired by him during such employment ~~in respect to~~ regarding any work to which he shall have been assigned by such employer, except as such disclosure may be required by the provisions of this act or in connection with any investigation of a licensee by the superintendent. Any person violating any of the provisions of this section, and any employee of a licensed private detective business who shall willfully make a false report or statement to his employer in respect to any matter or thing connected with his employment shall be guilty of a ~~misdemeanor~~ fourth degree crime.

The prosecutor ~~of the pleas~~ of the county in which any conviction for a violation of any provision of this act shall, within ten days thereafter, make and file with the superintendent a report showing the date of such conviction, the name of the person convicted and the nature of the charge.

L.1939, c. 369, p. 893, s. 8. Amended by L.1948, c. 152, p. 883, s. 2.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:19-18. Use or display of identification card of another

No private detective or investigator or employee of a private detective business who is in possession of any identification card, as provided for in the preceding section, shall loan, allow or permit any other person to use or display such identification card, and in case of the loss of any such identification card, shall forthwith notify the superintendent of such loss and the circumstances surrounding the same. Any person violating the provisions of this section or any person who shall display or use the identification card of another without authority, for the purpose of deceiving any person as to his identity shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1939, c. 369, p. 896, s. 11.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:19-19 Badge, shield, certain; prohibited, ~~violations deemed misdemeanor~~ penalty.

12. No person licensed under the provisions of this act, or the officers, directors, employees, operators or agents thereof, shall wear, carry or accept any badge or shield purporting to indicate that such person is a private detective or investigator or connected with the private detective business. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1939,c.369,s.12; amended 1953, c.404; 2004, c.134, s.15.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:19-21. Offenses in connection with issuance or use of identification cards

Any person, firm, association or corporation licensed under the provisions of this act who shall issue identification cards to any person other than a bona fide employee, or who shall sell, issue, rent, loan or distribute badges or membership cards indicating that the holder thereof is a private detective or

investigator or is engaged in the private detective business, to any person or persons other than those lawfully entitled to such identification cards shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1939, c. 369, p. 896, s. 14.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:21-11. Penalty

A person operating, or causing or permitting the operation of, any such motor vehicle wholly or partly along any public highway in this state, without complying with the provisions of this chapter, shall be deemed guilty of a ~~misdemeanor~~ crime of the fourth degree and subject to the penalties therefor provided by law.

L.1926, c. 249, § 8, p. 424.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:21-13. Violations of act

Any such person who shall fail to keep, maintain and make available such register for inspection, as aforesaid, or who shall rent or lease any motor vehicle to any other person without requesting the proper information and making the appropriate entries in such register, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1949, c. 206, p. 677, s. 2.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:22-32. Violations of article ~~misdemeanor~~ penalty

Any person who shall violate any of the provisions of this article shall be guilty of ~~misdemeanor~~ crime of the fourth degree, ~~punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars.~~

L.1931, c. 294, § 34, p. 736.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

45:22-39. Penalty

Any person or persons, firm or firms, partnership or partnerships, association or associations, corporation or corporations, or any agent or servant thereof, who shall violate any of the provisions of this act shall be guilty of a crime of the fourth degree. ~~misdemeanor and shall be punishable by a fine not to exceed the sum of five hundred dollars (\$500.00) or by imprisonment not to exceed one hundred days, or both.~~

L.1939, c. 55, p. 82, s. 5.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:2-49. Performing, participating in or causing prohibited acts

Any person who shall knowingly and willfully perform, commit or do, or participate in performing, committing or doing, or who shall knowingly and willfully cause, participate or join with others in causing any public utility company to do, perform or commit, or who shall advise, solicit or persuade, or knowingly and willfully instruct, direct or order any officer, agent or employee of any public utility company to perform, commit or do any act or thing forbidden or prohibited by this chapter or by sections 48:3-1 to 48:3-7, 48:3-9, 48:3-10 or 48:12-90 of this title, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1911, c. 195, § 34, p. 387 [1924 Suppl. § *167-54].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:2-50. Failure to perform required acts

Any person who shall knowingly and willfully neglect, fail or omit to do or perform, or who shall knowingly and willfully cause or join or participate with others in causing any public utility company to neglect, fail or omit to do or perform, or who shall advise, solicit or persuade or knowingly and willfully instruct, direct or order any officer, agent or employee of any public utility company to neglect, fail or omit to do any act or thing required to be done by this chapter or by sections 48:3-1 to 48:3-7, 48:3-9, 48:3-10 or 48:12-90 of this title, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1911, c. 195, § 35, p. 387 [1924 Suppl. § *167-55].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:2-51. Utilities acting unlawfully

Any public utility company which shall perform, commit or do any act or thing prohibited or forbidden by this chapter or by sections 48:3-1 to 48:3-7, 48:3-9, 48:3-10, or 48:12-90 of this title, or which shall neglect, fail or omit to do or perform any act or thing thereby required to be done by it, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1911, c. 195, § 36, p. 388 [1924 Suppl. § *167-56].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:3-7.13. Transportation of motor vehicles, trailers, etc.; unlawful agreements and charges; violation as ~~misdemeanor~~ penalty

Any part of any agreement, arrangement, or other device shall be unlawful, which as a condition to the transportation of a loaded or empty motor vehicle, trailer or container, requires or authorizes a carrier, shipper, consignee of freight or any person engaged in the transportation thereof to pay a levy, charge, allowance, assessment or compensation to any person, partnership, association, organization or corporation other than a carrier transporting, or the owner or lessee of, such motor vehicle, trailer or container, if such levy, charge, allowance, assessment or compensation is dependent or contingent upon the use of another mode of transportation for the movement of such motor vehicle, trailer or container.

Any person, partnership, association, organization or corporation who enters into any agreement, arrangement, or other device made unlawful by this section or who collects or receives any levy, charge, allowance, assessment or compensation under any provision of any agreement, arrangement, or other device made unlawful by this section shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1962, c. 246, s. 1, eff. Feb. 28, 1963.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:4-42. Operating motor vehicle without financial coverage; ~~misdemeanor~~ penalty

Any person who shall knowingly operate or permit to be operated any motor vehicle not at the time of such use covered by insurance or other financial coverage as herein provided for shall be guilty of a crime of the fourth degree ~~misdemeanor~~.

Source: L.1935, c. 206, § 8, p. 494.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:4-53. Operating motor vehicle without financial coverage; ~~misdemeanor~~ fourth degree Any person who shall knowingly operate or permit to be operated any motor vehicle carrying passengers for hire not at the time of such use covered by insurance or other financial coverage as herein provided for shall be guilty of a fourth degree crime misdemeanor subject to a fine of \$2,500 for the first offense and a fine of \$5,000 for the second or subsequent offense.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:5-18. General powers

Every company incorporated, organized or existing under this article shall have power:

Construction and maintaining bridges. a. To construct, maintain and operate its bridge or bridges.

Surveys; entry on land. b. To locate and determine its route and works, and, for that purpose, to make such surveys and tests for its proposed bridge or bridges as may be necessary to the selection of the most advantageous location, and to enter upon lands and waters of any person, doing no unnecessary injury to private or other property, and subject to responsibility for all damages which shall be done thereto.

Condemnation. c. Upon obtaining written permission of the board of public utility commissioners, to condemn and take the land necessary for its business, in accordance with chapter one of the Title Eminent Domain (s. 20:1-1 et seq.).

Acquisition of real estate. d. To acquire from time to time and to hold, operate and use all such real estate and other property or any interest therein, and any existing ferry companies or the rights and properties thereof, or any interest therein as may, in the judgment of its directors, be necessary for the purpose of the construction, maintenance and operation of its bridges, or to accomplish the objects of its incorporation, and to sell land, rights or property thus acquired, when not necessary for such purposes and objects.

Bonds and mortgages; usury as defense. e. To borrow such sums of money as shall be necessary to construct, improve, extend or repair its bridges, and to furnish all lands and other property necessary for its purposes, and for such purpose to issue and sell its bonds secured by mortgage on its lands, bridges, chattels, franchises and appurtenances. No such company shall plead any statute against usury in any action at law or in equity to enforce the payment of a bond or mortgage executed under the provisions of this section. In the case of any such company in this State, the amount of whose debts shall have been limited by special law, the written consent of the holders of at least two-thirds of all of who shall issue bonds of any such company to an amount greater than that its stock shall be obtained before any mortgage shall be executed. A person who shall issue bonds of any such company to an amount greater than that

authorized by law shall be guilty of a ~~misdemeanor~~ crime of the fourth degree. Where a mortgage on a bridge right of way and franchise includes chattels, it shall be sufficient notice and evidence thereof to record the same as a mortgage on real estate.

Real and personal property; mortgages; sale or lease; stock of other corporations; successors' right. f. In the manner or mode of procedure and with the effect and subject to the restrictions and liabilities prescribed by Title 14, Corporations, General, and as fully and completely as a corporation organized under said Title 14, to purchase, take by devise or bequest, hold and convey real and personal property, inside or outside of this State, and mortgage any such real or personal property, and its franchises, to sell or exchange all or substantially all of its property and assets, including its good-will, to lease its property and franchises to any other corporation, to purchase and dispose of the stock of any other corporation and pay therefor, to enter into, effect and carry out a joint agreement with any other corporation or corporations for their merger or consolidation, and to dissolve or be dissolved and be wound up.

The powers and privileges conferred upon any such company and described in subparagraph f of this section shall be vested in such company and may be fully and completely exercised by it at its discretion notwithstanding any restriction, limitation, condition or other provision in this article contained or implied, but in the event of conveyance or mortgage of any bridge constructed by such company or the sale or exchange of all or substantially all of its property and assets or the effecting and carrying out of a joint agreement with any other corporation or corporations for their merger or consolidation or the dissolution and winding up of such company, any person, partnership, corporation or public body thereby acquiring such bridge or otherwise succeeding to the rights, privileges, powers and franchises of such company with respect to such bridge (hereinafter called "successor") and the successor's right, title and interest in and to such bridge shall be subject to and governed by all of the restrictions, limitations, conditions or other provisions in this article contained or implied and such successor shall, for all the purposes of this section and sections 48:5-19 to 48:5-24, inclusive, of this article, be deemed to be a company incorporated, organized or existing under this article; provided, however, that if such successor be this State, or any county or municipality thereof, or any bridge commission, bridge authority, public officer, board, commission or agency or other public body, created by or in any such State, county or municipality, then and in such case (1) the power and privilege conferred by the provisions of section 48:5-19 of this article upon the company and any successor to demand and receive sums of money for the use of such bridge and for other services connected with such bridge shall cease and determine at the expiration of forty-five years after the opening of such bridge for public use, and in consideration thereof (2) such bridge and the necessary approaches and appurtenances thereto shall not be subject to acquisition by, or be subject to becoming the property of, any State or States, municipality or municipalities, under the terms and provisions of sections 48:5-22, 48:5-23 or 48:5-24 of this article, and the right, title and interest of such State, county, municipality, bridge commission, bridge authority, or public officer, board, commission, agency or body in and to such bridge shall be perpetual.

Amended by L.1947, c. 401, p. 1264, s. 1.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:5A-51 Penalties, enforcement.

a. Any person or any officer or agent thereof who shall knowingly violate any of the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) or aid or advise in such violation, or who, as principal, manager, director, agent, servant or employee knowingly does any act comprising a part of such violation, is guilty of a ~~misdemeanor~~ crime of the fourth degree.

b. Any person who shall violate any provision of P.L.1972, c.186 (C.48:5A-1 et seq.) or any rule, regulation or order duly promulgated hereunder, shall be liable to a penalty of not more than \$1,000 for a first offense, not less than \$2,000 nor more than \$5,000 for a second offense, and not less than \$5,000 nor more than \$10,000 for a third and every subsequent offense. The penalties provided in this subsection may be enforced by summary proceedings instituted by the board in the name of the State in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). For the purposes of the fines imposed pursuant to this subsection, a "cable television company" shall include all of the affiliates of such company.

c. Whenever it shall appear to the board that any person has violated, intends to violate, or will violate any provisions of this act or any rule, regulation or order duly promulgated hereunder, the board may institute a civil action in the Superior Court for injunctive relief and for such other relief as may be appropriate in the circumstances, and the said court may proceed in any such action in a summary manner.

d. Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

L.1972, c.186, s.51; amended 1991, c.91, s.470; 2006, c.83, s.29.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:12-40.2. Violations

(a) Any violation of this act¹ by any railroad company shall constitute a ~~misdemeanor~~ crime of the fourth degree and shall be punishable by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). In the event that any such violation continues for more than one day, each day during which the violation continues shall be deemed to be a separate offense.

(b) Any officer or agent of any such railroad company or any other person who shall knowingly authorize or allow any train operation over or upon any such runaround or temporary tracks except for

the purpose of inspection or testing thereof, without the said cautionary boards having been previously installed, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree and shall be punishable by a fine of ~~not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and also by imprisonment not to exceed three years, or either, or both.~~

L.1952, c. 213, p. 744, s. 2, eff. May 17, 1952.

¹ N.J.S.A. §§ 48:12-40.1, 48:12-40.2.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:12-163. Intoxication of engineer or conductor; ~~misdemeanor~~ penalty

(a) Any person who shall, while in charge of an engine running upon the track of a railroad company, or while acting as a conductor of a car or train, be intoxicated, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

(b) Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

L.1903, c. 257, § 50, p. 671 [C.S. p. 4244, § 50].

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:16-12. Penalty

Any person who shall operate an autocab in any street in this state without complying with the provisions of this article shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1926, c. 231, § 4, p. 385.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:16-27. Penalty

Any person operating an autobus in any of the streets of any city in this state without complying with the provisions of sections 48 :16-23 to 48 :16-26 of this title shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

48:16A-9. Operation in violation of act; ~~misdemeanor~~ penalty

Any person who, being the owner or bailor of such a vehicle, shall operate, or permit to be operated, for hire such vehicle in any street in this State without complying with the provisions of this act shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1965, c. 40, s. 9.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

51:4-9. Violations; punishment

Except as otherwise provided, ~~Any person who shall violate any provision of sections 51:4-3 to 51:4-8 of this Title shall be guilty of a misdemeanor and except as otherwise provided shall be punishable by a fine of not less than \$250.00 nor more than \$1,000.00 or imprisonment at hard labor or otherwise for a term not exceeding 1 year, or both.~~ fourth degree offense.

Amended by L.1969, c. 251, s. 28, eff. Jan. 7, 1970.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

51:11-23. Double penalties for certain violations

Any person who knowingly violates sections 2, 3, 4, 5, 7, 8, 11, 13, 14¹ shall be liable to twice the penalties as stated in section 22 of this act² and any person who knowingly violates the requirements of sections 6, 12 and 18³ of this act shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

L.1968, c. 450, s. 23.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

¹ N.J.S. §§ 51:11-2 to 51:11-5, 51:11-7, 51:11-8, 51:11-11, 51:11-13, 51:11-14.

