

2C:58-8

LEGISLATIVE HISTORY CHECKLIST  
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(Burn injuries --  
reporting)

NJSA: 2C:58-8

LAWS OF: 1991 CHAPTER: 433

BILL NO: S317

SPONSOR(S) Rand

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Health & Human Services  
SENATE: Law, Public Safety

AMENDED DURING PASSAGE: Yes Committee substitute (IR) enacted

DATE OF PASSAGE: ASSEMBLY: January 10, 1992  
SENATE: July 15, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 317

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 24, 1990

Sponsored by Senator RAND

1 AN ACT requiring the reporting of certain burn injuries,  
2 amending N.J.S.2C:58-8, supplementing P.L.1983, c.382  
3 (C.52:27D-25a et seq.) and Title 53 of the Revised Statutes<sup>1</sup>,  
4 and making an appropriation]<sup>1</sup>.

5

6 BE IT ENACTED *by the Senate and General Assembly of the*  
7 *State of New Jersey:*

8 1. N.J.S.2C:58-8 is amended to read as follows:

9 2C:58-8. Certain Wounds and Injuries to be Reported. a.  
10 Every case of a wound, burn or any other injury arising from or  
11 caused by a firearm, destructive device, explosive or weapon  
12 shall be reported at once to the police authorities of the  
13 municipality where the person reporting is located or to the State  
14 Police by the physician consulted, attending or treating the case  
15 or the manager, superintendent or other person in charge,  
16 whenever such case is presented for treatment or treated in a  
17 hospital, sanitarium or other institution. This [section] subsection  
18 shall not, however, apply to wounds, burns or injuries received by  
19 a member of the armed forces of the United States or the State  
20 of New Jersey while engaged in the actual performance of duty.

21 b. Every case which <sup>1</sup>[fits the burn patient arson profile]  
22 contains the criteria<sup>1</sup> defined in this subsection shall be reported  
23 at once to the police authorities of the municipality where the  
24 person reporting is located, or to the Division of State Police, by  
25 the physician consulted, attending, or treating the injury, or by  
26 the manager, superintendent, or other person in charge, whenever  
27 such case is presented for treatment or treated in a hospital,  
28 sanitarium or any other institution, facility, or office where  
29 medical care is provided. This subsection shall not apply to  
30 injuries received by a member of the armed forces of the United  
31 States or the State of New Jersey while engaged in the actual  
32 performance of duty.

33 The <sup>1</sup>[burn patient arson profile shall be] defined criteria shall  
34 consist of<sup>1</sup> a flame burn injury accompanied by one or more of  
35 the following factors:

36 (1) A fire accelerant was used in the incident causing the  
37 injury and the presence of an accelerant creates a reasonable

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate floor amendments adopted April 25, 1991.

1 suspicion that the patient committed arson in violation of  
2 N.J.S.2C:17-1.

3 (2) Treatment for the injury was sought after an unreasonable  
4 delay of time.

5 (3) <sup>1</sup>[Reluctance on the part of the patient or person  
6 accompanying the patient to discuss the cause of the injury.

7 (4)]<sup>1</sup> Changes or discrepancies in the account of the patient or  
8 accompanying person concerning the cause of the injury which  
9 creates a reasonable suspicion that the patient committed arson  
10 in violation of N.J.S.2C:17-1.

11 <sup>1</sup>[(5)] (4)<sup>1</sup> Voluntary statement by the patient or accompanying  
12 person that the patient was injured during the commission of  
13 arson in violation of N.J.S.2C:17-1.

14 <sup>1</sup>[(6)] (5)<sup>1</sup> Voluntary statement by the patient or accompanying  
15 person that the patient was injured during a suicide attempt or  
16 the commission of criminal homicide in violation of  
17 N.J.S.2C:11-1.

18 <sup>1</sup>[(7)] (6)<sup>1</sup> Voluntary statement by the patient or accompanying  
19 person that the patient has exhibited fire setting behavior prior  
20 to the injury or has received counseling for such behavior.

21 <sup>1</sup>[(8) The injury occurred in conjunction with the use by the  
22 patient of alcoholic beverages as defined in R.S.33:1-1 or  
23 controlled dangerous substances as defined in N.J.S.2C:35-2 and  
24 the use of the beverages or substances creates a reasonable  
25 suspicion that the patient committed arson in violation of  
26 N.J.S.2C:17-1.

27 (9)] (7)<sup>1</sup> Any other factor determined by the bureau of fire  
28 safety in the Department of Community Affairs from information  
29 in the burn patient arson registry established under section 2 of  
30 P.L. , c. C. ) (now pending before the Legislature as this  
31 bill) to typify a patient whose injuries were caused during the  
32 commission of arson in violation of N.J.S.2C:17-1.

