

ASSEMBLY, No. 3607

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:

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District 20 (Union)

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SYNOPSIS

Codifies AG recommendations for issuing Amber Alert when family member abducts child.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/24/2020)

1 AN ACT concerning certain alerts in cases involving abductions of
2 children by family members and amending P.L.2002, c.129.

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

6
7 1. Section 3 of P.L.2002, c.129 (C.52:17B-194.3) is amended
8 to read as follows:

9 3. a. The Attorney General shall establish "Amber's Plan," a
10 program authorizing the broadcast media, upon notice from the
11 State Police, to transmit an emergency alert to inform the public of
12 a child abduction. The program shall be a voluntary, cooperative
13 effort between State and local law enforcement agencies and the
14 broadcast media.

15 b. The Attorney General shall notify the broadcast media
16 serving the State of New Jersey of the establishment of "Amber's
17 Plan" and invite their voluntary participation.

18 c. The following criteria shall be met before the State Police
19 activate the Amber Alert:

- 20 (1) The child is believed to be abducted;
21 (2) The child is 17 years of age or younger;
22 (3) The child may be in danger of death or serious bodily injury;
23 and

24 (4) There is **【sufficient information available to indicate】** reason
25 to believe that an "Amber Alert" would assist in locating the child
26 considering all relevant circumstances, including whether there is
27 enough descriptive information available and the amount of time that
28 has elapsed since the child was last seen and was reported missing.

29 If the child is abducted by a stranger, that child shall be deemed to
30 be at great risk of physical harm.

31 If the child is abducted by a family member, law enforcement
32 officials shall consider the following criteria to determine whether the
33 State Police should activate an Amber Alert:

34 (a) If any express or implied threats of harm to the child were
35 made by the abductor at any time before the abduction, or during the
36 course of the abduction;

37 (b) If there was any past history of violence by the abductor
38 directed against the child, or abuse or neglect of the child, or any other
39 child;

40 (c) If violence or threat of violence was used in committing the
41 abduction, and whether force was used or directed against the child or
42 put the child at immediate risk of harm, including force directed
43 against another;

44 (d) If there is a family history of domestic violence or child abuse,
45 or a history of custody disputes or past abductions;

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 (e) If the abductor has a history of violence or weapons offenses;

2 (f) If the abductor is believed to be armed;

3 (g) If the abductor is believed to be under the influence of alcohol
4 or drugs;

5 (h) If the abductor has a history of alcohol or other substance
6 abuse;

7 (i) If the abductor has a history of mental illness;

8 (j) If the abductor acted irrationally;

9 (k) If the child or the abductor has a pre-existing medical or health
10 condition, which, if unmonitored or untreated, could impact the
11 welfare of the child; and

12 (l) If any other facts or circumstances exist that suggest that the
13 abductor might intentionally or unintentionally harm the child, or
14 expose the child to a dangerous situation.

15 All appropriate law enforcement personnel, including 9-1-1
16 operators, shall be trained in the proper implementation of these
17 criteria.

18 d. The participating media shall voluntarily agree, upon notice
19 from the State Police, to transmit emergency alerts to inform the
20 public of a child abduction that has occurred within their broadcast
21 service regions. The notice shall be provided through the State
22 Police operational dispatch unit.

23 The alerts shall be read after a distinctive sound tone and the
24 statement: "This is an Amber Abducted Child Alert." The alerts
25 shall be broadcast as often as possible, pursuant to the guidelines
26 established by the New Jersey Broadcasters' Association, for the
27 first three hours. After the initial three hours, the alert shall be
28 rebroadcast at such intervals as the investigating authority, the State
29 Police, and the participating media deem appropriate.

30 The alerts shall include a description of the child, such details of
31 the abduction and abductor as may be known, and such other
32 information as the State Police may deem pertinent and appropriate.
33 The State Police shall in a timely manner update the broadcast
34 media with new information when appropriate concerning the
35 abduction.

36 The alerts also shall provide information concerning how those
37 members of the public who have information relating to the
38 abduction may contact the State Police or other appropriate law
39 enforcement agency.

