

SENATE, No. 438

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

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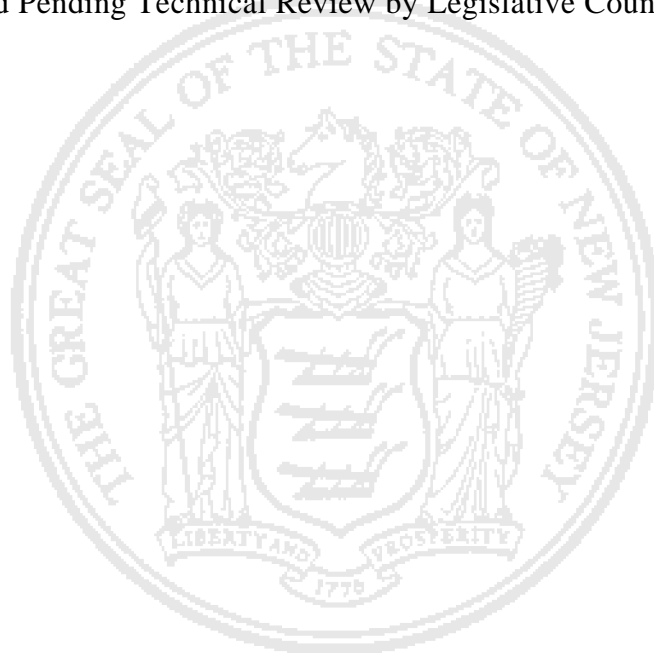
Senator James

SYNOPSIS

Requires State Police to file reports on motor vehicle stops they initiate.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the State Police and supplementing chapter 17B
2 of Title 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. The officers and troopers of the State Police shall prepare a
8 report in a retrievable form on each motor vehicle stop they initiate.
9 The report shall be in a manner and form, and shall be filed at a time
10 and place prescribed by the Superintendent.

11 a. For every motor vehicle stop, the report shall contain, but not
12 be limited to, the following information:

13 (1) The name and badge number of the officer or trooper initiating
14 the motor vehicle stop; the supervisor of that officer or trooper and,
15 if appropriate, the names and badge numbers of any other officers or
16 members who participated in the motor vehicle stop or the events
17 associated therewith;

18 (2) The time, date and location of the motor vehicle stop;

19 (3) The grounds for the motor vehicle stop, identified by the
20 proper statutory citation or, if appropriate, other authority;

21 (4) The identifying characteristics of the individuals stopped, which
22 shall include at least the following categories: sex, race or ethnicity,
23 and age;

24 (5) Whether a search was undertaken as a result of the stop; and,
25 if such a search was undertaken:

26 (a) The results of that search;

27 (b) The grounds for undertaking the search;

28 (c) Whether any property subject to seizure and forfeiture under
29 the provisions of chapter 64 of Title 2C of the New Jersey Statutes
30 was seized in the course of the search; and

31 (d) The nature of that seized property;

32 (6) Whether, as a result of the stop:

33 (a) A summons for a motor vehicle offense was issued;

34 (b) A warning for a motor vehicle offense was given;

35 (c) A person was taken into custody and, if so, on what grounds;

36 or

37 (d) An arrest was made and, if so, the grounds for that arrest; and

38 (7) Names of any witnesses.

39 b. If the motor vehicle stop involved the use of force by an officer
40 or trooper of the State Police, the report, in addition to the
41 information otherwise required under the provisions of subsection a.
42 of this section, shall include, but not be limited to:

43 (1) The type of force used;

44 (2) The grounds for the use of that force;

45 (3) Whether any party was injured as a result of that use of force;
46 whether any party requested medical treatment and what, if any,

1 medical treatment was rendered;

2 (4) The names of any witnesses;

3 (5) Whether any complaints or charges were filed against any
4 officer or trooper and if so, the resolution of those complaints or
5 charges; and

6 (6) Whether any disciplinary charges or actions were taken against
7 any officer or trooper and if so, the resolution of those charges or
8 actions.

9 c. Information compiled pursuant to this section shall not be
10 subject to disclosure pursuant to section 2 of P.L.1963, c. 73
11 (C.47:1A-2).

12

13 2. The Superintendent shall prepare and submit to the Governor
14 and Legislature semi-annual reports summarizing the aggregate
15 statistics on State Police traffic enforcement activities and procedures
16 broken down by State Police station and the race and ethnicity of the
17 civilians involved. These aggregate statistics shall include the number
18 of motor vehicle stops and the reasons for the motor vehicle stops;
19 enforcement actions, including summonses, warnings, and arrests, and
20 procedures, including requests for consent to search, consent searches,
21 non-consensual searches, and uses of force, taken in connection with
22 or during the course of such stops. The information regarding
23 misconduct investigations shall include, on a Statewide basis, the
24 number of external, internal, and total complaints received and
25 sustained by category of violation. These reports shall not identify
26 individual State Police officers or troopers. These reports shall be
27 available to the public.

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29 3. This act shall take effect on the first day of the third month
30 following enactment, but the Superintendent of State Police may take
31 such anticipatory administrative action in advance as shall be necessary
32 for the implementation of the act.

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STATEMENT

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37 This bill would require the State Police to prepare and file reports
38 on every motor vehicle stop they initiate. Under the provisions of the
39 bill, the reports are required to contain information relating to the
40 identity of the officers and troopers involved in the stop; the time, date
41 and location of the stop; the grounds for the stop; the characteristics
42 of the individuals stopped (utilizing at least the following categories:
43 sex, race or ethnicity, and age); whether a search was undertaken and
44 if so, the grounds for the search and the results of the search; and
45 whether, as a result of the stop, a warning or summons was given. If
46 anyone was taken into custody or arrested, the report must include the

1 grounds for those actions. The report must be in a retrievable form.

2 If the stop involved the use of force, additional information is to be
3 included in the report, specifically, the type of force used; the grounds
4 for the use of that force; whether any party was injured as a result of
5 that use of force; whether any party requested medical treatment and
6 what, if any medical treatment was rendered; the identity of any
7 witnesses; whether any complaints or charges were filed against the
8 officer or member and if so, the resolution of those complaints and
9 charges; and whether any disciplinary charges or actions were taken
10 against any officer or trooper and if so, the resolution of those charges
11 or actions.

12 The bill provides that the information compiled with regard to
13 traffic stops not be subject to disclosure under the "Right to Know
14 Law." The bill also requires the Superintendent to prepare semi-
15 annual reports summarizing the statistics and to submit the reports to
16 the Governor and the Legislature.