33 (cf: N.J.S.2C:58-8)

34 2. (New section) <sup>1</sup>[A physician, manager, superintendent,  
35 administrator, or other person who in good faith reports, answers  
36 questions, gives information, or testifies upon an actual or  
37 suspected arson offense under N.J.S.2C:58-8 shall be immune  
38 from civil liability for any damages resulting from the provision  
39 of information under this act.] A person acting in accordance  
40 with the requirements of this act in making a report required by  
41 subsection b. of N.J.S.2C:58-8 shall be immune from any civil  
42 liability that might otherwise be incurred or imposed. The person  
43 shall also be immune from civil liability for testimony given in  
44 any judicial proceeding resulting from or concerning such a  
45 report.<sup>1</sup>

46 <sup>1</sup>3. (New section) The disclosure of information from the burn  
47 patient arson registry from which a patient may be identified  
48 shall be prohibited, except for disclosures to law enforcement  
49 officers for the purposes of investigations during the course of  
50 their official duties.<sup>1</sup>

1       <sup>1</sup>[3.] 4.<sup>1</sup> (New section) a. In consultation with the  
2 Commissioner of Health and the Superintendent of the Division of  
3 State Police in the Department of Law and Public Safety, the  
4 bureau of fire safety in the Department of Community Affairs  
5 shall establish and maintain a burn patient arson registry which  
6 shall contain the information from reports submitted pursuant to  
7 subsection b. of N.J.S.2C:58-8 and any other information deemed  
8 necessary by the director of the bureau to assist in the prevention  
9 and prosecution of the crime of arson and to provide an  
10 information source for arson research and analysis.

11       b. The director of the bureau of fire safety in the Department  
12 of Community Affairs, the Superintendent of the Division of  
13 State Police in the Department of Law and Public Safety, the  
14 Commissioner of Health, two physicians or surgeons specializing  
15 in burn injuries from Saint Barnabas Burn Foundation appointed  
16 by the director of the foundation, and two physicians or surgeons  
17 specializing in burn injuries from the Burn Foundation of  
18 Philadelphia appointed by the director of the foundation shall  
19 meet at least once during every six month period. The group  
20 shall meet to discuss the status and operation of the burn patient  
21 arson registry and the quality of the information accumulated in  
22 the registry; assess the level of compliance with subsection b. of  
23 N.J.S.2C:58-8; identify additional factors for inclusion in  
24 paragraph <sup>1</sup>[(9)] (7)<sup>1</sup> of subsection b. of N.J.S.2C:58-8; and make  
25 recommendations for change in the operation of the registry.

26       <sup>1</sup>[4.] 5.<sup>1</sup> (New section) In accordance with the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
28 et seq.) the Commissioner of the Department of Community  
29 Affairs shall adopt rules and regulations necessary to effectuate  
30 the purposes of this act including, but not limited to, the transfer  
31 of information from the 24-hour toll free arson hotline  
32 established and maintained pursuant to section <sup>1</sup>[4] 6<sup>1</sup> of P.L. ,  
33 c. (C. ) (now pending before the Legislature as this bill),  
34 procedures for the submission of reports required under  
35 subsection b. of N.J.S.2C:58-8, the transmission of all reports to  
36 the bureau of fire safety in the Department of Community  
37 Affairs, and procedures for notifying the appropriate  
38 enforcement agency, if necessary, to facilitate an arson  
39 investigation.

40       The form to be used for written reports submitted pursuant to  
41 subsection b. of N.J.S.2C:58-8 shall be developed in consultation  
42 with the Department of Health, the Superintendent of the  
43 Division of State Police and the physicians or surgeons of Saint  
44 Barnabas Burn Foundation and the Burn Foundation of  
45 Philadelphia appointed for the purposes of subsection b. of  
46 section 2 of P.L. , c. (C. ) (now pending before the  
47 Legislature as this bill).

48       <sup>1</sup>[5.] 6.<sup>1</sup> (New section) The Division of State Police in the  
49 Department of Law and Public Safety shall establish a 24-hour  
50 toll free arson hotline for the submission of reports required

1 under subsection b. of N.J.S.2C:58-8.

2 <sup>1</sup>[6. There is appropriated \$20,000 to the bureau of fire safety  
3 in the Department of Community Affairs to implement the  
4 provisions of this act.]<sup>1</sup>

5 7. This act shall take effect on the 90th day following  
6 enactment.

7

8

9 PUBLIC SAFETY

10

11 Requires medical care providers to report certain burn injuries  
12 and establishes a central burn patient arson registry.

