

Mary Nathan

P U B L I C H E A R I N G

before

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS COMMITTEE

on

ASSEMBLY, NO. 2061

(Transfers jurisdiction over pedestrian,
bicycle and motorized bicycle offenses
from juvenile courts to municipal courts.)

Held:
March 16, 1981
Majority Conference Room
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Walter Rand (Chairman)

Assemblyman William J. Maguire

Assemblyman John W. Markert

ALSO:

Laurence A. Gurman, Research Associate
Office of Legislative Services

Aide, Assembly Transportation and Communications Committee

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ASSEMBLY, No. 2061

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 22, 1980

By Assemblyman RAND

Referred to Committee on Transportation and Communications

AN ACT concerning juveniles, jurisdiction and proceedings in the
juvenile and domestic relations court and amending P. L. 1973,
c. 306.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1973, c. 306 (C. 2A:4-44) is amended to read
2 as follows:

3 3. Definition of delinquency. As used in this act, "delinquency"
4 means the commission of an act by a juvenile which if committed
5 by an adult would constitute:

6 a. A homicide or act of treason;

7 b. A crime;

8 c. A disorderly persons offense or petty disorderly persons
9 offense; or

10 d. A violation of any other penal statute, ordinance or regula-
11 tion. But the commission of ; *provided, however, the following*
12 *shall not constitute juvenile delinquency as defined herein: (1) an*
13 *act which constitutes a violation of chapters 3, 4, 6 or 8 of Title 39,*
14 *Motor Vehicles, of the Revised Statutes or of any amendment or*
15 *supplement thereof thereto, by a juvenile of or over the age of 17*
16 *years; shall not constitute delinquency as defined in this act* (2)
17 *an act relating to the ownership or operation of a motorized bicycle*
18 *which constitutes a violation of chapters 3 or 4 of Title 39, Motor*
19 *Vehicles, of the Revised Statutes or of any amendment or supple-*
20 *ment thereto, by a juvenile of any age; or (3) an act which con-*
21 *stitutes a violation of articles 3 or 6 of chapter 4 of Title 39, Motor*
22 *Vehicles, of the Revised Statutes or of any amendment or supple-*
23 *ment thereto, pertaining to pedestrians and bicycles, by a juvenile*
24 *of any age.*

1 2. This act shall take effect on January 1 next following enact-
2 ment.

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

STATEMENT

Over the course of the past 10 years, more than 3,000 of our young citizens have lost their lives while walking and bicycling on New Jersey's roadways. 99,000 more were seriously injured. In addition, a very high percentage of fatalities and accidents involving the use of motorized bicycles relates to the youth of our State, many of whom are under the age of 15 which is the minimum legal age for operation of motorized bicycles. The majority of these deaths and injuries were caused by the violation of one or more of our existing statutes.

The State's traffic safety experts feel strongly that on-going pedestrian and bicycle safety education programs need to be backed up with effective and efficient enforcement of our existing pedestrian and bicycle statutes in so far as juveniles of any age are concerned.

The legislation seeks to transfer jurisdiction over pedestrian, bicycle and motorized bicycle offenses from the juvenile courts where procedures are complicated, time consuming and expensive, to the municipal courts, in order that the young offenders may be dealt with more effectively and expeditiously.

Hopefully, this will bring about a reduction in juvenile pedestrian, bicycle, and motorized bicycle violations and thereby reduce fatalities and injuries.

ASSEMBLYMAN WALTER RAND (Chairman): This is a public hearing on Assembly 2061.

Let me introduce the committee members who are here. On my left is Assemblyman John Markert from Bergen County and on my extreme right is Assemblyman William Maguire and Larry Gurman, who is our aide.

Good morning. I wish to welcome you to this public hearing of the Assembly Transportation and Communications Committee to consider A-2061. I am the sponsor of this bill - and I am sure all the members of this committee will join me - which seeks to transfer jurisdiction over pedestrian, bicycle and motorized bicycle offenses from the Juvenile Courts to the Municipal Courts.

In those cases where juveniles are involved, it appears that attempting to enforce bicycle, motorized bicycle and pedestrian traffic safety laws through the available statutory means of formal complaint to the Juvenile Courts, has been essentially ineffective. In many situations, the police are unwilling to file and follow up on a formal juvenile complaint for violation of existing bicycle, motorized bicycle and pedestrian laws, both because of the relatively minor nature of the infraction, as compared with the gravity of the enforcement method, and also because the officers are well aware of the time, paper work, and delay that may be involved in the prosecution of the matter. As a result, many violations go unchecked, and the correction procedure is largely lost upon the juvenile.

What concerns me and so many of us, including motorists, parents, law enforcement officers and safety officials, are the consequences of the present situation. Over the course of the past 10 years, more than 3,000 of our youngsters have lost their lives while walking and bicycling on New Jersey's roadways. Ninety-nine thousand more were seriously injured. In addition, a very high percentage of fatalities and accidents involving the use of motorized bicycles relates to the youth of New Jersey.

It is our hope and expectation that the expert witnesses scheduled to speak today will assist in finding the means to improve enforcement methods in order to provide additional protection to our young as they ride their bicycles and motorized bicycles and as they walk the streets of our State.

The first witness we have listed this morning is the Director of Motor Vehicles. Since she is not here as yet, we will call Judith Peoples from the New Jersey State PTA.

J U D I T H P E O P L E S: Good morning. Thank you for having us.

As you know, over the years, the PTA has spoken out strongly in favor of the protection of children and youth. It is one of our main objects. We have considered the pending legislation and find that it fits within our scope of concern. We are certainly concerned about law when it is not effective in protecting children and feel in this case that it would be an advantage to transfer the jurisdiction from where it is presently in the Juvenile Courts to the Municipal Courts. We understand how the Municipal Courts may feel about having such a task put upon them. But we think it would be a step in the right direction to provide what is needed for our children. Therefore, we support 2061.

ASSEMBLYMAN RAND: Thank you very much. Are there any questions?
(No questions.)

Sandy Weeks will be our next witness. We will call the ladies first. You gentlemen don't mind do you? Okay.

S A N D Y W E E K S: My name is Sandy Weeks. I am Chairman of the Cranford

Bicycle Board. I am a member of the New Jersey Bicycle Network, a coalition of bicyclist specialists throughout the State. I am a member of the Central Jersey Bicycle Club, the oldest and largest bicycling club in New Jersey; and I am a member of and former National Safety Chairman for the League of American Wheelmen, the national organization of bicyclists. We believe that a bicycle is not a toy. A bicycle is a vehicle with a right to responsible use of the road, and the bicyclist and everyone else sharing the road will be safest when all bicyclists know all the rules of the road and all motorists realize the bicyclists have a right to use the road.

A bicycle whether moving at 5 or 30 miles an hour is a very real part of the traffic mix. As bicyclists, we want the police to enforce our rights to the road and to protect us from the motorist who doesn't obey the stop sign or the traffic lights or who makes a left turn without proper observation and knocks us off our bikes.