51:11-2. Sale by standard dry measure or avoirdupois net weight; exception

51:11-3. Sale in package form; marking

51:11-4. Delivery in bulk lots exceeding 100 pounds; sale in liquid or gaseous form; delivery ticket

51:11-5. Sale in bulk amounts of 100 pounds or less; receipt; contents; exception

51:11-7. License to sell from vehicle

51:11-8. Applications; renewals; forms

51:11-11. License tags and identification cards

51:11-13. Receipt showing amount delivered; retention by licensee for three years
51:11-14. Display of signs on vehicles

² **N.J.S. § 51:11-22; 51:11-22. Violations; penalties**

Any person who violates any of the provisions of this act for which a specific penalty is not otherwise provided, shall be liable to a penalty of \$25.00 to \$50.00 for the first offense; not less than \$50.00 nor more than \$100.00 for the second offense, and not less than \$100.00 nor more than \$200.00 for each subsequent offense.

³ **N.J.S. §§ 51:11-6, 51:11-12, 51:11-18.**

51:11-6. Sale or delivery of less than quantity represented
51:11-12. Estimates of amount required by consumer; regulation by superintendent
51:11-18. Administration and enforcement of act; powers of weights and measures officials

52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a ~~misdemeanor~~ crime of the fourth degree; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

Comment

Amend to reflect degree of crime. See N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). See A2889 218th Leg. (N.J. 2018).

52:18A-73. Interested members, agents or employees

Any member, agent or employee of the Authority who is interested, either directly or indirectly, in any contract of another with the Authority, or in the sale of any property, either real or personal, to the Authority, shall be guilty of a crime of the fourth degree. ~~misdemeanor and punished by fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or both.~~

L.1950, c. 255, p. 893, s. 24.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

52:27-22.2. Penalty for violation of act

Any official of any municipality who shall violate the provisions of this act in any municipality under the jurisdiction of the municipal finance commission shall be guilty of a ~~misdemeanor and punished accordingly~~ crime of the fourth degree.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

52:27BB-51. Duty of local officers

An officer of a municipality or county who is charged with duties pertaining to fiscal administration shall keep accounts and in other respects perform his duties in accordance with the regulations promulgated by the board. An officer who willfully violates this section shall be guilty of a crime of the fourth degree a ~~misdemeanor~~. ~~Upon conviction he shall be fined not less than twenty five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), or imprisoned not less than ten days nor more than one year, or both; and shall in addition forfeit his office.~~

L.1947, c. 151, p. 662, s. 51.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

53:1-11. Voluntary withdrawal a ~~misdemeanor~~ penalty

Any person who shall voluntarily withdraw from the state police force, without the consent of the superintendent, shall be guilty of a ~~misdemeanor~~ fourth degree crime.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b). *See State v. State Troopers Fraternal Association*, 134 N.J. 393 (1993) (Supreme Court recognized that unlike other public employees, a state trooper who withdraws from the force without the consent of the Superintendent commits a criminal offense). *But see In re Bernaducci*, 85 N.J. Super. 152, 155 (App. Div. 1964) (noting that the Legislature has established no standards for the giving of such consent.)

54:39A-20. False statements; violations; penalties

20. a. (1) Any person who shall willfully and knowingly make a false statement orally, or in writing, or in the form of a receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain or to assist any other person, partnership or corporation to obtain or attempt to obtain a credit or refund or reduction of liability for taxes under this act, shall be guilty of a ~~misdemeanor~~ crime of the fourth degree.

(2) Any person who willfully violates any other provision of this act or any provision of the rules and regulations prescribed under this act, except provisions of this act or of such rules and regulations for the violation of which a penalty is otherwise provided in this act, shall be subject to a fine of not more than \$500.00 to be recovered in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.). For the purposes of such proceeding, such violation shall be deemed an act committed in part at the office of the director in Trenton.

b. In addition to the provisions and remedies contained in the Penalty Enforcement Law, the following provisions and remedies shall be applicable in any proceeding brought for a violation of any of the provisions of this act:

(1) The several municipal courts shall have jurisdiction of any such proceeding in addition to the courts prescribed in said Penalty Enforcement Law, provided, however, that the maximum fine which may be imposed by a municipal court in a proceeding involving failure to exhibit an identification marker or a registration card shall be \$50.00;

(2) The complaint in any such proceeding may be made on information and belief by the director or by any member of the State Police;

(3) A warrant may be issued in lieu of summons;

(4) Any police or peace officer shall be empowered to serve and execute process in any such proceeding;

(5) The hearing in any such proceeding shall be without a jury;

(6) Any such proceeding may be brought in the name of the Director of the Division of Motor Vehicles, in the Department of Transportation or in the name of the State of New Jersey;

(7) Any sums received in payment of any fines imposed in any such proceeding shall be paid to the Director of the Division of Motor Vehicles and shall be paid by the director into the State Treasury .

L.1963,c.44,s.20; amended 1964,c.84,s.2; 1973,c.117,s.19; 1995,c.347,s.10.

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

54:47-5. Sales and deliveries prohibited unless tax paid or secured; ~~misdemeanor~~ penalty

Any person who shall sell or cause to be sold any alcoholic beverages in this state or who shall deliver or cause to be delivered any alcoholic beverages in this state when the tax upon the sale or delivery of such beverages as herein imposed shall not have first been paid or the payment thereof secured to the satisfaction of the commissioner shall be guilty of a ~~misdemeanor and punished accordingly.~~ crime of the fourth degree.

L.1933, c. 434, § 705, p. 1176, amended by L.1934, c. 50, § 8, p. 143; L.1934, c. 128, § 17, p. 352. (Section number of original act changed to 703 by L.1935, c. 41, § 14, p. 117).

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

56:2-5. Forging, etc., registered badge or insignia; ~~misdemeanor~~; punishment penalty

Any person who, without the permission or authority of any association or organization mentioned in section 56:2-1 of this title, makes, forges, counterfeits or causes to be made, forged, or counterfeited, or who, without such permission or authority, utters, distributes or causes to be uttered or distributed, knowing the same to be false, forged or counterfeited, any duly registered badge, motto, button, decoration, membership card, charm, emblem, rosette, or other insignia of any such association or organization, shall be guilty of a crime of the fourth degree ~~misdemeanor~~, and, ~~upon conviction, shall be punished by a fine not exceeding one hundred dollars, and in default of payment of such fine, shall be committed to jail for not to exceed sixty days.~~

Comment

Amend to reflect degree of crime. *See* N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

Reference to the New Jersey Code of Criminal Justice

2A:67-33. Eluding writ by removing or transferring prisoner to other custody; ~~misdemeanor~~

Any person having in his custody or under his power any party for whose relief a writ of habeas corpus shall have been duly issued pursuant to the provisions of this chapter and who with intent to elude the service of such writ or to avoid the effect thereof shall transfer the prisoner to the custody or place him under the power or control of another or conceal him or change the place of his confinement or who shall knowingly aid or assist therein, ~~shall be deemed guilty of a misdemeanor.~~ may be prosecuted for kidnapping, as set forth in the New Jersey Code of Criminal Justice, 2C:13-1(b).

Current with 2018 laws and resolutions through L.2018, c. 4 and J.R. No. 1, and 2017 laws and resolutions through L.2017, c. 323, 325-387 and J.R. No. 27. 2A:67-34. Neglect or refusal to obey writ; forfeiture; misdemeanor

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

2A:67-34. Neglect or refusal to obey writ; forfeiture; ~~misdemeanor~~

If any officer or other person shall neglect or refuse to make the required returns or to produce the prisoner according to the command of the writ, every such officer and person so neglecting shall ~~forfeit and pay to the party aggrieved the sum of \$500 and shall be guilty of a misdemeanor.~~ may be prosecuted for kidnapping, as set forth in the New Jersey Code of Criminal Justice, 2C:13-1(b).

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

12:11A-22. Annual report; audit; annual list of employees; public inspection of books; conflict of interest

a. On or before April 30 in each year the corporation shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The corporation shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operation of the terminal or terminals.

b. The corporation shall annually submit to the Governor and the Legislature a list of all full- and part-time employees of the corporation and the salaries, wages, compensation or any funds of the corporation whatsoever received by said employees during the preceding year. For the purpose of this section “full- and part-time employees of the corporation” shall mean and include, but not be limited to: salaried

employees, hourly employees, professional employees, attorneys, advisors, consultants and any other person, firm, business, partnership, corporation or other organization which received any remuneration for any service whatsoever rendered to the corporation.

c. All books of minutes, entry or account, and the books, bills, vouchers, checks, contracts or other papers connected with or used or filed in the office of the corporation, or with any officer acting for or in its behalf, are hereby declared to be public records, and shall be open to public inspection at all times, subject to reasonable regulations to be prescribed by said corporation.

d. Notwithstanding the provisions of any general or special statutes, the State Auditor and his legally authorized representatives shall annually examine the accounts and books of the corporation, including: (1) its operations and accomplishments; (2) its receipts and disbursements, or revenues and expenses, during such fiscal year in accordance with the categories and classifications established by the corporation for its own operating and capital outlay purposes; (3) its assets and liabilities at the end of the fiscal year including the status of reserve, depreciation, special or other funds and including the receipts and payment of these funds; (4) its bonds and notes outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year; and such other items referring to their financial standing as such auditing official may deem proper.

e. Any member, agent or employee of the corporation who is interested, either directly or indirectly, in any contract of another with the corporation or in the sale of any property, either real or personal, to the corporation ~~shall be guilty of~~ may be prosecuted for a misdemeanor and punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 1 year, or both. official misconduct as set forth in N.J.S. 2C:30-2 of the New Jersey Code of Criminal Justice.

L.1968, c. 60, § 22, eff. June 13, 1968. Amended by L.1970, c. 5, § 1, eff. Feb. 5, 1970.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

13:13A-11. Delaware and Raritan canal commission

a. There is hereby established in the Department of Environmental Protection a Delaware and Raritan Canal Commission which shall consist of nine members appointed and qualified as follows:

(1) The Commissioner of the Department of Environmental Protection, serving ex officio; provided, however, that the commissioner may designate an officer or employee of the department to represent him at meetings of the commission, and such designee may lawfully vote and otherwise act on behalf of the commissioner. Any such designation shall be in writing delivered to the chairman of the commission and shall continue in effect during the period the commissioner is in such office, or until revoked or amended by writing delivered to the chairman of the commission.

(2) Eight citizens of the State, appointed by the Governor, with the advice and consent of the Senate, no more than four of whom shall be of the same political party; at least four of whom shall be residents of the counties of Hunterdon, Mercer, Middlesex and Somerset, respectively, and one of whom shall be a mayor of a municipality appertaining to the Delaware and Raritan Canal State Park; provided, however, that no more than one citizen shall be appointed from any one municipality. In making appointments to the commission, the Governor may consider the recommendations of concerned environmental groups; historical associations; water suppliers; real estate interests; and members of relevant professions.

b. The commissioner shall serve on the commission during his term of office and shall be succeeded by his successor in office. Each member appointed by the Governor shall serve for terms of 5 years; provided that of the first members appointed by the Governor, two shall serve for a term of 2 years, two for a term of 3 years, two for a term of 4 years, and two for a term of 5 years. Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only.

c. Any member of the commission may be removed by the Governor for cause after a public hearing.

d. Each member of the commission, before entering upon his duties, shall take and subscribe to an oath to perform the duties of his office faithfully, impartially, and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

e. The members of the commission shall serve without compensation, but the commission may reimburse its members for necessary expenses incurred in the discharge of their duties.

f. The Governor shall designate one of the members of the commission, other than the Commissioner of the Department of Environmental Protection, as chairman. The commission shall select from its members a vice-chairman and shall employ an executive director, who shall be secretary, and a treasurer. The commission may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

g. The powers of the commission shall be vested in the members thereof in office from time to time, and a majority of the total authorized membership of the commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of a majority of the members, unless in any case the bylaws of the commission or any of the provisions of this act shall require a larger number; provided, however, that the commission may designate one or more of its agents or employees to exercise such administrative functions, powers, and duties, as it may deem proper, under its supervision and control. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission, except that the commission shall not take any final action on any matter to be submitted to the Legislature, pursuant to subsection 12 g. of this act,¹ except by a vote of two-thirds of the full membership of the commission.

h. The commission shall prepare, adopt, and implement a master plan for the physical development of the park, or a portion thereof; review State and local actions that impact on the park to insure that these actions conform as nearly as possible to the commission's master plan; and coordinate and support activities by citizens' groups to promote and preserve the park.

i. On or before December 31 in each year the commission shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year, all as more fully provided in section 15 of this act.² The commission may, in addition, at any time request the Governor and the Legislature to appropriate funds for commission purposes, as more fully provided in subsection 12 g. of this act.

j. The commission shall cause an audit of its books and accounts to be made at least once in each year and the cost thereof shall be treated as one incurred by the commission in the administration of this act, and a copy thereof shall be filed with the State Treasurer and the Office of Fiscal Affairs.

k. (1) No member, officer, employee, or agent of the commission shall be financially interested, either directly or indirectly, in any project or any part of a project area, other than a residence, or in any contract, sale, purchase, lease, or transfer of real or personal property to the Department of Environmental Protection for inclusion in the Delaware and Raritan Canal State Park.

(2) Any contract or agreement knowingly made in contravention of this section is voidable.

(3) Any person who shall willfully violate any of the provisions of this section shall forfeit his office or employment and ~~shall be guilty of~~ may be prosecuted for a misdemeanor. official misconduct as set forth in N.J.S. 2C:30-2 of the New Jersey Code of Criminal Justice.

L.1974, c. 118, § 11, eff. Oct. 10, 1974.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

13:18A-17. Conflict of interest of member, officer, employee or agent of commission; violations; action voidable; penalties

a. No member, officer, employee, or agent of the commission shall take any official action on any matter in which he has a direct or indirect financial interest; provided, however, that the ownership of, or tenancy in, one's own private residence shall not be considered a financial interest for the purposes of this section; and provided further, however, that nothing in this section shall be construed so as to prohibit any such member from participating in the preparation and approval of the comprehensive management plan;

b. Any commission action taken or approval granted in violation of this section is voidable;

c. Any person who shall willfully violate any provision of this section shall forfeit his office or employment and ~~shall be guilty of~~ may be prosecuted for official misconduct as set forth in N.J.S. 2C:30-2 of the New Jersey Code of Criminal Justice. ~~a misdemeanor and be punished by a fine of not more than \$7,500.00 or by imprisonment for not more than 18 months, or both such fine and imprisonment.~~

L.1979, c. 111, § 16, eff. June 28, 1979.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:3B-34 Powers of Secretary of Higher Education.

301. a. The Secretary of Higher Education, with the concurrence of the Governor, shall have authority to visit public institutions of higher education to examine their manner of conducting their affairs and to enforce an observance of the laws of the State.

b. The secretary, with the concurrence of the Governor, may administer oaths and examine witnesses under oath in any part of the State with regard to any matter pertaining to higher education, and may cause the examination to be reduced to writing. Any person willfully giving false testimony upon being sworn or affirmed to tell the truth ~~shall be guilty of~~ may be prosecuted for a misdemeanor. perjury as set forth in the New Jersey Code of Criminal Justice, N.J.S. 2C:28-1.

c. The secretary, with the concurrence of the Governor, may issue subpoenas pursuant to this section compelling the attendance of witnesses and the production of books and papers in any part of the State. Any person who shall neglect or refuse to obey the command of the subpoena or who, after appearing, shall refuse to be sworn and testify, unless such refusal is on grounds recognized by law, shall in either event be subject to a penalty of \$1,000.00 for each offense to be recovered in a civil action. Such penalty when recovered shall be paid into the State Treasury.