SENATE, No. 317

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator RAND

1 AN ACT requiring the reporting of certain injuries, amending  
2 N.J.S.2C:58-8, supplementing P.L.1983, c.382 (C.52:27D-25a et  
3 seq.) and Title 53 of the Revised Statutes, and making an  
4 appropriation.

5

6 BE IT ENACTED *by the Senate and General Assembly of the*  
7 *State of New Jersey:*

8 1. N.J.S.2C:58-8 is amended to read as follows:

9 2C:58-8. Certain Wounds to be Reported. Every case of a  
10 wound, burn or any other injury arising from or caused by a  
11 firearm, destructive device, explosive or weapon and every case  
12 of a burn injury affecting 5% or more of the surface area of an  
13 injured person's body shall be reported at once to the police  
14 authorities of the municipality where the person reporting is  
15 located or to the State Police by the physician consulted,  
16 attending or treating the case or the manager, superintendent or  
17 other person in charge, whenever such case is presented for  
18 treatment or treated in a hospital, sanitarium or other  
19 institution. This section shall not, however, apply to wounds,  
20 burns or injuries received by a member of the armed forces of  
21 the United States or the State of New Jersey while engaged in  
22 the actual performance of duty.

23 (cf: N.J.S.2C:58-8)

24 2. (New section) The Bureau of Fire Safety in the Department  
25 of Community Affairs, in consultation with the Commissioner of  
26 the Department of Health and the Superintendent of State Police  
27 in the Department of Law and Public Safety, shall establish and  
28 maintain a burn registry which shall include all of the reports  
29 required under N.J.S.2C:58-8 concerning the burn injuries  
30 affecting 5% or more of the surface area of an injured person's  
31 body and any other information required by the superintendent in  
32 order to assist in the prevention and prosecution of arson offenses  
33 and to provide a data base for arson research and analysis.

34 3. (New section) In accordance with the "Administrative  
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the  
36 Commissioner of the Department of Community Affairs shall  
37 adopt rules and regulations necessary to effectuate the purposes  
38 of this act including, but not limited to, the transfer of

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 information from the 24-hour toll free arson hotline for reporting  
2 burn injuries established and maintained by the Division of State  
3 Police pursuant to section 4 of this act, procedures for the  
4 written reporting of burn injuries by the persons pursuant to  
5 N.J.S.2C:58-8 and the transmission of those written reports to  
6 the Bureau of Fire Safety in the Department of Community  
7 Affairs, and procedures for the notification of the appropriate  
8 enforcement agency, when applicable, to facilitate the arson  
9 investigation.

10 4. (New section) Title 53 of the Revised Statutes is  
11 supplemented as follows:

12 The Division of State Police in the Department of Law and  
13 Public Safety shall establish a 24-hour toll free arson hotline for  
14 the reporting of burn injuries in order to facilitate the reporting  
15 and collection of information pursuant to P.L....., c.....  
16 (C.....) (now pending before the Legislature as this bill.)

17 5. There is appropriated \$20,000.00 to the Bureau of Fire  
18 Safety in the Department of Community Affairs to implement  
19 the provisions of this act.

20 6. This act shall take effect 90 days following enactment.

21

22

23

#### STATEMENT

24

25 This bill would require medical personnel to report all burn  
26 injuries affecting 5% or more of an injured person's body to  
27 either the police authorities of the municipality where the injured  
28 party is being treated to the State Police. The reporting required  
29 under the provisions of the bill will assist law enforcement  
30 agencies in combatting the crime of arson. Arsonists oftentime  
31 suffer burns in the course of committing that crime. The  
32 reporting mechanism set forth in the bill will help identify  
33 suspected arsonists and should contribute to their early  
34 apprehension.

35 The bill requires the Bureau of Fire Safety in the Department  
36 of Community Affairs to establish, in consultation with the  
37 Superintendent of State Police and Commissioner of the  
38 Department of Health, a burn registry. Through the registry the  
39 bureau would maintain a record of the reports of all burn injuries  
40 involving 5% or more of the injured party's body and any other  
41 information which would assist in the prevention and prosecution  
42 of arson offenses.

43 The bill also directs the State Police to establish a 24-hour toll  
44 free arson hotline.

45 The Department of Community Affairs will promulgate rules  
46 and regulations for procedures governing the preparation of the  
47 required written reports of burn injuries and the transmission of  
48 those reports to the bureau, and procedures for notifying the

1 appropriate enforcement agencies, when applicable, to facilitate  
2 arson investigations.

3 The bill appropriates \$20,000.00 to the Bureau of Fire Safety to  
4 cover the costs associated with the establishment and  
5 maintenance of the burn registry program authorized under the  
6 provisions of section 2 of the bill.