As bicyclists, we also want enforcement of the Bicycle Laws. We believe that just as a motorist has to obey a stop sign, so does the bicyclist, and that by obeying the traffic laws, we will not only protect our lives but also our right to continue to use the road.

As the Chairman of the Bicycle Board in Cranford, I work with the Police Department in coordinating a program. It involves a lot of education and enforcement. I brought some "show and tell" things for you. You have one of my "ride right" buttons?

ASSEMBLYMAN RAND: Yes, I have.

MS. WEEKS: I also brought a bike obey stop sign. Here are some pencils you may have to give to some of the children. They say, "Ride one on a bike."

ASSEMBLYMAN MAGUIRE: Is the value more than \$25? If it is, we have to report it. (Laughter.)

MS. WEEKS: Here is a T-shirt.

ASSEMBLYMAN MARKERT: I will never fit in that thing, I will guarantee you.

MS. WEEKS: You can't have my T-shirts.

ASSEMBLYMAN MARKERT: Okay. You would look better in it anyway than I would.

MS. WEEKS: This is one that says "Ride Right," which is one of the things we have promoted the most intensely because we found that most bicycles were ridden on the wrong side of the road when we began seven years ago.

ASSEMBLYMAN MARKERT: They still are or a good number of them.

MS. WEEKS: Not in our town. Here is a book cover that is given to the children. The children put the book cover on their book in September. It lasts three months or so. There are more available at the Police Department at any time. There are different book covers. This one says a bicycle is not a toy. If you ride your bike on the street, you must know and obey the traffic laws. It tells you to obey the stop signs. It tells you to look behind before you make your turns. It has instructions on how to make a left turn like a vehicle. There are only two ways to make a left turn on a bike. One is like a pedestrian - get off and walk the bike - or like a vehicle - look behind, signal a left turn, move over like a car would, and make the turn the same way. Too many people make their left turns in what we call a chicken left turn. They cut across the corner and make it on the wrong side of the road and have a head-on collision with a car that is coming out to make a right turn.

We use stickers for bicycles: Lock your bike. Ride Right. This is a different use sticker (indicating). "Bike obey the stop signs." Here is a bumper

sticker for your car that says, "Light your bike." We also have one that says, "Ride Right." This is a little sticker that tells more about defensive driving (indicating).

In our education program we made an effort to teach the motorists how to share the road with the bicyclists, as well as the bicyclists how to share the road with the motorists. In addition to this, we have other T-shirts. We have place mats we have used in restaurants to teach both the bicyclist how to make a left turn and it has a police logo on it so the motorist will know that the bicyclist is correct in making a left turn from the center just like a car would.

This is the sample of the letter that goes out from the Police Department if a juvenile commits a bicycle violation. We have a good enforcement program in Cranford, probably the best in the nation. It has been written up in many national magazines, bicycling magazines, police magazines, transportation magazines. The United States Department of Transportation has recognized the program, as has the Consumer Product Safety Commission. We have received many federal dollars in grants for bikeways because we do educate and enforce. We have a comprehensive community program - education, enforcement, engineering - and a constant evaluation.

We have seen the bicycles switch from the wrong to the right side of the road. We have seen the bicyclists learn how to stop for traffic lights. Most of the credit for the program doesn't go to the gimmicks like this that are very cute and catchy; it goes because we have constant, townwide enforcement by our Police Officers.

The way we handle it is that a letter usually goes out to the parents when an officer stops a juvenile. When it comes to the fourth one, they would have to go to Juvenile Court. We can't stomach sending a kid to Juvenile Court for a traffic violation. It isn't fair. If you are an adult and you commit a traffic violation, you don't have to go to County Court. Why should our juveniles have to go there? I have been to Juvenile Court as the victim of a crime. Somebody left a home-made bomb at my house. It is nauseating to sit and wait. It wastes our Police Officers' time. It wastes my time and the perpetrator's time. Juvenile Court is a place for breaking and entering, for rape, for mugging, for all those things, not for being on the wrong side of the road. That is not to say that being on the wrong side of the road is right because it is not. People are dying because bicycles are on the wrong side of the road. Studies have proven that in bicycle-motor vehicle accidents where the bicyclist is under the age of 20, 90 percent of the time, the bicyclist was at fault. They are the juveniles that we are dealing with today. Ninety percent of the bicyclists were on the wrong side of the road, they failed to obey traffic lights, they were riding double on the bikes, or they went through a traffic light, they had no lights at night, they didn't look before they made a left turn, they rode off the sidewalk - any kind of a bicycle violation.

Once you get over 20 years of age, in those accidents, only 30 percent of the bicycle-motor vehicle accidents were caused by the bicyclist. These are where the motorists are at fault. We have a great problem in our adult cyclists with motorists, drunk motorists, hitting bicyclists, or motorists who don't see the bikes.

I talked far longer than I intended to. But I am speaking in support of the bill because I think that education, no matter how flashy it is, no matter how long it has gone on - we have done it for seven years - as soon as our enforcement cuts down, our bicycles switch to the wrong side of the road and our accidents

pick up. We have statistics to prove it. You have to have enforcement if you are going to have an effective traffic safety education program of any kind. How many people would obey the 55-mile-per-hour speed limit if you didn't have enforcement? Look at the great problem even with the HOV lanes out there on the Parkway. They can't keep people out of them if they don't have enough enforcement.

Do you have any questions?

ASSEMBLYMAN RAND: Quite to the contrary, you didn't speak long enough. I really enjoyed your comments and no wonder your reputation has preceded you in view of some of the things that your local community and you, yourself, have done.

MS. WEEKS: Lieutenant Kane is here. He could tell you better about the enforcement. I really didn't mean to speak that much about the enforcement. He handles that.

ASSEMBLYMAN MARKERT: Would it be possible for us to get a copy of that letter?

MS. WEEKS: You may have the whole manual, too, which describes the enforcement program - and everything.

ASSEMBLYMAN MARKERT: If you could, thank you.

ASSEMBLYMAN RAND: Assemblyman Maguire.

ASSEMBLYMAN MAGUIRE: No questions.

ASSEMBLYMAN MARKERT: Then you firmly believe that this piece of legislation, 2061, is exactly what we should be doing; and, that is, moving these violations into the local Municipal Courts rather than the Juvenile Courts?

MS. WEEKS: If our officers have to go to Juvenile Court and spend all day waiting --- Also it is not only unfair to the officers, but it isn't fair to the juvenile or his parents. I know that without enforcement it doesn't work. When we started, everybody was on the wrong side of the road riding double. Those were the first two things we went after. We went with stickers, bumpers, and so forth. In one year, our accidents dropped 43 percent and everybody was switching to the right side of the road. We have been working on this thing for 7 years. Our officers write about 800 juvenile violations a year and they impound perhaps 80 bikes a year for things like no lights.

ASSEMBLYMAN MARKERT: Then you have total cooperation from your local municipality?