L.1994, c.48, s.301; amended 2009, c.308, s.25.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:4-17. Right to administer oaths and examine witnesses; ~~false swearing~~ perjury

The state board by its presiding officer and each of its committees by its chairman, may administer oaths and examine witnesses under oath in any part of the state in regard to any matter pertaining to the schools, under its jurisdiction, supervision or control, and may cause the examination to be reduced to writing. Any person willfully giving false testimony upon being sworn or affirmed to tell the truth by the presiding officer of the state board or by the chairman of any of its committees, ~~shall be guilty of~~ may be prosecuted for a misdemeanor. perjury as set forth in N.J.S. 2C:28-1.

L.1967, c.271.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:4-31. Right to administer oaths, take affidavits and examine witnesses; ~~false swearing~~ perjury

The commissioner and each of his assistants may administer oaths, take affidavits without charge, and examine witnesses under oath in any part of the state and upon any matter pertaining to the schools under his jurisdiction, supervision or control or under that of the state board and may cause the examinations to be reduced to writing. Any person willfully giving false testimony upon being sworn to tell the truth by the commissioner or any assistant commissioner, ~~shall be guilty of~~ may be prosecuted for a misdemeanor. perjury as set forth in N.J.S. 2C:28-1.

L.1967, c.271.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:6-19. Administering of oaths

Any member of any board of education, governing board or of any other board or any person, lawfully authorized to hold a hearing, may administer oaths to witnesses in such hearing, in any dispute or controversy under the school laws or the rules of the commissioner or of the State board, of which they or he have jurisdiction.

Any person who has been so sworn and who shall testify falsely at such hearing ~~shall be guilty of~~ may be prosecuted for a misdemeanor. perjury pursuant to N.J.S. 2C:28-1 of the New Jersey Code of Criminal Conduct.

L.1967, c.271; amended 1994,c.48,s.49.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

8A-33. Penalties for false statements

(a) Any person, officer or employee charged with the duty of making such answering a questionnaire for a person, firm, co-partnership, association or corporation who makes, or causes to be made, a false, deceptive or fraudulent statement in the questionnaire required to be submitted under this chapter, ~~or in the course of any hearing under this article shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00; is guilty of unsworn falsification to authorities, pursuant to N.J.S. 2C:28-3.~~ ~~or, in the case of an individual or the officer or employee charged with the duty of making such questionnaire for a person, firm, copartnership, association or corporation, to pay such fine or undergo imprisonment, not exceeding 6 months, or both.~~

(b) All such persons and any co-partnership, association, corporation or joint stock company of which any such person is a partner or officer or director, and any corporation of which he owns more than 25% of

the stock, shall for 5 years from the date of such conviction be disqualified from bidding on all public work in this State.

The board of education shall cause the forfeiture as liquidated damages to the board of any certified check or certificate of deposit deposited as bid security by any person who makes or causes to be made any false, deceptive or fraudulent statement in the questionnaire or bid affidavit required to be submitted, or in the course of any hearing under this chapter.

L.1977, c. 114, s. 1, eff. June 2, 1977.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:64-6.3. Payment or gift by person dealing with State college prohibited; ~~misdemeanor~~ penalty

The payment of any fee, commission or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, whether or not in connection with any purchase, sale or contract, to any person employed by the State college, having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the State college, by or on behalf of any seller or supplier who has made, negotiated, solicited or offered to make and contract to sell or furnish real or personal property or services to the State college is hereby prohibited. Any person offering, paying, giving, soliciting or receiving any fee, commission, compensation, gift or gratuity in violation of this section ~~shall be guilty of~~ may be prosecuted for a misdemeanor. a violation of N.J.S. 2C:27-11 of the New Jersey Code of Criminal Conduct, Offer of Unlawful Benefit to Public Servant for Official Behavior.

L.1969, c. 145, s. 8.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:64M-26 Certain transactions prohibited.

58. The payment of any fee, commission or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, whether or not in connection with any purchase, sale or contract, to any person employed by Rowan University, having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the university, by or on behalf of any seller or supplier who has made, negotiated, solicited or offered to make and contract to sell or furnish real or personal property or services to the university is hereby prohibited. Any person offering, paying, giving, soliciting or receiving any fee, commission, compensation, gift or gratuity in violation of this section ~~shall be guilty of~~ may be prosecuted for a misdemeanor a violation of N.J.S. 2C:27-11 of the New Jersey Code of Criminal Justice entitled Offer of Unlawful Benefit to Public Servant for Official Behavior.

L.2012, c.45, s.58.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:64N-28 Prohibitions relative to purchase, acquisition of property or services.

28. The payment of any fee, commission or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, whether or not in connection with any purchase, sale or contract, to any person employed by Montclair State University, having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the university, by or on behalf of any seller or supplier who has made, negotiated, solicited or offered to make and contract to sell or furnish real or personal property or services to the university is hereby prohibited. Any person offering, paying, giving, soliciting or receiving any fee, commission, compensation, gift or gratuity in violation of this section ~~shall be guilty of~~ may be prosecuted for a misdemeanor ~~a violation of N.J.S. 2C:27-11 of the New Jersey Code of Criminal Conduct entitled Offer of Unlawful Benefit to Public Servant for Official Behavior.~~

L.2017, c.178, s.28.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:66-64. False statements to defraud, ~~misdemeanors~~

a. A person who knowingly makes a false statement, or falsifies or permits to be falsified any record of the retirement system, in an attempt to defraud the system as a result of such act ~~shall be guilty of~~ may be prosecuted for a misdemeanor ~~falsifying or tampering with records in violation of N.J.S. 2C:21-4 of the New Jersey Code of Criminal Justice.~~

b. Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

L.1967, c.271.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

18A:72A-22. Contracts of property; conflicts of interest

Except as otherwise expressly provided in this chapter, any member, officer, agent or employee of the authority who is interested, either directly or indirectly, in any contract of another with the authority, or in the sale of any property, either real or personal, to the authority, ~~shall be guilty of~~ may be prosecuted for official misconduct as set forth in N.J.S. 2C:30-2 of the New Jersey Code of Criminal Justice.

L.1967, c.271.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

19:32-22. Arrests without warrant; peace officers punishable for failure to assist

The superintendent and his chief deputy and assistants are hereby authorized and empowered and without warrant, to arrest any person violating any provision of this title.

The superintendent and his chief deputy and assistants, as the case may be, shall have the right and power to call upon any constable, police officer or other peace officer to aid in taking any person so arrested to the nearest police station in the municipality in which the arrest is made, and such constable, police officer or other peace officer shall render such aid.

Any constable, police officer or other peace officer failing to comply with such request ~~shall be guilty of~~ may be prosecuted for a misdemeanor, obstructing administration of law or other governmental function as set forth in the New Jersey Code of Criminal Conduct, 2C:29-1.

L.1930, c. 187, ¶427, p. 874, amended by L.1933, c. 113, § 5, p. 233.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

19:45-6.1. Voucher for compensation

A voucher for compensation for services rendered by members of any district board of elections in this State for performing any of the services mentioned in section 19:45-6 of the Revised Statutes shall be submitted to the respective county boards of elections on a form prepared by said county boards of elections. This form shall contain a written declaration to be signed by the individual members of the district board of elections, in lieu of any requirement elsewhere for an oath or affirmation, in which such district board members shall state "I hereby declare under the penalties for unsworn falsification to authorities as set forth in N.J.S. 2C:28-3 that this voucher is for services performed by me for the election herein mentioned and to the best of my knowledge and belief is true, correct and complete."

Any individual who willfully makes and subscribes any such voucher which he or she does not believe to be true and correct as to every material matter ~~shall be guilty of~~ may be prosecuted for a misdemeanor. unsworn falsification to authorities as set forth in 2C:28-3.

Upon certification by the county board of elections as correct such vouchers shall be paid by the county treasurer in the manner provided in section 19:45-4 et seq. of the Revised Statutes.

L.1952, c. 62, p. 384, s. 1.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

23:3-15. Failure to turn over moneys by clerk, warden or magistrate; ~~misdemeanor~~

A county or municipal clerk or an agent who fails to turn over any moneys collected for licenses, and a magistrate who fails to turn over any moneys collected as a penalty, at the time and in the manner required by law, shall be guilty of ~~a misdemeanor~~ theft as set forth in the New Jersey Code of Criminal Justice, 2C:20-1 et seq.

Amended by L.1947, c. 159, p. 713, s. 8; L.1951, c. 226, p. 802, s. 12, eff. Jan. 1, 1952.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice. *See generally* N.J.S. 2C:20-1 et seq. Theft.

23:10-19. Use of moneys recovered for violations

All moneys recovered for violations of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code shall, except as otherwise specifically provided, be paid to the Division of Fish and Game for its use and purposes.

Any court or person receiving such moneys for violations of this Title, or any provision of any law supplementary thereto, or any provision of the State Fish and Game Code, who fails to forward the same to the Division of Fish and Game within thirty days after receipt of same ~~shall be guilty of~~ may be prosecuted for a misdemeanor theft by failure to make required disposition of property received as set forth in the New Jersey Code of Criminal Conduct, N.J.S. 2C:20-9.

Amended by L.1948, c. 448, p. 1830, s. 87, eff. April 1, 1949.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

26:2I-19. Contracts; conflict of interest

Except as otherwise expressly provided in this act, any member, officer, agent or employee of the authority, or member of the immediate family thereof, who is interested, either directly or indirectly, in any contract or transaction of another with the authority, or in the purchase, sale or lease of any property, either real or personal, to or from the authority, ~~shall be guilty of~~ may be prosecuted for a misdemeanor. official misconduct as set forth in N.J.S. 2C:30-2 of the New Jersey Code of Criminal Justice.

L.1972, c. 29, s. 19.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

27:7-35.9. False, deceptive or fraudulent statement; ~~misdemeanor~~

(a) Any person, officer or employee charged with the duty of answering a questionnaire for a person, firm, co-partnership, association or corporation who makes, or causes to be made, a false, deceptive or fraudulent statement in the questionnaire required to be submitted under this chapter, ~~or in the course of any hearing under this act shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00; is guilty of unsworn falsification to authorities, pursuant to N.J.S. 2C:28-3, or, in the case of an individual or the officer or employee charged with the duty of making such questionnaire for a person, firm, copartnership, association or corporation, to pay such fine or undergo imprisonment, not exceeding 6 months, or both.~~

(b) All such persons and any co-partnership, association, corporation or joint stock company of which any such person is a partner or officer or director, and any corporation of which he owns more than 25% of the stock, shall for 5 years from the date of such conviction be disqualified from bidding on all public work in this State.

L.1966, c. 185, s. 9.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

30:8-1. Sheriffs and jailers to receive prisoners; penalty

Sheriffs and jailers shall receive from constables or other officers all persons apprehended by such constables or officers for offenses against this state. A sheriff or jailer refusing to receive any such offenders ~~shall be guilty of~~ may be prosecuted for a misdemeanor and on conviction shall be fined at the discretion of the court official misconduct as set forth in N.J.S. 2C:30-2 of the New Jersey Code of Criminal Justice.

Rev.1877, p. 1101, § 15 [C.S. p. 4842, § 15].

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

33:2-9. Violating padlocking order; ~~misdemeanor~~ contempt

Any person who shall knowingly violate any order of the commissioner that a building or premises shall not be occupied or used for any purpose whatsoever ~~shall be guilty of~~ may be prosecuted for contempt, as set forth in the New Jersey Code of Criminal Justice, 2C:29-9. a misdemeanor, and punished by a fine of not less than one hundred dollars and not more than five hundred dollars, or imprisonment for not less than thirty days and not more than six months, or both.

L.1934, c. 84, § 8, p. 217, amended by L.1935, c. 255, § 8, p. 784.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

34:11-56.7. Failure to furnish records; interference with commissioner in performance of duties

Any employer who willfully fails to furnish required records and information to the commissioner upon request, or who falsifies such records or who hinders, delays, or otherwise interferes with the commissioner, or his authorized representative, in the performance of his duties in the enforcement of this act, or refuses such official entry into any place of employment which he is authorized by this act to inspect, ~~shall be guilty of~~ may be prosecuted for a misdemeanor and, upon conviction be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). obstructing the administration of law or other governmental function as set forth in the New Jersey Code of Criminal Conduct, 2C:29-1.

L.1952, c. 9, p. 47, s. 7.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

34:18-3. Failure to repay security moneys; punishment

Any employer who shall fail to pay back to an employee such deposit or security moneys or so much thereof as may be due upon the termination of employment, or in accordance with the provisions of the contract of employment ~~shall be guilty of~~ may be prosecuted for a misdemeanor, and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a period not exceeding one year, or both. theft in violation of 2C:20-1 et seq. of the New Jersey Code of of Criminal Justice.

L.1939, c. 117, p. 425, s. 3.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

38A:14-9. Interference or failure to respond to order or call

(a) Any person who willfully interferes with the execution of any order or call for troops made by the Governor, and any person ordered or called, who does not appear at the time and place designated within 24 hours of such time ~~shall be guilty of~~ may be prosecuted for “Obstructing Administration of Law or Other Governmental Function” as set forth in the New Jersey Code of Criminal Justice, 2C:29-1.

L.1963, c. 109.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

40:23-33. Selling or otherwise disposing of stone a misdemeanor; exception

(a) If any person shall sell, or offer to sell, any of such stone or dispose of the same for any other purpose than as provided in section 40:23-28 of this title he ~~shall be guilty of~~ may be prosecuted for a misdemeanor Theft by Failure to Make Required Disposition of Property Received, in violation of the New Jersey Code of Criminal Justice, 2C:20-9. and upon conviction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or both,
(b) Exception. ~~but~~ If any municipality be so distant from the stone quarry and stone crusher operated in connection therewith as to make it inconvenient to haul the stone, it may sell its share of crushed or broken stone so apportioned, and use the money obtained therefor in the purchase of other stone, or exchange the stone so apportioned for other stone. The stone so bought or exchanged shall be used only for the purposes set forth in said section 40:23-28.

L.1921, c. 72, § 4, p. 115 [1924 Suppl. § 48-*1750G(4)].

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

40:37-95.8. Adverse interest of officer or employee; ~~misdemeanor~~ penalty

It shall be a ~~misdemeanor~~ “Official Misconduct,” a violation of 2C:30-2 of the New Jersey Code of Criminal Justice for any member of the park commission or any officer or employee appointed by it, to be interested directly or indirectly in purchasing any real estate or any right or interest therein, or in furnishing any of the materials, supplies or labor for the erection or construction of any building or improvement contemplated by the provisions of this act or in any contract which the park commission is empowered to make.

L.1946, c. 276, p. 943, s. 8, eff. May 3, 1946.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

40:83-5. Certain acts ~~misdemeanors~~

Any person who shall violate any provision of sections 40:83-2, 40:83-3 or 40:83-4 of this title ~~shall be guilty of a misdemeanor~~ may be prosecuted for official misconduct as set forth in the New Jersey Code of Criminal Justice, N.J.S. 2C:30-2.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice. *See* N.J.S. 40:83-2. No officer or employee to be interested in contracts; 40:83-3. No officer or employee to receive free service; exceptions; N.J.S. 40:83-4. Unlawful methods for securing political support.

