

# ASSEMBLY, No. 1824

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 11, 2002

Sponsored by:  
Assemblyman JOHN F. MCKEON  
District 27 (Essex)

### SYNOPSIS

Prohibits searches of motor vehicles by police officers without probable cause.

### CURRENT VERSION OF TEXT

Withdrawn.



1 AN ACT concerning motor vehicle searches and supplementing Title  
2 52 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. A State or local law enforcement officer who stops a motor  
8 vehicle on a street or highway of this State shall not conduct a search  
9 of that motor vehicle unless the officer has probable cause to believe  
10 the vehicle contains unlawful property.

11  
12 2. This act shall take effect immediately.

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15 STATEMENT

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17 This bill would require that a law enforcement officer who stops a  
18 motor vehicle must have "probable cause" to believe that the vehicle  
19 contains unlawful property before searching it.

20 Under current State Police guidelines, a trooper may search a motor  
21 vehicle if the trooper has a "reasonable articulable suspicion" that the  
22 vehicle contains contraband and obtains the driver's consent to the  
23 search. By requiring probable cause for vehicle searches, a higher  
24 standard of justification, this bill would eliminate these so-called  
25 "consent searches." No longer would a trooper who merely suspects  
26 the presence of contraband be empowered to search a vehicle if he  
27 obtains the driver's consent.

28 Recent hearings of the Senate Judiciary Committee regarding racial  
29 profiling revealed that State Police consent searches disproportionately  
30 involved minority drivers and that the vast majority of these searches  
31 yielded no evidence of unlawful activity. It is also questionable  
32 whether drivers who are stopped by a police officer fully understand  
33 they have a right to refuse the officer's request for consent to search  
34 their vehicles.

35 Probable cause is defined by Black's Law Dictionary as the  
36 existence of circumstances which would lead a reasonably prudent  
37 person to believe in the guilt of an arrested party; mere suspicion or  
38 belief, unsupported by facts or circumstance, is insufficient.

39 The provisions of this bill would apply to local law enforcement  
40 officers, as well as to the State Police.