MS. WEEKS: From our police, from our newspapers, from our schools, from our public officials - and it is extremely important to have political support because if the Town Council didn't want it to happen, it wouldn't be happening. This is where you are important because you are elected officials; and, if you think it is important to have enforcement of juvenile traffic violations, I think it can happen. We have had periods within the 7 years where for political or other reasons enforcement has let down. Maybe everybody just decided it wasn't important anymore. And, automatically, you see the bikes go to the wrong side of the road and you see the doubles, triples, and five on a bike pick up. You also see the accidents go up. It doesn't work without enforcement. Nothing will work without enforcing it. But you can't have enforcement without education, I don't think, either. I do think you have to give people a chance and teach them.

ASSEMBLYMAN MARKERT: It goes hand in hand.

MS. WEEKS: Although it has nothing to do with this bill - I am strongly for bicyclists' rights - you also must teach the motorists how to share the road with us. I don't want to be knocked off my bike anywhere.

Thank you very much.

ASSEMBLYMAN RAND: We thank you very much
Lieutenant Kane.

T H O M A S K A N E: My name is Thomas Kane. I have been on the police force for 19 years. I have been a Lieutenant for the past year. I have worked in traffic safety since 1974. I am a co-sponsor of the program which Sandy just described to you.

We have had quite a bit of success with our bicycle safety program. We have been nationally recognized not only for our bicycle program but also for our pedestrian safety programs that we have in Cranford.

My main concern today is to point out the difficulty that we, as policemen, have trying to get our Parole Officers to write a violation or a juvenile charge against a youngster. It is almost an impossible feat to keep a Patrol Officer in a position where he will constantly stop bicycle riders or pedestrian violators and pick on these little children, because that is what they feel they are doing, picking on the children.

It also takes quite a bit of their time when they have to sign a juvenile complaint, go to Juvenile Court and spend a full day for a really insignificant offense as far as a Police Officer is concerned. He is more concerned with more serious crimes.

I would like to see this bill go through. In fact in 1974, I believe - it was either '73 or '74 - the Administrator of the Courts saw fit to bring the 17-year-old, who is also a juvenile, into the realm of the Municipal Court. I don't see why he is objecting to this bill because he is in actuality doing the same thing, but he is dealing with younger people.

Sandy took most of my thunder here. But I feel that Police Officers would much more readily go out and enforce the law if they knew that they can issue a summons to a child or that after maybe three warnings to a child, a summons would be issued and he would appear in Municipal Court. I would not want that individual if he is a young child to go into Municipal Court without some kind of parental backing. But I sincerely support this bill.

ASSEMBLYMAN RAND: Lieutenant, let me ask you a couple of questions. Do you think the parents would prefer a child going into Municipal Court than going into Juvenile Court?

LIEUTENANT KANE: I have three children and I, as a parent, feel that I would much rather see my child appear in a Municipal Court and maybe pay a fine and learn his lesson the first time. We have, as Sandy stated before, a warning procedure in Cranford. We issue three warnings. Then the parents and the juvenile come to me as the Police Traffic Safety Officer, at which time I speak to them. From that point, everything takes place with the Juvenile Court system. A complaint will be filed on the fourth violation. In most cases, it will be returned to a Juvenile Conference Committee in our local municipality. If after a fourth violation he commits another, then he is going to go through the court system. I don't like to see them go through the court system. But I feel, as I stated before, that a Police Officer would more readily go out and enforce the law if he knew that he could have this heard in a very brief period of time. I feel it is a good bill.

ASSEMBLYMAN MAGUIRE: Tom, I am not sure that it would negate the intent of the bill if we did amend it. But do you think that any reference should be made about a warning, or two or three, whatever that sacred number is, prior to the issuance of the summons, now that is part of the judicial system once you give him the summons?

LIEUTENANT KANE: I think in dealing with children eight or nine years old,

possibly ten or eleven years old, even twelve, a warning system could benefit that child. I think once you get to the age of thirteen, fourteen, fifteen or sixteen, then summonses are not going to hurt him. I feel that he knows the rules and regulations by then and, when he goes out and commits a violation, he knows what he is doing. I feel certain in my mind that our Chief of Police in Cranford would probably institute a policy statement which would give us the latitude to warn at least three times prior to the issuance of a summons. But I can't answer for all the Police Departments.

ASSEMBLYMAN MAGUIRE: Thank you.

ASSEMBLYMAN MARKERT: Tom, can you tell me anything about the fine structure? Do you get involved in fines for violations after the warning procedures are followed?

LIEUTENANT KANE: No, that is strictly up to the court.

ASSEMBLYMAN MARKERT: It is?

LIEUTENANT KANE: Yes.

ASSEMBLYMAN MARKERT: Do you know whether or not the courts, themselves, utilize this particular system in Cranford?

LIEUTENANT KANE: Are you speaking about the juvenile system, sir?

ASSEMBLYMAN MARKERT: Yes.

LIEUTENANT KANE: Well, we have yet to have the fourth violation and we have yet to have anybody appear in Juvenile Court.

ASSEMBLYMAN MARKERT: How long have you been operating under this type of procedure then?

LIEUTENANT KANE: Since 1974.

ASSEMBLYMAN MARKERT: And since '74, you have had no fourth violator?

LIEUTENANT KANE: Fourth or fifth violator, no, sir.

ASSEMBLYMAN MARKERT: Is that up to a certain age?

LIEUTENANT KANE: Up to the age of 17, up until the age they go to Municipal Court. The only problem that I do see is that our Patrol Officers are very reluctant to write warnings or even to stop bicycle violators or pedestrians because they are afraid that they might get included in the Juvenile Court system.

ASSEMBLYMAN MARKERT: If it is only a warning system, it is more conducive to the writing of that warning; is that it?

LIEUTENANT KANE: Let me explain just one other thing. We have an in-service training program on just about every facet of police work in Cranford. Each year, I speak to each one of our Patrol Officers with reference to bicycle safety and this warning system comes up in the in-service training. I am constantly urging the Police Officers and the Chief is constantly putting notices on the board to enforce the law. Without this constant push, instead of 800 violations a year, we might have 50. But if they were able to issue a summons, I am sure it would cut down on the violations and make our enforcement program a lot more significant.

ASSEMBLYMAN MARKERT: So you do totally favor moving this, as this piece of legislation does, into the local Municipal Courts rather than the Juvenile Courts?

LIEUTENANT KANE: Yes, sir.

ASSEMBLYMAN RAND: Lieutenant, do you put the same emphasis on pedestrians as you do on bicyclists?

LIEUTENANT KANE: Most definitely.

ASSEMBLYMAN RAND: Thank you very much.

Mr. Peto, please.

W I L L I A M P E T O: Good morning. My name is Bill Peto. I am a retired

Police Officer with 30 years on the Maplewood Police Department, 12 of them as Chief of Police. I have been with the New Jersey State Safety Council since 1976. I was Director of the Traffic Division. In that capacity, I supervised 13 county traffic safety committees throughout the State, which represent all 21 counties; some of them are dual-county and some of them are triple-county organizations.

Since I have been meeting with the committees, invariably the topic of enforcement of the Motorized Bicycle Laws, the enforcement of the Bicycle Laws, and the Pedestrian Laws, as far as juveniles are concerned, is discussed. We find that for the reasons which have been given by the people who have spoken before me, there is too much paper work, too much time spent on paper work, a delay in the expeditious hearing of the complaint, and in most cases the complaint would be forwarded to a Juvenile Conference Committee and thus not be heard by a judge.