40A:9-126.1. Constable's reports

Every constable shall on or before the first Wednesday following the first Monday of every month file with the governing body by whom he was elected or appointed, a report of his official activities, other than in connection with court or judicial proceedings, for the month immediately past. The governing body shall forward a copy of the report to the municipal chief of police.

The report shall list the names and addresses of all persons contacted by the constable in his official capacity, together with the date, time and purpose of the contact. In addition the report shall contain an accurate statement of all fees collected by the constable and from whom and for what service each fee was collected.

The failure by a constable to file such a report, for 2 consecutive months, unless he was prevented from so doing by reason of his physical incapacity, shall result in his office being deemed vacant and he shall be barred from exercising the rights and privileges thereof.

Any constable who falsifies such a report ~~shall be guilty of a misdemeanor~~ may be prosecuted for a violation of N.J.S. 2C:21-4, falsifying or tampering with records, in the New Jersey Code of Criminal Justice.

L.1971, c. 200, s. 1, eff. July 1, 1971.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

40A:11-34. Penalties for false statements

(a) Any person who makes or causes to be made, a false, deceptive or fraudulent statement in the statement or answers in response to the questionnaire, ~~or~~ may be prosecuted for unsworn falsification to authorities as set forth in N.J.S. 2C:28-3 of the New Jersey Code of Criminal Justice.

(b) Any person who makes or causes to be made, a false, deceptive or fraudulent statement in during the course of any hearing hereunder, shall be guilty of ~~may be prosecuted for a misdemeanor and false swearing as set forth in the New Jersey Code of Criminal Justice, N.J.S. 2C:28-2.~~

(c) ~~upon conviction shall be punishable by a fine of not less than \$100.00 nor more than \$1,000.00, and~~ Any person so convicted under section (a) or (b) shall be permanently disqualified from bidding on all public work or contracts of the contracting unit which submitted the questionnaire; or, in the case of an individual or an officer or employee charged with the duty of responding to the questionnaire for a person, firm, co-partnership, association or corporation, by such fine or by imprisonment, not exceeding 6 months, or both.

L.1971, c. 198, s. 34, eff. July 1, 1971.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

41:3-2. Subornation of oaths, affirmations or affidavits made or taken out of state

If any oath, affirmation or affidavit made or taken under authority of section 41:2-17 of this title, or any material part thereof, shall be untrue, any person who shall use or offer the same for any purpose whatever, knowing the same to be untrue, ~~shall be guilty of~~ may be prosecuted for a high misdemeanor, and shall upon conviction thereof suffer the same punishment as if convicted of subornation of perjury, and shall be subject to the same disabilities. perjury as set forth in the New Jersey Code of Criminal Justice, 2C:28-1.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

43:8A-21. False statements; fraud; correction of errors; adjustment of payments

(a) Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the pension fund in any attempt to defraud such pension fund as a result of such act ~~shall be guilty of~~ may be prosecuted for a misdemeanor and shall be punishable therefor under the laws of the State of New Jersey unsworn falsification to authorities as set forth in 2C:28-3 of the New Jersey Code of Criminal Justice.

(b) Should any change or error in the records result in any member or person receiving from the pension fund more or less than he would have been entitled to receive had the records been correct, the board of trustees shall correct such error, and as far as practicable, shall adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

(c) Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

L.1953, c. 423, p. 2142, s. 21.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

43:10-18.23. Fraud; mistakes

(a) Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act, shall be guilty of may be prosecuted for a misdemeanor, and shall be punishable therefor under the laws of the State of New Jersey. unsworn falsification to authorities as set forth in 2C:28-3 of the New Jersey Code of Criminal Justice.

(b) Should any change in the records or any mistake in records result in any member or beneficiary receiving from the retirement system more or less than he or she would have been entitled to receive had the records been correct, then, on the discovery of any such error, the pension commission shall correct such error, and, so far as practicable, shall adjust the payments which may be made for and to such person in such a manner that the equivalent of the benefit to which he or she was correctly entitled shall be paid.

(c) Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

L.1943, c. 160, p. 469, s. 23.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

43:10-18.72. False statements or records; mistakes

(a) Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act, shall be guilty of may be prosecuted for a misdemeanor, and shall be punishable therefor under the laws of the State of New Jersey. unsworn falsification to authorities as set forth in 2C:28-3 of the New Jersey Code of Criminal Justice.

(b) Should any change in the records or any mistake in records result in any member or beneficiary receiving from the retirement system more or less than he or she would have been entitled to receive had the records been correct, then, on the discovery of any such error, the pension commission shall correct such error, and, so far as practicable, shall adjust the payments which may be made for and to such

person in such a manner that the equivalent of the benefit to which he or she was correctly entitled shall be paid.

(c) Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

L.1948, c. 310, p. 1254, s. 23.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

43:13-22.35. Fraud; errors

(a) Any person who shall knowingly make any false statements or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud such system, shall be guilty of may be prosecuted for a misdemeanor frauds relating to public records and recordable instruments, and shall be punishable therefor under the New Jersey Code of Criminal Justice, N.J.S. 2C:21-3., and the laws of the State of New Jersey.

(b) Should any change of the record or any mistake in the records result in any member or beneficiary receiving from the retirement system more or less than he or she would have been entitled to receive had the records been correct, then, upon the discovery of any such error, the commission shall correct such error and, so far as possible, shall adjust the payments which may be made to or by such person in such a manner that the equivalent of the benefit to which he or she was correctly entitled shall be made.

(c) Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

L.1954, c. 218, p. 830, s. 33.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

43:15A-55. Fraud against system a misdemeanor

A person who knowingly makes a false statement, or falsifies or permits to be falsified any record of this retirement system, in an attempt to defraud the system as a result of such act ~~shall be guilty of~~ may be prosecuted for a misdemeanor fraud relating to public records and recordable instruments, and shall be punishable therefor under the New Jersey Code of Criminal Justice, N.J.S. 2C:21-3., and the laws of the State of New Jersey.

L.1954, c. 84, p. 508, s. 55.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

43:16A-18. False statements or records; punishment; correction of errors

(a) Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act ~~shall be guilty of~~ may be prosecuted for a misdemeanor frauds relating to public records and recordable instruments, and shall be punishable therefor under the New Jersey Code of Criminal Justice, N.J.S. 2C:21-3, ~~and the laws of the State of New Jersey.~~

(b) Should any change or error in the records result in any member or person receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement system shall correct such error, and as far as practicable, shall adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. The actuarial equivalent of any shortage in required contributions at the time of retirement on account of misstatement of age, leave of absence, or clerical error, shall be deducted from the retirement allowance otherwise payable.

(c) Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

L.1944, c. 255, p. 855, s. 18. Amended by L.1971, c. 175, s. 11, eff. June 1, 1971.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

45:6-24. False statements; ~~high misdemeanor~~ penalty

Any person who, in any affidavit or examination required of an applicant for examination, license or registration under the laws regulating the practice of dentistry, willfully makes a false statement in a material regard, shall be ~~guilty of a high misdemeanor, punishable upon conviction thereof by a fine not exceeding five hundred dollars, or by imprisonment at hard labor not exceeding five years, or both, in the discretion of the court.~~ false swearing as set forth in the New Jersey Code of Criminal Justice, 2C:28-2.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

45:19-11. Application for license; contents; approvals of reputable citizens; signing and verification; false statements as ~~misdemeanor~~

Any person, firm, association or corporation desiring to conduct a private detective business or the business of a private detective or investigator shall, for each bureau or agency, subagency, office and branch office to be owned, conducted, managed or maintained by such person, firm, association or corporation for the conduct of such business, submit to the Superintendent of State Police the applicant's name, address, fingerprints and written consent for a criminal history record background check to be performed. The superintendent shall cause such fingerprints to be compared to fingerprints filed with the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. These fingerprints will be provided in addition to a written application duly signed and verified, accompanied, in the case of an application by a person, with the written approval of not less than five reputable citizens who shall be freeholders of the county where such applicant resides or in the county in which it is proposed to conduct such business, and in the case of a firm, the written approval of five reputable citizens for each of the members of the firm who shall be freeholders of the county where each member of the firm resides or the county in which it is proposed to conduct such business, or in the case of an association or corporation, the written approval by five reputable citizens for each officer and director of the corporation who shall be freeholders of the county where such officers and directors reside, or of the county in which it is proposed to conduct such business. Such approvals shall be signed and acknowledged by the respective citizens before an officer authorized to take acknowledgments of conveyances of real property. The application shall state the following: Name, age, residence, present and previous occupations of the applicant, or in case of a firm, of each member of the firm, or in the case of an association or corporation, of each officer and director thereof; that each of the foregoing persons are citizens of the United States; the name of the municipality and the location therein by street number or other apt description where is to be located the principal place of business and the location of each bureau, agency, subagency, office or branch office for which a license is desired, and such other facts as may be required by the superintendent as will tend to show the character, competency and integrity of each person or individual signing such application. Any person who shall knowingly state any fact falsely ~~shall be guilty of~~ may be prosecuted for a misdemeanor unsworn falsification to authorities, 2C:28-3, as set forth in the New Jersey Code of Criminal Justice.

L.1939, c. 369, p. 890, § 4, eff. Nov. 18, 1939. Amended by L.2003, c. 199, § 29, eff. Dec. 24, 2003.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

45:19-16 Employees of licensees; fingerprints, criminal record background checks.

No holder of any unexpired license issued pursuant to this act shall knowingly employ in connection with his or its business in any capacity whatsoever, any person who has been convicted of a ~~high misdemeanor~~ indictable offense or any of the following ~~misdemeanors~~, or offenses, and who has not subsequent to such conviction received executive pardon therefor removing any civil disabilities incurred thereby, to wit:

- (a) illegally using, carrying or possessing a pistol or other dangerous weapon;
- (b) making or possessing burglar's instruments;
- (c) buying or receiving stolen property;
- (d) unlawful entry of a building;
- (e) aiding escape from prison;
- (f) unlawfully possessing or distributing habit-forming narcotic drugs;
- (g) any person whose private detective or investigator's license was revoked or application for such license was denied by the superintendent or by the authorities of any other State or territory because of conviction of any of the crimes or offenses specified in this section. Should the holder of an unexpired license falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license.

No person shall be employed by any holder of a license until he shall have executed and furnished to such license holder a verified statement, to be known as "employee's statement," setting forth:

- (a) His full name, age, residence address, and place of and date of birth.
- (b) The country of which he is a citizen.
- (c) The business or occupation engaged in for the five years immediately preceding the date of the filing of the statement, setting forth the place or places where such business or occupation was engaged in, and the name or names of employers, if any.
- (d) That he has not been convicted of an ~~high misdemeanor~~ indictable offense or of any offense involving moral turpitude or of any of the ~~misdemeanors~~ crimes or offenses described in this section.
- (e) Such further information as the superintendent may by rule require to show the good character, competency, and integrity of the person executing the statement.

The employee shall submit to the Superintendent of State Police the employee's name, address, fingerprints and written consent for a criminal history background check to be performed. The superintendent is hereby authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history background check, including all costs of administering and processing the check. If the superintendent finds that such person has been convicted of an ~~first, second or third degree crime~~ indictable offense, or any other offense specified in this section, he shall immediately notify the holder of such license and shall also refer the matter to the prosecutor of the pleas of the county in which the employee resides. The superintendent may also from time to time cause such fingerprints to

be checked against the fingerprints filed with the State bureau of identification or of other official fingerprint files within or without this State, and if he finds that such person has been convicted of a ~~high misdemeanor~~ indictable offense, or any other offense specified in this section, he shall immediately notify the holder of such license and shall also refer the matter to the prosecutor of the pleas of the county in which the employee resides. The superintendent shall at all times be given access to and may from time to time examine the fingerprints retained by the holder of a license as provided in this section.

If any holder of a license shall file with the superintendent the fingerprints of a person other than the person so employed, he ~~shall be guilty of~~ may be prosecuted for a misdemeanor filing a false report to law enforcement authorities as set forth in the New Jersey Code of Criminal Justice, 2C:28-4.

L.1939, c. 369, s.9; amended 1948, c.152, s.3; 2003, c.199, s.30.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

45:19-22. Investigations; subpoenas; witnesses; fees; oath; willful false swearing

(a) For the purpose of investigating the character, competency, integrity and methods of operation of applicants or licensees hereunder, or of the officers, directors, operatives, agents or employees of any applicant or licensee, the superintendent shall have the power to issue subpoenas and compel the attendance of witnesses. All such subpoenas shall be under the hand of the superintendent and the seal of the Department of State Police, and upon service thereof the witnesses shall be paid or tendered the fees to which they would be entitled if they were subpoenaed by a court of record. If the person duly subpoenaed shall fail to obey such subpoena without reasonable cause, or shall without cause refuse to be examined or answer any relevant or proper questions as to the character, actions or qualifications of such applicant or licensee or any of his employees ~~he shall be guilty of a misdemeanor.~~ then the Superior Court may, upon due proof by affidavit of the service of the subpoena on such person, and of the payment of his legal fees and of his refusal or neglect to obey the command of the subpoena, issue an attachment against the person to bring him before such judge; and the judge shall have the power to proceed against such witness as for contempt of court.

(b) The testimony of witnesses in any proceeding before the superintendent shall be under oath and the superintendent or a subordinate of the Department of State Police designated in writing by the superintendent may administer such oath, and willful false swearing in any such proceeding or inquiry shall constitute ~~a high misdemeanor.~~ perjury as set forth in N.J.S 2C:28-1 of the New Jersey Code of Criminal Conduct.

L.1939, c. 369, p. 896, s. 15.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

46:31-5. Violations of chapter; ~~misdemeanor~~

Any person who, without the consent of the person authorized to have custody thereof, removes an official record or paper from the files of any public agency or body, or who alters any map, plat, or other paper signed and approved by a public official without permission, or who alters, defaces, mutilates or destroys with malicious intent any public record ~~shall be guilty of~~ may be prosecuted for a high misdemeanor fraud relating to public records and recordable instruments, a violation of N.J.S. 2C:21-3 of the New Jersey Code of Criminal Justice.

L.1953, c. 410, p. 2066, s. 15. Amended by L.1968, c. 465, s. 1, eff. Feb. 21, 1969.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

47:3-29. Removal, alteration or destruction of public records with malicious intent

Any person who, without the consent of the person authorized to have custody thereof, removes an official record or paper from the files of any public agency or body, or who alters any map, plat, or other paper signed and approved by a public official without permission, or who alters, defaces, mutilates or destroys with malicious intent any public record ~~shall be guilty of~~ may be prosecuted for a high misdemeanor fraud relating to public records and recordable instruments, a violation of N.J.S. 2C:21-3 of the New Jersey Code of Criminal Justice.

