

*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: August 19, 1999

## **Governor Signs Bills To Increase DWI Penalties, Fund Homes For Developmentally Disabled**

Governor Christie Whitman today signed the following legislation:

**S-854**, sponsored by Senator Garry Furnari (D- Bergen/Essex/Passaic) and Assemblymen Paul DiGaetano (R- Bergen/Essex/Passaic) and John Kelly (R-Bergen/ Essex/Passaic), increases penalties for certain alcohol-related driving offenses, including those in school zones.

This legislation doubles the current penalties for DWI offenses that occur within a school zone or in a school crossing. The penalties will now be as follows.

- **First offense:** A fine of between \$500 and \$800, imprisonment of not more than 60 days, with no minimum term of imprisonment required, and license suspension of one to two years.
- **Second offense:** A fine of \$1,000 to \$2,000, community service of 60 days, imprisonment of 96 hours to 180 days and license suspension for not less than 4 years.
- **Third Offense:** A fine of \$2,000, imprisonment for 180 days and license suspension for twenty years.

These increased penalties will also be applicable to individuals convicted of refusing to consent to a breathalyzer test in connection with an offense committed in a school zone or school crossing.

Under the bill, anyone who drives under the influence or refuses a breathalyzer test and commits vehicular homicide in a school zone or school crossing, will face first-degree charges. Currently, this is a second-degree crime. In addition, such offenders will be required to forfeit their vehicle unless a serious hardship to their family can be established. Finally, such offenders will be subject to an additional loss of their driving privileges from five years to life.

In addition, the legislation upgrades the crime of assault by auto when the individual is driving under the influence or refuses a breathalyzer test. The individual will now face third-degree charges if serious bodily injury results from the accident. The offense will be a second-degree crime if it occurs within a school zone or school crossing. Currently, assault by auto is a fourth- degree crime if serious injury results from the accident.

Finally, the bill increase the penalties for individuals who are found guilty of driving in a school zone or school crossing when their license has been suspended or revoked for drunk driving or for refusing to

consent to a breathalyzer test. Such offenders will be fined \$500, have their driver's license suspended for an additional period of one to two years and be imprisoned for 60 to 90 days for a first offense, 120 to 150 days for a second offense and 180 days for a third or subsequent offense.

**A-2736**, sponsored by Assembly Members Rose Marie Heck (R- Bergen) and Leonard Lance (R- Warren/ Hunterdon/Mercer) and Senators C. Louis Bassano (R-Essex/Union) and Joseph Vitale (D-Middlesex), appropriates \$31,050,000 from the Developmental Disabilities' Waiting List Reduction and Human Services Construction Fund to the Departments of Human Services and Law and Public Safety.

The fund was created by the Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Bond Act of 1994. The appropriation will be used for various projects of the Departments of Human Services and Law and Public Safety.

Under the legislation, the Division of Developmental Disabilities (DDD) within the Department of Human Services (DHS) will receive \$27,950,000 for the following projects:

- \$25,000,000 for community grants to reduce the DDD waiting list by approximately 500 waiting list clients;
- \$1,000,000 in grants for costs associated with the closure of North Princeton Development Center; and
- \$1,950,000 in grant money for DDD for community programs' major maintenance projects.

Under the new legislation, the Commissioner of Human Services is required to provide the Joint Budget Oversight Committee (JBOC), or its successor specific information as to which agencies will receive money, the amounts awarded and the purpose of the award.

Unless the JBOC notifies the Commissioner within ten working days of the receipt of the information that it does not approve the particular projects the Department may award the funds. If the funds are for renovations that do not increase the capacity of the facility, for emergency repairs or for life-safety and accreditation improvements the JBOC is not required to receive notice.

The \$1 million grant for costs associated with the closure of the North Princeton facility will be used to satisfy any outstanding mortgages that community agencies may have incurred related to the closure. Unused money may be transferred to grants for DDD project maintenance accounts.

In addition to the DDD projects, the Juvenile Justice Commission would receive \$3.1 million to upgrade and renovate the following facilities:

- \$1,100,000 Essex Residential renovations;
- \$100,000 Pinelands Residential septic system;
- \$175,000 Pinelands Residential new classroom building;
- \$ 450,000 Ocean Residential security upgrades and renovations;
- \$ 500,000 Warren Residential septic system;

- \$ 275,000 Wharton Bootcamp capacity increase; and
- \$ 500,000 Elias Residential renovations.