One of the basic things in the bill, itself, which our Council completely supports is the "transfer of jurisdiction over pedestrian, bicycle, and motorized bicycle offenses from the Juvenile Courts where the procedures are complicated, time-consuming and expensive, to the Municipal Courts in order that the young offender may be dealt with more effectively and expeditiously." I think that quote has convinced our Council to support this bill.

Then there is the last paragraph: "Hopefully, this will bring about a reduction in juvenile, pedestrian, bicycle, and motorized bicycle violations and thereby reduce fatalities and injuries."

I was just going over a few of the statistics last night. In 1979, from the Bureau of Accident Records, Department of Transportation, there was a total of 20 youngsters in the category of 1 to 4 who were killed.

ASSEMBLYMAN MAGUIRE: Is this just in your municipality or statewide?

MR. PETO: No, statewide. In the 5 to 9 category, there were 26. In the age 10 to 14, there were 30. And in the age 15 to 19, there were 200.

In the 1 to 4 age category, there were 10 pedestrians killed; 5 to 9, 22; 10 to 14, 14; and 15 to 19, 37. I could go on.

Pedal-cyclists - there was a total of 18 in 1979. They are all the bicyclists killed in traffic accidents. Then you start to think about the 86 passengers killed in those four age groups. Something has to be done. The fact is that there is little or no enforcement presently in the State. Cranford you have just heard from. They have an excellent bicycle safety program.

We believe that this has to be hit from all directions: pedestrian, bicycle and motorized bicycle violations. We believe with the standardized enforcement and the issuance of a summons, police officers will be more willing to issue a complaint than bringing the youngster before the Juvenile Court.

One other thing has to do with the expeditious hearing of a case. The case would have to be heard no less than 5 days, no more than 30, after the issuance of the complaint. Consequently, we believe that this far surpasses what we now have in the Juvenile Court. On that basis, the Council and its County Traffic Safety Committees all favor the passage of this bill.

ASSEMBLYMAN RAND: Any questions?

ASSEMBLYMAN MAGUIRE: On those fatalities, do you have any breakdown as to those that were fatally injured on a bicycle versus a powered bicycle or a moped?

MR. PETO: There were 14 motorcycle fatalities in that group.

ASSEMBLYMAN MAGUIRE: There is a difference between a motorcycle and a moped.

MR. PETO: There were 3 moped fatalities in that age group in 1979.

ASSEMBLYMAN MAGUIRE: Thank you.

ASSEMBLYMAN RAND: Mr. Markert.

ASSEMBLYMAN MARKERT: I think all we have heard from Mr. Peto is just more support for this piece of legislation, Mr. Chairman.

ASSEMBLYMAN RAND: Thank you very much.

We now have with us the Director of the Division of Motor Vehicles, Joan Wiskowski. It is a great pleasure to have you here this morning.

J O A N W I S K O W S K I: Good morning, and thank you Chairman Rand and members of the Committee. With me this morning is Curt Winston, the Manager of the Office of Highway Safety for the State of New Jersey. And Curt is prepared to present whatever requests for data you have of us this morning.

I am here -- and I welcome the opportunity to be here with you -- to present my comments on Assembly Bill 2061. This bill and today's hearing will help focus public attention on what we consider to be a serious problem in New Jersey and across the nation: and, that is, the high number of children and young adults who are killed or injured annually by pedestrian, bicycle and motorized bicycle accidents. Assembly Bill 2061, which transfers jurisdiction for certain juvenile traffic offenses from the Juvenile and Domestic Relations Court to the Municipal Court can make a positive contribution to reducing the number of juvenile fatalities and injuries incurred in our State.

In New Jersey, we have been successful in establishing a long tradition of highway safety. I have had the opportunity to speak to you about that in the past. For the past eight years, New Jersey has been among the top three safest states in the nation. In 1980, 35 fewer people died in motor vehicle accidents than in 1979. In fact, 1980 was the first year since 1976 in which New Jersey experienced a year-to-year decline in highway fatalities. When the official data are released by the federal government -- and we hope that is soon -- New Jersey will be recognized as number one in highway safety, the safest state in the nation. This is a significant accomplishment given the State's large number of motor vehicles and its high volume of traffic.

Our success, I believe, is based upon the approach that we have taken to encourage and promote highway safety. The Division of Motor Vehicles, with the assistance of the law enforcement community in the State, has designed a public safety program which incorporates education and enforcement. The public must be made aware of the State's traffic laws and they must know that the laws will be enforced.

Our experience indicates that this two-pronged approach has been very successful in addressing two serious highway safety issues: drunk driving and speeding. It is my belief that with the increased enforcement of traffic laws relating to juveniles through the transfer of jurisdiction from the Juvenile and Domestic Relations Court to the Municipal Courts that we can reduce the high rate of motor vehicle related juvenile deaths and injuries in New Jersey. In this way, we would eliminate an artificial barrier that often acts to discourage enforcement officials from enforcing motor vehicle laws relating to juveniles.

In the last several years, the Division of Motor Vehicles, through our Office of Highway Safety, has looked very closely with law enforcement officials throughout the State, with school districts, parents' associations, and other safety-minded groups, to develop educational materials for children and young adults. These materials include films, pamphlets and posters and are all designed to teach safety habits to children and young adults. It is our belief that if children and young adults can be instilled with an understanding and a respect for traffic safety

laws and regulations, that this understanding will continue when they are learning to operate automobiles and will also continue throughout their adult lives, thereby resulting in more safety-conscious adults.

However, despite these efforts, children and young adults continue to be overrepresented in fatalities and injuries resulting from pedestrian, bicycle and moped accidents. In 1980, in New Jersey, a total of 308 persons were killed and over 12,000 injured in pedestrian, bicycle and moped accidents. Of this total, juveniles and young adults under the age of 19 accounted for 30 percent of the fatalities and over 50 percent of the injuries. While this is a slight reduction from last year, children and young adults continue to represent a disproportionate share of these deaths and injuries.

By types of accidents relating to juveniles, I would like to give you a few statistics. Juveniles account for 26 percent of all pedestrian deaths and nearly 40 percent of pedestrian injuries. Juveniles account for 84 percent of bicycle-related deaths and over 75 percent of bicycle injuries. Juveniles represent 50 percent of the total moped deaths and 60 percent of motorized bicycle injuries. From these data, it is apparent that education alone cannot reduce the high rate at which children and young adults are killed or injured in motor vehicle related accidents.

It is the belief of the Division of Motor Vehicles that vigorous enforcement of traffic safety laws among juveniles will bolster our education efforts. However, experience has shown that existing statutory requirements may actually inhibit the enforcement of traffic safety laws. This is the reason I am here today, to indicate my full support for Assembly Bill 2061.

