

ASSEMBLY, No. 1217

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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Assemblyman Houghtaling, Assemblywomen Timberlake, Lopez and
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SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT establishing a Statewide Hit and Run Advisory Program,
2 designated as “Zackhary’s Law,” and supplementing Title 52 of
3 the Revised Statutes.
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. As used in this act:

9 “Lead law enforcement agency” means a law enforcement
10 agency that is conducting an investigation to apprehend a person
11 involved in a motor vehicle accident resulting in serious bodily
12 injury to or the death of another person and who is suspected of
13 violating the provisions of R.S.39:4-129.

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

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

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

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

43 c. The Attorney General shall adopt guidelines to effectuate the
44 purposes of this act.
45

46 3. a. A Hit and Run Advisory authorized pursuant to this act
47 may be issued in accordance with the following criteria, which shall
48 be incorporated into the guidelines required by subsection c. of

1 section 2 of P.L. , c. (C.) (pending before the Legislature
2 as this bill):

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

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

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

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

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

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

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

44 f. The Hit and Run Advisory shall terminate upon notice from
45 the State Police.

46

47 4. a. Any media outlet that participates in the Statewide Hit
48 and Run Advisory Program established pursuant to section 2 of

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

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

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

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

28 e. The emergency advisories shall terminate upon notice from
29 the lead law enforcement agency.

30
31 5. Every officer or employee of a public entity who possesses a
32 wireless telephone or electronic communication device which is
33 issued by a public entity, is capable of receiving text messages, and
34 is enrolled in or subscribed to a service or plan that enables the
35 telephone or device to receive text messages shall subscribe to the
36 Statewide Hit and Run Advisory Program to receive wireless Hit
37 and Run Advisory text messages. The officer or employee shall, at
38 a minimum, enroll the wireless telephone or electronic
39 communication device in the program to receive wireless Hit and
40 Run Advisory text messages for a zip code that corresponds to the
41 city of the officer's or employee's permanent residence and primary
42 place of business. In the event that the officer or employee is not
43 authorized to manage the account for the wireless telephone or
44 electronic communication device issued by a public entity, the
45 officer or employee shall request the administrator of the account to
46 enroll the wireless telephone or electronic communication device in
47 the Statewide Hit and Run Advisory Program to receive Hit and

1 Run Advisory text messages in accordance with the provisions of
2 this act.

3

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

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

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STATEMENT

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17 This bill designated as “Zackhary’s Law,” establishes a Statewide
18 Hit and Run Advisory Program. The purpose of the program is to
19 facilitate the apprehension of persons involved in a motor vehicle
20 accident resulting in serious bodily injury to or death of another person
21 and who are suspected of leaving the scene of that accident.

22 The bill establishes a voluntary, cooperative effort between State
23 and local law enforcement agencies and the media including, but not
24 limited to, print, radio, social media, and television media outlets. The
25 amended bill requires the Attorney General to notify the media serving
26 this State of the establishment of the Statewide Hit and Run Advisory
27 Program and invite their voluntary participation. As amended, the
28 Attorney General is required to adopt guidelines governing the
29 program.

30 The bill requires the State Police to concur with the lead law
31 enforcement agency’s decision to issue a Hit and Run Advisory. A Hit
32 and Run Advisory may be issued when the lead law enforcement
33 agency confirms that a person has been seriously injured or killed as a
34 result of a motor vehicle accident, the driver of a vehicle involved in
35 the accident appears to have illegally left the scene of that accident,
36 there is sufficient information that indicates a Hit and Run Advisory
37 would assist in locating the vehicle or the driver, and the lead agency
38 requests that a Hit and Run Advisory be issued. However, the
39 amended bill grants the lead law enforcement agency discretion to
40 refrain from authorizing a Hit and Run Advisory if it determines that
41 the activation of the alert would cause public harm or would
42 compromise an ongoing investigation.

43 The bill also provides that the State Police Operational Dispatch
44 Unit is to immediately notify the Department of Transportation, the
45 New Jersey Turnpike Authority, and the South Jersey Transportation
46 Authority as deemed appropriate by the unit.

47 The bill further requires the State Police to provide updates, in a
48 timely manner, to those notified of the Hit and Run Advisory, and

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1 provides that a Hit and Run Advisory is to terminate upon notice from
2 the State Police.

3 In addition, the bill provides for the issuance of Hit and Run
4 advisories and text messages. The amended bill requires every officer
5 or employee of a public entity who possesses a wireless telephone or
6 electronic communication device that is issued by a public entity and
7 is capable of receiving text messages to subscribe to the Statewide Hit
8 and Run Advisory Program and receive wireless Hit and Run Advisory
9 text messages.