

SENATE, No. 1228

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JANUARY 25, 2018

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Creates integrated State medical examiner system by increasing authority of State Medical Examiner regarding forensic investigations, establishing regional medical examiner offices, and eliminating county medical examiner system.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning an integrated State medical examiner system,
2 and supplementing, amending, and repealing various parts of the
3 statutory law.

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

7
8 1. (New section) The Legislature finds and declares that the
9 creation of an integrated State medical examiner system will result
10 in enhanced coordination between medical examination and
11 forensic investigatory services provided on the State and local level,
12 and will benefit the public by improving cooperation, information
13 sharing, and training throughout the system, establish clear lines of
14 authority and heightened standards of professionalism and
15 accountability, and foster a more efficient allocation and acquisition
16 of personnel and resources through regionalization. The integration
17 of the State medical examiner system will also improve the State's
18 capacity to detect, investigate, and respond to incidents of mass
19 disaster or other types of fatalities which may implicate terrorist
20 activity or domestic security concerns, where application of
21 forensic science, and appropriate coordination and communication
22 with and between federal, State, and local public health, emergency
23 management, and law enforcement officials, may be critical to an
24 expeditious and effective response to the threat such occurrences
25 pose to the public health and safety.

26
27 2. Section 2 of P.L.1967, c.234 (C.52:17B-79) is amended to
28 read as follows:

29 2. There is hereby established in the Division of Criminal
30 Justice in the State Department of Law and Public Safety the office
31 of the **["State Medical Examiner" which]** Chief State Medical
32 Examiner, which shall direct, control, and supervise an integrated
33 State medical examiner system. The office shall be under the
34 immediate supervision of [an officer to be known as the] a Chief
35 State Medical Examiner who shall be a [duly licensed] physician
36 licensed and in good standing in the State , a graduate of a regularly
37 chartered and legally constituted medical school or college and a
38 **[qualified]** forensic pathologist **[. He]** certified by the American
39 Board of Pathology. The Chief State Medical Examiner shall be
40 appointed by the Governor, with the advice and consent of the
41 Senate, and shall serve for a term of [5] five years and until [his] a
42 successor is appointed and has qualified. [He] The Chief State
43 Medical Examiner shall receive [such] a salary [as] which shall be
44 **[provided by law]** within a salary range as established by the Civil
45 Service Commission with the approval of the Director of the

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.

1 Division of Budget and Accounting, as provided by section 2 of
2 P.L.1974, c.55 (C.52:14-15.108), and as approved by the Attorney
3 General. The Attorney General shall, subject to provisions of Title
4 **【11】** 11A of the 【Revised Statutes】 New Jersey Statutes relating to
5 Civil Service, appoint such other personnel as **【he】** the Attorney
6 General may consider necessary for the efficient performance of the
7 work of the **【division】** office of the Chief State Medical Examiner,
8 and the offices of regional medical examiners established pursuant
9 to section 3 of P.L. , c. (C.) (pending before the Legislature
10 as this bill). **【He】** The Attorney General shall prescribe the duties
11 of all such persons thus appointed and shall fix their compensation
12 within the limits of available appropriations.
13 (cf: P.L.1972, c.13, s.1)

14
15 3. (New section) a. The Attorney General shall establish at
16 least four, but no more than six, regional medical examiner offices,
17 with at least one regional office located in the northern, southern,
18 and central portions of the State. Each county shall be within the
19 jurisdiction of no more than one regional office.

20 b. Any intercounty or regional medical examiner office in
21 existence upon enactment of P.L. , c. (C.) (pending before
22 the Legislature as this bill) shall be replaced and superseded by the
23 regional medical examiner offices established pursuant to
24 subsection a. of this section.

25
26 4. (New section) a. The Attorney General, in consultation
27 with the Chief State Medical Examiner, shall appoint one Deputy
28 Chief State Medical Examiner in each regional medical examiner
29 office to direct the management and operation of the office and to
30 perform the duties required pursuant to P.L. , c. (C.)
31 (pending before the Legislature as this bill). Each deputy medical
32 examiner shall be a physician licensed and in good standing in the
33 State, a graduate of a regularly chartered and legally constituted
34 medical school or college and a forensic pathologist certified by the
35 American Board of Pathology. Each deputy medical examiner shall
36 serve for a term of five years or until a successor is appointed and
37 has qualified.

38 b. A deputy medical examiner shall receive a salary which
39 shall be within a salary range as established by the Civil Service
40 Commission with the approval of the Director of the Division of
41 Budget and Accounting, as provided by section 2 of P.L.1974,
42 c.55 (C.52:14-15.108), and as approved by the Attorney General.

43 c. Any county medical examiner appointed prior to the
44 enactment of P.L. , c. (C.) (pending before the Legislature
45 as this bill) shall continue as a county medical examiner until the
46 expiration of the term for which the medical examiner was
47 appointed and the deputy medical examiner with jurisdiction over
48 that county medical examiner's county is appointed and has

1 qualified.

2 d. The employees of each office of the county medical
3 examiner employed as such upon enactment of P.L. , c. (C.)
4 (pending before the Legislature as this bill) shall become employees
5 of the State.

6
7 5. (New section) a. The Attorney General, in consultation
8 with the Chief State Medical Examiner, may appoint and remove
9 such assistant medical examiners, medical investigators, scientific
10 experts and other personnel as may be required for the proper
11 performance of the duties of the office of the Chief State Medical
12 Examiner and the regional medical examiner offices. The Attorney
13 General, in consultation with the Chief State Medical Examiner,
14 shall prescribe the duties of all such persons thus appointed and
15 shall fix their compensation within the limits of available
16 appropriations.

17 b. Each assistant medical examiner shall be a physician
18 licensed and in good standing in the State, a graduate of a regularly
19 chartered and legally constituted medical school or college and a
20 forensic pathologist certified by the American Board of Pathology
21 or a candidate for such certification as a forensic pathologist. The
22 medical investigators shall possess such qualifications as shall be
23 determined by the Chief State Medical Examiner.

24
25 6. (New section) There is created in the Department of the
26 Treasury a nonlapsing fund entitled the "Medical Examiner's Fund."
27 The fund shall be the depository for the assessments collected
28 pursuant to section 23 of P.L. , c. (C.) (pending before the
29 Legislature as this bill). Monies deposited into the fund shall be
30 used for the function and operation of the office of the Chief State
31 Medical Examiner and the regional medical examiner offices as
32 provided in P.L. , c. (C.) (pending before the Legislature as
33 this bill).

34
35 7. Section 3 of P.L.1967, c.234 (C.52:17B-80) is amended to
36 read as follows:

37 3. a. The Chief State Medical Examiner shall **have general**
38 **supervision over** supervise the administration of and shall enforce
39 the provisions of this act. **He** The Chief State Medical Examiner
40 shall **have general supervision over** supervise all **county** deputy
41 chief medical examiners , assistant medical examiners, medical
42 investigators, scientific experts, and other personnel employed by
43 the office. **He** The Chief State Medical Examiner shall
44 promulgate, in accordance with the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as
46 **he may deem** the State examiner deems necessary to effectuate
47 the provisions of this act.

48 b. The Chief State Medical Examiner shall have the power to

1 issue subpoenas to compel the production of books, accounts,
2 papers, documents, or other evidence relative to any matter within
3 the jurisdiction of the State examiner's office.

4 c. It shall be the duty of each Deputy Chief State Medical
5 Examiner, assistant medical examiner, medical investigator,
6 scientific expert, and any other personnel employed by the office to
7 cooperate fully with the Chief State Medical Examiner.

8 d. The office of the Chief State Medical Examiner and the
9 regional medical examiner offices shall be open 24 hours every day
10 in the year, including Sundays and legal holidays.

11 (cf: P.L.1967, c.234, s.3)

12
13 8. Section 4 of P.L.1967, c.234 (C.52:17B-81) is amended to
14 read as follows:

15 4. a. The Attorney General shall provide the Chief State
16 Medical Examiner with such laboratories, furniture, equipment,
17 records and supplies as may be required in the conduct of [his] the
18 office of the Chief State Medical Examiner and regional medical
19 examiner offices. The Attorney General may, if [he] the Attorney
20 General deems it advisable to do so, enter into agreements with the
21 State Department of Health or with any State-operated facility,
22 college or school of medicine or [public hospital] licensed health
23 care facility for the use of certain of its laboratories, morgues and
24 other technical facilities, and space in its buildings as offices and
25 laboratories for the Chief State Medical Examiner and [his] the
26 chief's staff. In the discretion of the Attorney General, the Chief
27 State Medical Examiner [and his assistants], the Deputy Chief
28 State Medical Examiners, assistant medical examiners, medical
29 investigators, scientific experts, and other personnel may be made
30 available to such educational institutions for the teaching of legal
31 medicine and other subjects closely related to their duties. The
32 Attorney General may approve such stipends as he deems
33 appropriate for the services rendered.

34 b. The Attorney General may permit the Chief State Medical
35 Examiner, the Deputy Chief State Medical Examiners, assistant
36 medical examiners, medical investigators, scientific experts, and
37 other personnel to consult with law enforcement officers, county
38 prosecutors, law enforcement agencies, public health agencies, or
39 other appropriate entities in matters within their expertise, to
40 advance the health, safety, and law enforcement concerns of the
41 State, regardless of whether the case is primarily within the
42 jurisdiction of the Chief State Medical Examiner.

43 (cf: P.L.1967, c.234, s.4)

44
45 9. Section 9 of P.L.1967, c.234 (C.52:17B-86) is amended to
46 read as follows:

47 9. An investigation shall be conducted in the manner
48 hereinafter described in the case of all human deaths from the

1 following causes:

- 2 a. Violent deaths, whether apparently homicidal, suicidal or
3 accidental, including but not limited to death due to traumatic,
4 thermal, chemical, electrical or radiation injury **【and deaths due to**
5 **criminal abortion, whether apparently self-induced or not】**;
- 6 b. **【Deaths not caused by readily recognizable disease,**
7 **disability or infirmity;】** (Deleted by amendment, P.L. _____,
8 c.) (pending before the Legislature as this bill)
- 9 c. Deaths under suspicious or unusual circumstances, including
10 sudden or unexpected deaths while in apparent good health;
- 11 d. **【Deaths within 24 hours after admission to a hospital or**
12 **institution;】** (Deleted by amendment, P.L. _____, c.) (pending before
13 the Legislature as this bill)
- 14 e. Deaths of persons in the custody of a law enforcement
15 officer and of inmates of **【prisons】** penal institutions;
- 16 f. Deaths of **【inmates of】** persons in the custody of institutions
17 maintained in whole or in part at the expense of the State or county,
18 where the **【inmate】** person in custody was not hospitalized therein
19 for organic disease;
- 20 g. Deaths from causes which might constitute a threat to public
21 health or safety;
- 22 h. Deaths **【related】** due to disease or injury **【resulting from】**
23 relating to employment **【or to accident while employed】**; **【and】**
- 24 i. **【Sudden or】** Deaths of a child under one year of age in
25 which the suspected cause of death is sudden infant death
26 syndrome, sudden or unexpected deaths of infants and children
27 **【under 3 years of age】** between the ages of one and three, and fetal
28 deaths occurring without medical attendance;
- 29 j. Deaths occurring without medical attendance other than fetal
30 deaths described in subsection i. of this section; and
- 31 k. Deaths associated with diagnostic or therapeutic procedures.
32 (cf: P.L.1980, c.167, s.1)
- 33

34 10. Section 10 of P.L.1967, c.234 (C.52:17B-87) is amended to
35 read as follows:

36 10. Upon the death of any person from any of the causes
37 mentioned in section 9 of **【this act】** P.L.1967, c.234 (C.52:17B-86),
38 it shall be the duty of the physician in attendance, any law
39 enforcement officer having knowledge of such death, the funeral
40 director, or any other person present, to notify immediately the
41 **【county medical examiner】** Chief State Medical Examiner, the
42 Deputy Chief State Medical Examiner with jurisdiction for the
43 region wherein the death occurred, and the county prosecutor of the
44 county wherein the death occurred of the known facts concerning
45 the time, place, manner and circumstances of such death.
46 Immediately upon receipt of such notification, the **【said medical**

1 examiner] Deputy Chief State Medical Examiner or his [deputy or
2 assistant] designee shall go to the dead body and take charge of the
3 same. [He] The deputy medical examiner or his designee shall
4 fully investigate the essential facts concerning the medical causes
5 of death and take the names and [addresses] contact information of
6 as many witnesses thereto as may be practicable to obtain, and,
7 before leaving the premises shall reduce such facts, as [he] the
8 deputy medical examiner or designee may deem necessary to
9 writing and file the same in [his] the office and which shall be
10 made available to the county prosecutor at [his] the prosecutor's
11 request. The police officer present at such investigation, or if no
12 officer be present, then the deputy medical examiner or his designee
13 shall, in the absence of the next of kin of the deceased person, take
14 possession of all property [of value] found on such person, make
15 an exact inventory thereof on [his] the report and deliver such
16 property to the police department of the municipality wherein the
17 death occurred, which shall surrender the same to the person
18 entitled to its custody or possession. The deputy medical examiner
19 or his designee shall take possession of any objects or articles
20 which, in [his] the opinion of the deputy medical examiner or
21 designee, may be useful in establishing the cause or manner of
22 death, or constitute evidence of criminal behavior, and deliver them
23 to the regional medical examiner office with jurisdiction for the
24 region and the county prosecutor.