The Division of Motor Vehicles believes Assembly Bill 2061 would address this issue by easing the administrative burden of enforcing traffic violations against juveniles by removing juvenile offenses from Juvenile and Domestic Relations Court and transferring jurisdiction to the Municipal Court. It is our belief that increased enforcement will have a deterrent effect on juveniles and will encourage adherence to the traffic laws and regulations of New Jersey. This will, hopefully, lead to a decrease in the number of accidents, injuries and deaths among juveniles stemming from violations of traffic laws.

I must add that transferring the jurisdiction for these offenses raises a series of issues which you may want to consider. I want you to know that I am ready to work with this Committee, the Attorney General's Office and the Administrative Office of the Courts to examine these issues and develop a fair and equitable system for enforcing our State's Traffic Safety Laws for our children and young adults. The Division of Motor Vehicles believes that the provisions of Assembly Bill 2061 will make a positive contribution to reducing the high rate of motor vehicle related juvenile deaths and injuries in New Jersey. Thank you for the opportunity to provide these comments. I will certainly welcome any questions that you have for either myself or Curt Winston at this time.

ASSEMBLYMAN MAGUIRE: Joan, has the department given any thought at all to including a penalty, whatever it may be, as it relates to the powered bicycles, issuing points that might be accumulated so that when the kid reaches 17 or 18 --- How old do you have to be to drive now?

MS. WISKOWSKI: Seventeen.

ASSEMBLYMAN MAGUIRE: --- accumulate the points and then penalize them for 90 days, 120 days, 6 months, whatever it is, before they can get their license if they have accumulated violations, because that would seem to establish some kind of a pattern of disregard for the law?

MR. CURTIS A. WINSTON: My personal feeling is that so far as the mopeds go because there is a license there at 15, such points should be assessed for violations. Other states with such licenses do that. Unfortunately, the statute in this State to the best of my knowledge is mute on the subject.

ASSEMBLYMAN MAGUIRE: That might be something we would want to consider.

ASSEMBLYMAN RAND: It would appear to me, if and when this bill passes, that certainly the Director - and she made it very well known - would like to meet with the Attorney General to draw up some type of rules or regulations. I would imagine the assessment of penalties would be a great deterrent. I am not thinking of criminal penalties or financial penalties, but rather the deterrent of points. You know, you threaten a kid if he gets a violation on a bicycle that it can detract from his driving privileges in a car; he is going to slow down a little bit.

ASSEMBLYMAN MAGUIRE: I think though, Mr. Chairman, in deference to you and the Commissioner, that I don't want to give the writers of rules any more authority than they have now because some of them have killed us up to this point. I would rather have that done here by us. But I don't want to make an issue of it. Just don't go too far though, Joan, without coming back to us or I will be after you.

MS. WISKOWSKI: You know I always am dependent upon consultation with this committee.

ASSEMBLYMAN MARKERT: We hope so.

MS. WISKOWSKI: We are reviewing right now the violation system that we are under as a result of the Motor Vehicle Study Commission. When our internal review is complete, we would welcome the opportunity to meet with you, with the results of that review. There are certain, let's say, inconsistencies in the ways in which violation points are accumulated, on which we would like a chance to brief you. Certainly, the approach that you have recommended would be consistent with our two-pronged approach of education and enforcement. We know that we have a responsibility to educate young drivers, including users of mopeds. But if they were aware that there was a penalty and vigorous enforcement of that law, that may act as a deterrent to their violating the law.

ASSEMBLYMAN MAGUIRE: Hopefully, yes.

ASSEMBLYMAN MARKERT: Commissioner, when you talk about juveniles, you are talking about under 17 years of age, right?

MS. WISKOWSKI: Under 18.

ASSEMBLYMAN MARKERT: Under 18, not 17?

MR. JOHN VRETTOS: Under 18. For automobile offenses, it is 17.

MS. WISKOWSKI: But in the statute ---

MR. VRETTOS: In the other statutes it is 18.

ASSEMBLYMAN MARKERT: So the statutes are 18. But for motor vehicle, it is ---

MS. WISKOWSKI: For motor vehicle, yes, it is 17.

ASSEMBLYMAN MARKERT: With reference to the type of safety program - and I am talking basically the educational part of the program that Sandy Weeks from Cranford was talking about - are you aware of that particular educational program that is going on in Cranford with reference to bicycles and pedestrians?

MR. WINSTON: Yes, I am. It is very laudable. We wish we had it all over the State.

ASSEMBLYMAN MARKERT: That is exactly what I am trying to come to. Do you think that this might be exactly what is needed for us in the State as far as an educational process for the parents and the children throughout the rest of the

State outside of Cranford? It seems to have been so effective. It seems to be so well developed. It seems to have made a difference in the type of fatalities and even those accidents that have caused just a skinned knee. Still it has been effective. If they can do it in Cranford, I can't see why we can't do it around the rest of the State. I was wondering whether we could take a very long hard look at that particular program and try to institute some type of an educational program throughout the State that we can use at the moped-purchase level with the dealers or through the municipal police enforcement agencies, or the local PTA organizations in the school systems throughout the State. There are so many avenues in which we could address this education program that it may be the way to go. Not only will we end up as the safest state for accidents this year, but maybe for the next hundred years.

MR. WINSTON: Over the course of about the past eight years, we have invested, I would say, \$700 thousand of our Federal Highway Safety Funds in educational programs in the schools which addressed themselves primarily to pedestrian safety; secondarily, to bicycle safety; and our third priority was mopeds. New Jersey produced the first Moped Buyer's and Operator's Guide in the nation.

ASSEMBLYMAN MARKERT: I know we did.

MR. WINSTON: We produced the moped driver ed course for the junior high schools for which there were no takers. I noticed in the testimony from Cranford that the officers there wrote 800 complaints. I think with the passage of this legislation, as the Director said, with the two-pronged attack - education and enforcement - that we might be able to duplicate some of what Cranford did throughout the State. I think Chief Parenti could address himself to that point when he testifies.

ASSEMBLYMAN MARKERT: The education system in our schools, if we are addressing the level of those children that would be able to really utilize that type of education, it is going beyond the areas where the bicycle accidents happen, because they are in the second grade, they are in the third and fourth grades. Maybe the input should be beyond just the education of students at that level, and be more directed towards the parents, to be able to assist the students because they are still out watching those children. It is good if they learn at an early age the problems we have with a bicycle, even if it is a three-wheeler or a training bike. It makes no difference. I think we have to start at the beginning when they are more susceptible to the type of correction that we can impart to them.

MR. WINSTON: Some of those programs I spoke about are in day care centers.

ASSEMBLYMAN MARKERT: That's fine.

MR. WINSTON: We have gone back as far as we could.

ASSEMBLYMAN MARKERT: That is about as far as you could go - you're right.

MR. WINSTON: We have one unit that is further back. It is in the maternity wards in the hospitals, to get mothers to buy child seats so that the children will be buckled up. We are trying, sir.