L.1953, c. 410, p. 2066, § 15, eff. Sept. 18, 1953. Amended by L.1968, c. 465, § 1, eff. Feb. 21, 1969.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

48:4-33. False report or statements; evasion of excise; ~~misdemeanor~~ penalty

Any person who shall make any false or fraudulent report, or any false statement in any report with intent to defraud the state, or to evade the payment of any excise, or any part thereof imposed by section 48:4-20 of this title, or who shall aid or abet another in any attempt to evade the payment of any such excise, or any part thereof, or any person who shall make, or permit to be made, for any corporation, association or partnership any false report or any false statement in any report required to be filed under sections 48:4-20 to 48:4-34 of this title with intent to evade the payment of any excise hereunder, ~~shall be guilty of~~ may be prosecuted for a misdemeanor. unsworn falsification to authorities as set forth in 2C:28-3.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

48:4-34. Perjury False Swearing

Any person who shall knowingly swear to, affirm or verify any false or fraudulent statement with intent to evade the payment of any excise hereunder, ~~shall be guilty of~~ may be prosecuted for a misdemeanor. false swearing, as set forth in the New Jersey Code of Criminal Justice, 2C:28-2.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

51:4-2. Violations; punishment

Any person, firm, partnership, association or corporation, or any servant, agent or employee thereof, who shall violate section 51:4-1 of this Title may be prosecuted for ~~shall be guilty of a misdemeanor and for a first offense shall be punishable by a fine of not less than \$250.00 nor more than \$1,000.00 and for each subsequent offense shall be punishable by a fine of not less than \$1,000.00 nor more than \$5,000.00, or imprisonment of not less than 60 days nor more than 1 year or both, or either, at the discretion of the court.~~ deceptive business practices pursuant to 2C:21-7 et seq.

Amended by L.1969, c. 251, s. 27, eff. Jan. 7, 1970-

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

51:4-29. Misrepresentation, mislabeling or misbranding; ~~misdemeanor~~ penalty

Any person who misrepresents, mislabels or misbrands any lumber, wood product or building material or who causes a deviation from the applicable standards, rules or regulations, where such deviation misrepresents any lumber, wood product or building material so as to mislead or deceive a purchaser of the same shall be guilty of a ~~misdemeanor~~ deceptive business practice as set forth in N.J.S. 2C:21-7 of the New Jersey Code of Criminal Justice.

L.1968, c. 222, s. 7, approved July 30, 1968.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

52:14-17. Clerks receiving rewards for giving information; penalty

Whenever in any department of this state a clerk or employee shall receive any check, reward, fee or compensation for disclosing to any person any information concerning matters or things in such department without the knowledge and consent of the head of such department, such clerk or employee ~~shall forthwith hand over and pay to the treasurer of the state such check, reward, fee or compensation,~~

~~and any failure so to do shall constitute a misdemeanor~~ may be prosecuted for official misconduct, a violation of 2C:30-2 of the New Jersey Code of Criminal Justice.

L.1904, c. 238, § 1, p. 413 [C.S. p. 4636, § 17].

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

52:17B-90. Co-operation in investigation and autopsy

a. All law enforcement officers, county prosecutors and other officials shall co-operate fully with the offices of the State Medical Examiner and of the county medical examiners in making the investigations and conducting the autopsies herein provided. Such officials and all physicians, funeral directors, embalmers and other persons shall assist in making dead bodies and related evidence available to such medical examiners for investigations and autopsies.

In cases of apparent homicide or suicide, or of accidental death the cause of which is obscure, the scene of the event shall not be disturbed until authorization by the medical examiner in charge is given.

b. Any physician, funeral director embalmer or other person who willfully fails to comply with this section or with section 10 ~~shall be guilty of~~ may be prosecuted for a misdemeanor obstructing the administration of law or other governmental function as set forth in the New Jersey Criminal Code, 2C:29-1.

L.1967, c. 234, s. 13, eff. Jan. 1, 1968.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

52:27BB-52. Enforcement of orders; penalties

A local officer or member of a local governing body who, after the date fixed for compliance, fails or refuses to obey an order of the director, under the provisions of this article, ~~shall be guilty of~~ may be prosecuted for a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office obstructing the administration of law or other governmental function, a violation of N.J.S. 2C:29-1 in the New Jersey Code of Criminal Justice.

L.1947, c. 151, p. 662, s. 52.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

52:34-19. Payment of compensation or gratuity to State employee prohibited

The payment of any fee, commission or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, whether or not in connection with any purchase, sale or contract, to any person employed by the State in the Department of the Treasury, or to any other person in the employ of the State having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the State or any department, commission, authority, agency or instrumentality thereof, by or on behalf of any seller or supplier who has made, negotiated, solicited or offered to make any contract to sell or furnish real or personal property or services to the State or to any department, officer, commission, authority, agency or instrumentality thereof, is hereby prohibited. Any person offering, paying, giving, soliciting or receiving any fee, commission, compensation, gift or gratuity in violation of this section ~~shall be guilty of~~ may be prosecuted for a misdemeanor violation of bribery, as set forth in N.J.S. 2C:27-2 of the New Jersey Code of Criminal Justice.

L.1954, c. 48, s. 14.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

52:35-9. False statements in questionnaire or at hearing; ~~misdemeanor~~ penalty

(a) Any person who makes, or causes to be made, a false, deceptive or fraudulent statement in the questionnaire required to be submitted may be prosecuted for unsworn falsification to authorities as set forth in N.J.S. 2C:28-3 of the New Jersey Code of Criminal Justice.

(b) Any person who makes or causes to be made, a false, deceptive or fraudulent statement during the course of any hearing under this chapter, may be prosecuted for perjury as set forth in the New Jersey Code of Criminal Justice, N.J.S. 2C:28-1. ~~, or in the course of any hearing under this chapter shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars nor more than one thousand dollars and~~

(c) A conviction under section (a) or (b) shall be punishable by a fine not less than \$100.00 nor more than \$1,000.00, and an person so convicted shall be permanently disqualified from bidding on all public work of the state; or, in the case of an individual or the officer or employee charged with the duty of making such questionnaire for a person, firm, copartnership, association or corporation, to pay such fine or undergo imprisonment, not exceeding six months, or both.

L.1931, c. 165, § 7, p. 311.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

54:29A-70. Criminal penalties

Any person who shall fail to file any report required to be filed pursuant to the provisions of this act, or shall file or cause to be filed with the commissioner any false or fraudulent report or statement, or shall aid or abet another in the filing with the commissioner of any false or fraudulent report or statement, with the intent to defraud the State or evade the payment of any tax, fee, penalty or interest or any part thereof, which shall be due pursuant to the provisions of this act, ~~shall be guilty of~~ may be prosecuted for a misdemeanor falsifying or tampering with records in violation of N.J.S. 2C:21-4 of the New Jersey Code of Criminal Justice. ~~and, upon conviction, shall be fined not to exceed one thousand dollars (\$1,000.00) or be imprisoned not to exceed three years, or both, at the discretion of the court.~~

L.1941, c. 291, p. 795, s. 70.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

54:34-8. Misconduct of appraiser; penalty

If an appraiser, appointed pursuant to the provisions of this Act, takes a fee or reward, either directly or indirectly, from an executor or administrator or any other person liable to pay a tax or any portion thereof, under the provisions of this subtitle, he ~~shall be guilty of~~ may be prosecuted for a misdemeanor, ~~and, on conviction, he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.~~ official misconduct in violation of N.J.S. 2C:30-2 of the New Jersey Code of Criminal Justice. In addition, the state tax commissioner shall immediately dismiss the appraiser so offending from ~~his~~ employment.

L.1909, c. 228, § 19, p. 335 [C.S. p. 5309, § 555], amended by L.1931, c. 303, § 13, p. 764.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

54:47-3. Failure to file report; filing of false or fraudulent report

Any person who shall fail to file any report required to be filed pursuant to the provisions of this subtitle, or shall file or cause to be filed, with the commissioner, any false or fraudulent report or statement, or shall aid or abet another in the filing, with the commissioner, of any false or fraudulent report or statement, with the intent to defraud the state or evade the payment of any tax, penalty or interest or any part thereof, which shall be due pursuant to the provisions of this subtitle, ~~shall be guilty of~~ may be prosecuted for a misdemeanor and punished accordingly. unsworn falsification to authorities as set forth in the New Jersey Code of Criminal Conduct, 2C:28-3.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

54:47-4. ~~False swearing; false testimony~~ Perjury; misdemeanor penalty

Any person who shall knowingly swear to, affirm, or verify any false or fraudulent statement, or who, being under oath, shall testify falsely at any hearing held pursuant to the provisions of this subtitle, with intent to evade the payment of any tax, penalty or interest hereunder, shall be guilty ~~of a misdemeanor and punished accordingly.~~ perjury pursuant to N.J.S. 2C:28-1 of the New Jersey Code of Criminal Justice.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

55:14G-30. Offenses

Any person who attempts to or obtains financial aid for a project hereunder or occupancy of a dwelling unit therein by false or misleading information, or who shall willfully violate this act, or who shall fraudulently obtain or attempt to obtain moneys from the Authority, or its approval for the payment of moneys, or shall fraudulently prevent or attempt to prevent the collection of any moneys due it shall, for each offense be guilty of ~~a misdemeanor and upon conviction thereof shall be fined one thousand dollars (\$1,000.00) or be imprisoned for not more than three years, or both.~~ for theft as set forth in N.J.S. 2C:20-1 et seq. of the New Jersey Code of Criminal Justice.

L.1949, c. 186, p. 625, s. 5.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

58:10-23.11k. Claims; limitations; forms and procedures; false information; ~~misdemeanor~~ penalty; notice

Claims shall be filed with the administrator not later than one year after the date of discovery of damage. The administrator shall prescribe appropriate forms and procedures for such claims, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim ~~shall~~ may be prosecuted for false swearing as defined by N.J.S. 2C:28-2, in addition to any other penalties herein or elsewhere prescribed, ~~be guilty of a misdemeanor.~~ Upon receipt of any claim, the administrator shall as soon as practicable inform all affected parties of the claim.

L.1976, c. 141, s. 12. Amended by L.1984, c. 142, s. 3, eff. Sept. 6, 1984.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

App.A:9-57.23. False statements or representations

If for the purpose of obtaining any benefit or payment under the provisions of this act or for the purpose of influencing any determination regarding any benefit payment, either for himself or another, any person, including officials charged with the responsibility of approving all claims, shall willfully make a false statement or representation or fail to disclose a material fact of which he has knowledge, he ~~shall be guilty of~~ may be prosecuted for a misdemeanor unsworn falsification to authorities as set forth in N.J.S. 2C:28-3 in the New Jersey Code of Criminal Justice. In addition to the other penalties provided by this act, any person who for the purpose of obtaining any benefit or payment under this act, or for the purpose of influencing any determination regarding any benefit payment, knowingly makes a false statement with regard to a material fact, shall not be entitled to receive any benefits, cash or medical, for the disability claimed.

L.1952, c. 12, p. 61, s. 23.

Comment

Amend to reference a criminal offense as set forth in the New Jersey Code of Criminal Justice.

Repeal

2A:23-5. Violations of chapter, misdemeanor; fine or imprisonment

~~Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, which shall be punishable by a fine not exceeding \$1,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.~~

L.1935, c. 279, § 7, p. 898.

Comment

Recommend repeal. Chapter 23 deals with alienation of affection, breach of contract to marry, criminal conversation and seduction. This Chapter is anachronistic.

2A:67-30. Enforcement of court's order

When, in a proceeding under subsection h. of section 2A:67-13 of this title, the court orders the release of the person confined or restrained and his return to the charitable institution, the officers of such institution shall have full authority to put such order into effect and to call to their assistance duly constituted peace officers. Anyone resisting or interfering with the proper execution of such order shall be guilty of a misdemeanor.

Comment

Recommend repeal. The statute no longer recognizes proceedings under subsection h. of section 2A:67-13. This statutory section was deleted by amendment, P.L.2013, c. 103.

2A:67-32. Penalty for reimprisoning; aiding or assisting; misdemeanor

~~Any person, either solely or as a member of any court, or in the execution of any order, judgment or process, who shall knowingly recommit, imprison or restrain of his liberty, or cause to be recommitted, imprisoned or restrained of his liberty, for the same cause, except as provided by section 2A:67-31 of this title, any person so discharged or who shall knowingly aid or assist therein shall forfeit to the party aggrieved the sum of \$1400, to be recovered in an action at law in the superior court and shall be guilty of a misdemeanor.~~

Comment

Recommend repeal. Anachronistic.

2A:67-35. Misdemeanor; punishment

~~Every person convicted of a misdemeanor under section 2A:67-32, 2A:67-33 or 2A:67-34 of this title, shall be punished by fine or imprisonment, or both, at the discretion of the court in which he shall be convicted but such fine shall not exceed \$1,000 nor such imprisonment 6 months.~~

Current with 2018 laws and resolutions through L.2018, c. 4 and J.R. No. 1, and 2017 laws and resolutions through L.2017, c. 323, 325-387 and J.R. No. 27

Comment

Repeal this statute based upon changes suggested to section 2A:67-32, 2A:67-33 or 2A:67-34.

2A:81-17.2a3. Removal for commission of misdemeanor

~~Any public employee who admits the commission of a misdemeanor or high misdemeanor relating to his employment or touching the administration of his office or position before any court, grand jury or the State Commission of Investigation shall be subject to removal from such office, position or employment.~~

L.1970, c. 72, § 4, eff. May 21, 1970.

Comment

Recommend repeal. *See* New Jersey Code of Criminal Justice N.J.S. 2C:51-2. Forfeiture of public office, position or employment under certain circumstances; order of forfeiture.

2A:151-57.3. Violations; penalty

~~All violations of this chapter where no specific penalty is otherwise prescribed shall be considered to be misdemeanors.~~

Comment

Recommend repeal. Each statute in Chapter 151 has been repealed, except for this one.

4:19-4. Use of tax collections to pay claims; handling of fund

~~The sums of money collected from the tax imposed by virtue of this article shall be appropriated in the annual budget and the taxing ordinance of the taxing district to make good any loss which may be sustained by any person by the destruction or wounding of his sheep, lambs, domestic animals or poultry, except dogs and cats, within the taxing district where the tax is collected and shall be kept as a separate fund for that purpose by the officer having charge of the general funds of the taxing district. The appropriation shall be made by adding to the budget substantially the following words: "Anticipated revenue from tax on dogs, \$....., to be used for payment of claims for damages by dogs to sheep, lambs, domestic animals or poultry."~~

~~Claims for damages shall be presented to the governing body as provided in section 4:19-5 of this title, and shall be paid in the order in which they are presented and approved if there is sufficient money in the fund for that purpose.~~

~~If there is not sufficient money on hand in the fund, the claims, as and when approved, shall be held and paid as soon as the collections from the tax will permit. If the collections from the tax in any year are not sufficient to pay all the claims presented and approved, there shall be assessed and collected in the following year a tax in addition to the annual tax provided in this article, which shall be sufficient to pay such claims.~~

~~Any balance in the fund after all claims for the year which have been presented and approved have been paid, shall be transferred to a special account to be kept separate and apart from any of the other accounts of the municipality. Whenever the fund at the close of any fiscal year of the municipality shall equal the amount received by it from such dog tax for the then next preceding three years, then the surplus over and above such amount shall be paid over by the officer having charge of the general funds of the taxing district to the surplus revenue account of the municipality at the close of the year in which the surplus arises, and the tax provided for in this article need not be assessed for the ensuing fiscal year, or thereafter until the net amount of the special fund has been reduced from such stated amount by the payment of claims presented and approved.~~

~~The use of general funds of the municipality to pay claims for damages, or the use of the moneys collected from such dog tax in any other manner than as provided in this article, shall be a misdemeanor.~~

L.1922, c. 149, § 4, p. 262 [1924 Suppl. § 7-86d], amended by L.1931, c. 204, § 2, p. 505.