25 (cf: P.L.1967, c.234, s.10)

26
27 11. Section 11 of P.L.1967, c.234 (C.52:17B-88) is amended to
28 read as follows:

29 11. a. If the cause of such death [shall be] is established
30 [beyond a reasonable doubt] within a reasonable degree of medical
31 certainty and no autopsy is deemed necessary, the [county medical
32 examiner] Deputy Chief State Medical Examiner or an assistant
33 shall reduce [his] the findings to writing and promptly make a full
34 report thereof to the Chief State Medical Examiner and to the
35 county prosecutor [on forms] in a format to be prescribed by the
36 Chief State Medical Examiner for such purpose. If, however, in the
37 opinion of the [county] deputy medical examiner, the Chief State
38 Medical Examiner, an assignment judge of the Superior Court, the
39 county prosecutor or the Attorney General, an autopsy is deemed
40 necessary, [or if, in cases where the suspected cause of death of a
41 child under one year of age is sudden infant death syndrome or the
42 child is between one and three years of age and the death is sudden
43 and unexpected, and an investigation has been conducted under the
44 provisions of section 9 of P.L.1967, c.234 (C.52:17B-86), and the
45 parent, parents or legal guardian of the child request an autopsy,]
46 the same shall be performed [,] by (1) the Chief State Medical

1 Examiner, or an assistant designated by him or by (2) the **【county】**
2 deputy medical examiner or **【a deputy or】** an assistant **【county**
3 medical examiner provided either has the recognized training or
4 experience in forensic pathology or by (3) such competent forensic
5 pathologists as may be authorized by the State Medical Examiner;
6 except that when the suspected cause of death of a child under one
7 year of age is sudden infant death syndrome or the child is between
8 one and three years of age and the death is sudden and unexpected**】**.

9 b. If, in any case where the suspected cause of death of a child
10 under one year of age is sudden infant death syndrome or the child
11 is between one and three years of age and the death is sudden and
12 unexpected, and an investigation has been conducted under the
13 provisions of section 9 of P.L.1967, c.234 (C.52:17B-86), and a
14 parent or legal guardian of the child requests an autopsy, the same
15 shall be performed by (1) the Chief State Medical Examiner or an
16 assistant designated by him or by (2) the deputy medical examiner
17 or an assistant. A detailed description of the findings at every
18 autopsy and the conclusions drawn therefrom shall be filed in the
19 office of the Chief State Medical Examiner, and the appropriate
20 regional medical examiner office and county prosecutor office.

21 In any such case, upon the request of the parent, parents or legal
22 guardian of the child, a pediatric pathologist, if available, shall
23 assist in the performance of the autopsy under the direction of a
24 forensic pathologist. The **【county】** deputy medical examiner shall
25 notify the parent, parents or legal guardian of the child that they
26 may request that a pediatric pathologist assist in the performance of
27 the autopsy. A detailed description of the findings written during
28 the progress of such autopsy and the conclusions drawn therefrom
29 shall thereupon be filed in the offices of the Chief State Medical
30 Examiner, the **【county】** regional medical examiner office and the
31 county prosecutor office. The **【county】** deputy medical examiner
32 shall make available a copy of these findings and conclusions to the
33 closest surviving relative of the decedent within 90 days of the
34 receipt of a request therefor, unless the death is under active
35 investigation by a law enforcement agency. If the suspected cause
36 of death of a child under one year of age is sudden infant death
37 syndrome or if the child is between one and three years of age and
38 the death is sudden and unexpected, the preliminary findings and
39 conclusions shall be **【reported】** made available to the child's parent,
40 parents or legal guardian and the State Department of Health **【and**
41 Senior Services**】** within 48 hours after the deputy medical examiner
42 with jurisdiction for the region is notified of the death of the child.
43 **【It shall be the duty of any county medical examiner to call upon】**
44 The deputy medical examiner's findings and conclusions for each
45 reported case shall be provided to the State Department of Health
46 upon completion of the case.

47 c. A Deputy Chief State Medical Examiner may request the

1 Chief State Medical Examiner or an assistant **【State】** medical
2 examiner, or other person authorized and designated by the Chief
3 State Medical Examiner, to make an examination or perform an
4 autopsy whenever **【he】** the deputy medical examiner deems it
5 necessary or desirable **【, and it shall be the duty of the】**. The Chief
6 State Medical Examiner or an assistant **【State medical examiner to】**
7 may perform such examination, **【except in such cases as a**
8 competent pathologist is so authorized by the State Medical
9 Examiner to perform such autopsy. The necessary expenses for
10 transportation of a body for autopsy by the State Medical Examiner
11 or an assistant State medical examiner or an authorized pathologist
12 and such reasonable fee payable to the authorized pathologist as has
13 been approved by the State Medical Examiner for each autopsy
14 such authorized pathologist may perform shall be paid by the State **】**
15 or the chief examiner may authorize another deputy medical
16 examiner to perform the examination.

17 (cf: P.L.2000, c.24, s.1)
18

19 12. Section 1 of P.L.1983, c.535 (C.52:17B-88.1) is amended to
20 read as follows:

21 1. As used in this act:

22 a. "Compelling public necessity" means

23 (1) That the dissection or autopsy is essential to the criminal
24 investigation of a homicide of which the decedent is the victim; or

25 (2) That the discovery of the cause of death is necessary to meet
26 an immediate and substantial threat to the public health or safety,
27 and that a dissection or autopsy is essential to ascertain the cause of
28 death or to obtain information concerning the threat to the public
29 health or safety; or

30 (3) That the death was that of an inmate of a **【prison, jail or**
31 **penitentiary】** penal institution or a person who was in the custody
32 of a law enforcement officer; or

33 (4) That the death was that of a child under the age of 12 years
34 suspected of having been abused or neglected **【or suspected of**
35 **being a threat to public health】**, and the cause of whose death is not
36 apparent after diligent investigation by the medical examiner; or

37 (5) That the need for a dissection or autopsy is established
38 pursuant to the provisions of section 4 of **【this act】** P.L.1983,
39 c.535 (C.52:17B-88.4).

40 b. "Friend" means any person who, prior to the decedent's
41 death, maintained close contact with the decedent sufficient to
42 render that person knowledgeable with the decedent's activities,
43 health and religious beliefs; and who presents an affidavit stating
44 the facts and circumstances upon which the claim that the person is
45 a friend is based and stating that the person will assume
46 responsibility for the lawful disposition of the body of the deceased.

47 (cf: P.L.1983, c.535, s.1)

1 13. Section 3 of P.L.1983, c.535 (C.52:17B-88.3) is amended to
2 read as follows:

3 3. Whenever, in the opinion of **【a medical examiner】** the Chief
4 State Medical Examiner or a Deputy Chief State Medical Examiner,
5 there is a compelling public necessity under **【paragraphs】**
6 paragraph (1), (2), (3), **【and】** or (4) of subsection a. of section 1 of
7 **【this act】** P.L.1983, c.535 (C.52:17B-88.1) to perform an autopsy
8 or dissection, and a member of the deceased's immediate family or,
9 in the absence thereof, a friend objects that the autopsy or
10 dissection is contrary to the religious beliefs of the deceased or
11 there is an obvious reason to believe that the autopsy or dissection
12 is contrary to the religious beliefs of the deceased, then no
13 dissection or autopsy shall be performed until 48 hours after notice
14 thereof is given by the medical examiner seeking to perform the
15 autopsy or dissection to the objecting party, or, if there is no
16 objecting party, to such party as the court may name. During that
17 48-hour period, the objecting party or the party named by the court
18 may institute action in the Superior Court to determine the propriety
19 of the dissection or autopsy, but the court may dispense with the
20 waiting period upon ex parte motion if it determines that the delay
21 may prejudice the accuracy of the autopsy or dissection, or may
22 precipitate or prolong an immediate and substantial threat to the
23 public health or safety.

24 (cf: P.L.1983, c.535, s.3)

25

26 14. Section 4 of P.L.1983, c.535 (C.52:17B-88.4) is amended to
27 read as follows:

28 4. Whenever, in the opinion of **【a medical examiner】** the Chief
29 State Medical Examiner or a Deputy Chief State Medical Examiner,
30 there is a compelling public necessity in circumstances not provided
31 for in **【paragraphs】** paragraph (1), (2), (3) **【and】** or (4) of
32 subsection a. of section 1 of 【this act】 P.L.1983, c.535 (C.52:17B-
33 88.1) to perform an autopsy or dissection, and a member of the
34 deceased's immediate family or, in the absence thereof, a friend ,
35 objects that the autopsy or dissection is contrary to the religious
36 beliefs of the deceased or there is an obvious reason to believe that
37 the autopsy or dissection is contrary to the religious beliefs of the
38 deceased, then the medical examiner seeking to perform the autopsy
39 or dissection may institute an action in the Superior Court for an
40 order authorizing the autopsy or dissection. The action shall be
41 instituted by an order to show cause on notice to the member of the
42 deceased's immediate family or friend, or if none is known, then to
43 such party as the court may direct.

44 (cf: P.L.1983, c.535, s.4)

45

46 15. Section 1 of P.L.1993, c.276 (C.52:17B-88.7) is amended to
47 read as follows:

1 1. Notwithstanding any provision of law to the contrary, if a
2 deceased person whose death is under investigation pursuant to
3 section 9 of P.L.1967, c.234 (C.52:17B-86) is a donor of all or part
4 of his body as evidenced by an advance directive, will, card or other
5 document, or as otherwise provided in the "Revised Uniform
6 Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.), the Chief
7 State Medical Examiner **【or the county medical examiner, or his**
8 **designee】**, the Deputy Chief State Medical Examiner, or an
9 assistant who has notice of the donation shall perform an
10 examination, autopsy or analysis of tissues or organs only in a
11 manner and within a time period compatible with their preservation
12 for the purposes of transplantation.

13 (cf: P.L.2008, c.50, s.27)

14
15 16. Section 2 of P.L.1993, c.276 (C.52:17B-88.8) is amended to
16 read as follows:

17 2. A health care professional authorized to remove an
18 anatomical gift from a donor whose death is under investigation
19 pursuant to section 9 of P.L.1967, c.234 (C.52:17B-86), may
20 remove the donated part from the donor's body for acceptance by a
21 person authorized to become a donee, after giving notice to the
22 Chief State Medical Examiner **【or the county medical examiner】**, a
23 Deputy Chief State Medical Examiner, or **【his designee】** an
24 assistant medical examiner, if the examination, autopsy or analysis
25 has not been undertaken in the manner and within the time provided
26 in section 1 of **【this act】** P.L.1993, c.276 (C.52:17B-88.7). The
27 Chief State Medical Examiner **【or】**, the **【county】** deputy medical
28 examiner, or **【his designee】** the assistant medical examiner shall be
29 present during removal of the anatomical gift if in his judgment the
30 removal of those tissues or organs may **【be involved in】** hinder the
31 interpretation of details related to the cause of death. In that case,
32 the Chief State Medical Examiner **【or】**, the **【county】** deputy
33 medical examiner, or **【his designee,】** the assistant medical
34 examiner may request a biopsy of those tissues or organs or deny
35 removal of the anatomical gift. The Chief State Medical Examiner
36 **【or】**, the **【county】** deputy medical examiner, or **【his designee,】** the
37 assistant medical examiner shall explain in writing **【his】** the
38 reasons for determining that the removal of those tissues or organs
39 may **【be involved in】** hinder the interpretation of the details related
40 to the cause of death and shall include the explanation in the records
41 maintained pursuant to section 15 of P.L.1967, c.234 (C.52:17B-
42 92).

43 (cf: P.L.1993, c.276, s.2)

44
45 17. Section 3 of P.L.1993, c.276 (C.52:17B-88.9) is amended to
46 read as follows:

47 3. The health care professional performing a transplant from a

1 donor whose death is under investigation pursuant to section 9 of
2 P.L.1967, c.234 (C.52:17B-86) shall file with the Chief State
3 Medical Examiner a report detailing the condition of the part of the
4 body that is the anatomical gift and its relationship to the cause of
5 death. If appropriate, the report shall include a biopsy or medically
6 approved sample from the anatomical gift. The report shall become
7 part of the Medical Examiner's report.

8 (cf: P.L.1993, c.276, s.3)

9
10 18. Section 2 of P.L.2000, c.24 (C.52:17B-88.10) is amended to
11 read as follows:

12 2. a. The Chief State Medical Examiner, in consultation with
13 the Commissioner of Health and Senior Services, shall develop
14 standardized protocols for autopsies performed in those cases in
15 which the suspected cause of death of a child under one year of age
16 is sudden infant death syndrome and in which the child is between
17 one and three years of age and the death is sudden and unexpected.

18 b. The Chief State Medical Examiner shall establish a Sudden
19 Child Death Autopsy Protocol Committee to assist in developing
20 and reviewing the protocol. The committee shall include, but shall
21 not be limited to, the Chief State Medical Examiner or his designee,
22 the Assistant Commissioner of the Division of Family Health
23 Services in the Department of Health **and Senior Services** or his
24 designee, the Director of the Division of **Youth and Family**
25 **Services** Child Protection and Permanency in the Department of
26 Children and Families or his designee, the director of the SIDS
27 Resource Center established pursuant to section 4 of P.L.1987,
28 c.331 (C.26:5D-4), an epidemiologist, a forensic pathologist, a
29 pediatric pathologist, a **county medical examiner** Deputy Chief
30 State Medical Examiner, a pediatrician who is knowledgeable about
31 sudden infant death syndrome and child abuse, a law enforcement
32 officer, an emergency medical technician or a paramedic, a family
33 member of a sudden infant death syndrome victim and a family
34 member of a sudden unexpected death victim who was between one
35 and three years of age at the time of death.

