

ASSEMBLY CONCURRENT RESOLUTION No. 73

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblymen ZECKER, BLEE and LeFevre

1 A **CONCURRENT RESOLUTION** proposing an amendment to Article I,  
2 paragraph 7 of the Constitution of the State of New Jersey.

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4 **BE IT RESOLVED** by the General Assembly of the State of New Jersey  
5 (the Senate concurring):

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7 1. The following proposed amendment to the Constitution of the State of  
8 New Jersey is hereby agreed to:

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PROPOSED AMENDMENT

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13 Amend Article I, paragraph 7 to read as follows:

14 7. The right of the people to be secure in their persons, houses, papers,  
15 and effects, against unreasonable searches and seizures, shall not be violated;  
16 and no warrant shall issue except upon probable cause, supported by oath or  
17 affirmation, and particularly describing the place to be searched and the  
18 papers and things to be seized. Except as specifically provided by law,  
19 evidence which is obtained as a result of a search or seizure and which is  
20 otherwise admissible shall not be excluded in a proceeding in a court of this  
21 State if the search or seizure was undertaken in a reasonable, good faith belief  
22 that it was in conformity with the fourth amendment to the Constitution of the  
23 United States and in conformity with this paragraph.

24 (cf: Art. I, para.7)

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26 2. When this proposed amendment to the Constitution is finally agreed  
27 to pursuant to Article IX, paragraph 1 of the Constitution, it shall be  
28 submitted to the people at the next general election occurring more than  
29 three months after the final agreement and shall be published at least once in  
30 at least one newspaper of each county designated by the President of the  
31 Senate, the Speaker of the General Assembly and the Secretary of State,  
32 not less than three months prior to the general election.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 3. This proposed amendment to the Constitution shall be submitted to  
 2 the people at that election in the following manner and form:

3 There shall be printed on each official ballot to be used at the general  
 4 election, the following:

5 a. In every municipality in which voting machines are not used, a legend  
 6 which shall immediately precede the question, as follows:

7 If you favor the proposition printed below make a cross (X), plus (+) or  
 8 check (T) in the square opposite the word 'Yes.' If you are opposed  
 9 thereto make a cross (X), plus (+) or check (T) in the square opposite the  
 10 word 'No.'

11 In every municipality the following question:

	<p>12 13 14 15 16 17 18 19 20 21 22</p> <p>YES</p>	<p>CONSTITUTIONAL AMENDMENT: SEARCHES AND SEIZURES</p> <p>Shall the amendment to Article I, paragraph 7 of the Constitution be adopted so that evidence obtained as a result of a good faith search or seizure may be admissible in a court of this State providing the law enforcement officer obtained the evidence while acting in a reasonable belief that the search or seizure was constitutional?</p>
	<p>23 24 25 26 27 28 29 30 31 32 33 34</p> <p>NO</p>	<p>INTERPRETIVE STATEMENT</p> <p>This amendment would affect the provision of the Constitution concerning searches and seizures. This provision has been interpreted by the courts to exclude certain evidence from being admitted into court. This amendment would allow evidence obtained as a result of a search or seizure to be admitted in a court of this State provided the law enforcement officer obtained the evidence while acting in a reasonable, good faith belief that the search or seizure was constitutionally proper.</p>

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STATEMENT

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39 Article I, paragraph 7 of the New Jersey Constitution establishes the right  
 40 of the people to be secure against unreasonable searches and seizures. This  
 41 provision has been interpreted by the courts to exclude evidence from being  
 42 admitted into court if the evidence is obtained as a result of a search or seizure

1 in technical violation of the rules regarding searches and seizures.

2 This amendment allows evidence obtained as a result of a search or seizure  
3 to be admitted into a court of this State provided the law enforcement officer  
4 obtained the evidence while acting in a reasonable good faith belief that the  
5 search or seizure was constitutionally proper.

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10 Proposes an amendment to the Constitution to provide for a good faith  
11 exception to the exclusionary rule of evidence.