Comment

Recommend Repeal.

5:5-71. Unlawful acts; penalty

~~Any person who shall influence or have any understanding or connivance with any owner, driver, jockey, groom or other person associated with or interested in any stable, horse or race in which any horse participated or is to participate, or who shall prearrange or predetermine the results of any such race, any person who attempts to or does interfere with, tamper with, injure or destroy by the use of any narcotic, drug, stimulant, appliance, or by any other means any horse that is to run in a race in the State of New Jersey, whether such horse be the property of such person or another, shall be guilty of a misdemeanor. Any person who shall have the control over any horse that is to run in a race in the State of New Jersey and who allows or permits it to run with the knowledge of any interference with, any tampering with, any injury to by any narcotic, drug, stimulant, appliance or by any other means shall be guilty of a misdemeanor. Any person who causes, instigates, counsels, or in any way aids or abets in any interference with, tampering with, injury to or destruction of any horse that is to run in a race in New Jersey by the use of any narcotic, drug, stimulant, appliance or by any other means shall be guilty of a misdemeanor. The owners of any such horse, their agents or employees shall permit any member of the State Racing Commission or any person appointed by such commission for that purpose to make such test as the commission deems proper in order to determine whether any such horse has been so interfered with, tampered with, injured or destroyed by the use of any narcotic, drug, stimulant, appliance or by any other~~

~~means. Any person who shall violate any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the State Prison for not less than one year and not more than ten years, or shall be fined not less than one thousand dollars (\$1,000.00), nor more than five thousand dollars (\$5,000.00), or be punished by both such imprisonment and fine in the discretion of the court.~~

L.1940, c. 17, p. 88, § 51, eff. March 18, 1940. Amended by L.1941, c. 137, p. 465, § 12, eff. May 16, 1941.

Comment

Recommend Repeal. *See* 2C:21-11, Rigging Publicly Exhibited Contest. This statute is superseded by and has the same elements as the criminal statute 2C:21-11.

12:3-59. Misdemeanor

~~Any person who shall willfully moor, ground or otherwise attach or fasten, or authorize, cause or permit to be moored, grounded or otherwise attached or fastened, any boat, barge or raft to or upon the riparian lands of the state, for a period of more than ten days consecutively, shall be guilty of a misdemeanor. fined not less than \$100 nor more than \$500 and his license or driving privilege may be suspended or revoked by the director for not more than two years. For any subsequent violation he shall be subject to a fine of not less than \$500 nor more than \$1,000, and his license or driving privilege be suspended or revoked for a period of not more than five years.~~

L.1918, c. 274, § 1, p. 1022 [1924 Suppl. § 178-64].

Comment

Recommend repeal.

12:4-11. Violations; misdemeanor; punishment

~~Any person violating the provisions of section 12:4-10 of this title shall be guilty of a misdemeanor, and upon conviction in any county bordering on any of said waters within which the violation occurred, shall, in addition to the costs of prosecution, for the first offense be punished by a fine not exceeding one hundred dollars, and for each subsequent offense by a fine not exceeding two hundred dollars and imprisonment not exceeding six months.~~

L.1882, c. 118, § 2, p. 155 [C.S. p. 3958, § 48].

Comment

Recommend repeal. Superseded by the Water Pollution Control Act - N.J.S. 58:10A-1 "Water Pollution Control Act."

12:10-14. Violations; misdemeanor; additional penalty

~~No person, except the port warden appointed under this chapter, shall:~~

~~a. Assume to act as port warden;~~

~~b. Assume to perform or perform under any name or title any service or duty which the port warden may perform or which any person may require the port warden to perform;~~

~~c. Undertake the performance of any of the duties prescribed in this chapter or pertaining to the office of port warden, whether or not the port warden has been notified or requested to act; or~~

~~d. Have, permit or continue in or about his premises, place of business or office any sign, token or notice that he is a port warden or that he can or will act as a port warden, or give notice or advertise that he is such or will act as such.~~

~~No person shall employ, aid or suffer any person other than the legally appointed warden to perform any of such duties.~~

~~No person shall issue certificates of surveys of vessels, vessels' materials or goods damaged, with the intent to defeat or defraud the provisions of this chapter.~~

~~No person shall sign or issue any certificate, report or other paper purporting to be made or signed by any person not appointed as a port warden under this chapter, in which certificate, report or paper such person not so appointed is designated or described as a port warden, whether of this or any other state.~~

~~Any person violating this section shall be guilty of a misdemeanor and be punished by a fine not exceeding five hundred dollars or imprisonment at hard labor for a term not exceeding one year, or both, and in addition shall be liable to a penalty of one hundred dollars for each offense to be sued for and recovered by the warden or his successor in office under his proper name and title.~~

L.1878, c. 188, § 6, p. 299, amended by L.1889, c. 21, § 1, p. 33 [C.S. p. 4047, § 6].

L.1882, c. 53, §§ 1 to 5, p. 67 [C.S. pp. 4047, 4048, §§ 7 to 11].

Comment

Recommend repeal. Per New York New Jersey Port Authority, there are no longer Port Wardens. The individuals in charge of New Jersey Ports are the Captain of the Port who is a United States Coast Guard Officer; or, the Harbor Master.

16:1-46. Infringement on name; misdemeanor

~~No association, corporation, society, foundation, order, federation or organization shall have or use a name, title or designation similar to, or in imitation of, or so nearly resembling any such registered name, title or designation as to be calculated to deceive, without the consent of the registrant.~~

~~Any association, corporation, society, foundation, order, federation or organization violating this section shall, upon request of the religious body so registered, be notified by the secretary of state of the violation, and the continuance of the use of the name, title or designation by such association, corporation, society, foundation, order, federation or organization for a term longer than one month shall constitute a misdemeanor.~~

L.1925, c. 107, §§ 2, 4, p. 319.

Comment

Recommend repeal. Statute is overbroad and vague.

13:17-5. Establishment and organization

~~(a) There is hereby established in, but not of, the Department of Community Affairs a public body corporate and politic, with corporate succession, to be known as the "Hackensack Meadowlands Development Commission." The commission shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the commission of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.~~

~~(b) The commission shall consist of 7 members appointed and qualified as follows:~~

~~(1) The Commissioner of the Department of Community Affairs, ex officio; provided that he may appoint an alternate to act in his place and stead, with the authority to attend, vote and perform any duty or function assigned to the Commissioner of the Department of Community Affairs in his absence. The alternate shall serve during the term of the Commissioner of the Department of Community Affairs, subject to removal at his pleasure. In the event of a vacancy in the position of alternate, it shall be filled in the same manner as an original appointment and only for the unexpired term.~~

~~(2) Six citizens of the State, appointed by the Governor, with the advice and consent of the Senate and no more than 3 of whom shall be of the same political party; 2 of whom shall be residents of the constituent municipalities of Bergen county and 2 of whom shall be residents of the constituent municipalities of Hudson county; provided, however, no more than one citizen shall be appointed from any one constituent municipality; one of whom shall be a resident of Bergen county and one of whom shall be a resident of Hudson county. The Commissioner of the State Department of Transportation, the Commissioner of the Department of Conservation and Economic Development,¹ and a representative of the United States Army Corps of Engineers, may, within the limits of their respective responsibilities and at the request of the commission, serve as non-voting advisors to the commission. The members of the liaison committee established, as hereinafter provided, by the Hackensack Meadowlands Municipal Committee, shall also serve as non-voting advisors to the commission;~~

~~(c) The Commissioner of the Department of Community Affairs shall serve on the commission during his term of office and shall be succeeded by his successor in office. Each member appointed by the Governor shall serve for terms of 5 years; provided that of the first members appointed by the Governor one shall serve for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and 2 for a term of 5 years. Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only.~~

~~(d) Any member of the commission may be removed by the Governor for cause after a public hearing.~~

~~(e) Each member of the commission before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.~~

~~(f) The members of the commission shall serve without compensation, but the commission may reimburse its members for necessary expenses incurred in the discharge of their duties.~~

~~(g) The Governor shall designate one of the members of the commission as chairman. The commission shall select from its members a vice chairman and a treasurer, and shall employ an executive director, who shall be secretary, and a chief fiscal officer. The commission may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes,² such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.~~

~~(h) The powers of the commission shall be vested in the members thereof in office from time to time and a majority of the total authorized membership of the commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of a majority of the members, unless in any case the by laws of the commission or any of the provisions of this act shall require a larger number; provided that the commission may designate one or more of its agents or employees to exercise such administrative functions, powers and duties as it may deem proper, under its supervision and control. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission, except as provided by section 8.³~~

~~(i) Before the issuance of any bonds under the provisions of this act, the members and the officer of the commission charged with the handling of the commission's moneys shall be covered by a surety bond or bonds in such sum as provided by the rules and regulations of the commission conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the State of New Jersey as a surety. Each such surety bond shall be submitted to the Attorney General for his approval and upon his approval shall be filed in the office of the Secretary of State prior to the issuance of any bonds by the commission. At all times after the issuance of any bonds by the commission the officer of the commission charged with the handling of the commission's moneys and each member shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the commission.~~

~~(j) On or before March 31 in each year the commission shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year.~~

~~(k) The commission shall cause an audit of its books and accounts to be made at least once in each year and the cost thereof shall be treated as one incurred by the commission in the administration of this act,~~

and a copy thereof shall be filed with the State Treasurer, all as more fully provided in section 76 of this act.⁴

~~(1)(1) No member, officer, employee or agent of the commission shall be financially interested, either directly or indirectly, in any project or any part of a project area (other than a residence) or in any contract, sale, purchase, lease or transfer of real or personal property to which the commission is a party;~~

~~(2) Any contract or agreement knowingly made in contravention of this section is voidable;~~

~~(3) Any person who shall willfully violate any of the provisions of this section shall forfeit his office or employment and shall be guilty of may be prosecuted for a misdemeanor. official misconduct as set forth in N.J.S. 2C:30-2 of the New Jersey Code of Criminal Justice.~~

L.1968, c. 404, § 5.

Comment

Recommend repeal. Outreach with the New Jersey Sports and Exposition Authority on August 22, 2018, confirms that the Hackensack Meadowlands Development Commission (HMDC) “are defunct.” Although the legislative liaison had no objection to the suggested language to reference the Code of Criminal Justice, given the fact that the HMDC is no longer operational the statute should be repealed.

19:32-45. Arrest without warrant; aid of peace officers in taking arrested person to police station

~~The superintendent and his chief deputy and assistants are hereby authorized and empowered and without warrant, to arrest any person violating any provision of this Title.~~

~~The superintendent and his chief deputy and assistants, as the case may be, shall have the right and power to call upon any constable, police officer or other peace officer to aid in taking any person so arrested to the nearest police station in the municipality in which the arrest is made, and such constable, police officer or other peace officer shall render such aid.~~

~~Any constable, police officer or other peace officer failing to comply with such request shall be guilty of a misdemeanor.~~

L.1947, c. 167, p. 734, s. 20.

Comment

Recommend repeal. It appears to duplicate the language set forth in 19:32-22. Arrests without warrant; peace officers punishable for failure to assist.

19:34-31. Violation by person or corporation; misdemeanor; forfeiture of charter

~~Sections 19:34-27 to 19:34-30 of this title shall apply to corporations as well as individuals, and any person or corporation violating the provisions thereof shall be guilty of a misdemeanor, and any corporation violating such provisions shall forfeit its charter.~~

Comment

Recommend repeal. See N.J.S.19:34-27 which makes it a third degree crime to improperly influence or intimidate employees to vote in a certain manner. Recommend amending N.J.S.19:34-28 to follow the language in

N.J.S.19:34-27. It appears that N.J.S.19:34-29 is redundant and could be moved into the language of N.J.S.19:34-27 or -28.

21:1A-142. Possession of explosives or bombs for unlawful purpose

~~Any person who shall have in his possession or control any explosives, including any bomb, shell or similar device filled with one or more explosives, intending to use the same or cause the same to be used or who has used the same for an unlawful purpose shall be guilty of a high misdemeanor, and upon conviction shall be punished by imprisonment in a State prison for a term of not more than 25 years. The possession of explosives or any bomb, shell or similar device filled with explosives, without a permit as required by this act, shall be evidence of an intent to use the same or cause the same to be used for an unlawful purpose. Unlawful purpose shall mean a purpose that cannot be authorized under the provisions of this act.~~

~~L.1960, c. 55, p. 484, s. 15. Amended by L.1971, c. 35, s. 4, eff. Feb. 25, 1971.~~

Comment

Recommend repeal. Superseded by 2C:39-4(b).

29:4-4. Violation a misdemeanor

~~Any person, copartnership, firm, association or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined one hundred dollars (\$100.00), or be imprisoned in the county jail not to exceed thirty (30) days, or both.~~

~~L.1939, c. 254, p. 670, s. 4, eff. July 18, 1939.~~

Comment

Recommend repeal. These penalties are also set forth in N.J.S. 29:4-8.

33:1-81.7. Transfer of card; penalty

~~It shall be unlawful for the owner of an identification card, as defined by this act, to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages. Any person who shall transfer such identification card for the purpose of aiding such transferee to obtain alcoholic beverages shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300.00, or undergo imprisonment for not more than 60 days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid, identification card or any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300.00, or undergo imprisonment for not more than 60 days.~~

~~L.1968, c. 313, s. 6, eff. Sept. 26, 1968.~~

Comment

In a letter dated February 20, 2019, from James B. Graziano, the Acting Director, Division of Alcoholic Beverage Control the New Jersey Law Revision Commission was advised that the identification cards set forth in this statute are “no longer issued, and have no validity, following the September 10, 2003 amendment to N.J.S.A. 33:1-81.2.” Any reference to this identification card is anachronistic and the statute should be repealed.

34:2-21.63a. Employment of minor under 16 to perform indecent or immoral exhibition; high misdemeanor

~~Any person who obtains a permit under this act and employs a minor under the age of 16 to perform an indecent or immoral exhibition, which exhibition is a prohibited performance under this act, shall be guilty of a high misdemeanor. For the purpose of this act, indecent or immoral exhibition means (1) sexual intercourse, or (2) anal intercourse, or (3) masturbation, or (4) bestiality, or (5) sadism, or (6) masochism, or (7) fellatio, or (8) cunnilingus, or (9) any other sexual activity, or (10) nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction.~~

L.1977, c. 430, s. 3, eff. Feb. 28, 1978.

Comment **Recommend repeal.** Superseded by N.J.S. 2C:24-4 Endangering welfare of children.

34:10-4. Penalty

~~It shall be a misdemeanor for any officer or agent of any such corporation to exact from any employee more than twelve hours' labor within the twenty four hours of the natural day, and within twelve consecutive hours therein as in section 34:10-3 of this title provided. In case of accident or unexpected contingency demanding more than the usual service by the corporation to the public, or from its employees to the corporation, extra labor may be permitted and exacted for extra compensation.~~

L.1887, c. 112, § 2, p. 145 [C.S. p. 5009, § 58].