36 The committee shall annually review the protocol and make
37 recommendations to the Chief State Medical Examiner to revise the
38 protocol, as appropriate.

39 c. The protocols shall include requirements and standards for
40 scene investigation, criteria for ascertaining the cause of death
41 based on autopsy, criteria for specific tissue sampling, and such
42 other requirements as the committee deems appropriate. The
43 protocols shall take into account nationally recognized standards for
44 pediatric autopsies.

45 The Chief State Medical Examiner shall be responsible for
46 ensuring that the protocols are followed by all medical examiners
47 and other persons authorized to conduct autopsies in those cases in
48 which the suspected cause of death is sudden infant death syndrome

1 or in which the child is between one and three years of age and the
2 death is sudden and unexpected.

3 d. The protocols shall authorize the Chief State Medical
4 Examiner, **【county medical examiner】** Deputy Chief State Medical
5 Examiner, or other authorized person to take tissue samples for
6 research purposes, as provided in section 2 of P.L.2005,
7 c.227 (C.52:17B-88.11).

8 e. The sudden infant death syndrome autopsy protocol shall
9 provide that if the findings in the autopsy are consistent with the
10 definition of sudden infant death syndrome specified in the
11 protocol, the person who conducts the autopsy shall state on the
12 death certificate that sudden infant death syndrome is the cause of
13 death.

14 (cf: P.L.2006, c.47, s.191)

15

16 19. Section 2 of P.L.2005, c.227 (C.52:17B-88.11) is amended
17 to read as follows:

18 2. The Legislature finds and declares that: advances in
19 genetics, biochemistry and other areas of medical research are
20 yielding new information about the specific causes of sudden death
21 in infancy and early childhood; these findings are of great
22 importance because the largest subgroup of these deaths, Sudden
23 Infant Death Syndrome, remains a "rule-out" diagnosis for which
24 the family learns what did not, rather than what did, cause the death
25 of their child; without knowing the actual cause, families are not
26 able to determine if there is a genetic basis that places their other
27 children at risk, and physicians are not able to prevent a death by
28 prospectively diagnosing and treating a potentially fatal medical
29 problem; and if the State is to meet its public health goal of
30 reducing infant mortality, it is in the public interest to accelerate
31 efforts to identify actual causes of death in infants and young
32 children.

33 a. The Chief State Medical Examiner, in consultation with the
34 Commissioner of Health **【and Senior Services】** and the Sudden
35 Child Death Autopsy Protocol Committee established pursuant to
36 section 2 of P.L.2000, c.24 (C.52:17B-88.10) shall establish,
37 pursuant to this section, a protocol for participation by medical
38 examiners in research activities concerning deaths of children three
39 years of age and younger. The protocol shall be revised as
40 necessary. The research shall include all autopsies in which the
41 suspected cause of death of a child under one year of age is sudden
42 infant death syndrome and the suspected cause of death of a child
43 three years of age and younger is not considered a violent death
44 pursuant to subsection a. of section 9 of P.L.1967, c.234 (C.52:17B-
45 86).

46 The protocol shall authorize the Chief State Medical Examiner,
47 **【county medical examiner】** Deputy Chief State Medical Examiner,
48 or other authorized person to take and transfer tissue samples to an

1 approved research project prior to obtaining the consent of the
2 parent or legal guardian of the deceased infant or young child, but
3 the research project shall not be permitted to use the tissue prior to
4 its obtaining consent as provided in paragraph (3) of this
5 subsection.

6 Notwithstanding the provisions of this section to the contrary,
7 the protocol shall provide that no tissue sample shall be taken from
8 a deceased infant or young child whose parent or legal guardian has
9 objected to an autopsy because it is contrary to the religious beliefs
10 of the deceased, in accordance with section 2 of P.L.1983,
11 c.535 (C.52:17B-88.2).

12 The protocol shall, at a minimum, stipulate that:

13 (1) the research project first be approved by the institutional
14 review board of the facility at which the research shall be
15 conducted, then by the Sudden Child Death Autopsy Protocol
16 Committee, and finally by the Institutional Review Board of the
17 New Jersey Department of Health **【and Senior Services】**. If a
18 research project is submitted by the Department of Health **【and**
19 **Senior Services】**, the final review of the project shall be conducted
20 by an independent review board;

21 (2) the research project delineate the information, other than the
22 tissue sample, that will be required from the investigation of the
23 death of the infant or young child;

24 (3) the research project develop a plan for the release by the
25 Chief State Medical Examiner or **【county medical examiner】**
26 Deputy Chief State Medical Examiner, as applicable, of a
27 decedent's tissue, as well as obtaining written consent for the use of
28 the tissue and other identifying information from the parent or legal
29 guardian of the deceased infant or young child;

30 (4) the research project develop a plan for the disposal of a
31 decedent's tissue in the event that the parent or guardian does not
32 give consent for use of the tissue, and in cases in which consent is
33 given, upon completion of the research. The plan shall incorporate
34 accepted procedures for disposal of surgical biopsies and
35 biohazardous materials, and shall include procedures to inform the
36 parent or guardian and the Sudden Child Death Autopsy Protocol
37 Committee of the disposal plan;

38 (5) the research project reimburse the Chief State Medical
39 Examiner, **【county medical examiner】** Deputy Chief State Medical
40 Examiner, or other authorized person participating in the research
41 for reasonable costs incurred in taking, storing and providing tissue
42 samples for the project. The estimated costs subject to
43 reimbursement shall be reviewed and approved by the Chief State
44 Medical Examiner;

45 (6) the research project provide the Chief State Medical
46 Examiner and the Sudden Child Death Autopsy Protocol Committee
47 with periodic updates on the status of the project; and

1 (7) the Sudden Child Death Autopsy Protocol Committee may
2 terminate a research project that is not in compliance with the
3 research project as approved pursuant to this subsection.

4 b. Upon receiving notification from the research project that
5 the research project has obtained written consent from the parent or
6 legal guardian of the deceased infant or young child for the use of
7 tissue samples and identifying information, the Chief State Medical
8 Examiner, **【county medical examiner】** Deputy Chief State Medical
9 Examiner, or other authorized person, as applicable, shall provide
10 the research project with copies of the autopsy reports and any
11 reports generated by the Chief State Medical Examiner or **【county**
12 **medical examiner】** Deputy Chief State Medical Examiner
13 concerning the subject of the research.

14 c. The information and tissue samples provided by the Chief
15 State Medical Examiner, **【county medical examiner】** Deputy Chief
16 State Medical Examiner, or other authorized person to the research
17 project shall be used by the research project only for the purposes
18 approved by the Sudden Child Death Autopsy Protocol Committee
19 and as specified in the protocol, and shall not otherwise be divulged
20 or made public so as to disclose the identity of any person to whom
21 they relate. The information provided to the research project shall
22 not be considered a public record pursuant to P.L.1963,
23 c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

24 d. The Sudden Child Death Autopsy Protocol Committee shall
25 oversee the approved research projects.

26 e. The Chief State Medical Examiner, **【county medical**
27 **examiner】** Deputy Chief State Medical Examiner, their employees
28 and other persons authorized by the Chief State Medical Examiner
29 to provide tissue samples and identifying information to the
30 research project, and the members of the Sudden Child Death
31 Autopsy Protocol Committee shall not be liable for civil damages as
32 the result of any actions or omissions performed in good faith and
33 in accordance with the provisions of **【this act】** P.L.2005,
34 c.227 (C.52:17B-88.11 et al.).

35 (cf: P.L.2005, c.227, s.2)

36
37 20. Section 12 of P.L.1967, c.234 (C.52:17B-89) is amended to
38 read as follows:

39 12. a. Any person who may become aware of any death by
40 criminal violence, by accident or suicide, or in any suspicious or
41 unusual manner, shall report that death to the regional medical
42 examiner office **【of county medical examiner】** with jurisdiction for
43 the region, the office of Chief State Medical Examiner, or to the
44 police department of the municipality in which the person died.

45 b. Any person who **【shall willfully neglect or refuse】**, knowing
46 that a person has died by criminal violence, accident, or suicide, or
47 in any suspicious or unusual manner, fails to report the death, or

1 who, without an order from the regional medical examiner office
2 **【of county medical examiner】** or the office of Chief State Medical
3 Examiner, shall **【willfully】** knowingly and without lawful purpose
4 touch, remove, or disturb the body of the person, or touch, remove
5 or disturb the clothing or personal effects upon or near the body, is
6 guilty of a crime of the fourth degree.

7 (cf: P.L.2011, c.174, s.1)

8
9 21. Section 15 of P.L.1967, c.234 (C.52:17B-92) is amended to
10 read as follows:

11 15. a. It shall be the duty of the Chief State Medical
12 Examiner【,】 and **【the county medical examiners,】** each Deputy
13 Chief State Medical Examiner to keep full and complete records of
14 each case they investigate in their respective offices, properly
15 indexed, giving the name, if known, of every such person, the place
16 where the body was found, date and cause of death, and all other
17 available information relating thereto. It shall be the duty of each
18 deputy medical examiner to provide a report of each case they
19 investigate to the Chief State Medical Examiner. The Chief State
20 Medical Examiner shall prescribe the format for the preparation,
21 maintenance and transmission of all records to the office of the
22 Chief State Medical Examiner. The 【original】 report of 【the State
23 Medical Examiner, assistant State medical examiners, or county
24 medical examiners,】 any investigation by a deputy medical
25 examiner and the detailed findings of **【the】** any autopsy, if **【any】**
26 performed, shall be attached to the record of each case. The office
27 that conducted the investigation shall be the custodian of the
28 records for that case.

29 b. The Chief State Medical Examiner 【,】 or in case of his absence
30 or inability, an assistant State medical examiner, and the county
31 medical examiners,】 and the deputy medical examiner shall
32 promptly deliver to the county prosecutor of the county wherein the
33 death occurred copies of all records relating to every death in
34 which, in the judgment of such medical examiner, further
35 investigation may be deemed advisable. The county prosecutor
36 may obtain from the office of the Chief State Medical Examiner, or
37 of the **【county】** appropriate regional medical 【examiners】 examiner
38 office, as the case may be, copies of such records or other
39 information which **【he】** the county prosecutor may deem necessary.
40 The records of the office of the Chief State Medical Examiner 【,】
41 and of the **【county medical examiners】** regional medical examiner
42 office, made by **【themselves】** the appropriate medical examiner or
43 by anyone under their direction or supervision, or transcripts thereof
44 certified by such medical examiner, shall be received as competent
45 evidence in any court in this State of the matters and facts therein
46 contained. A reasonable fee may be charged to private persons for
47 copies of such records and upon such conditions as may be

1 prescribed by the Chief State Medical Examiner; provided,
2 however, that no person with a proper interest in such records shall
3 be denied access thereto. All such fees collected by the Chief State
4 Medical Examiner and **【county medical examiners】** deputy medical
5 examiner shall be paid into the State Treasury **【or county treasury,**
6 **respectively,】** on or before the tenth day of each month. The
7 records which shall be admissible as evidence under this section
8 shall be records of the results of views and examinations of or
9 autopsies upon the bodies of deceased persons by such medical
10 examiner, or by anyone under his direct supervision or control, and
11 shall not include statements made by witnesses or other persons.
12 (cf: P.L.1967, c.234, s.15)

13

14 22. N.J.S.2C:43-2 is amended to read as follows:

15 2C:43-2. Sentence in accordance with code; authorized
16 dispositions. a. Except as otherwise provided by this code, all
17 persons convicted of an offense or offenses shall be sentenced in
18 accordance with this chapter.

19 b. Except as provided in subsection a. of this section and
20 subject to the applicable provisions of the code, the court may
21 suspend the imposition of sentence on a person who has been
22 convicted of an offense, or may sentence him as follows:

23 (1) To pay a fine or make restitution authorized by N.J.S.2C:43-
24 3 or P.L.1997, c.253 (C.2C:43-3.4 et al.); or

25 (2) Except as provided in subsection g. of this section, to be
26 placed on probation and, in the case of a person convicted of a
27 crime, to imprisonment for a term fixed by the court not exceeding
28 364 days to be served as a condition of probation, or in the case of a
29 person convicted of a disorderly persons offense, to imprisonment
30 for a term fixed by the court not exceeding 90 days to be served as a
31 condition of probation; or

32 (3) To imprisonment for a term authorized by **【sections】**
33 N.J.S.2C:11-3, N.J.S.2C:43-5, N.J.S.2C:43-6, N.J.S.2C:43-7, and
34 N.J.S.2C:43-8 or N.J.S.2C:44-5; or

35 (4) To pay a fine, make restitution and probation, or fine,
36 restitution and imprisonment; or

37 (5) To release under supervision in the community or to require
38 the performance of community-related service; or

39 (6) To a halfway house or other residential facility in the
40 community, including agencies which are not operated by the
41 Department of Human Services; or

42 (7) To imprisonment at night or on weekends with liberty to
43 work or to participate in training or educational programs.