MS. WISKOWSKI: You are quite correct in identifying the education program not only in the schools, but with the parents. What we have tried to do, working very closely with Curt and the National Highway Traffic Safety Administration, is to target those groups of people who are vulnerable to particular kinds of motor vehicle related injuries and fatalities. As Curt has said, we have quite a program - a very laudable program - in the hospitals in New Jersey. We have gone from the children in car seats to children on bicycles and school buses, and children who are walking to school. We have attempted to tailor-make safety programs to increase the safety of these identifiable groups. There is so much more that we can do and we really must work with the parents. We attempted during the beginning of the school year to

bring the parents into the education process of their children who were walking to school. In our efforts, we spoke about parents never sending their child to school without lunch, but so many of them sent their little five- or six-year-old on the road to their school without having walked that school route with them. So, we think there is a big job out there to bring the parents in and to also teach them about the importance of safety, whether it be pedestrian or bicycle.

ASSEMBLYMAN RAND: Director, let me ask you a question. Everybody has been complimentary to the bill and I like the bill myself, but there are some things that trouble me with the bill. Do you think that we ought to put a floor as far as age is concerned? I don't feel very comfortable with an eight-year-old or a nine-year-old being brought into Municipal Court. I just don't know. That is one of the things that bothers me on this bill.

MS. WISKOWSKI: I think that is an important consideration that you are raising, whether the younger children should be treated in the same way as the older children. I would be happy to sit down and think that issue through with the courts and the Attorney General's Office and you. I believe that we have to develop an equitable system, but certainly one in which we take into consideration children of younger ages.

ASSEMBLYMAN RAND: It might be a little traumatic.

MS. WISKOWSKI: I would agree with you.

ASSEMBLYMAN RAND: That is the only thing that bothers me on this. I know the job is not to punish these kids, but to educate them. That is the total thrust of the bill.

MS. WISKOWSKI: Right. Another issue which is related to that one you have just raised is that, under the general penalty provisions of Title 39, which provide that where no specific penalty exists, an individual can be fined up to \$50 or imprisonment for 15 days, or both --- at issue is whether juveniles under the age of 18 should be exposed to this kind of penalty. There are those aspects in the bill which I would be pleased to sit down and work out with you.

ASSEMBLYMAN RAND: Mr. Maguire, do you have any further questions?

ASSEMBLYMAN MAGUIRE: No, but I deal firsthand with some of these turkeys that are under 18 down at the Rahway State Prison. I have been very active in the Juvenile Awareness Program. I don't care whether they are 11, 12 or 13, some of these kids are bad dudes and they belong in the Municipal Court. They have already gone through the juvenile system time and time and time again. So I guess I am a hard-nose. There are exceptions. But there are too many people that will be falling through the cracks and this will not be effective if there are cracks through which they can fall. Either we have a good piece of legislation or we don't. I don't think there should be any grey area.

MS. WISKOWSKI: I believe that we can develop an equitable system which would seek to encourage adherence to our traffic laws. I know that Curt has information from other states which may be of use in thinking this through.

ASSEMBLYMAN RAND: Director, thank you very much. Mr. Winston, thank you.

MS. WISKOWSKI: Thank you for the opportunity of being here.

ASSEMBLYMAN RAND: Chief Parenti and Lieutenant Fastiggi.

A N T H O N Y J. P A R E N T I: Good morning. I am Chief Anthony Parenti of the Fanwood Police Department and President of the New Jersey Police Traffic Officers Association. I am also here today representing the New Jersey State Association of Chiefs of Police.

As police agencies in New Jersey, we are concerned with the increasing number of young traffic law offenders and the inability of the Juvenile Courts

to process them. We feel Assembly Bill 2061 is a positive and progressive approach to the problem and we enthusiastically support the bill.

In New Jersey, juvenile delinquency is a broad term covering all offenses, from minor violations all the way to murder when committed by children, and in particular those under the age of 18 years. Therefore, a youthful offender who may ride double on a bicycle is categorized the same as one who may have committed murder; essentially they are both juvenile delinquents.

We rarely hear or read about minor offenses committed by juveniles. The thrust of attention usually focuses on the more serious offenses. Consequently, juvenile delinquency has the connotation of being criminal behavior. There is no one more aware of this defect than our juvenile court system which accounts for their extraordinary reluctance to deal with the young traffic law offender. Instead, they are more inclined to pass the case along to the local Juvenile Conference Committee, who usually lacks the expertise or power to effectively handle such offenses. Moreover, these citizen groups have been incapable of containing the problem since they have no direct contact with the police or the Department of Motor Vehicles. Assembly Bill 2061, by placing juvenile traffic law offenders in Municipal Court, resolves the jurisdictional problem and will contribute much toward controlling juvenile violator behavior. We know the intent of A-2061 will work, since we have experience with a very similar law in effect in New Jersey at the present time. When the driving age became 17 years in New Jersey, accidents and offenses began to increase at shocking rates. The legislators discovered that the 17-year-old violations were virtually being unattended because their offenses had to be handled through the Juvenile Court process. To correct this, the Legislature acted to move the jurisdiction of traffic cases for licensed 17-year-olds out of the juvenile proceedings. This seemed to work fine until certain 17-year-old offenders were escaping justice simply by not obtaining a license which, in effect, kept the proceedings in Juvenile Court. In 1973, the Legislature acted again by eliminating the licensing language from the law. Thus we have our present law which states in part: "The commission of an act which constitutes a violation of Chapters 3, 4, 6, or 8 of Title 39, by a juvenile of or over the age of 17 years shall not constitute delinquency." This law serves the best interests for both the juvenile and public safety very well. We do not experience mishandling of juvenile rights, instead we treat juvenile traffic law offenders no different than adults, thus avoiding chaos on our highways and probably saving many of the same juvenile offenders' lives.

The energy crisis of the late 1970's and now into the '80's brought about many changes in our transportation system. Our efforts to conserve energy increased bicycling and we were introduced to a new method of transportation, the motorized bicycle, or moped. The manufacturers of the bicycles and mopeds made the vehicles very attractive and sophisticated in an effort to lure the young into purchases. The various speed bicycles and motorized operation intrigued our youngsters into massive buying and, consequently, we now have a new breed of traffic violations and accidents. Now you, as legislators, are faced with the problem of how to deal with the drastic increase in accidents, injury and death, among the younger-aged groups, or those below 17 years of age.

The American Bar Association, Special Committee on Traffic Court Program, and the Traffic Division of the International Association of Chiefs of Police favor placement of jurisdiction over juvenile traffic violators in municipal courts. They contend that traffic court judges are more familiar with traffic safety problems and community objectives, that traffic court judges treat traffic offenses as

serious matters, and that juvenile courts are too often deluged with other more serious types of delinquent cases , or consider traffic offenses trivial, and generally in juvenile court inadequate corrective action is taken.

Traffic experts have long established that violator attitude is paramount to effective accident prevention, particularly among the younger-age groups. It is also known that people who are violation prone are accident prone as well. It behooves us then to address ourselves to those who are violation prone and at as young an age as possible so we can achieve lasting effects.

We believe that A-2061, by removing juvenile violators from juvenile proceedings could produce the same results as we experienced when the 17 year olds were removed from the same proceedings. The net result was the controlling of violator behavior by making them accountable for their violent actions. We can no longer speak softly and timidly about juveniles who commit outrageously dangerous traffic violations. The facts and statistics related to juvenile offenses are indeed frightening, not only to the police but also to the general public, and all attest to the dismal failure of the juvenile court system. In short, the people in New Jersey are fed up with juvenile traffic violators that go unattended because of the Juvenile Court failure, and they are desperately turning to you for help. Please take a courageous stand and come to the aid of highway safety by doing something positive so we can remain the safest state in the nation.