7 The committee amended section 3 of the the bill to require the  
8 Department of Community Affairs, rather than the State Police,  
9 to promulgate the necessary rules and regulations for the  
10 implementation of the bill.

11

12

13 PUBLIC SAFETY

14

15 Requires physicians treating a person with burns over 5 percent  
16 of his body to notify State or local police; establishes a central  
17 burn registry.



ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 317

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1991

The Assembly Health and Human Services Committee favorably reports the (1R) to Senate Committee Substitute for Senate Bill No. 317.

This committee substitute would require medical personnel and facilities to report every case which contains the criteria outlined in section 1 of the substitute to either the law enforcement authority in the municipality where the injured party is being treated or to the State Police. The reporting required under the provisions of the substitute will assist law enforcement agencies in combating the crime of arson because arsonists often suffer burns in the course of committing that crime. The reporting mechanism will help identify suspected arsonists and should contribute to their early apprehension.

The substitute requires the bureau of fire safety in the Department of Community Affairs to establish a burn patient arson registry, in consultation with the Superintendent of State Police and the Commissioner of Health. The registry would collect the reports from medical personnel and facilities and the information would be used to assist in the prevention and prosecution of the crime of arson and to provide an information source for arson research.

The substitute directs the bureau of fire safety, the Superintendent of State Police, the Commissioner of Health, and two physicians or surgeons each from Saint Barnabas Burn Foundation and the Burn Foundation of Philadelphia to meet once every six months to discuss the status of the burn registry and quality of information it is receiving, the level of compliance with the reporting requirements, and other related matters.

Section 2 of the substitute grants immunity from civil liability to any physician, manager, superintendent, administrator, or other person who in good faith reports, answers questions, gives information, or testifies upon an actual or suspected arson offense pursuant to the provisions of this bill.

Section 3 of the substitute prohibits the disclosure of information from the burn patient arson registry from which a patient may be identified, except for disclosures to law enforcement officers for the purpose of their investigations.

The substitute also directs the State Police to establish a 24-hour toll free arson hotline.

The Department of Community Affairs will promulgate rules and regulations for procedures governing the preparation of the

required written reports of burn injuries and the transmission of those reports to the bureau of fire safety, and procedures for transmitting the reports to the appropriate enforcement agencies, when applicable, to facilitate arson investigations. The Department of Community Affairs will consult with the Department of Health, the Superintendent of the Division of State Police and the physicians and surgeons of Saint Barnabas Burn Foundation and the Burn Foundation of Philadelphia in preparing the form which will be used to make the reports required by this bill.

Finally, the substitute takes effect 90 days after the date of enactment.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 317

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 1990

The Senate Law, Public Safety and Defense Committee reports favorably the Senate Committee Substitute for Senate Bill No. 317.

This bill would require medical personnel and facilities to report every case which fits the "burn patient arson profile" outlined in section 1 of the bill to either the law enforcement authority in the municipality where the injured party is being treated or to the State Police. The reporting required under the provisions of the bill will assist law enforcement agencies in combatting the crime of arson because arsonists often suffer burns in the course of committing that crime. The reporting mechanism set forth in the bill will help identify suspected arsonists and should contribute to their early apprehension.

The bill requires the bureau of fire safety in the Department of Community Affairs to establish a burn patient arson registry, in consultation with the Superintendent of State Police and the Commissioner of Health. The registry would collect the reports from medical personnel and facilities and the information would be used to assist in the prevention and prosecution of the crime of arson and to provide an information source for arson research.

The bill directs the bureau of fire safety, the Superintendent of State Police, the Commissioner of Health, and two physicians or surgeons each from Saint Barnabas Burn Foundation and the Burn Foundation of Philadelphia to meet once every six months to discuss the status of the burn registry and quality of information it is receiving, the level of compliance with the reporting requirements, and other related matters.

Section 2 of the bill grants immunity from civil liability to any physician, manager, superintendent, administrator, or other person who in good faith reports, answers questions, gives information, or testifies upon an actual or suspected arson offense pursuant to the provisions of this bill.

The bill also directs the State Police to establish a 24-hour toll free arson hotline.

The Department of Community Affairs will promulgate rules and regulations for procedures governing the preparation of the required written reports of burn injuries and the transmission of those reports to the bureau of fire safety, and procedures for transmitting the reports to the appropriate enforcement agencies, when applicable, to facilitate arson investigations. The Department of Community Affairs will consult with the Department of Health, the

Superintendent of the Division of State Police and the physicians and surgeons of Saint Barnabas Burn Foundation and the Burn Foundation of Philadelphia in preparing the form which will be used to make the reports required by this bill.

Finally, the bill appropriates \$20,000 to the Bureau of Fire Safety to cover the costs associated with the establishment and maintenance of the burn registry required by the bill.