44 c. Instead of or in addition to any disposition made according
45 to this section, the court may postpone, suspend, or revoke for a
46 period not to exceed two years the driver's license, registration
47 certificate, or both of any person convicted of a crime, disorderly
48 persons offense, or petty disorderly persons offense in the course of

1 which a motor vehicle was used. In imposing this disposition and in
2 deciding the duration of the postponement, suspension, or
3 revocation, the court shall consider the severity of the crime or
4 offense and the potential effect of the loss of driving privileges on
5 the person's ability to be rehabilitated. Any postponement,
6 suspension, or revocation shall be imposed consecutively with any
7 custodial sentence.

8 d. This chapter does not deprive the court of any authority
9 conferred by law to decree a forfeiture of property, suspend or
10 cancel a license, remove a person from office, or impose any other
11 civil penalty. Such a judgment or order may be included in the
12 sentence.

13 e. The court shall state on the record the reasons for imposing
14 the sentence, including its findings pursuant to the criteria for
15 withholding or imposing imprisonment or fines under [sections]
16 N.J.S.2C:44-1 to N.J.S.2C:44-3, where imprisonment is imposed,
17 consideration of the defendant's eligibility for release under the law
18 governing parole and the factual basis supporting its findings of
19 particular aggravating or mitigating factors affecting sentence.

20 f. The court shall explain the parole laws as they apply to the
21 sentence and shall state:

22 (1) the approximate period of time in years and months the
23 defendant will serve in custody before parole eligibility;

24 (2) the jail credits or the amount of time the defendant has
25 already served;

26 (3) that the defendant may be entitled to good time and work
27 credits; and

28 (4) that the defendant may be eligible for participation in the
29 Intensive Supervision Program.

30 g. Notwithstanding the provisions of paragraph (2) of
31 subsection b. of this section[, a]:

32 (1) A court imposing sentence on a defendant who has been
33 convicted of any offense enumerated in subsection a. of section 2 of
34 P.L.1994, c.130 (C.2C:43-6.4) may not sentence the defendant to be
35 placed on probation.

36 (2) A court shall, as a condition of any order sentencing the
37 defendant to probation pursuant to N.J.S.2C:45-1, require the
38 defendant to pay any assessment required by section 23 of P.L. __,
39 c. (C. _____) (pending before the Legislature as this bill). The
40 defendant shall not begin probation until the assessment is paid in
41 full.

42 (cf: P.L.2003, c.267, s.5)

43

44 23. (New section) a. In addition to any other fine, fee, or
45 assessment imposed, any person convicted of an offense shall be
46 assessed for each conviction as follows:

47 (1) In the case of a disorderly or petty disorderly persons
48 offense, \$25;

1 (2) In the case of a crime of the third or fourth degree, \$50;

2 (3) In the case of a crime of the first or second degree, \$100.

3 b. A court shall, as a condition of any order sentencing the
4 defendant to probation pursuant to N.J.S.2C:45-1, require the
5 defendant to pay any assessment required by subsection a. of this
6 section. The defendant shall not begin probation until the
7 assessment is paid in full.

8 c. All assessments provided for in this section shall be
9 collected pursuant to the procedures for the collection of fines and
10 restitutions set forth in section 3 of P.L.1979, c.396 (C.2C:46-4)
11 and shall be forwarded to the Department of the Treasury for
12 deposit in a separate account to be known as the "Medical
13 Examiner's Fund," created by section 6 of P.L. , c. (C.)
14 (pending before the Legislature as this bill).

15

16 24. N.J.S.2C:45-1 is amended to read as follows:

17 2C:45-1. Conditions of Suspension or Probation.

18 a. When the court suspends the imposition of sentence on a
19 person who has been convicted of an offense or sentences him to be
20 placed on probation, it shall attach such reasonable conditions,
21 authorized by this section, as it deems necessary to insure that he
22 will lead a law-abiding life or is likely to assist him to do so. These
23 conditions may be set forth in a set of standardized conditions
24 promulgated by the county probation department and approved by
25 the court.

26 b. The court, as a condition of its order, may require the
27 defendant:

28 (1) To support his dependents and meet his family
29 responsibilities;

30 (2) To find and continue in gainful employment;

31 (3) To undergo available medical or psychiatric treatment and
32 to enter and remain in a specified institution, when required for that
33 purpose;

34 (4) To pursue a prescribed secular course of study or vocational
35 training;

36 (5) To attend or reside in a facility established for the
37 instruction, recreation or residence of persons on probation;

38 (6) To refrain from frequenting unlawful or disreputable places
39 or consorting with disreputable persons;

40 (7) Not to have in his possession any firearm or other
41 dangerous weapon unless granted written permission;

42 (8) (Deleted by amendment, P.L.1991, c.329) **【;】**

43 (9) To remain within the jurisdiction of the court and to notify
44 the court or the probation officer of any change in his address or his
45 employment;

46 (10) To report as directed to the court or the probation officer, to
47 permit the officer to visit his home, and to answer all reasonable
48 inquiries by the probation officer;

1 (11) To pay a fine;

2 (12) To satisfy any other conditions reasonably related to the
3 rehabilitation of the defendant and not unduly restrictive of his
4 liberty or incompatible with his freedom of conscience;

5 (13) To require the performance of community-related service;
6 and

7 (14) To be subject to Internet access conditions pursuant to
8 paragraph (2) of subsection d. of this section.

9 In addition to any condition of probation, the court may enter an
10 order prohibiting a defendant who is convicted of a sex offense
11 from having any contact with the victim including, but not limited
12 to, entering the victim's residence, place of employment or business,
13 or school, and from harassing or stalking the victim or victim's
14 relatives in any way, and may order other protective relief as
15 provided in section 2 of P.L.2007, c.133 (C.2C:14-12).

16 c. The court, as a condition of its order, shall require the
17 defendant to pay any assessments required by section 2 of P.L.1979,
18 c.396 (C.2C:43-3.1) and section 23 of P.L. , c. (C.)
19 (pending before the Legislature as this bill), and shall, consistent
20 with the applicable provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and
21 N.J.S.2C:44-2 or section 1 of P.L.1983, c.411 (C.2C:43-2.1),
22 require the defendant to make restitution.

23 d. (1) In addition to any condition imposed pursuant to
24 subsection b. or c. of this section, the court shall order a person
25 placed on probation to pay a fee, not exceeding \$25.00 per month
26 for the probationary term, to probation services for use by the State,
27 except as provided in subsection g. of this section. This fee may be
28 waived in cases of indigency upon application by the chief
29 probation officer to the sentencing court.

30 (2) In addition to any conditions imposed pursuant to
31 subsection b. or c. of this section, the court may order a person who
32 has been convicted or adjudicated delinquent of a sex offense as
33 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2),
34 and who is required to register as provided in subsections c. and d.
35 of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been
36 convicted or adjudicated delinquent for a violation of N.J.S.2C:34-3
37 to be subject to any of the following Internet access conditions:

38 (a) Prohibit the person from accessing or using a computer or
39 any other device with Internet capability without the prior written
40 approval of the court, except the person may use a computer or any
41 other device with Internet capability in connection with that
42 person's employment or search for employment with the prior
43 approval of the person's probation officer;

44 (b) Require the person to submit to periodic unannounced
45 examinations of the person's computer or any other device with
46 Internet capability by a probation officer, law enforcement officer
47 or assigned computer or information technology specialist,
48 including the retrieval and copying of all data from the computer or

1 device and any internal or external peripherals and removal of such
2 information, equipment or device to conduct a more thorough
3 inspection;

4 (c) Require the person to submit to the installation on the
5 person's computer or device with Internet capability, at the person's
6 expense, one or more hardware or software systems to monitor the
7 Internet use; and

8 (d) Require the person to submit to any other appropriate
9 restrictions concerning the person's use or access of a computer or
10 any other device with Internet capability.

11 e. When the court sentences a person who has been convicted
12 of a crime to be placed on probation, it may require him to serve a
13 term of imprisonment not exceeding 364 days as an additional
14 condition of its order. When the court sentences a person convicted
15 of a disorderly persons offense to be placed on probation, it may
16 require him to serve a term of imprisonment not exceeding 90 days
17 as an additional condition of its order. In imposing a term of
18 imprisonment pursuant to this subsection, the sentencing court shall
19 specifically place on the record the reasons which justify the
20 sentence imposed. The term of imprisonment imposed hereunder
21 shall be treated as part of the sentence, and in the event of a
22 sentence of imprisonment upon the revocation of probation, the
23 term of imprisonment served hereunder shall be credited toward
24 service of such subsequent sentence. A term of imprisonment
25 imposed under this section shall be governed by the "Parole Act of
26 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

27 Whenever a person is serving a term of parole as a result of a
28 sentence of incarceration imposed as a condition of probation,
29 supervision over that person shall be maintained pursuant to the
30 provisions of the law governing parole. Upon termination of the
31 period of parole supervision provided by law, the county probation
32 department shall assume responsibility for supervision of the person
33 under sentence of probation. Nothing contained in this section shall
34 prevent the sentencing court from at any time proceeding under the
35 provisions of this chapter against any person for a violation of
36 probation.

37 f. The defendant shall be given a copy of the terms of his
38 probation or suspension of sentence and any requirements imposed
39 pursuant to this section, stated with sufficient specificity to enable
40 him to guide himself accordingly. The defendant shall
41 acknowledge, in writing, his receipt of these documents and his
42 consent to their terms.

43 g. Of the moneys collected under the provisions of subsection d.
44 of this section, \$15.00 of each monthly fee collected before January
45 1, 1995 shall be deposited in the temporary reserve fund created by
46 section 25 of P.L.1993, c.275, and \$10.00 of each shall be deposited
47 into a "Community Service Supervision Fund" which shall be
48 established by each county. The moneys in the "Community

1 Service Supervision Fund" shall be expended only in accordance
2 with the provisions of State law as shall be enacted to provide for
3 expenditures from this fund for the purpose of supervising and
4 monitoring probationers performing community service to ensure,
5 by whatever means necessary and appropriate, that probationers are
6 performing the community service ordered by the court and that the
7 performance is in the manner and under the terms ordered by the
8 court.

9 (cf: P.L.2007, c.219, s.4)

10
11 25. Section 1 of P.L.1986, c.189 (C.2A:62A-10) is amended to
12 read as follows:

13 1. a. When acting in response to a request of a law
14 enforcement officer, any physician, nurse or medical technician
15 who withdraws or otherwise obtains, in a medically accepted
16 manner, a specimen of breath, blood, urine or other bodily
17 substance and delivers it to a law enforcement officer, shall be
18 immune from civil or criminal liability for so acting, provided the
19 skill and care exercised is that ordinarily required and exercised by
20 others in the profession.

21 b. Any physician, nurse or medical technician who, for an
22 accepted medical purpose, withdraws or otherwise obtains, in a
23 medically accepted manner, a specimen of breath, blood, urine or
24 other bodily substance and subsequently delivers it to a law
25 enforcement officer either voluntarily or upon court order, shall be
26 immune from civil or criminal liability for so acting, provided the
27 skill and care exercised in obtaining the specimen is that ordinarily
28 required and exercised by others in the profession.

29 c. The immunity from civil or criminal liability provided in
30 subsections a. and b. of this section shall extend to the hospital or
31 other medical facility on whose premises or under whose auspices
32 the specimens are obtained, provided the skill, care and facilities
33 provided are those ordinarily so provided by similar medical
34 facilities.

35 d. For the purposes of this section, the term "law enforcement
36 officer" includes a State, county or municipal police officer, a
37 county prosecutor or his assistant, the Attorney General or his
38 deputy, or **【a】 the Chief State 【or county medical examiner】**
39 Medical Examiner or a Deputy Chief State Medical Examiner.

40 (cf: P.L.1992, c.196, s.2)

41
42 26. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to
43 read as follows:

44 7. a. The board shall consist of 13 members as follows: the
45 Commissioner of Children and Families, the Commissioner of
46 Health **【and Senior Services】**, the Director of the Division of Child
47 Protection and Permanency in the Department of Children and
48 Families, the Attorney General, and the Superintendent of State

1 Police, or their designees, the Chief State Medical Examiner, and
2 the Chairperson or Executive Director of the New Jersey Task
3 Force on Child Abuse and Neglect, who shall serve ex officio; and
4 six public members appointed by the Governor, one of whom shall
5 be a representative of the **【New Jersey Prosecutors'】** County
6 Prosecutors Association of New Jersey, one of whom shall be a
7 Law Guardian, one of whom shall be a pediatrician with expertise
8 in child abuse and neglect, one of whom shall be a psychologist
9 with expertise in child abuse and neglect, one of whom shall be a
10 social work educator with experience and expertise in the area of
11 child abuse or a related field and one of whom shall have expertise
12 in substance abuse.

13 b. The public members of the board shall serve for three-year
14 terms. Of the public members first appointed, three shall serve for a
15 period of two years, and three shall serve for a term of three years.
16 They shall serve without compensation but shall be eligible for
17 reimbursement for necessary and reasonable expenses incurred in
18 the performance of their official duties and within the limits of
19 funds appropriated for this purpose. Vacancies in the membership
20 of the board shall be filled in the same manner as the original
21 appointments were made.

22 c. The Governor shall appoint a public member to serve as
23 chairperson of the board who shall be responsible for the
24 coordination of all activities of the board and who shall provide the
25 technical assistance needed to execute the duties of the board.