Thank you for permitting us to testify on this important legislation and for your kind attention.

ASSEMBLYMAN RAND: Chief, could I ask you one thing?

CHIEF PARENTI: Sure.

ASSEMBLYMAN RAND: Has any other state implemented some of those recommendations, or do you know?

CHIEF PARENTI: Yes. I can obtain a list for you.

ASSEMBLYMAN RAND: We would appreciate that.

Mr. Maguire?

ASSEMBLYMAN MAGUIRE: I have no questions.

ASSEMBLYMAN RAND: Mr. Markert?

ASSEMBLYMAN MARKERT: I liked what I heard. I am happy.

CHIEF PARENTI: I made a note about police issuing warnings, in connection with a question that was asked before. We feel in the Traffic Officers Association, as well as in the Chiefs Association - this came up for discussion when we were discussing this bill - that police should not be in the business of giving warnings. We feel, if a violation has occurred, that the matter should be brought before the court and that is where your warning takes place. The judge would hear the case and, if a warning is necessary, then let that be at the discretion of the judge. A violation should be treated as a violation and brought before the judge. As far as the young offender, the younger we are able to get at them, the better off we are going to be. We have to start building at an early age. I can see no problem in having someone in the 4th, 5th, or 6th grade. As long as they are able to ride a bicycle, I think they have a responsibility to themselves, to the rest of the public, and to their families, to know how to ride it and know how to function within society because they are going to have to function in this society for a long time. I would rather see someone at that age handled at a local level than go through the torture and the agony of the Juvenile Court process. Then, remember, the way our laws are structured today, you are going to take that same 4th grader or 5th grader that we are having compassion for and we are going to brand that person a juvenile delinquent

by sending that person to the Juvenile Court. In essence, what we are really doing is saying that person is a criminal.

I thank you.

ASSEMBLYMAN RAND: Thank you very much.

Lieutenant.

R O B E R T F A S T I G G I: As to the point the Chief made, the present culpable law, I believe, is seven. If you are looking for an age, we do have a culpable and nonculpable age as far as committing some offenses.

ASSEMBLYMAN MARKERT: Seven is that age?

LIEUTENANT FASTIGGI: I believe it is seven - anything over seven - eight or above - a person is culpable. That is what the courts have provided.

A point of interest that I notice hasn't been made today is that we do have licensed drivers other than mopeds. We have 15-year-olds licensed today. But over the years we have had another problem. We have agricultural licenses at 16 years of age. Those people have been on the roads and we haven't been able to enforce laws properly with them. The Legislature has provided for it. They have seen fit to lower the age even further for driving regular motor vehicles. We have 16-year-old permit drivers in schools today. At 16 years of age, you may obtain a permit and that permits you to drive with an educator from the school system. At 16 1/2, you may then drive outside the school and without the dual controls, between sunrise and sunset. So, we have over the years lowered the age of our drivers. But we have made no provision to enforce the laws for these drivers.

We all know with our bicyclists, we are having bicycling and pedestrian accidents every day. They do not obey the laws as they should.

So I, along with Chief Parenti and the other people before me, highly recommend that we pass Assembly Bill 2061. That's all I have to say.

ASSEMBLYMAN MARKERT: By transferring these cases from Juvenile Court to the local court system, it would create an educational process without question in my mind. Wouldn't that education of the bicyclist eventually prove to be beneficial to the motorist? They are one and the same people. If we can get them to understand the rules of the road for a bicycle, since it is also going to pertain to motor vehicles, then when they do become old enough to drive at 16 or 16 1/2, they are already going to have a great deal of education.

LIEUTENANT FASTIGGI: Yes, sir. As Curt Winston has stated to you, he has these seminars going on in the school system, teaching pedestrian and bicycle safety. But we know as career Police Officers - I have been 26 years on the job - that education without enforcement is of little or no use. We have to enforce the law. We can educate them, but we have to stop them when we see them disobeying or violating the law. We have to enforce it. Then, as the Chief said, we have to bring them before the judge - forget the warning - and let the judge give him the warning. That is how we feel about it.

ASSEMBLYMAN MAGUIRE: That is a good point. I hadn't thought of that myself.

ASSEMBLYMAN MARKERT: That is a good point. If we are going to get into the warning system, since we are all in agreement at least on the concept of the bill --- that police officer, that law enforcement officer out there, he is mother, he is father, he is psychiatrist, he is psychologist - he's everything. He really is. He is the buddy. He could be the friend of that child and he could be the one to issue that initial warning. It could be he or her, by the way, because now we are bringing female police officers into the field. I know that first warning, that first scare of a child being talked to by a uniformed officer - and it would be a uniformed officer,

very seldom is a detective in plain clothes - could mean so much. So, I would not discount warning, at least that first warning, without addressing immediately a citation and bringing the child to Municipal Court.

CHIEF PARENTI: Police do that today. We do it with juveniles, we do it with young adults and we do it with adults. If it is the first time that that police officer has come into contact with that person and the violation isn't all that serious, I have a feeling a verbal warning would suffice. But I am talking about the more serious violations. I think in a more serious violation probably if it is attended to right away, you will be better friends later because that juvenile just may be alive to be your friend.

ASSEMBLYMAN MARKERT: So, maybe that option at that point in time, that first confrontation after the violation of the law, should be just that, the option of the officer to be able to make the determination as to whether it should be a warning or a written summons.

CHIEF PARENTI: As it is today.

LIEUTENANT FASTIGGI: May I interject one more point? We police officers are over the years, as you say, fathers, teachers, mothers and brothers to the young people. I don't know of a police officer during my career that hasn't taken into account that this young person is from the local municipality or area. He would say to him, "Look, this time I saw you do it. Don't do it again. We are going to give you a break this one time." Of course, there may be another officer down the street who will stop this same juvenile offender. We don't have a system that is capable of controlling this type of a warning.

ASSEMBLYMAN MARKERT: It may be a written warning or, at least, some type of notification of the fact that a warning has been given that could be kept on record. If we were going to computers, it would be easier to maintain that information at that point in time. I don't know, but I am sure it is something that this committee will look into. At least, it has been brought to our attention.

LIEUTENANT FASTIGGI: We have been lenient. That is the point I was trying to make.

ASSEMBLYMAN MARKERT: I want you to know sometimes I have been glad you have been.

ASSEMBLYMAN RAND: Chief, thank you very much; and, Lieutenant, thank you very much.

Captain Wallo of the New Jersey State Juvenile Aid Officers Association..

E A R L E W A L L O: Good morning, sir. It is a pleasure to be here.

It is good to be last because a lot of things have already been said and it gives me the opportunity to make some additional comments.

As President, and on behalf of the New Jersey State Juvenile Aid Officers' Association, we strongly support legislation transferring jurisdiction over pedestrian, bicycle and motorized bicycle offenses from the juvenile courts to the municipal courts.