Comment

Recommend repeal.

34:11-56.6. Violations of act

~~Any employer who willfully violates any provision of this act, or who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his or her employer, the commissioner, or any other person, or instituted, or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceedings, shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00), or by imprisonment for not less than ten days nor more than ninety days, or by both fine and imprisonment.~~

L.1952, c. 9, p. 46, s. 6.

Comment

Recommend repeal.

38A:14-1. Right of way while performing military duty

~~The commanding officer of any organization or unit of the organized militia parading or performing any military duty in any street or highway may require all persons on such street or highway to yield the right of way to such troops. Motor vehicles traveling in military convoy, shall be accorded the right of way on all streets and highways of this State.~~

~~The exercise of the rights of way provided for in this section shall not interfere with the carriage of the United States mail, with the progress of ambulance, or the legitimate functions of the police and fire departments.~~

~~Any person who violates this section shall be guilty of a misdemeanor crime of the fourth degree.~~

L.1963, c. 109.

Comment

Recommend repeal.

38A:14-2. Unlawful sale or detention of military property

~~Any person who shall secrete, sell, dispose of, offer for sale, purchase, retain after demand made by an officer or in any manner pledge or pawn any arms, equipment or other military property issued by the United States or this State for use of the militia, shall be guilty of a misdemeanor.~~

L.1963, c. 109.

Comment

Recommend repeal.

38A:14-6. Trespass upon or destruction or damage of militia property

~~Any person who willfully trespasses upon any camp or parade ground, rifle range, armory or property lawfully used by or in connection with the militia, or any part thereof, or injures any property situated thereon, or willfully violates thereon any regulations established to maintain order, preserve property or prevent accidents upon such property, or removes, mutilates or destroys any such property shall be guilty of a misdemeanor.~~

L.1963, c. 109.

Comment

Recommend repeal. This statute should be added to the Criminal Trespass statute N.J.S. 2C:18-3.

2C:18-3. Criminal trespass

a. Unlicensed entry of structures. A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or surreptitiously remains in any research facility, structure, or separately secured or occupied portion thereof, or in or upon utility company property, or in the sterile area or operational area of an airport. An offense under this subsection is a crime of the fourth degree if it is committed in a school or on school property. The offense is a crime of the fourth degree if it is committed in a dwelling. An offense under this section is a crime of the fourth degree if it is committed in a research facility, power generation facility, waste treatment facility, public sewage facility, water treatment facility, public water facility, nuclear electric generating plant or any facility which stores, generates or handles any hazardous chemical or chemical compounds. An offense under this subsection is a crime of the fourth degree if it is committed in or upon utility company property. An offense under this subsection is a crime of the fourth degree if it is committed in the sterile area or operational area of an airport. An offenses under this subsection is a crime of the fourth degree if it is committed on any camp or parade ground, rifle range, armory or property lawfully used by or in connection with the militia, or any part thereof, or injures any property situated thereon. Otherwise it is a disorderly persons offense....

38A:14-8. Assault on troops

Any person who assaults, fires at, throws missile at, against, or upon any uniformed member or members of the militia or other person lawfully aiding such member or members, when assembling or assembled for the purpose of performing any military duty, shall be guilty of a misdemeanor.
L.1963, c. 109.

Comment

Recommend repeal. Should be added to N.J.S. 2C:12-1(b)(5)(l) Assault.

... b. Aggravated assault. A person is guilty of aggravated assault if he:

- (1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or
- (2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or
- (3) Recklessly causes bodily injury to another with a deadly weapon; or
- (4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of another, whether or not the actor believes it to be loaded; or
- (5) Commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section upon:

... (1) Any member or members of the militia acting in performance of their duties while in uniform, exhibiting evidence of their authority, assembling for performing any military duty or because of their status as member of the militia; or....

44:1-124. Bringing poor person into municipality or county unlawfully; misdemeanor

~~A person who shall send, bring, remove or entice to remove, or cause to be sent, brought or enticed, a poor person into a municipality or county from any other municipality or county within this state without first having obtained the consent of the overseer of the municipality or the superintendent if there is no overseer appointed and qualified therein, or the county welfare board of the county, as the case may be, or from any other state into any municipality or county within this state without first having obtained the consent of the commissioner and furnishing suitable bond, and there leave or attempt to leave the person without first having obtained that consent, in order that the support or maintenance of the poor person upon the municipality or county may be avoided, shall be guilty of a misdemeanor, and the poor person shall not gain a legal settlement thereby and shall be returned from whence he came in the manner provided by law.~~

Comment

Recommend repeal. Anachronistic per John Cannel, Final Report 12/08/17.

44:4-79. Bringing poor person into county unlawfully; misdemeanor

~~A person who shall send, bring, remove or entice to remove, or cause to be sent, brought or enticed, any poor person into a county from any other county within this state without first having obtained the consent of the county welfare board of the county, or from any other state into any county within this state without first having obtained the consent of the commissioner and furnishing suitable bond, and there leave or attempt to leave the person without first having obtained that consent, in order that the support or maintenance of the person upon the county may be avoided, shall be guilty of a misdemeanor, and the poor person shall not gain a legal settlement thereby and shall be returned from whence he came in the manner provided by law.~~

Comment

Recommend repeal. Anachronistic per John Cannel, Final Report 12/08/17.

44:7-20. Director's power to issue subpoenas; contempt; false testimony

~~For the purpose of ascertaining and determining the facts and circumstances concerning any application for assistance made under this chapter the county director of welfare shall have power, in his discretion, to compel the attendance of the applicant and other persons in this State and the production of books, records and other documents in this State pertinent to such examination. The director of welfare may administer oaths for the purpose of such examination. Upon any misconduct or failure to obey any summons or subpoena issued to an applicant by the director, or failure to testify by the applicant, the director may, in his discretion, subject to the approval of the county welfare board, reject the application for assistance. Any misconduct or failure to obey any summons or subpoena issued to an applicant or any other person by the director, or failure to testify by the applicant or other such person, shall be punishable by the Superior Court as a contempt is punishable in a case pending in the court. But no commitment shall be ordered for a period exceeding 90 days.~~

~~Any applicant or other person who shall knowingly give false testimony before the director shall be guilty of a misdemeanor.~~

Amended 1938,c.361,s.14; 1953,c.42,s.36; 1957,c.61; 1991,c.91,s.445.

Comment

Recommend repeal. New language per John Cannel, Final Report 12/08/17.

44:7-32. Obtaining assistance falsely a misdemeanor; future grants denied

~~Any person who, by means of a false statement, or false representation, or by impersonation, or other fraudulent device, obtains or attempts to obtain, or aids or abets, any person to obtain funds under this chapter to which he is not entitled, or a larger amount of assistance than that to which he is justly entitled, or payment of any forfeited installment grant; or knowingly aids or abets in buying, or in any way disposing of, the property of an applicant without the consent of the county welfare board, shall be guilty of a misdemeanor and punished accordingly. If such person be himself an applicant or recipient of old age assistance, his application may be denied or his grant withdrawn, and future grants denied at the discretion of the board.~~

~~Amended by L.1943, c. 164, p. 483, s. 11, eff. April 9, 1943.~~

Comment

Recommend repeal. Anachronistic per John Cannel, Final Report 12/08/17.

44:7-33. Violation of chapter; penalty

~~Any person who knowingly violates any provision of this chapter for which no penalty is specifically provided shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars, or imprisonment for not more than one year, or by both such fine and imprisonment.~~

Comment

Recommend repeal. Anachronistic per John Cannel, Final Report 12/08/17.

44:8-140. False statements by applicants

~~Any person applying for public assistance under the provisions of this act who shall make any false statement and by reason thereof receives benefits under the provisions of this act in excess of those to which he is or was actually entitled, shall be guilty of a misdemeanor.~~

~~L.1947, c. 156, p. 705, s. 34.~~

Comment

Recommend repeal. Superseded by 2C:20-2 per John Cannel, Final Report 12/08/17.

44:8-142. Officers and board members failing to comply

~~If any municipal officer, board or body shall willfully fail or refuse to comply with any of the provisions of this act, such officer, and members of such board or body shall be guilty of a misdemeanor. L.1947, c. 156, p. 705, s. 36.~~

Comment

Recommend repeal. Unnecessary per John Cannel, Final Report 12/08/17.

44:10-48 Eligibility of citizens, eligible aliens.

5. a. Only those persons who are United States citizens or eligible aliens shall be eligible for benefits under the Work First New Jersey program. Single adults or couples without dependent children who are legal aliens who meet federal requirements and have applied for citizenship, shall not receive benefits for more than six months unless (1) they attain citizenship, or (2) they have passed the English language and civics components for citizenship, and are awaiting final determination of citizenship by the federal Immigration and Naturalization Service.

b. The following persons shall not be eligible for assistance and shall not be considered to be members of an assistance unit:

(1) non-needy caretakers, except that the eligibility of a dependent child shall not be affected by the income or resources of a non-needy caretaker;

(2) Supplemental Security Income recipients, except for the purposes of receiving emergency assistance benefits pursuant to section 8 of P.L.1997, c.14 (C.44:10-51);

(3) illegal aliens;

(4) other aliens who are not eligible aliens;

(5) a person absent from the home who is incarcerated in a federal, State, county or local corrective facility or under the custody of correctional authorities, except as provided by regulation of the commissioner;

(6) a person who: is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the jurisdiction from which the person has fled, for a crime or an attempt to commit a crime which is a felony or a high misdemeanor under the laws of the jurisdiction from which the person has fled; or is violating a condition of probation or parole imposed under federal or state law;

(7) a person convicted on or after August 22, 1996 under federal or state law of any offense which is classified as a felony or crime, as appropriate, under the laws of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the federal "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would otherwise be eligible for general public assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who is convicted of any such offense which has as an element the possession or use only of such a controlled substance may be eligible for Work First New Jersey general public assistance benefits if the person

enrolls in or has completed a licensed residential or outpatient drug treatment program. An otherwise eligible individual who has a past drug conviction shall be eligible for general public assistance without enrolling in or completing a drug treatment program if either: (1) an appropriate treatment program is not available; or (2) the person is excused from enrolling in a treatment program for good cause pursuant to regulation.

Eligibility for benefits for a person entering a licensed drug treatment program which does not operate in a State correctional facility or county jail shall commence upon the person's enrollment in the drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the commissioner shall provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the 60-day period, the person's eligibility for benefits pursuant to this paragraph shall be terminated; except that this provision shall not apply to the use of prescription drugs by a person who is actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner shall adopt regulations to carry out the provisions of this paragraph, which shall include the criteria for determining active participation in and completion of a drug treatment program.

Eligibility for benefits for a person who completes a licensed residential drug treatment program which operates in a State correctional facility or county jail, in accordance with section 1 of P.L.2014, c.1 (C.26:2B-40), shall commence upon release from incarceration.

Cash benefits, less a personal needs allowance, for a person receiving general public assistance benefits under the Work First New Jersey program who is enrolled in and actively participating in a licensed drug treatment program shall be issued directly to the drug treatment provider to offset the cost of treatment. Upon completion of the drug treatment program, the cash benefits shall be then issued to the person. In the case of a delay in issuing cash benefits to a person receiving Work First New Jersey general public assistance benefits who has completed the drug treatment program, the drug treatment provider shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program;

(8) a person found to have fraudulently misrepresented his residence in order to obtain means-tested, public benefits in two or more states or jurisdictions, who shall be ineligible for benefits for a period of 10 years from the date of conviction in a federal or state court; or

(9) a person who intentionally makes a false or misleading statement or misrepresents, conceals or withholds facts for the purpose of receiving benefits, who shall be ineligible for benefits for a period of six months for the first violation, 12 months for the second violation, and permanently for the third violation.

c. A person who makes a false statement with the intent to qualify for benefits and by reason thereof receives benefits for which the person is not eligible is guilty of a crime of the fourth degree.

d. Pursuant to the authorization provided to the states under 21 U.S.C. s.862a(d)(1), this State elects to exempt from the application of 21 U.S.C. s.862a(a):

(1) needy persons and their dependent children domiciled in New Jersey for the purposes of receiving benefits under the Work First New Jersey program and food assistance under the federal "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011 et seq.); and

(2) single persons and married couples without dependent children domiciled in New Jersey for the purposes of receiving food assistance under Pub.L.110-234.

L.1997, c.14, s.5; amended 1999, c.427, s.2; 2009, c.328, s.1; 2014, c.1, s.2; 2016, c.69.

Comment

Recommend repeal. Revisions to statute per John Cannel Final Report 12/08/17.

2-5. Eligibility of citizens; eligible aliens

Only those persons who are United States citizens or eligible aliens shall be eligible for benefits under the Work First New Jersey program. Single adults or couples without dependent children who are legal aliens who meet federal requirements and have applied for citizenship, shall not receive benefits for more than six months unless (1) they attain citizenship, or (2) they have passed the English language and civics components for citizenship, and are awaiting final determination of citizenship by the federal Immigration and Naturalization Service.

Source: 44:10-48.

Comment

The draft provision is identical to the source subsection (a).

2-6. Persons ineligible for assistance

The following persons shall not be eligible for assistance and shall not be considered to be members of an eligible household:

a. non-eligible caretakers, except that the eligibility of a dependent child shall not be affected by the income or resources of a non-eligible caretaker;

b. Supplemental Security Income recipients, except for the purposes of receiving emergency assistance benefits pursuant to section 2-9;

c. illegal aliens;

d. other aliens who are not eligible aliens;

e. a person absent from the home who is incarcerated in a federal, State, county or local corrective facility or under the custody of correctional authorities, except as provided by regulation of the commissioner;

f. a person who: is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the jurisdiction from which the person has fled, for a crime or an attempt to commit a crime, which is a felony or a high misdemeanor under the laws of the jurisdiction from which the person has fled; or is violating a condition of probation or parole imposed under federal or state law;

g. a person admitted or committed to an institution other than a residential substance abuse treatment facility that provides for the needs of the person.

Source: 44:10-48.

Comment

The draft provision is substantively identical to the source subsection (b) (1) through (6); subsection (g) has been added to reflect settled practice.

2-7. Persons ineligible for assistance due to controlled dangerous substance conviction

a. A person convicted on or after August 22, 1996 under federal or state law of any offense which is classified as a felony or crime under the laws of the jurisdiction involved and which has an element the possession, use, or distribution of a controlled substance as defined in the federal “Controlled Substances Act,” 21 U.S.C. sect. 802(6); except that a person convicted of any such offense which has as an element the possession or use only of such a controlled substance may be eligible for Work First New Jersey benefits, and food stamp benefits under the federal “Food Stamp Act of 1977,” 7 U.S.C. sect. 2011 et seq., if the person enrolls in or has completed a licensed residential drug treatment program. Eligibility for benefits shall commence upon the person’s enrollment in the drug treatment program, and shall continue during the person’s active participation in, and upon completion of, the drug treatment program, except that during the person’s active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the commissioner shall provide for testing of the person to determine if the person is free of any controlled substance. If the person is not free of any controlled substance during the 60-day period, the person’s eligibility for benefits pursuant to this paragraph shall be terminated; except that this provision shall not apply to the use of methadone by a person who is actively participating in a drug treatment program as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, shall adopt regulations to carry out the provisions of this paragraph, which shall include the criteria for determining active participation in and completion of a drug treatment program.

b. Cash benefits, less a personal needs allowance, for a person receiving benefits under the Work First New Jersey program who is enrolled in and actively participating in a licensed residential drug treatment program shall be issued directly to the drug treatment provider to offset the cost of treatment. Upon completion of the drug treatment program, the cash benefits then shall be issued to the person. In the case of a delay in issuing cash benefits to a person receiving Work First New Jersey benefits who has completed the drug treatment program, the drug treatment provider shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program;

Source: 44:10-48.

