

ASSEMBLY, No. 4184

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2016

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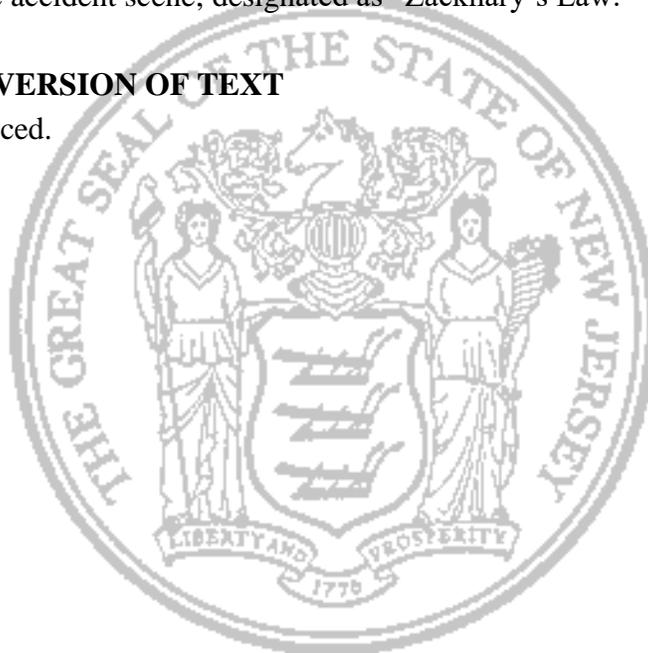
District 11 (Monmouth)

SYNOPSIS

Establishes Zack alert system to facilitate apprehension of persons fleeing motor vehicle accident scene; designated as “Zackhary’s Law.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/28/2016)

1 AN ACT establishing a Zack Alert System, designated as
2 “Zackhary’s Law,” and supplementing Title 52 of the Revised
3 Statutes.

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

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8 1. As used in this act:

9 “Lead law enforcement agency” means a law enforcement
10 agency that is conducting an investigation to apprehend a person
11 suspected of causing serious bodily injury to or the death of another
12 person by knowingly being involved in a motor vehicle accident
13 and knowingly leaving the scene of that accident under
14 circumstances that violate the provisions of R.S.39:4-129.

15 “Public entity” means the State and any county, municipality,
16 district, or political subdivision and any authority, agency, board, or
17 body thereof that, on the effective date of P.L. c. (C.)
18 (pending before the Legislature as this bill), is under contract with a
19 wireless telephone company providing commercial mobile service
20 as defined in subsection (d) of 47 U.S.C. s.332 that participates in
21 the Statewide Wireless Zack Alert Initiative.

22 “Statewide Wireless Zack Alert Initiative” means the voluntary
23 partnership between the wireless industry, State and local law
24 enforcement agencies, and the to distribute Zack Alert text
25 messages to wireless subscribers who register to receive the
26 messages and are able to receive text messages on their wireless
27 telephones or electronic communication devices.

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29 2. a. The Attorney General shall establish a Zack Alert
30 System, a Statewide program enabling the rapid dissemination of
31 information in order to facilitate the apprehension of persons
32 suspected of knowingly being involved in a motor vehicle accident
33 and knowingly leaving the scene of that accident, under
34 circumstances that violate the provisions of R.S.39:4-129, if the
35 accident results in serious bodily injury to or the death of another
36 person. The program shall be a cooperative effort between State
37 and local law enforcement agencies, port, tunnel, highway, and
38 bridge authorities, and the media including, but not limited to, print,
39 radio, social media, and television media outlets.

40 b. The Attorney General shall notify the media serving the State
41 of New Jersey of the establishment of the Zack Alert System and
42 invite their voluntary participation.

43 c. The Attorney General may adopt guidelines to effectuate the
44 purposes of this act.

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46 3. a. A Zack Alert authorized pursuant to this act may be
47 activated if all of the following criteria are met:

1 (1) the lead law enforcement agency confirms that a person has
2 been seriously injured or killed as a result of a motor vehicle
3 accident and a person is suspected of knowingly being involved in
4 the accident and knowingly leaving the scene of that accident under
5 circumstances that violate the provisions of R.S.39:4-129, and a
6 suspect has not been apprehended;

7 (2) there is sufficient information available to indicate that a
8 Zack Alert would assist in locating the suspect; and

9 (3) the lead law enforcement agency requests that a Zack Alert
10 be initiated.

11 b. Nothing in this section shall require that a Zack Alert be
12 initiated if the criteria under paragraphs (1), (2), and (3) of
13 subsection a. of this section are met, but it is determined by the lead
14 law enforcement agency that the activation of a Zack Alert would
15 cause public harm or would compromise an ongoing investigation.

