

**SENATE, No. 3579**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED MARCH 14, 2019

**Sponsored by:**

**Senator DECLAN J. O'SCANLON, JR.**  
**District 13 (Monmouth)**

**Co-Sponsored by:**

**Senator Corrado**

**SYNOPSIS**

Extends State's implied consent law to urine samples and drug recognition expert evaluations when accident results in death or serious injury.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/15/2019)**

1 AN ACT concerning implied consent and amending P.L.1966, c.142.

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

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6 1. Section 2 of P.L.1966, c.142 (C.39:4-50.2) is amended to  
7 read as follows:

8 2. (a) Any person who operates a motor vehicle on any public  
9 road, street, or highway or quasi-public area in this State shall be  
10 deemed to have given **[his]** consent to the taking of samples of  
11 **[his]** the person's breath for the purpose of making chemical tests  
12 to determine the content of alcohol in **[his]** the person's blood and,  
13 if the operator of a motor vehicle has been involved in an accident  
14 resulting in death or serious bodily injury as defined in  
15 N.J.S.2C:11-1, the operator is deemed to have given consent to the  
16 taking of samples of the operator's urine and to submitting to  
17 evaluations by a certified drug recognition expert; provided,  
18 however, that the taking of samples or conducting of evaluations by  
19 a drug recognition expert is made in accordance with the provisions  
20 of this act and at the request of a police officer who has reasonable  
21 grounds to believe that [such] the person has been operating a  
22 motor vehicle in violation of the provisions of R.S.39:4-50 or  
23 section 1 of P.L.1992, c.189 (C.39:4-50.14).

24 (b) A record of the taking of any **[such]** sample, disclosing the  
25 date and time **[thereof]** it was taken, as well as the result of any  
26 chemical test, shall be made and a copy **[thereof]** of the record,  
27 upon **[his]** request, shall be furnished or made available to the  
28 person **[so]** tested.

29 (c) In addition to the samples taken and tests made at the  
30 direction of a police officer **[hereunder]** pursuant to this section,  
31 the person tested shall be permitted to have **[such]** samples taken  
32 and chemical tests of **[his]** the person's breath, urine, or blood  
33 made by a person or physician **[of his own selection]** the person  
34 selects.

35 (d) The police officer shall inform the person tested of **[his]** the  
36 person's rights under subsections (b) and (c) of this section.

37 (e) **[No]** A chemical test, as provided in this section, or  
38 specimen necessary thereto **[, may]** shall not be made or taken  
39 forcibly and against physical resistance **[thereto]** by the defendant.  
40 The police officer shall, however, inform the person arrested of the  
41 consequences of refusing to submit to **[such]** the test in accordance  
42 with section 2 of this amendatory and supplementary act. A  
43 standard statement, prepared by the chief administrator, shall be  
44 read by the police officer to the person under arrest.

**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.