Comment

The draft provision is identical to the source subsection (b)(7).

2-8. Persons ineligible due to fraudulent misrepresentation

a. A person found in a judicial or administrative proceeding to have fraudulently misrepresented residence in order to obtain public benefits in two or more states or jurisdictions, shall be ineligible for benefits for a period of 10 years.

b. A person who intentionally makes a false or misleading statement or misrepresents, conceals or withholds facts for the purpose of receiving public benefits, shall be ineligible for benefits for a period of six months for the first violation, 12 months for the second violation, and permanently for the third violation.

c. A person who purposely makes a false statement to qualify for public benefits and thereby receives benefits for which the person is not eligible shall be subject to prosecution for a crime.

Source: 44:10-48.

Comment

The draft provision is identical to source subsections (b)(8) and (9) and (c).

45:17-4. Licensing of nonresidents to auction jewelry or silverware; fee; penalty

~~No nonresident person or corporation shall sell silverware or jewelry at auction in this state without first obtaining a license so to do as hereinafter provided. Every nonresident shall, before commencing to sell any silverware or jewelry, apply to the clerk of the municipality in which the sale is proposed to be had, and obtain from him a license for the carrying on of the sale, which license shall only be issued upon the payment of one hundred dollars to such clerk for the use of said municipality. Any person or corporation violating any of the provisions of this section shall be guilty of a misdemeanor. L.1911, c. 292, §§ 1 to 3, pp. 619, 620 [1924 Suppl. §§ *15-4 to *15-6].~~

Comment

Recommend repeal.

45:22-33. Affidavit of ownership of mechanic's tools pledged or pawned

~~No pawnbroker, his agent or attorney, shall receive, by way of pledge or pawn, from any person any mechanic's tools used in the erection, addition or alteration of any building or structure, unless said person produces before said pawnbroker, his agent or attorney, two reputable citizens who reside in the county in which the pawnbroker is doing business, and who shall respectively subscribe to an affidavit containing the name, residence and occupation of such affiant, and setting forth that said affiant verily believes that the person desiring to pledge said mechanic's tools is the true owner thereof. Every such affidavit shall be kept on file by the pawnbroker and a note thereof made in his book and shall be subject to the same inspection as his books, and the pawnbroker shall furnish without charge a true copy of said affidavit to each person making the same. A pawnbroker who violates any of the provisions of this section shall be guilty of a misdemeanor.~~

L.1907, c. 15, §§ 1 to 3, pp. 38, 39 [C.S. p. 3930, §§ 6 to 8], Suppl. to Rev.1877, p. 811.

Comment

Recommend repeal.

48:3-36. Ticket agents; certificate of authority; selling without certificate; penalty

~~Every agent authorized to sell tickets or other evidence entitling the holder to travel on any railroad, steamboat or other public conveyance, shall have a certificate from the owner or persons operating the public conveyance setting forth the authority of the agent to make such sale, signed by the officer whose name is signed upon the tickets or coupons which such agent may sell.~~

~~—The agent shall exhibit the certificate to any person desiring to purchase a ticket, or to any officer of the law who may so request and shall keep the certificate conspicuously posted in his office.~~

~~—Any person not possessed of such certificate of authority, who shall sell or transfer any coupon or part of any ticket or other evidence entitling the holder to travel on any such public conveyance, whether the same be situated, operated or owned within or without this state, shall be guilty of a misdemeanor and punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or both.~~

Comment

Recommend repeal.

48:8-13. Deviating from course to impede boat passing in same direction; penalty; damages

~~When a steamboat navigating the waters within the jurisdiction of this state shall attempt to pass another boat going in the same direction, the master or person having charge of such other boat shall not cause her to deviate from her proper course for the purpose of hindering or delaying the steamboat so attempting to pass.~~

~~—Every master or other person having charge of any steamboat who shall violate the provisions of this section shall be guilty of a misdemeanor and punished by a fine not exceeding two hundred dollars or imprisonment not exceeding six months, or both. The misdemeanor shall be indictable in the county adjoining the waters upon which the offense is committed.~~

~~—The owner or owners of any steamboat deviating as aforesaid shall be jointly and severally liable for all damages occasioned by such offense.~~

Rev.1877, p. 1211, § 4 [C.S. p. 5650, § 4].

Comment

Recommend repeal.

48:12-18. Borrowing money; bonds; mortgages; usury as defense; penalty

~~Every railroad company may borrow such sums of money from time to time as shall be necessary to construct, improve, extend and repair its road and furnish all necessary lands, chattels, engines, cars and equipments. To secure repayment thereof it may issue bonds secured by mortgage on any of its railroad, lands, chattels, franchises and appurtenances.~~

~~Such company shall not plead any statute against usury in any action at law or in equity to enforce the payment of any bond or mortgage executed pursuant to this section.~~

~~If the amount of the mortgage debt of any railroad company of this state is limited by special law, the written consent of the holders of at least two thirds in value of all of its stock shall be obtained before any~~

~~such mortgage shall be executed. Any person issuing bonds of a railroad company in an amount greater than that authorized by law shall be guilty of a misdemeanor.~~

~~Where a mortgage on a railroad right of way and franchises includes chattels, it shall be sufficient evidence and notice thereof to record the same as a mortgage on real estate.~~

L.1903, c. 257, § 6, p. 649 [C.S. p. 4221, § 6], amended by L.1914, c. 102, § 1, p. 160 [1924 Suppl. § 170-6].

Comment

Recommend repeal.

48:12-158. Placing freight car in rear of passenger car; misdemeanor; exceptions where ordered by army or navy officers

~~In forming a passenger train, no freight car shall be placed in the rear of a passenger car. A conductor, officer or agent who shall direct or knowingly suffer such an arrangement shall be guilty of a misdemeanor.~~

~~The provisions of this section shall not apply where a car or cars is so placed pursuant to the order or direction of an officer of the rank of at least Major of the Army or of Lieutenant Commander of the Navy of the armed forces of the United States.~~

Amended by L.1943, c. 150, p. 429, s. 1, eff. April 8, 1943.

Comment

Recommend repeal.

48:12-164. Strikes; employees abandoning or refusing to aid in movement of trains; misdemeanor penalty

~~Any railroad employee within this state who shall:~~

~~a. While engaged in a strike or with a view to incite others to such strike or in furtherance of any combination or preconceived arrangement with others to bring about a strike, abandon the engine in his charge when attached to a train at any place other than its scheduled or otherwise appointed destination or refuse or neglect to continue to discharge his duty or proceed with such train to the place of destination; or~~

~~b. For the purpose of furthering the object of or lending aid to a strike organized or attempted to be maintained on any other railroad within or without this state, refuse or neglect in the course of his employment to aid in the movement over the tracks of the company employing him of the cars of such other railroad received in the course of transit—~~

~~Shall be guilty of a misdemeanor and punished by a fine of not less than one hundred or more than five hundred dollars, and may also be imprisoned not exceeding six months, at the discretion of the court.~~

L.1903, c. 257, § 62, p. 675 [C.S. p. 4247, § 62].

Comment

Recommend repeal.

48:12-165. Strikes; interfering with employees; injuring, destroying or obstructing property; misdemeanor

~~Any person who shall, in aid or furtherance of the objects of any strike upon any railroad:~~

~~a. Interfere with, molest or obstruct a railroad employee performing his duty as such; or~~

~~b. Obstruct a railroad track within this state; or~~

~~c. Injure, destroy, take possession of or remove the rolling stock or other property of a railroad company; or~~

~~d. Prevent or attempt to prevent the use of such rolling stock or other property by such company or its employees; or~~

~~e. By offer of recompense, induce an employee of any railroad company within this state to leave the service of the company while in transit—~~

~~Shall be guilty of a misdemeanor and punished by a fine not exceeding five hundred dollars, and may also be imprisoned not exceeding one year, at the discretion of the court.~~

L.1903, c. 257, § 63, p. 676 [C.S. p. 4247, § 63].

Comment

Recommend repeal.

51:1-94. Retention of false weights, etc.; misdemeanor

~~Any person who shall retain in his possession any weight, measure or container, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it to defraud or permit it to be so used, shall be guilty of a misdemeanor.~~

Comment

Recommend repeal. Superseded by 2C:21-7.

51:1-95. Marking of short weights and tares; misdemeanor

~~Any person who shall knowingly mark false or short weights or false tare on any container, or who shall knowingly sell or offer for sale any container so marked shall be guilty of a misdemeanor.~~

Comment

Recommend repeal. Superseded by 2C:21-7(b).

51:3-3. Injuring pillars; misdemeanor

~~Any person who shall willfully erase, alter, deface, displace, destroy, carry away or otherwise injure any such pillar or inclosure, or any part thereof, shall be guilty of a misdemeanor. Upon conviction thereof, he shall for each offense be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the state prison for not less than one nor more than three years, or both, at the discretion of the court.~~

Rev.1877, p. 676, § 2 [C.S. p. 3342, § 2].

Comment

Recommend repeal. Superseded by 2C:17-3. Criminal Mischief..

51:4-4. Flash or fire test for certain fluids; misdemeanor

~~It shall not be lawful for any person to keep or offer for sale or use in any place or building within this state, petroleum oil, or any product thereof, or to knowingly keep or offer for sale any mixture of naphtha or inflammable fluids for illuminating purposes, for use in lamps or other portable receptacles, that will flash at a less temperature or fire test than one hundred, or inflame at less temperature or fire test than one hundred and ten degrees Fahrenheit. Any person offending against this section shall be guilty of a misdemeanor.~~

L.1898, c. 235, § 94, p. 821 [C.S. p. 1775, § 94].

Comment

Recommend repeal.

52:31-15. Using vehicle not marked; misdemeanor

~~Any person using any such automobile or vehicle without the same being so marked, and any person or officer upon whose authority such automobile or vehicle not so marked is used, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not exceeding one hundred dollars.~~

L.1919, c. 71, § 3, p. 133 [1924 Suppl. § **192-3].

Comment

Recommend repeal.

53:1-20. Failure of officers to perform duties; misdemeanor; removal

~~Any officer mentioned in this article who shall neglect or refuse to make any report or to do any act required by any provision of this article shall be guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars. Such neglect or refusal shall also constitute nonfeasance in office and subject the officer to removal therefrom.~~

Comment

Recommend repeal. Superseded by 2C:21-7(b). *But see* N.J.S. 2C:30-2 Official Misconduct.

53:3-6. Penalty for wearing or imitating uniform

~~No person other than a member of the department of state police shall, directly or indirectly, wear, use, or order to be worn or used, copy or imitate in any respect or manner the standard uniforms specified in section 53:3-5 of this title. Any person who shall violate any provision of this section shall be guilty of a misdemeanor, and punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail for a term not exceeding one year, or both, at the discretion of the court.~~

~~The term "person" as used herein shall include individuals, associations, corporations, or agents, officers or officials elected or appointed by any municipality or county.~~

Comment

Recommend repeal. *See* N.J.S. 2C:28-8. Impersonating a public servant or law enforcement officer.

53:5A-42. Fraud; punishment; correction of errors

~~Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act shall be guilty of a misdemeanor and shall be punishable therefor under the laws of the State of New Jersey. Should any change or error in the records result in any member or person receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement system shall, as far as practicable, correct such error and adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. The actuarial equivalent of any shortage in required contributions at the time of retirement on account of misstatement of age, leave of absence, or clerical error, shall be deducted from the retirement allowance otherwise payable.~~

L.1965, c. 89, s. 42, eff. July 1, 1965. Amended by L.1971, c. 181, s. 26, eff. June 1, 1971.

Comment

Recommend repeal.

56:1-4. Violations of sections 56:1-1 or 56:1-2; misdemeanor

~~Any person conducting or transacting business contrary to the provisions of either section 56:1-1 or 56:1-2 of this title shall be guilty of a misdemeanor.~~

Comment

Recommend repeal. *See* recommendation in the NJLRC Final Report – May 24, 2018.

56:2-6. Improper use of registered badge or insignia; misdemeanor; punishment

~~Any person who willfully wears, exhibits, displays or uses, for any purpose, the badge, motto, button, decoration, membership card, charm, emblem, rosette, or other insignia of any association or organization mentioned in section 56:2-1 of this title, duly registered as provided in this chapter, or any imitation thereof, shall, unless he is entitled to use and wear the same under the constitution, by laws, rules, or regulations of any such association or organization, be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding one hundred dollars, and, in default of payment of such fine, shall be committed to jail for not to exceed sixty days.~~

Comment

Recommend repeal. Constitutionally overbroad; possible infringement on the First Amendment freedom of speech.

56:5-1. Offenses in connection with electric storage batteries marked "rental" or with other word, mark, device or character

~~When any electric storage battery has the word "rental" or any word, mark, device or character printed, painted, stamped, burned or otherwise placed upon or attached to it for the purpose of identifying the ownership thereof, it shall be unlawful for any person, copartnership or corporation, other than the owner of said storage battery:~~

~~a. To remove, deface, alter or destroy, or cause to be removed, defaced, altered or destroyed any such word, mark, device or character so placed thereon or attached thereto; or~~

~~b. To sell, dispose of, deliver, or give, or attempt to sell, dispose of, deliver, or give to any person, copartnership or corporation any such battery, so identified; or~~

~~c. To recharge, except in the case of an emergency and with the consent of the owner, or his duly authorized agent or employee, any such battery so identified; or~~

~~d. To retain in his, their or its possession, any such battery so identified, for a longer time than ten days after written demand for its return has been made by the owner thereof and sent by registered mail.~~

~~Any person, copartnership or corporation and the members, officers, agents and employees of any copartnership or corporation violating any provision of this section shall be guilty of a misdemeanor.~~

L.1933, c. 92, §§ 1 to 5, pp. 190, 191

Comment

Recommend repeal.

56:5-2. Failure to mark "rebuilt" assembled or rebuilt electric storage battery; misdemeanor

~~Whoever assembles or rebuilds, in whole or in part, an electric storage battery for use on automobiles, out of secondhand or used material, such as containers, separators, plates, groups or other battery parts, and sells or offers the same for sale in this state, without the word "rebuilt" moulded into the side of the container in letters at least one inch high and five eighths of an inch wide, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding two hundred and fifty dollars, or be imprisoned for a term of not more than six months, or both.~~

~~L.1933, c. 202, § 1, p. 442.~~

Comment

Recommend repeal. *But see* N.J.S.A. 2C:21-7..