26 d. The board is entitled to call to its assistance and avail itself
27 of the services of employees of any State, county, or municipal
28 department, board, bureau, commission, or agency as it may require
29 and as may be available for the purposes of reviewing a case
30 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).
31 The board may also seek the advice of experts, such as persons
32 specializing in the fields of pediatric, radiological, neurological,
33 psychiatric, orthopedic, and forensic medicine; nursing;
34 psychology; social work; education; law enforcement; family law;
35 substance abuse; child advocacy; or other related fields, if the facts
36 of a case warrant additional expertise.

37 (cf: P.L.2012, c.16, s.39)

38

39 27. R.S.26:6-1 is amended to read as follows:

40 26:6-1. As used in this chapter: "Local registrar" or "registrar"
41 means the local registrar of vital statistics. "State registrar" means
42 the State Registrar of Vital Statistics.

43 "Registration district" or "district" means the district established
44 by law for the registration of vital events.

45 "Fetal death" or "stillbirth" means death prior to the complete
46 expulsion or extraction from its mother of a product of conception,
47 irrespective of the duration of pregnancy; the death is indicated by
48 the fact that after such separation, the fetus does not breathe or

1 show any other evidence of life such as beating of the heart,
2 pulsation of the umbilical cord, or definite movement of voluntary
3 muscles.

4 "Dead body" means the dead body of a human being.

5 The definition of the term "communicable disease" as contained
6 in R.S.26:4-1 shall also apply to this chapter.

7 "Authentication" means the entry by the Chief State Medical
8 Examiner **【or a county medical examiner】**, a Deputy Chief State
9 Medical Examiner, funeral director or physician into the New
10 Jersey Electronic Death Registration System of a personal
11 identification code, digital signature or other identifier unique to
12 that user, by which the information entered into the system by the
13 user is authenticated by the user who assumes responsibility for its
14 accuracy. "Authentication" also means the process by which the
15 State registrar or a local registrar, deputy registrar, alternate deputy
16 registrar or subregistrar indicates that person's review and approval
17 of information entered into the system by the Chief State Medical
18 Examiner **【or a county】**, the deputy medical examiner, funeral
19 director or physician.

20 "Electronic registration system" means any electronic method,
21 including, but not limited to, one based on Internet technology, of
22 collecting, transmitting, recording and authenticating information
23 from one or more responsible parties, which is necessary to
24 complete a vital record, and is designed to replace a manual, paper-
25 based data collection, recordation and signature system.

26 "New Jersey Electronic Death Registration System" or "NJ-
27 EDRS" is an electronic registration system for completing a
28 certification of death or fetal death record that is authorized,
29 designed and maintained by the State registrar.

30 (cf: P.L.2003, c.221, s.1)

31

32 28. R.S.26:6-8 is amended to read as follows:

33 26:6-8. In the execution of a death certificate, the personal
34 particulars shall be obtained by the funeral director from the person
35 best qualified to supply them. The death and last sickness
36 particulars shall be supplied by the attending, covering, or resident
37 physician; or if there is no attending, covering, or resident
38 physician, by an attending registered professional nurse licensed by
39 the New Jersey Board of Nursing under P.L.1947, c.262 (C.45:11-
40 23 et seq.); or if there is no attending, covering, or resident
41 physician or attending registered professional nurse, by the **【county**
42 **medical examiner】** Deputy Chief State Medical Examiner with
43 jurisdiction for the region.

44 Within a reasonable time, not to exceed 24 hours after the
45 pronouncement of death, the attending, covering, or resident
46 physician, the attending advanced practice nurse pursuant to section
47 10 of P.L.1991, c.377 (C.45:11-49), or the **【county】** deputy medical
48 examiner shall execute the death certification. The burial

particulars shall be supplied by the funeral director. The attending, covering, or resident physician, the attending advanced practice nurse, the attending registered professional nurse, or the **[county]** deputy medical examiner and the funeral director shall certify to the particulars supplied by them by signing their names below the list of items furnished, or by otherwise authenticating their identities and the information that they have provided through the NJ-EDRS. If a person acting under the direct supervision of the Chief State Medical Examiner, a **[county]** deputy medical examiner, funeral director, attending, covering, or resident physician, attending advanced practice nurse, or licensed health care facility or other public or private institution providing medical care, treatment, or confinement to persons, which is registered with the NJ-EDRS, is not authorized to authenticate the information required on a certificate of death or fetal death, that person may enter that information into the NJ-EDRS in anticipation of its authentication by the Chief State Medical Examiner or a **[county]** deputy medical examiner, funeral director, attending, covering, or resident physician, attending advanced practice nurse, local registrar, deputy registrar, alternate deputy registrar or subregistrar, as applicable.

(cf: P.L.2015, c.38, s.1)

29. Section 4 of P.L.1983, c.308 (C.26:6-8.1) is amended to read as follows:

4. a. Where there has been an apparent death that is not governed by the provisions of section 4 of P.L.1991, c.90 (C.26:6A-4), a registered professional nurse licensed by the New Jersey Board of Nursing under P.L.1947, c.262 (C.45:11-23 et seq.) or a physician assistant licensed pursuant to P.L.1991, c.378 (C.45:9-27.10 **[et seq]** et al.) may make the actual determination and pronouncement of death and shall attest to this pronouncement by: signing in the space designated for this signature on the certificate of death under R.S.26:6-7; or, for the purposes of the NJ-EDRS, transmitting orally or in writing a report of the pronouncement to the attending, covering, or resident physician, or the **[county medical examiner]** Deputy Chief Medical Examiner with jurisdiction for the region wherein the death occurred.

b. (Deleted by amendment, P.L.2006, c.86) **[.]**

(cf: P.L.2015, c.224, s.13)

30. Section 1 of P.L.1988, c.125 (C.26:6-8.2) is amended to read as follows:

1. If the attending physician, registered professional nurse, physician assistant, or the Chief State or **[county medical examiner]** Deputy Chief State Medical Examiner who makes the actual determination and pronouncement of death determines or has knowledge that the deceased person was infected with human

1 immunodeficiency virus (HIV) or hepatitis B virus or that the
2 deceased person suffered from acquired immune deficiency
3 syndrome (AIDS), AIDS related complex (ARC), or any of the
4 contagious, infectious, or communicable diseases as shall be
5 determined by the Commissioner of the Department of Health, the
6 attending physician, registered professional nurse, physician
7 assistant, or Chief State or [county] deputy medical examiner shall
8 immediately place with the remains written notification of the
9 condition and shall provide written notification of the condition to
10 the funeral director who is responsible for the handling and the
11 disposition of the body.

12 (cf: P.L.2015, c.224, s.14)

13
14 31. R.S.26:6-9 is amended to read as follows:

15 26:6-9. In case of any death occurring without medical
16 attendance, the funeral director shall notify the [county medical
17 examiner] Deputy Chief State Medical Examiner with jurisdiction
18 for the region wherein the death occurred, or local registrar. In case
19 the local registrar shall be notified, [he] that registrar shall
20 immediately inform the [county] deputy medical examiner and
21 refer the case to [him] the deputy medical examiner for
22 investigation. The [county] deputy medical examiner shall furnish
23 the funeral director with the necessary data and last sickness
24 particulars to make the death certificate, or shall enter the
25 information directly into the NJ-EDRS.

26 (cf: P.L.2003, c.221, s.7)

27
28 32. R.S.26:6-14 is amended to read as follows:

29 26:6-14. Upon receipt of a death certificate, the local registrar
30 shall:

31 a. If the certificate is properly executed and complete, issue a
32 burial or removal permit when requested; [and] or

33 b. If the certificate of death is incomplete and unsatisfactory,
34 call attention to the defects in the return, and withhold the burial or
35 removal permit until the defects are corrected. Any person
36 certifying to any of the particulars in the certificate shall complete
37 the same as directed by the local registrar in accordance with such
38 terms as may be defined by the State registrar.

39 For the purposes of the NJ-EDRS, the death certificate shall be
40 complete when the attending, covering or resident physician or the
41 [county medical examiner] Deputy Chief State Medical Examiner,
42 and the funeral director in charge, have completed their respective
43 portions of the death registration record.

44 (cf: P.L.2003, c.221, s.9)

45
46 33. R.S.26:8-1 is amended to read as follows:

47 26:8-1. As used in this chapter:

1 "Vital statistics" means statistics concerning births, deaths, fetal
2 deaths, marriages, civil unions and domestic partnerships
3 established pursuant to P.L.2003, c.246 (C.26:8A-1 et al.).

4 "Vital records" means the birth, death, fetal death, marriage, civil
5 union and domestic partnership records from which vital statistics
6 are produced.

7 "State registrar" means the State registrar of vital statistics;
8 "Local registrar" or "registrar" means the local registrar of vital
9 statistics of any district; and "registration district" or "district"
10 means a registration district as constituted by this article.

11 "Live birth" or "birth" means the complete expulsion or
12 extraction from its mother of a product of conception, irrespective
13 of the duration of pregnancy, which, after such separation, breathes
14 or shows any other evidence of life such as beating of the heart,
15 pulsation of the umbilical cord, or definite movement of voluntary
16 muscles, whether or not the umbilical cord has been cut or the
17 placenta attached.

18 "Authentication" means the entry by the Chief State Medical
19 Examiner **[or a county medical examiner]**, a Deputy Chief State
20 Medical Examiner, funeral director or physician into the New
21 Jersey Electronic Death Registration System of a personal
22 identification code, digital signature or other identifier unique to
23 that user, by which the information entered into the system by the
24 user is authenticated by the user who assumes responsibility for its
25 accuracy. "Authentication" also means the process by which the
26 State registrar or a local registrar, deputy registrar, alternate deputy
27 registrar or subregistrar indicates that person's review and approval
28 of information entered into the system by the Chief State Medical
29 Examiner **[or a county]**, the deputy medical examiner, funeral
30 director or physician.

31 "Electronic registration system" means any electronic method,
32 including, but not limited to, one based on Internet technology, of
33 collecting, transmitting, recording and authenticating information
34 from one or more responsible parties, which is necessary to
35 complete a vital record, and is designed to replace a manual, paper-
36 based data collection, recordation and signature system.

37 "New Jersey Electronic Death Registration System" or "NJ-
38 EDRS" is an electronic registration system for completing a
39 certification of death or fetal death record that is authorized,
40 designed and maintained by the State registrar.

41 (cf: P.L.2006, c.103, s.37)

42

43 34. Section 16 of P.L.2003, c.221 (C.26:8-24.1) is amended to
44 read as follows:

45 16. a. The State registrar shall establish and maintain the New
46 Jersey Electronic Death Registration System or NJ-EDRS.

47 (1) The system shall be fully implemented no later than 18
48 months after the date of enactment of P.L.2003, c.221 (C.26:8-24.1

1 et al.), and shall be the required means of death registration and
2 certification for any death or fetal death occurring in this State,
3 subject to any exception that may be approved by the State registrar
4 in the case of a specific death or fetal death. All participants in the
5 death registration process, including, but not limited to, the State
6 registrar, local registrars, deputy registrars, alternate deputy
7 registrars, subregistrars, the Chief State [medical examiner]
8 Medical Examiner, [county medical examiners] Deputy Chief State
9 Medical Examiners, funeral directors, attending physicians and
10 resident physicians, licensed health care facilities, and other public
11 or private institutions providing medical care, treatment or
12 confinement to persons, shall be required to utilize the NJ-EDRS to
13 provide the information that is required of them by statute or
14 regulation.

15 (2) The State registrar may provide for a phased
16 implementation of the system, beginning seven months after the
17 date of enactment of P.L.2003, c.221 (C.26:8-24.1 et al.), by
18 requiring certain users, who are designated by the State registrar on
19 a geographic or other basis for this purpose, to commence
20 utilization of the system.

21 (3) Beginning no later than six months after the date of
22 enactment of P.L.2003, c.221 (C.26:8-24.1 et al.), the State registrar
23 shall authorize and provide material support, in the form of system
24 access, curriculum guidelines and user registration capability and
25 authority, to the principal trade associations or professional
26 organizations representing persons affected by implementation of
27 the NJ-EDRS, for the purposes of providing training and education
28 with regard to the NJ-EDRS. The State registrar may conduct such
29 education and training, or authorize other entities to do so on his
30 behalf; however, these activities shall not be construed as restricting
31 the training and education activities of any affected trade
32 association or professional organization, including the location,
33 manner, fees or other means of conducting those activities on the
34 part of the association or organization.