Number 1. In most cases the municipality has to compensate the police officer for overtime to travel and appear in the county court, and on many occasions at an inconvenient time for the officer.

Number 2. It would reduce paper work and alleviate procedure complications.

An additional factor to consider is that since these offenses would be held in open court, it would provide public awareness, along with court records being made available to the press. As many police officers are in court and department members are aware of the court proceedings the next day since they are posted

on the bulletin board, they will have immediate knowledge of the offenses and adjudications instead of waiting weeks or months to appear at the county level.

Monetary fines would be in order and in most cases parents would appear in court with the young offender. This would most definitely have a bearing on repeated offenses.

Since many of these youthful offenders will be operating motor vehicles in future years, it will serve as a learning basis that they must respect motor vehicle laws or suffer the consequences.

Finally, it would provide immediate justice and give the county court more time to concentrate on the more serious offenses and criminal areas.

As to some of the other comments I heard this morning, with regard to discretion, I think that should be left up to the police officer. It is a consideration of the attitude of the youngster and the offense. So, I think there should be no stipulation. I agree with Chief Parenti that there should be no stipulation as far as a warning. As was said, most of our officers act as judges, as teachers and as parents. Most of our officers treat the youngsters that way.

As to the moped violators, we have had many problems on private property and industry property. I have gotten calls from industries and they have asked us to keep them off because they are aware of the insurance problems. Then the parents come down and say, "Well, where are our kids going to go?" We get more static from the parents who say, "If you pick on the kids, where can they go?"

In the case of first offenders, most of our fellows give them a warning. We have a card file in headquarters. They will be called in and we will find out if the offender has had any previous offenses. If not, we will make a card out on him and place it in the file. If the next day or week, another officer finds that same youngster committing an offense, when he calls in, he is aware of any previous offenses. Right in our cars, we carry a little form and it is to the parents and it is signed by the Chief of Police and the officer. If we apprehend a youngster in a pedestrian, bicycle or moped violation, there is a letter sent that your son or daughter has committed such and such an offense, this is a warning and we want to make you aware of it. The officer either personally drops it off at the house or it is mailed by the Chief of Police.

I am sure most municipalities have safety programs. In Florham Park, we have two a year covering bicycles, pedestrian, moped, or whatever questions the youths have. We have a bicycle inspection once a year and we get good results.

Most of the time the Conference Committee is very ineffective. With the first offense, they appear. It does not carry the weight that it should because when you appear before that elevated man in a black robe, it does have an effect. I get calls from many people in cases where the officer has marked on the ticket that they must appear. They are frightful of appearing in court. They ask: "Do I have to appear? Why? I'm pleading guilty." So it does have an effect when they have to appear in open court before that man in the black robe - and it stays with you.

In our municipality, we have more accidents with bicycles than we do with mopeds. Yet we have a really good program in the school system.

ASSEMBLYMAN MAGUIRE: Excuse me, Captain. What you are saying is that even though you have a good program in the school system, apparently the kids are not absorbing what you are trying to give them.

CAPTAIN WALLO: That's right. We stress bicycle and pedestrian safety, along with mopeds, which they really have a lot of questions on. You can give a talk one day and the same day you will find those kids coming out of school, instead of

crossing at the school guard, they will go half way down the block and run across a main thoroughfare. So, in a way it is ineffective, even though you are there. Some do participate, but you have to consider what happens with the majority.

We discussed a lot about juvenile delinquency here. I would like to quote something J. Edgar Hoover said back in the '50's and '60's: "Juvenile delinquency - what's the answer? We have a delinquent society." So, parental responsibility is our problem. We try to educate the parents, but it doesn't always work because they come down on us a lot. Even though they are aware of what can happen, they still want to know why we are picking on their children and why the town doesn't supply a place where they can ride on private property for the ones that don't have licenses.

Thank you very much. I appreciate the opportunity to testify.

ASSEMBLYMAN RAND: Thank you, Captain.

Let the record show that the Three A's are in support of this bill and they will send a letter in to that effect. Also, not everybody has been unanimous in support of this bill. We do have a dissenting voice from the Administrative Office of the Courts of the State of New Jersey. Their letter opposing this bill will be entered in the record.

Is there anyone else who wishes to testify that we haven't called upon? If so, we will be very happy to hear you.

ASSEMBLYMAN MARKERT: I just want to say, if I may, that I think this will be a very big step in alleviating some of the problems that we do have in our court system, mainly the juvenile court system. In the Assembly, we just passed other legislation dealing with the monetary limits and levels in the court system. I think if we constantly chip away at some of the problems we have with our court system, including building the facilities to accommodate the hardened criminals that we have to put behind bars, we eventually are going to straighten out the State of New Jersey. I feel this bill is one very big step in doing exactly that. And I am very happy that this committee has been able to hold this public hearing on this bill.

ASSEMBLYMAN RAND: I do thank each and every one of you for taking your valuable time to come down and speak to us. We do hope to get some action on this bill very shortly. Thank you again very, very much.

(Hearing Concluded)

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ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

ROBERT D. LIPSCHER
ADMINISTRATIVE DIRECTOR OF THE COURTS
EDWIN H. STERN
ASSISTANT DIRECTOR



STATE HOUSE ANNEX
CN-037
TRENTON, NEW JERSEY 08625

March 12, 1981

Honorable Walter Rand, Chairman
Assembly Transportation and
Communications Committee
514 Cooper Street
Camden, New Jersey 08102

Dear Assemblyman Rand:

Re: Assembly, No. 2061

You have asked for the position of the Administrative Office of the Courts on the above bill. The bill would transfer jurisdiction over bicycle, motorized bicycle and pedestrian offenses involving juveniles from the juvenile and domestic relations court to the municipal court.

The Administrative Office of the Courts opposes this bill for the following reasons:

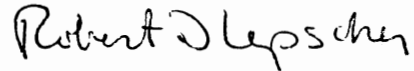
- (1) The New Jersey Supreme Court supports the creation of a Family Part in Superior Court which would hear family related matters including those currently heard in the Juvenile and Domestic Relations Court. Passage of A-2061 would hinder the Court's efforts in this regard.
- (2) The Administrative Office of the Courts opposes extension of municipal court jurisdiction because we are convinced that justice can best be served by a full-time court.
- (3) Under A-2061 a juvenile appearing in municipal court may face a harsher sentence (i.e., fine or, possibly, a jail sentence) than a juvenile who is adjudicated a delinquent in juvenile court of a more serious offense. Further, a minor offender in municipal court would not receive the confidentiality protections which the serious offender in juvenile court would.
- (4) Municipal courts may not be as sensitive to the court system's rehabilitative philosophy regarding juveniles as is the juvenile court.

Honorable Walter Rand, Chairman

March 12, 1981

I appreciate the opportunity to present the views of the Administrative Office of the Courts on this bill. If I can be of further assistance, please contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Robert D. Lipscher". The signature is written in dark ink and is positioned above the printed name.

Robert D. Lipscher

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BRODART, INC.	Cat. No. 23-221

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Cat. No. 23-221

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