

ASSEMBLY, No. 6017

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Expands authority of Missing Persons and Human Trafficking Unit; creates rebuttable presumption of criminal activity in high risk missing persons cases.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/15/2021)

1 AN ACT concerning high risk missing persons, and amending
2 P.L.1983, c.467 and P.L.2007, c.279.

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.1983, c.467 (C.52:17B-9.8) is amended to
8 read as follows:

9 3. In addition to any other powers and duties vested in it by law
10 or by the Attorney General, the unit shall:

11 a. Coordinate, file and investigate all missing persons cases in
12 this State, and cooperate with local law enforcement officials and
13 federal law enforcement officials in the creation of a centralized
14 office on missing persons in this State;

15 b. (Deleted by amendment, P.L.2007, c.39).

16 c. Collect and maintain data on missing persons and
17 unidentified bodies in this State and throughout the United States;

18 d. Coordinate efforts with other states and with the federal
19 government in the investigation of cases involving missing persons
20 or unidentified bodies;

21 e. Provide specialized training to law enforcement officers and
22 medical examiners in this State, in conjunction with the Police
23 Training Commission, which would enable them to more efficiently
24 handle the tracing of missing persons and unidentified bodies on the
25 local level;

26 f. Employ the services of local law enforcement agencies or
27 other social or governmental agencies ;

28 g. Issue legal process concerning any case involving missing
29 persons or unidentified bodies for information necessary to conduct
30 an investigation including, but not limited to, administrative
31 subpoenas and court orders.

32 (cf: P.L.2007, c.39, s.6)

33
34 2. Section 5 of P.L.2007, c.279 (C.52:17B-216) is amended to
35 read as follows:

36 5. a. (1) Upon the initial receipt of a missing person report, a
37 law enforcement agency shall seek to determine whether the person
38 reported missing is to be designated a high risk missing person.

39 (2) If a law enforcement agency has reason to believe that a
40 person reported missing is a high risk missing person, the agency
41 shall consult with the Division of Criminal Justice, the respective
42 county prosecutor's office, or both, as appropriate under the
43 circumstances. If it is determined upon consultation that a person
44 reported missing is a high risk missing person, there shall be a
45 presumption that a person has engaged or is engaging in a crime or

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 offense, which shall provide the basis for the issuance of legal
2 process. This presumption may be rebutted if evidence discovered
3 during further investigation indicates that the missing person does
4 not qualify as a high risk missing person as defined in section 1 of
5 P.L.2007, c.279 (C.52:17B-212). Any records obtained in the
6 course of a missing persons investigation may be released to a
7 governmental entity upon showing of good cause to the Superior
8 Court, Law Division.

9 b. If the initial determination of a person reported missing does
10 not warrant designation of that person as high risk, it shall not
11 preclude a later determination, based on further investigation or the
12 discovery of additional information, that the missing person is high
13 risk.

14 (cf: P.L.2007, c.279, s.5)

15
16 3. This act shall take effect immediately.

17 18 19 STATEMENT

20
21 This bill expands the authority of the Missing Persons and
22 Human Trafficking Unit in the Division of State Police in the
23 Department of Law and Public Safety and creates a rebuttable
24 presumption of criminal activity if a missing person is determined
25 to be a high risk missing person.

26 Under current law, the unit is required to coordinate, file and
27 investigate all missing persons cases in the State, and cooperate
28 with local law enforcement officials and federal law enforcement
29 officials in the creation of a centralized office on missing persons in
30 the State; collect and maintain data on missing persons and
31 unidentified bodies in the State and throughout the United States;
32 coordinate efforts with other states and the federal government in
33 the investigation of cases involving missing persons or unidentified
34 bodies; and provide specialized training to law enforcement
35 officers and medical examiners in this State, in conjunction with the
36 Police Training Commission.

37 This bill provides that the unit additionally would issue legal
38 process concerning any case involving missing persons or
39 unidentified bodies for information necessary to conduct an
40 investigation including, but not limited to, administrative subpoenas
41 and court orders.

42 The bill also provides that if a law enforcement agency has
43 reason to believe that a person reported missing is a high risk
44 missing person, the agency would be required to consult with the
45 Division of Criminal Justice in the Department of Law and Public
46 Safety, the respective county prosecutor's office, or both, as
47 appropriate under the circumstances. If, following consultation, it
48 is determined that a person reported missing is a high risk missing

1 person, there would be a rebuttable presumption that a person has
2 engaged or is engaging in a crime or offense. This presumption
3 would provide the basis for the issuance of legal process.
4 Under the bill, the presumption could be rebutted if evidence
5 discovered during further investigation indicates that the missing
6 person does not qualify as a high risk missing person. The bill also
7 provides that any records obtained in the course of a missing
8 persons investigation would be permitted to be released to a
9 governmental entity upon showing of good cause to the Superior
10 Court, Law Division.