35 b. The NJ-EDRS shall, at a minimum, provide for:

36 (1) the direct transmission of burial permit documentation to
37 the originating funeral home in an electronic form capable of output
38 to a local printer;

39 (2) an overnight mail system for the delivery of NJ-EDRS-
40 generated death certificates by the State registrar and local
41 registrars, the cost of which shall be chargeable to the funeral
42 director of record;

43 (3) an automated notification system to alert other responsible
44 parties to pending cases, including notification to or from alternate
45 local registrars;

46 (4) a systematic electronic payment method by which all fees
47 are taken from accounts for which funeral homes are financially
48 responsible and distributed, as appropriate, to the State registrar or

1 local registrars as payment for the issuance of permits, the
2 recording of records, the making of certified copies of death
3 certificates, or for other charges that may be incurred;

4 (5) a legally binding system of digital authentication in lieu of
5 signatures for the responsible parties and a means of assuring
6 database security that permits users to enter the system from
7 multiple sites and includes contemporaneous and remote data
8 security methods to protect the system from catastrophic loss or
9 intrusions, as well as a method of data encryption for transmission;

10 (6) the capacity for authorized users to retrieve data comprising
11 the death certification record;

12 (7) the capacity to electronically amend and correct death
13 records;

14 (8) electronic notification, upon completion of the death record
15 and issuance of a burial permit, of the decedent's name, Social
16 Security number and last known address and the informant to: the
17 federal Social Security Administration, the U.S. Citizenship and
18 Immigration Services, the Division of Medical Assistance and
19 Health Services in the Department of Human Services, the
20 Department of Labor and Workforce Development and such other
21 governmental agencies as the State registrar determines will
22 substantially contribute to safeguarding public benefit programs and
23 diminish the criminal use of a decedent's name and other identifying
24 information; and the New Jersey State Funeral Directors
25 Association, in the case of a decedent participating in one of its
26 funeral expense payment programs, in such a manner as to enable it
27 to fulfill its fiduciary obligations for the payment of the decedent's
28 final funeral and burial expenses;

29 (9) sufficient data documentation to meet contemporary and
30 emerging standards and expectations of vital record archiving; and

31 (10) continuous 24-hour-a-day technical support for all
32 authorized users of the system.

33 c. A provider of information that is required to complete a
34 death certificate, or who is subject to the provisions of law
35 governing the NJ-EDRS, shall not be deemed to be acting as a local
36 registrar, deputy registrar, alternate deputy registrar or subregistrar
37 solely by virtue of permitting other providers of information to gain
38 access to the NJ-EDRS by using those other providers' identifying
39 information.

40 (cf: P.L.2013, c.274, s.2)

41

42 35. Section 18 of P.L.2003, c.221 (C.26:8-24.3) is amended to
43 read as follows:

44 18. The Chief State Medical Examiner, the Commissioner of
45 Labor and Workforce Development or his designee, **【county**
46 **medical examiners】** Deputy Chief State Medical Examiners,
47 licensed health care facilities, other public or private institutions
48 providing medical care, treatment or confinement to persons,

1 funeral homes and physicians' private practice offices, as defined by
2 the State registrar, shall acquire the electronic means prescribed by
3 the State registrar to access the NJ-EDRS, or make such other
4 arrangements as are necessary for that purpose, no later than six
5 months after the date of enactment of P.L.2003, c.221 (C.26:8-24.1
6 et al.).

7 The Chief State Medical Examiner, the Commissioner of Labor
8 and Workforce Development or his designee, and each **【county】**
9 deputy medical examiner, health care facility, institution, funeral
10 home or physician's office shall employ at least one person who is
11 qualified to use the NJ-EDRS, and is registered with the State
12 registrar as an authorized user of the system, by virtue of
13 completing a course of instruction on the NJ-EDRS provided by the
14 State registrar or an authorized agent thereof, or satisfying such
15 other requirements as may be established by the State registrar for
16 this purpose.

17 (cf: P.L.2013, c.274, s.3)

18
19 36. R.S.26:8-52 is amended to read as follows:

20 26:8-52. Corrections to death certificates shall be signed by the
21 physician, registered professional nurse, **【county medical**
22 **examiner,】** Deputy Chief State Medical Examiner, Chief State
23 Medical Examiner, funeral director or informant, whose name
24 appears upon the certificate, or shall be otherwise recorded and
25 authenticated on the NJ-EDRS as prescribed by the State registrar;
26 however, any individual having personal knowledge and
27 substantiating documentary proof of the matters sought to be
28 corrected may apply under oath to the **【county】** deputy medical
29 examiner or the Chief State Medical Examiner in a case in which
30 the certificate was signed by the Chief State Medical Examiner, to
31 have the certificate corrected. The authority to sign or otherwise
32 authenticate corrections or amendments to causes or duration of
33 causes of death is restricted to the physician, Chief State Medical
34 Examiner or **【county】** deputy medical examiner. Upon denial of an
35 application for correction or amendment of a death certificate, a
36 person who has applied to a **【county】** deputy medical examiner
37 may apply to the Chief State Medical Examiner, who shall exercise
38 discretion to review the matter and amend the certificate or to defer
39 to the decision of the **【county】** deputy medical examiner. The
40 decision of the **【county】** deputy medical examiner shall be deemed
41 the final decision by a public officer in the matter unless the Chief
42 State Medical Examiner amends or corrects the death certificate.

43 (cf: P.L.2003, c.221, s.22)

44
45 37. R.S.39:4-50 is amended to read as follows:

46 39:4-50. (a) Except as provided in subsection (g) of this section,
47 a person who operates a motor vehicle while under the influence of

1 intoxicating liquor, narcotic, hallucinogenic or habit-producing
2 drug, or operates a motor vehicle with a blood alcohol concentration
3 of 0.08% or more by weight of alcohol in the defendant's blood or
4 permits another person who is under the influence of intoxicating
5 liquor, narcotic, hallucinogenic or habit-producing drug to operate a
6 motor vehicle owned by him or in his custody or control or permits
7 another to operate a motor vehicle with a blood alcohol
8 concentration of 0.08% or more by weight of alcohol in the
9 defendant's blood shall be subject:

10 (1) For the first offense:

11 (i) if the person's blood alcohol concentration is 0.08% or
12 higher but less than 0.10%, or the person operates a motor vehicle
13 while under the influence of intoxicating liquor, or the person
14 permits another person who is under the influence of intoxicating
15 liquor to operate a motor vehicle owned by him or in his custody or
16 control or permits another person with a blood alcohol
17 concentration of 0.08% or higher but less than 0.10% to operate a
18 motor vehicle, to a fine of not less than \$250 nor more than \$400
19 and a period of detainment of not less than 12 hours nor more than
20 48 hours spent during two consecutive days of not less than six
21 hours each day and served as prescribed by the program
22 requirements of the Intoxicated Driver Resource Centers established
23 under subsection (f) of this section and, in the discretion of the
24 court, a term of imprisonment of not more than 30 days and shall
25 forthwith forfeit his right to operate a motor vehicle over the
26 highways of this State for a period of three months;

27 (ii) if the person's blood alcohol concentration is 0.10% or
28 higher, or the person operates a motor vehicle while under the
29 influence of narcotic, hallucinogenic or habit-producing drug, or the
30 person permits another person who is under the influence of
31 narcotic, hallucinogenic or habit-producing drug to operate a motor
32 vehicle owned by him or in his custody or control, or permits
33 another person with a blood alcohol concentration of 0.10% or more
34 to operate a motor vehicle, to a fine of not less than \$300 nor more
35 than \$500 and a period of detainment of not less than 12 hours nor
36 more than 48 hours spent during two consecutive days of not less
37 than six hours each day and served as prescribed by the program
38 requirements of the Intoxicated Driver Resource Centers established
39 under subsection (f) of this section and, in the discretion of the
40 court, a term of imprisonment of not more than 30 days and shall
41 forthwith forfeit his right to operate a motor vehicle over the
42 highways of this State for a period of not less than seven months
43 nor more than one year;

44 (iii) For a first offense, a person also shall be subject to the
45 provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

46 (2) For a second violation, a person shall be subject to a fine of
47 not less than \$500 nor more than \$1,000, and shall be ordered by
48 the court to perform community service for a period of 30 days,

1 which shall be of such form and on such terms as the court shall
2 deem appropriate under the circumstances, and shall be sentenced to
3 imprisonment for a term of not less than 48 consecutive hours,
4 which shall not be suspended or served on probation, nor more than
5 90 days, and shall forfeit his right to operate a motor vehicle over
6 the highways of this State for a period of two years upon
7 conviction, and, after the expiration of said period, he may make
8 application to the Chief Administrator of the New Jersey Motor
9 Vehicle Commission for a license to operate a motor vehicle, which
10 application may be granted at the discretion of the chief
11 administrator, consistent with subsection (b) of this section. For a
12 second violation, a person also shall be required to install an
13 ignition interlock device under the provisions of P.L.1999,
14 c.417 (C.39:4-50.16 et al.).

15 (3) For a third or subsequent violation, a person shall be subject
16 to a fine of \$1,000, and shall be sentenced to imprisonment for a
17 term of not less than 180 days in a county jail or workhouse, except
18 that the court may lower such term for each day, not exceeding 90
19 days, served participating in a drug or alcohol inpatient
20 rehabilitation program approved by the Intoxicated Driver Resource
21 Center and shall thereafter forfeit his right to operate a motor
22 vehicle over the highways of this State for 10 years. For a third or
23 subsequent violation, a person also shall be required to install an
24 ignition interlock device under the provisions of P.L.1999,
25 c.417 (C.39:4-50.16 et al.).

26 As used in this section, the phrase "narcotic, hallucinogenic or
27 habit-producing drug" includes an inhalant or other substance
28 containing a chemical capable of releasing any toxic vapors or
29 fumes for the purpose of inducing a condition of intoxication, such
30 as any glue, cement or any other substance containing one or more
31 of the following chemical compounds: acetone and acetate, amyl
32 nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl
33 nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol,
34 ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or
35 isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous
36 oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl
37 nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or
38 any other chemical substance capable of causing a condition of
39 intoxication, inebriation, excitement, stupefaction or the dulling of
40 the brain or nervous system as a result of the inhalation of the
41 fumes or vapors of such chemical substance.

42 Whenever an operator of a motor vehicle has been involved in an
43 accident resulting in death, bodily injury or property damage, a
44 police officer shall consider that fact along with all other facts and
45 circumstances in determining whether there are reasonable grounds
46 to believe that person was operating a motor vehicle in violation of
47 this section.

1 A conviction of a violation of a law of a substantially similar
2 nature in another jurisdiction, regardless of whether that jurisdiction
3 is a signatory to the Interstate Driver License Compact pursuant to
4 P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior
5 conviction under this subsection unless the defendant can
6 demonstrate by clear and convincing evidence that the conviction in
7 the other jurisdiction was based exclusively upon a violation of a
8 proscribed blood alcohol concentration of less than 0.08%.

9 If the driving privilege of any person is under revocation or
10 suspension for a violation of any provision of this Title or Title 2C
11 of the New Jersey Statutes at the time of any conviction for a
12 violation of this section, the revocation or suspension period
13 imposed shall commence as of the date of termination of the
14 existing revocation or suspension period. In the case of any person
15 who at the time of the imposition of sentence is less than 17 years
16 of age, the forfeiture, suspension or revocation of the driving
17 privilege imposed by the court under this section shall commence
18 immediately, run through the offender's seventeenth birthday and
19 continue from that date for the period set by the court pursuant to
20 paragraphs (1) through (3) of this subsection. A court that imposes
21 a term of imprisonment for a first or second offense under this
22 section may sentence the person so convicted to the county jail, to
23 the workhouse of the county wherein the offense was committed, to
24 an inpatient rehabilitation program or to an Intoxicated Driver
25 Resource Center or other facility approved by the chief of the
26 Intoxicated Driving Program Unit in the Department of Health. For
27 a third or subsequent offense a person shall not serve a term of
28 imprisonment at an Intoxicated Driver Resource Center as provided
29 in subsection (f) of this section.

30 A person who has been convicted of a previous violation of this
31 section need not be charged as a second or subsequent offender in
32 the complaint made against him in order to render him liable to the
33 punishment imposed by this section on a second or subsequent
34 offender, but if the second offense occurs more than 10 years after
35 the first offense, the court shall treat the second conviction as a first
36 offense for sentencing purposes and if a third offense occurs more
37 than 10 years after the second offense, the court shall treat the third
38 conviction as a second offense for sentencing purposes.

39 (b) A person convicted under this section must satisfy the
40 screening, evaluation, referral, program and fee requirements of the
41 Division of Mental Health and Addiction Services' Intoxicated
42 Driving Program Unit, and of the Intoxicated Driver Resource
43 Centers and a program of alcohol and drug education and highway
44 safety, as prescribed by the chief administrator. The sentencing
45 court shall inform the person convicted that failure to satisfy such
46 requirements shall result in a mandatory two-day term of
47 imprisonment in a county jail and a driver license revocation or
48 suspension and continuation of revocation or suspension until such

1 requirements are satisfied, unless stayed by court order in
2 accordance with the Rules Governing the Courts of the State of
3 New Jersey, or R.S.39:5-22. Upon sentencing, the court shall
4 forward to the Division of Mental Health and Addiction Services'
5 Intoxicated Driving Program Unit a copy of a person's conviction
6 record. A fee of \$100 shall be payable to the Alcohol Education,
7 Rehabilitation and Enforcement Fund established pursuant to
8 section 3 of P.L.1983, c.531 (C.26:2B-32) to support the
9 Intoxicated Driving Program Unit.