16 c. Upon declaration of a Zack Alert, the lead law enforcement
17 agency shall immediately notify the Department of Transportation,
18 the New Jersey Turnpike Authority, and the South Jersey
19 Transportation Authority as deemed appropriate by the agency.

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21 4. a. Any media outlet that participates in the Zack Alert
22 System established pursuant to section 2 of P.L. c. (C.)
23 (pending before the Legislature as this bill) shall voluntarily agree,
24 upon notice of the issuance of a Zack Alert, to transmit emergency
25 alerts to inform the public of a person suspected of causing serious
26 bodily injury to or the death of another person by knowingly being
27 involved in a motor vehicle accident and knowingly leaving the
28 scene of that accident within the service regions of that media
29 outlet. The notice shall be provided through the lead law
30 enforcement agency.

31 b. The alerts shall be read after a distinctive sound tone and the
32 statement: "This is a Zack Hit and Run Alert." The alerts shall be
33 broadcast as often as possible, pursuant to the guidelines established
34 by the New Jersey Broadcasters' Association, for the first three
35 hours. After the initial three hours, the alert shall be rebroadcast at
36 intervals as the lead law enforcement agency and the participating
37 media deem appropriate.

38 c. The alerts shall include a description of the suspect or
39 suspect's vehicle and any other information the lead law
40 enforcement agency deems appropriate. The lead law enforcement
41 agency shall, in a timely manner, update the media with new
42 information regarding the suspect, when appropriate.

43 d. The alerts also shall provide information concerning the
44 method by which members of the public who have information
45 relating to the suspect may contact the lead law enforcement
46 agency.

47 e. The alerts shall terminate upon notice from the lead law
48 enforcement agency.

1 5. Every officer or employee of a public entity who possesses a
2 wireless telephone or electronic communication device which is
3 issued by a public entity, is capable of receiving text messages, and
4 is enrolled in or subscribed to a service or plan that enables the
5 telephone or device to receive text messages shall subscribe to the
6 Statewide Wireless Zack Alert Initiative to receive wireless Zack
7 Alert text messages. The officer or employee shall, at a minimum,
8 enroll the wireless telephone or electronic communication device in
9 the initiative to receive wireless Zack Alert text messages for a zip
10 code that corresponds to the city of the officer's or employee's
11 permanent residence and primary place of business. In the event
12 that the officer or employee is not authorized to manage the account
13 for the wireless telephone or electronic communication device
14 issued by a public entity, the officer or employee shall request the
15 administrator of the account to enroll the wireless telephone or
16 electronic communication device in the Statewide Wireless Zack
17 Alert Initiative to receive Zack Alert text messages in accordance
18 with the provisions of this act.

19

20 6. The Attorney General, with the assistance of the
21 participating media, shall develop and undertake a public education
22 campaign to inform the public about the Zack Alert System.

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24 7. This act shall take effect on the first day of the seventh
25 month following enactment, but the Attorney General may take
26 such anticipatory administrative action in advance thereof as shall
27 be necessary for the implementation of this act.

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STATEMENT

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32 This bill establishes an emergency Zack Alert System. The
33 purpose of the system is to rapidly disseminate information to
34 facilitate the apprehension of persons suspected of causing serious
35 bodily injury to or the death of another person by knowingly being
36 involved in a motor vehicle accident and knowingly leaving the
37 scene of that accident under certain circumstances.

38 Under the provisions of the bill, the system is to be a voluntary,
39 cooperative effort between State and local law enforcement
40 agencies; the Department of Transportation, the New Jersey
41 Turnpike Authority, and the South Jersey Transportation Authority;
42 and the media including, but not be limited to, print, radio, social
43 media, and television media outlets. The bill requires the Attorney
44 General to notify the media serving the State of New Jersey of the
45 establishment of the Zack Alert System, and to invite their
46 voluntary participation.

47 A Zack Alert may be authorized if all the requirements under the
48 bill are met. However, the bill grants the lead law enforcement

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1 agency discretion to refrain from authorizing a Zack alert if it
2 determines that the activation of the alert would cause public harm
3 or would compromise an ongoing investigation. Upon declaration
4 of a Zack Alert, the participating lead law enforcement agency is
5 required to immediately notify Department of Transportation, the
6 New Jersey Turnpike Authority, and the South Jersey
7 Transportation Authority as deemed appropriate by the lead law
8 enforcement agency.

9 In addition, the bill requires every officer or employee of a
10 public entity who possesses a wireless telephone or electronic
11 communication device that is issued by a public entity and is
12 capable of receiving text messages to subscribe to the Statewide
13 Wireless Zack Alert Initiative to receive wireless Zack Alert text
14 messages.

15 This bill is designated "Zackhary's Law," in honor of Zackhary
16 Simmons who was killed in Hoboken by a driver who fled the scene
17 and was later arrested in New York.