40 Concurrent with the notice provided to the broadcast media, the
41 State Police operational dispatch unit shall also notify the
42 Department of Transportation, the New Jersey Turnpike Authority,
43 and the South Jersey Transportation Authority of the "Amber
44 Alert." Through the use of their variable message signs, the
45 department and the affected authorities shall inform the motoring
46 public that an "Amber Alert" is in progress and provide information
47 relating to the abduction and how motorists may report any

1 information they have to the State Police or other appropriate law
2 enforcement agency.

3 e. The alerts shall terminate upon notice from the State Police.

4 f. (1) The Attorney General, with the assistance of the
5 participating broadcast media, shall develop and undertake a public
6 education campaign to inform the public about "Amber's Plan" and
7 the emergency alert program established under P.L.2002, c.129
8 (C.52:17B-194.1 et seq.).

9 (2) The Attorney General, in consultation with the State Police,
10 shall develop and establish a plan to disseminate "Amber Alert"
11 information through social media accounts maintained by the State
12 Police. The emergency alert information required to be
13 disseminated shall include, but not be limited to, a description of
14 the missing child, any known details of the abduction and abductor,
15 and a recognizable photograph of the missing child. The Office of
16 the Governor, the Department of Children and Families, the
17 Department of Health, and the Department of Human Services shall,
18 and any other appropriate State, county, or municipal entity may,
19 disseminate "Amber Alert" information made available by the State
20 Police on their respective social media accounts.

21 g. The Attorney General may adopt guidelines to effectuate the
22 purposes of P.L.2002, c.129 (C.52:17B-194.1 et seq.).
23 (cf: P.L.2016, c.78, s.1)

24
25 2. This act shall take effect on the first day of the second month
26 next following enactment.

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STATEMENT

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31 This bill codifies the Attorney General's recommendations
32 concerning when an Amber Alert should be issued in cases
33 involving the abduction of a child by a family member.

34 Specifically, the bill sets forth criteria that law enforcement
35 officials must consider in determining whether the State Police
36 should activate an Amber Alert. Under these criteria, if the child is
37 abducted by a family member, law enforcement officials must
38 consider:

39 (1) If any express or implied threats of harm to the child were
40 made by the abductor at any time before the abduction, or during
41 the course of the abduction;

42 (2) If there was any past history of violence by the abductor
43 directed against the child, or abuse or neglect of the child, or any
44 other child;

45 (3) If violence or threat of violence was used in committing the
46 abduction, and whether force was used or directed against the child
47 or put the child at immediate risk of harm, including force directed
48 against another;

- 1 (4) If there is a family history of domestic violence or child
- 2 abuse, or a history of custody disputes or past abductions;
- 3 (5) If the abductor has a past history of violence or weapons
- 4 offenses;
- 5 (6) If the abductor is believed to be armed;
- 6 (7) If the abductor is believed to be under the influence of
- 7 alcohol or drugs;
- 8 (8) If the abductor has a history of alcohol or other substance
- 9 abuse;
- 10 (9) If the abductor has a history of mental illness;
- 11 (10) If the abductor was acting irrationally;
- 12 (11) If the child or the abductor has a pre-existing medical or
- 13 health condition, which, if unmonitored or untreated, could impact
- 14 the welfare of the child; and
- 15 (12) If any other facts or circumstances exist that suggest that the
- 16 abductor might intentionally or unintentionally harm the child, or
- 17 expose the child to a dangerous situation.
- 18 The bill specifies that if the child is abducted by a stranger, that
- 19 child shall be deemed to be at great risk of physical harm.
- 20 The bill also specifies that all appropriate law enforcement
- 21 personnel, including 9-1-1 operators, are to be trained to implement
- 22 these criteria.
- 23 This bill is in response to the tragic case of Zara Malani-Lin
- 24 Abdur-Raheem, a three-month-old infant who was killed in
- 25 February 2010. Her father abducted Zara from her grandmother in
- 26 East Orange, drove South on the Garden State Parkway, then threw
- 27 the infant off the Driscoll Bridge into the Raritan River in
- 28 Middlesex County. Under the Attorney General guidelines in effect
- 29 at the time, it was not clear what criteria should be followed in
- 30 cases of abduction by family members and an Amber Alert was not
- 31 issued. This bill essentially codifies changes to the guidelines
- 32 recommended by the Attorney General in April 2010 in response to
- 33 this case.