10 (c) Upon conviction of a violation of this section, the court shall
11 collect forthwith the New Jersey driver's license or licenses of the
12 person so convicted and forward such license or licenses to the
13 chief administrator. The court shall inform the person convicted
14 that if he is convicted of personally operating a motor vehicle
15 during the period of license suspension imposed pursuant to
16 subsection (a) of this section, he shall, upon conviction, be subject
17 to the penalties established in R.S.39:3-40. The person convicted
18 shall be informed orally and in writing. A person shall be required
19 to acknowledge receipt of that written notice in writing. Failure to
20 receive a written notice or failure to acknowledge in writing the
21 receipt of a written notice shall not be a defense to a subsequent
22 charge of a violation of R.S.39:3-40. In the event that a person
23 convicted under this section is the holder of any out-of-State
24 driver's license, the court shall not collect the license but shall
25 notify forthwith the chief administrator, who shall, in turn, notify
26 appropriate officials in the licensing jurisdiction. The court shall,
27 however, revoke the nonresident's driving privilege to operate a
28 motor vehicle in this State, in accordance with this section. Upon
29 conviction of a violation of this section, the court shall notify the
30 person convicted, orally and in writing, of the penalties for a
31 second, third or subsequent violation of this section. A person shall
32 be required to acknowledge receipt of that written notice in writing.
33 Failure to receive a written notice or failure to acknowledge in
34 writing the receipt of a written notice shall not be a defense to a
35 subsequent charge of a violation of this section.

36 (d) The chief administrator shall promulgate rules and
37 regulations pursuant to the "Administrative Procedure Act,"
38 P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program
39 of alcohol education and highway safety, as prescribed by this act.

40 (e) Any person accused of a violation of this section who is
41 liable to punishment imposed by this section as a second or
42 subsequent offender shall be entitled to the same rights of discovery
43 as allowed defendants pursuant to the Rules Governing the Courts
44 of the State of New Jersey.

45 (f) The counties, in cooperation with the Division of Mental
46 Health and Addiction Services and the commission, but subject to
47 the approval of the Division of Mental Health and Addiction
48 Services, shall designate and establish on a county or regional basis

1 Intoxicated Driver Resource Centers. These centers shall have the
2 capability of serving as community treatment referral centers and as
3 court monitors of a person's compliance with the ordered treatment,
4 service alternative or community service. All centers established
5 pursuant to this subsection shall be administered by a counselor
6 certified by the **【Alcohol and Drug Counselor】** Addiction
7 Professionals Certification Board of New Jersey or other
8 professional with a minimum of five years' experience in the
9 treatment of alcoholism. All centers shall be required to develop
10 individualized treatment plans for all persons attending the centers;
11 provided that the duration of any ordered treatment or referral shall
12 not exceed one year. It shall be the center's responsibility to
13 establish networks with the community alcohol and drug education,
14 treatment and rehabilitation resources and to receive monthly
15 reports from the referral agencies regarding a person's participation
16 and compliance with the program. Nothing in this subsection shall
17 bar these centers from developing their own education and
18 treatment programs; provided that they are approved by the
19 Division of Mental Health and Addiction Services.

20 Upon a person's failure to report to the initial screening or any
21 subsequent ordered referral, the Intoxicated Driver Resource Center
22 shall promptly notify the sentencing court of the person's failure to
23 comply.

24 Required detention periods at the Intoxicated Driver Resource
25 Centers shall be determined according to the individual treatment
26 classification assigned by the Intoxicated Driving Program Unit.
27 Upon attendance at an Intoxicated Driver Resource Center, a person
28 shall be required to pay a per diem fee of \$75 for the first offender
29 program or a per diem fee of \$100 for the second offender program,
30 as appropriate. Any increases in the per diem fees after the first full
31 year shall be determined pursuant to rules and regulations adopted
32 by the Commissioner of Health in consultation with the Governor's
33 Council on Alcoholism and Drug Abuse pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.).

36 The centers shall conduct a program of alcohol and drug
37 education and highway safety, as prescribed by the chief
38 administrator.

39 The Commissioner of Health shall adopt rules and regulations
40 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
41 (C.52:14B-1 et seq.), in order to effectuate the purposes of this
42 subsection.

43 (g) When a violation of this section occurs while:

44 (1) on any school property used for school purposes which is
45 owned by or leased to any elementary or secondary school or school
46 board, or within 1,000 feet of such school property;

1 (2) driving through a school crossing as defined in R.S.39:1-1 if
2 the municipality, by ordinance or resolution, has designated the
3 school crossing as such; or

4 (3) driving through a school crossing as defined in R.S.39:1-1
5 knowing that juveniles are present if the municipality has not
6 designated the school crossing as such by ordinance or resolution,
7 the convicted person shall: for a first offense, be fined not less than
8 \$500 or more than \$800, be imprisoned for not more than 60 days
9 and have his license to operate a motor vehicle suspended for a
10 period of not less than one year or more than two years; for a
11 second offense, be fined not less than \$1,000 or more than \$2,000,
12 perform community service for a period of 60 days, be imprisoned
13 for not less than 96 consecutive hours, which shall not be suspended
14 or served on probation, nor more than 180 days, except that the
15 court may lower such term for each day, not exceeding 90 days,
16 served performing community service in such form and on such
17 terms as the court shall deem appropriate under the circumstances
18 and have his license to operate a motor vehicle suspended for a
19 period of four years; and, for a third offense, be fined \$2,000,
20 imprisoned for 180 days in a county jail or workhouse, except that
21 the court may lower such term for each day, not exceeding 90 days,
22 served participating in a drug or alcohol inpatient rehabilitation
23 program approved by the Intoxicated Driver Resource Center, and
24 have his license to operate a motor vehicle suspended for a period
25 of 20 years; the period of license suspension shall commence upon
26 the completion of any prison sentence imposed upon that person.

27 A map or true copy of a map depicting the location and
28 boundaries of the area on or within 1,000 feet of any property used
29 for school purposes which is owned by or leased to any elementary
30 or secondary school or school board produced pursuant to section 1
31 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
32 paragraph (1) of this subsection.

33 It shall not be relevant to the imposition of sentence pursuant to
34 paragraph (1) or (2) of this subsection that the defendant was
35 unaware that the prohibited conduct took place while on or within
36 1,000 feet of any school property or while driving through a school
37 crossing. Nor shall it be relevant to the imposition of sentence that
38 no juveniles were present on the school property or crossing zone at
39 the time of the offense or that the school was not in session.

40 (h) A court also may order a person convicted pursuant to
41 subsection (a) of this section, to participate in a supervised
42 visitation program as either a condition of probation or a form of
43 community service, giving preference to those who were under the
44 age of 21 at the time of the offense. Prior to ordering a person to
45 participate in such a program, the court may consult with any
46 person who may provide useful information on the defendant's
47 physical, emotional and mental suitability for the visit to ensure that
48 it will not cause any injury to the defendant. The court also may

1 order that the defendant participate in a counseling session under
2 the supervision of the Intoxicated Driving Program Unit prior to
3 participating in the supervised visitation program. The supervised
4 visitation program shall be at one or more of the following facilities
5 which have agreed to participate in the program under the
6 supervision of the facility's personnel and the probation department:

7 (1) a trauma center, critical care center or acute care hospital
8 having basic emergency services, which receives victims of motor
9 vehicle accidents for the purpose of observing appropriate victims
10 of drunk drivers and victims who are, themselves, drunk drivers;

11 (2) a facility which cares for advanced alcoholics or drug
12 abusers, to observe persons in the advanced stages of alcoholism or
13 drug abuse; or

14 (3) if approved by a [county medical examiner, the office of
15 the county medical examiner] Deputy Chief State Medical
16 Examiner, regional medical examiner office, or a public morgue to
17 observe appropriate victims of vehicle accidents involving drunk
18 drivers.

19 As used in this [section] subsection, "appropriate victim" means
20 a victim whose condition is determined by the facility's supervisory
21 personnel and the probation officer to be appropriate for
22 demonstrating the results of accidents involving drunk drivers
23 without being unnecessarily gruesome or traumatic to the
24 defendant.

25 If at any time before or during a visitation the facility's
26 supervisory personnel and the probation officer determine that the
27 visitation may be or is traumatic or otherwise inappropriate for that
28 defendant, the visitation shall be terminated without prejudice to the
29 defendant. The program may include a personal conference after
30 the visitation, which may include the sentencing judge or the judge
31 who coordinates the program for the court, the defendant,
32 defendant's counsel, and, if available, the defendant's parents to
33 discuss the visitation and its effect on the defendant's future
34 conduct. If a personal conference is not practicable because of the
35 defendant's absence from the jurisdiction, conflicting time
36 schedules, or any other reason, the court shall require the defendant
37 to submit a written report concerning the visitation experience and
38 its impact on the defendant. The county, a court, any facility visited
39 pursuant to the program, any agents, employees, or independent
40 contractors of the court, county, or facility visited pursuant to the
41 program, and any person supervising a defendant during the
42 visitation, are not liable for any civil damages resulting from injury
43 to the defendant, or for civil damages associated with the visitation
44 which are caused by the defendant, except for willful or grossly
45 negligent acts intended to, or reasonably expected to result in, that
46 injury or damage.

47 The Supreme Court may adopt court rules or directives to
48 effectuate the purposes of this subsection.

(i) In addition to any other fine, fee, or other charge imposed pursuant to law, the court shall assess a person convicted of a violation of the provisions of this section a surcharge of \$125, of which amount \$50 shall be payable to the municipality in which the conviction was obtained, \$50 shall be payable to the Treasurer of the State of New Jersey for deposit into the General Fund, and \$25 which shall be payable as follows: in a matter where the summons was issued by a municipality's law enforcement agency, to that municipality to be used for the cost of equipping police vehicles with mobile video recording systems pursuant to the provisions of section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the summons was issued by a county's law enforcement agency, to that county; and in a matter where the summons was issued by a State law enforcement agency, to the General Fund.
(cf: P.L.2014, c.54, s.2)

38. R.S.39:4-134 is amended to read as follows:

39:4-134. Every county prosecutor, **county medical examiner** Deputy Chief State Medical Examiner, or other official performing like functions shall make a report to the **director** chief administrator with respect to a death found to have been the result of a motor vehicle accident.
(cf: P.L.1971, c.2, s.17)

39. N.J.S.40A:9-49 is amended to read as follows:

40A:9-49. The **county medical examiner** Deputy Chief State Medical Examiner upon taking charge of unidentified or unclaimed dead bodies shall make burial arrangements. If the decedent left an ascertainable estate able to pay for the burial, the cost thereof certified by the official in charge shall be payable out of such estate. If the decedent left no ascertainable estate able to pay for the burial, the cost of burial shall be borne:

- a. if the decedent was an adult or emancipated child with surviving spouse, by the surviving spouse,
- b. if the decedent was an unemancipated child with a surviving parent, by the surviving parent, or
- c. if there is no surviving spouse or parent, as applicable, by **the** a county within the jurisdiction of the deputy medical examiner's regional medical examiner's office.

(cf: P.L.1985, c.438, s.1)

40. N.J.S.40A:9-50 is amended to read as follows:

40A:9-50. The Superior Court, upon the application of a proper party, may order the disinterment of any dead body, where an investigation of the cause of death is authorized, under the supervision and direction of the **county medical examiner** Deputy Chief State Medical Examiner with jurisdiction for the region and authorize said official to remove the body to a public morgue for

1 the purpose of examination or autopsy. The court shall direct the
2 giving of or dispensing with notice.

3 (cf: P.L.1991, c.91, s.393)

4
5 41. N.J.S.40A:9-51 is amended to read as follows:

6 40A:9-51. The board of chosen freeholders of any county, by
7 resolution, may designate not more than 6 places to be used as
8 county public morgues and provide for their maintenance and
9 operation. The said board may appoint the morgue keepers for
10 terms of 5 years from the date of their appointments. The morgue
11 keepers shall be under the supervision and direction of the **【county**
12 **medical examiner】** Deputy Chief State Medical Examiner with
13 jurisdiction for the region.

14 (cf: N.J.S.40A:9-51)

15
16 42. N.J.S.40A:9-52 is amended to read as follows:

17 40A:9-52. The morgue keepers shall be required to provide
18 suitable rooms for the holding of necessary examinations or
19 autopsies. They shall dispose of the dead bodies as directed by the
20 **【county medical examiner】** Deputy Chief State Medical Examiner
21 with jurisdiction for the region. The said **【county】** deputy medical
22 examiner shall grant burial certificates for the unknown or
23 unclaimed dead only to the morgue keepers. The board of chosen
24 freeholders shall fix and pay the fees and expenses incurred by the
25 morgue keepers in the performance of their duties as such.

26 (cf: N.J.S.40A:9-52)

27
28 43. N.J.S.40A:9-54 is amended to read as follows:

29 40A:9-54. Unidentified or unclaimed dead bodies shall be
30 viewed by the **【county medical examiner】** Deputy Chief State
31 Medical Examiner with jurisdiction for the region wherein the dead
32 body lies or a regularly licensed and practicing physician deputized
33 for that purpose by the **【county】** deputy medical examiner.
34 Thereafter the body shall be buried by the morgue keeper at the
35 expense of the county.

36 (cf: P.L.2002, c.121, s.3)

37
38 44. N.J.S.40A:9-55 is amended to read as follows:

39 40A:9-55. If any dead body in a morgue received as being
40 unidentified shall thereafter be identified, the morgue keeper, upon
41 the order of the **【county medical examiner】** Deputy Chief State
42 Medical Examiner with jurisdiction for the region, shall deliver
43 such body to any proper person willing to accept the responsibility
44 therefor. Said person shall state the name and last known residence
45 of the deceased and acknowledge receipt of the body by signing for
46 it in a book to be kept by the morgue keeper for that purpose.

47 The morgue keeper shall make and keep a record of all bodies

1 received and their disposition.

