

[First Reprint]

ASSEMBLY, No. 1477

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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Assemblyman Houghtaling, Assemblywomen Timberlake, Lopez and
Murphy**

SYNOPSIS

Establishes Statewide Hit and Run Advisory Program to facilitate apprehension of persons fleeing motor vehicle accident scene; designated as "Zackhary's Law."

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on March 7, 2019, with amendments.

(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT establishing a Statewide Hit and Run Advisory Program,
2 designated as “Zackhary’s Law,” and supplementing Title 52 of
3 the Revised Statutes.
4

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

7
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 involved in a motor vehicle accident resulting in serious bodily
12 injury to or the death of another person and who is suspected of
13 violating the provisions of R.S.39:4-129.

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

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

28 2. a. The Attorney General shall establish a Statewide Hit and
29 Run Advisory Program pursuant to the provisions of P.L. ,
30 c. (C.) (pending before the Legislature as this bill) to
31 facilitate the apprehension of persons involved in a motor vehicle
32 accident resulting in serious bodily injury to or the death of another
33 person and who are suspected of knowingly leaving the scene of
34 that accident, under circumstances that violate the provisions of
35 R.S.39:4-129. The program shall be a cooperative effort between
36 State and local law enforcement agencies, port, tunnel, highway,
37 and bridge authorities, and may include voluntary participation by
38 the media including, but not limited to, print, radio, social media,
39 and television media outlets.

40 b. The Attorney General shall notify the media serving the
41 State of New Jersey of the establishment of the Statewide Hit and
42 Run Advisory Program and invite their voluntary participation.

43 c. The Attorney General ¹**[may]** shall¹ adopt guidelines to
44 effectuate the purposes of this act.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted March 7, 2019.

1 3. a. A Hit and Run Advisory authorized pursuant to this act
2 may be issued in accordance with the following criteria, which shall
3 be incorporated into the guidelines required by subsection c. of
4 section 2 of P.L. , c. (C.) (pending before the Legislature
5 as this bill):

6 (1) the lead law enforcement agency confirms that a person has
7 been seriously injured or killed as a result of a motor vehicle
8 accident and the driver of a vehicle involved in the accident appears
9 to have left the scene of that accident under circumstances that may
10 constitute a violation of the provisions of R.S.39:4-129, and a
11 suspect has not been apprehended;

12 (2) there is sufficient information available to indicate that a Hit
13 and Run Advisory would assist in locating the vehicle involved in
14 the accident or the driver of the vehicle including, but not limited
15 to, the license plate number, make and model of the vehicle
16 involved, the nature of damage to the vehicle involved, or a
17 description or other identifying information about the driver or
18 passenger of the vehicle involved; and

19 (3) the lead law enforcement agency requests that a Hit and Run
20 Advisory be issued.

21 b. Nothing in this section shall require that a Hit and Run
22 Advisory be issued if the criteria under paragraphs (1), (2), and (3)
23 of subsection a. of this section are met, but it is determined by the
24 lead law enforcement agency that the activation of a Hit and Run
25 Advisory would cause public harm or would compromise an
26 ongoing investigation.

27 c. When the State Police concur within the determination of the
28 lead law enforcement agency to issue a Hit and Run Advisory, the
29 State Police Operational Dispatch Unit shall immediately notify the
30 Department of Transportation, the New Jersey Turnpike Authority,
31 and the South Jersey Transportation Authority as deemed
32 appropriate by the unit. The State Police Operational Dispatch Unit
33 shall ensure that employees of the New Jersey Transit Corporation
34 who are on duty at any time the Hit and Run Advisory is in effect
35 receive notice of the Hit and Run Advisory along with all pertinent
36 information.

37 d. The Hit and Run Advisory may be issued in a manner
38 designed to reach those members of the public in locations that are
39 relatively likely to observe the vehicle involved in the accident or
40 the suspect, based on the time and place of the accident. The range
41 of the advisory may be expanded over time when the vehicle
42 involved is not located or the suspect is not apprehended.

43 e. The State Police shall, in a timely manner, update the
44 broadcast media and any other entity receiving notice of a Hit and
45 Run Advisory with new information concerning the accident, when
46 appropriate.

47 f. The Hit and Run Advisory shall terminate upon notice from
48 the State Police.

1 4. a. Any media outlet that participates in the Statewide Hit
2 and Run Advisory Program established pursuant to section 2 of
3 P.L. , c. (C.) (pending before the Legislature as this bill)
4 may voluntarily agree, upon notice of the issuance of a Hit and Run
5 Advisory, to transmit emergency advisories to provide the public
6 within the service regions of that media outlet with information
7 designed to enable members of the public to assist the lead law
8 enforcement agency in locating a vehicle or driver involved in a
9 motor vehicle accident resulting in serious bodily injury to or the
10 death of another person that left the scene of the accident under
11 circumstances that may violate the provisions of R.S.39:4-129. The
12 notice shall be provided through the lead law enforcement agency.

13 b. The emergency advisories shall be read after a distinctive
14 sound tone and the statement: "This is a Hit and Run Advisory."
15 The emergency advisories shall be broadcast as often as possible,
16 pursuant to the guidelines established by the New Jersey
17 Broadcasters' Association, for the first three hours. After the initial
18 three hours, the emergency advisory shall be rebroadcast at
19 intervals as the lead law enforcement agency and the participating
20 media deem appropriate.

21 c. The emergency advisories shall include a description of the
22 suspect or suspect's vehicle and any other information the lead law
23 enforcement agency deems appropriate. The lead law enforcement
24 agency shall, in a timely manner, update the media with new
25 information regarding the suspect, when appropriate.

26 d. The emergency advisories also shall provide information
27 concerning the method by which members of the public who have
28 information relating to the suspect or the vehicle may contact the
29 lead law enforcement agency.

30 e. The emergency advisories shall terminate upon notice from
31 the lead law enforcement agency.

32

33 5. Every officer or employee of a public entity who possesses a
34 wireless telephone or electronic communication device which is
35 issued by a public entity, is capable of receiving text messages, and
36 is enrolled in or subscribed to a service or plan that enables the
37 telephone or device to receive text messages shall subscribe to the
38 Statewide Hit and Run Advisory Program to receive wireless Hit
39 and Run Advisory text messages. The officer or employee shall, at
40 a minimum, enroll the wireless telephone or electronic
41 communication device in the program to receive wireless Hit and
42 Run Advisory text messages for a zip code that corresponds to the
43 city of the officer's or employee's permanent residence and primary
44 place of business. In the event that the officer or employee is not
45 authorized to manage the account for the wireless telephone or
46 electronic communication device issued by a public entity, the
47 officer or employee shall request the administrator of the account to
48 enroll the wireless telephone or electronic communication device in

1 the Statewide Hit and Run Advisory Program to receive Hit and
2 Run Advisory text messages in accordance with the provisions of
3 this act.

4

5 6. The Attorney General, with the assistance of the
6 participating media, shall develop and undertake a public education
7 campaign to inform the public about the Statewide Hit and Run
8 Advisory Program.

9

10 7. This act shall take effect on the first day of the seventh
11 month following enactment, but the Attorney General may take
12 anticipatory administrative action in advance thereof as shall be
13 necessary for the implementation of this act.