

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

RESOLUTION No. 21-204

**RESOLUTION URGING THE LEGISLATURE TO AMEND SENATE BILL 3454  
(ALSO KNOWN AS ASSEMBLY BILL 5342) TO PERMIT LAW  
ENFORCEMENT OFFICERS TO PERFORM THEIR DUTIES WITHOUT  
SUBSTANTIAL RISK OF CIVIL AND CRIMINAL LIABILITY**

WHEREAS, Senate Bill 3454 (also known as Assembly Bill 5342) (collectively “the Legislation”); and

WHEREAS, the Legislation prohibits law enforcement officers from engaging in certain actions when investigating an individual under the age of 21 for possession of marijuana, hashish, cannabis, or alcohol. The legislation criminalizes the conduct of officers who respond to a call for service or are investigating the underage use of marijuana, hashish, cannabis, or alcohol by:

- No longer allowing the odor, possession or consumption of marijuana, hashish, cannabis or alcohol to be used as reasonable articulable suspicion to initiate a stop of an individual under the age of 21, nor does it provide probable cause to search the person’s personal property or vehicle.
- No longer allowing for marijuana, hashish, cannabis or alcoholic beverages, observed in plain sight to constitute probable cause to initiate a search of an individual under the age of 21 or that individual’s personal property or vehicle.
- An individual under the age of 21 shall not be arrested, detained, or otherwise taken into custody except to the extent required to issue a written warning.
- Officers are further prohibited from contacting the minor’s parent or guardian to advise them of the minor’s possession or consumption of marijuana, hashish, cannabis or alcoholic beverages for the minor’s first offense.

WHEREAS, the Legislation will discourage officers from enforcing underage use and possession of marijuana, hashish, cannabis, or alcohol and will specifically expose officers to civil and criminal liability for the deprivation of civil rights, even if the officer did not act with specific intent to deprive a person of his or her civil rights; and

WHEREAS, the Governing Body believes that the Legislation will result in officers avoiding situations where criminal conduct has occurred to limit exposure to civil and

criminal liability; and

WHEREAS, the Governing Body is of the opinion that the Legislation creates significant burdens on law enforcement and will obstruct police officers from performing their duties and conducting lawful investigations of individuals under the age of 21, who possess or consume any amount of marijuana, hashish, cannabis, or alcohol in any public place, including a school, criminalizing law enforcement actions; and


WHEREAS, the Legislation will severely limit the ability of law enforcement agencies to police our community effectively, increase risks to children from illicit drugs and alcohol, and fail to protect society from criminal drug activity and impaired drivers to the detriment of public safety.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that it does hereby indicate its strenuous apposition to the Legislation and urge members of the State Senate and General Assembly to immediately enact amendatory Legislation so as to permit law enforcement personnel to perform their duties in the interest of safety and general welfare without substantial risk of civil and criminal liability.

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
Susan Witkowski,  
Township Clerk

BY   
Stacey Feeney  
Council President

DATED: May 3, 2021

COUNCIL	MOTION	SECOND	AYES	NAYES	ABSTAIN	ABSENT	RECUSE
Cascio			X				
DeSena		X	X				
Feeney	X		X				
Morgan			X				
Sears			X				