2 (cf: N.J.S.40A:9-55)

3

4 45. N.J.S.40A:9-56 is amended to read as follows:

5 40A:9-56. In any county where there is no morgue keeper, the
6 procedure as to the disposition of unidentified or unclaimed dead
7 bodies shall be as nearly similar as in counties having a morgue
8 keeper and the duties which would have been performed by the
9 morgue keeper, if there were one, shall be performed by the
10 **【county medical examiner】** Deputy Chief State Medical Examiner
11 with jurisdiction for the region.

12 (cf: P.L.2002, c.121, s.4)

13

14 46. N.J.S.40A:9-57 is amended to read as follows:

15 40A:9-57. Where in any municipality the police ascertain the
16 finding or discovery of an unidentified dead body, the chief of
17 police or other police officer on duty shall forthwith notify the
18 **【county medical examiner】** Deputy Chief State Medical Examiner
19 with jurisdiction for the region of such finding or discovery.

20 (cf: N.J.S.40A:9-57)

21

22 47. N.J.S.40A:9-58 is amended to read as follows:

23 40A:9-58. The **【county medical examiner】** Deputy Chief State
24 Medical Examiner with jurisdiction for the region shall take charge
25 of the personal property found on or pertaining to an unknown
26 decedent. The said **【county】** deputy medical examiner shall make
27 an inventory of all such personal property and file a copy thereof
28 with the clerk of the board of chosen freeholders for the county
29 wherein the finding or discovery of the unknown decedent occurred.
30 Within 20 days after the death, the said personal property with a
31 copy of the inventory shall be delivered to the county treasurer.
32 After 20 days following such delivery the county treasurer, in his
33 discretion, may sell said property at public or private sale. If the
34 proceeds of any such sale shall not be claimed by a personal
35 representative of the decedent or person entitled thereto within 2
36 years after the sale, the said proceeds shall become the property of
37 the county.

38 (cf: N.J.S.40A:9-58)

39

40 48. Section 32 of P.L.1952, c.340 (C.45:7-63) is amended to
41 read as follows:

42 32. No person shall inject any fluid or substance into any cavity
43 or artery of the body of any person who has come to a sudden,
44 violent or untimely death, or of any person found dead, the manner
45 of whose death is not known, until permission is obtained from the
46 **【county medical examiner of】** Deputy Chief State Medical
47 Examiner with jurisdiction for the county in which the dead body
48 lies. No person shall employ, for the purpose of the practice of

1 mortuary science, funeral directing or embalming, any arsenical or
2 other poisonous agent which may by its presence in the viscera
3 prevent the detection of criminal usage of the poisonous agent
4 before the death of the individual occurred; but this provision shall
5 not prohibit the use by any association incorporated under article 4
6 of chapter 9 of Title 45 of the Revised Statutes, of any substance for
7 the preservation of dead bodies which have legally come into its
8 possession.

9 (cf: P.L.1971, c.2, s.18)

10
11 49. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to
12 read as follows:

13 2. The salary ranges for the following positions shall be as
14 established by the Civil Service Commission with the approval of
15 the Director, Division of Budget and Accounting. The salary rate
16 for any such position shall be the salary step in such range next
17 above the salary currently being paid; provided, however, that any
18 sums appropriated for salaries may be made available for salary
19 adjustments therein arising from various exigencies of the State
20 service and for normal merit salary increments as the Civil Service
21 Commission, the State Treasurer and the Director of the Division of
22 Budget and Accounting shall determine; and provided, further, that
23 nothing in this act shall reduce the salary rate for any such position
24 below that which is being paid on the effective date of this act:

25 Community Affairs Department

26 Assistant Commissioner of Community Affairs

27 Director, Division of State and Regional Planning

28 Director, Division of Local Government Services

29 Director, Division of Housing and Urban Renewal

30 Director, Office of Aging Programs

31 Director, Office on Women

32 Environmental Protection Department

33 Director, Division of Water Resources

34 Director, Division of Parks and Forestry

35 Director of Fish, Game and Shell Fisheries

36 Director, Division of Marine Services

37 Director, Division of Environmental Quality

38 Health and Senior Services Department

39 Director, Division of Narcotic and Drug Abuse Control

40 Corrections Department

41 Chairman, State Parole Board

42 Associate Member, State Parole Board

43 Public Defender

44 Labor and Workforce Development Department

45 Director, Workplace Standards

46 Law and Public Safety Department

47 Colonel and Superintendent, State Police

48 Chief State Medical Examiner

1 Director, Division of Alcoholic Beverage Control
2 State Superintendent of Weights and Measures
3 Public Utilities Department
4 Director, Office of Cable Television
5 Executive Director, Public Broadcasting
6 State Department
7 Transportation Department
8 Assistant Commissioner for Highways
9 Assistant Commissioner for Public Transportation
10 Chief Administrator, New Jersey Motor Vehicle
11 Commission
12 Treasury Department
13 Director, Division of Budget and Accounting
14 Director, Division of Taxation
15 Director, Division of Purchase and Property
16 Director, Division of Pensions and Benefits
17 Director, Division of State Lottery.
18 (cf: P.L.2008, c.29, s.107)
19

20 50. Section 3 of P.L.2003, c.225 (C.52:27D-43.17c) is amended
21 to read as follows:

22 3. a. The board shall consist of 20 members as follows:

23 (1) the Commissioners of Community Affairs, Human Services,
24 Children and Families, and Health **【and Senior Services】**, the
25 Attorney General, the Public Defender, the Superintendent of the
26 State Police, the Director of the Division of Child Protection and
27 Permanency in the Department of Children and Families, the Chief
28 State Medical Examiner, and the chairperson of the Child Fatality
29 and Near Fatality Review Board, or their designees, who shall serve
30 ex officio;

31 (2) eight public members appointed by the Governor who shall
32 include a representative of the County Prosecutors Association of
33 New Jersey with expertise in prosecuting domestic violence cases, a
34 representative of the New Jersey Coalition **【for Battered Women】**
35 to End Domestic Violence, a representative of a program for
36 battered women that provides intervention services to perpetrators
37 of acts of domestic violence, a representative of the law
38 enforcement community with expertise in the area of domestic
39 violence, a psychologist with expertise in the area of domestic
40 violence or other related fields, a licensed social worker with
41 expertise in the area of domestic violence, a licensed health care
42 professional knowledgeable in the screening and identification of
43 domestic violence cases and a county probation officer; and

44 (3) two retired judges appointed by the **【Administrative】**
45 Director of the Administrative Office of the Courts, one with
46 expertise in family law and one with expertise in municipal law as it
47 relates to domestic violence.

1 b. The public members of the board shall serve for three-year
2 terms, except that of the public members first appointed, four shall
3 serve for a period of one year, three shall serve for a period of two
4 years and two shall serve for a period of three years. The members
5 shall serve without compensation, but shall be eligible for
6 reimbursement for necessary and reasonable expenses incurred in
7 the performance of their official duties and within the limits of
8 funds appropriated for this purpose. Vacancies in the membership
9 of the board shall be filled in the same manner as the original
10 appointments were made.

11 c. The board shall select a chairperson from among its
12 members who shall be responsible for the coordination of all
13 activities of the board.

14 d. The board is entitled to call to its assistance and avail itself
15 of the services of employees of any State, county, or municipal
16 department, board, bureau, commission, or agency as it may require
17 and as may be available for the purposes of reviewing a case
18 pursuant to the provisions of P.L.2003, c.225 (C.52:27D-43.17a et
19 seq.).

20 e. The board may seek the advice of experts, such as persons
21 specializing in the fields of psychiatric and forensic medicine,
22 nursing, psychology, social work, education, law enforcement,
23 family law, academia, military affairs, or other related fields, if the
24 facts of a case warrant additional expertise.

25 (cf: P.L.2012, c.16, s.150)

26

27 51. Section 8 of P.L.2001, c.246 (C.App.A:9-71) is amended to
28 read as follows:

29 8. a. There is established in the Department of Law and Public
30 Safety the Domestic Security Preparedness Planning Group, which
31 shall assist the task force in performing its duties under this act. In
32 cooperation with the task force, the planning group shall develop
33 and provide to the task force, for consideration, a coordinated plan
34 to be included in the State Emergency Operations Plan to prepare
35 for, respond to, mitigate and recover from incidents of terrorism.

36 b. The members of the planning group shall include the
37 Director of the New Jersey Office of Emergency Management, the
38 Adjutant General of Military and Veterans' Affairs or his designee,
39 the Commissioner of Agriculture or his designee, the Commissioner
40 of Community Affairs or his designee, the Commissioner of
41 Corrections or his designee, the Commissioner of Environmental
42 Protection or his designee, the Commissioner of Health **【and Senior**
43 **Services】** or his designee, the Commissioner of Human Services **【,】**
44 or his designee, the Commissioner of Transportation or his
45 designee, the Executive Director of the New Jersey Transit
46 Corporation or his designee, the State Treasurer or his designee, the
47 New Jersey Chief State Medical Examiner or his designee, the
48 President of the Board of Public Utilities or his designee, a

1 representative of the New Jersey **【County】** Emergency
2 Management **【Coordinators】** Association, a representative of the
3 New Jersey State Fire Chiefs Association, and a representative of
4 the New Jersey State **【Police Chiefs】** Association of Chiefs of
5 Police. The planning group may include, to the extent such
6 individuals may be made available for such purpose, a
7 representative of the Federal Emergency Management Agency, a
8 representative of the Federal Bureau of Investigation, a
9 representative of the American Red Cross, and a representative of
10 such other charitable groups as may be appropriate. The chairperson
11 of the task force shall appoint the chair and vice chair of the
12 planning group.

13 (cf: P.L.2012, c.45, s.137)

14

15 52. The following are repealed:
16 N.J.S.40A:9-46 to N.J.S.40A:9-48; and
17 Sections 6 through 8, 14, and 16 of P.L.1967, c.234 (C.52:17B-83
18 through 52:17B-85, 52:17B-91, and 52:17B-93).

19

20 53. This act shall take effect on the 120th day after enactment.

21

22

23 STATEMENT

24

25 This bill would establish an integrated State medical examiner
26 system. The bill intends to reform the current State and county
27 medical examiner systems into a more uniform and coordinated
28 structure, and would: 1) increase the authority of the State Medical
29 Examiner regarding forensic investigations of deaths; 2) establish
30 regional medical examiner offices, under the direction of new
31 "Deputy Chief State Medical Examiners"; and 3) eliminate the
32 offices of the county medical examiners.

33 The State Medical Examiner, renamed the "Chief State Medical
34 Examiner," would be appointed by the Governor and subject to new
35 qualifying standards. The State examiner would be required to be a
36 physician licensed *and in good standing in the State*, a graduate of
37 an accredited medical school or college, and *certified by the*
38 *American Board of Pathology* (instead of simply being a "qualified"
39 forensic pathologist). The State examiner would direct, control, and
40 supervise the integrated State medical examiner system.

41 The State examiner would be assisted by several Deputy Chief
42 State Medical Examiners, appointed by the Attorney General in
43 consultation with the State examiner, and subject to qualifying
44 standards similar to those established for the Chief State Medical
45 Examiner. The Attorney General would appoint between four and
46 six such deputy medical examiners.

47 Each deputy medical examiner would direct a newly created
48 regional medical examiner office. These deputy medical examiners

1 would also assume the responsibilities currently handled by the
2 county medical examiners, which positions are eliminated by the
3 bill. However, in order to better integrate the functions and
4 responsibilities of the county medical examiners within the new,
5 more uniform State medical system, any county medical examiner
6 appointed prior to the enactment of this bill would continue in such
7 capacity until the expiration of the examiner's term.

8 This newly structured State medical examiner system would
9 possess an expanded scope of jurisdiction, and additional
10 investigatory authority, with respect to forensic investigations of
11 deaths. The office of the Chief State Medical Examiner and the
12 regional medical examiner offices would investigate deaths in an
13 expanded range of categories, including: the deaths of persons in
14 the custody of law enforcement officers; deaths from causes which
15 might constitute a threat to public safety; deaths due to injury
16 relating to employment; and deaths associated with diagnostic or
17 therapeutic procedures. When investigating a person's death
18 resulting from any of the enumerated categories, the investigating
19 medical examiner would be provided the additional authority to
20 take possession of any objects or articles which constitute evidence
21 of criminal behavior and later deliver such items to the appropriate
22 regional medical examiner office and county prosecutor.

23 This expanded investigatory authority is further demonstrated by
24 provisions within the bill which would provide the Chief State
25 Medical Examiner with the power to issue subpoenas in order to
26 compel the production of books, accounts, documents, or other
27 evidence relative to any matter within the jurisdiction of the State
28 examiner's office. Investigations could also be coordinated with
29 law enforcement resources, even in matters which may exist
30 primarily outside of the jurisdiction of the State examiner, with the
31 permission of the Attorney General.

32 In order to fund the functioning and operation of the office of the
33 Chief State Medical Examiner and the regional medical examiner
34 offices, the bill would create a nonlapsing fund in the Department
35 of the Treasury. This fund would be the depository for a mandatory
36 assessment imposed upon every person convicted of any offense,
37 from a petty disorderly persons offense to a first degree crime. The
38 assessment would range from \$25 to \$100, depending upon the
39 seriousness of the offense for which the person was convicted, and
40 payment of the assessment in full would become a condition of any
41 court order placing a person on probation. As such, a person would
42 not begin any period of probation until the person completed
43 payment of any such assessment.