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P.L.2015, CHAPTER 263, *approved January 19, 2016*
Assembly Committee Substitute for
Assembly, No. 428

1 AN ACT concerning DNA testing and amending P.L.1994, c.136.

2

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

5

6 1. Section 2 of P.L.1994, c.136 (C.53:1-20.18) is amended to
7 read as follows:

8 2. The Legislature finds and declares that DNA databanks are
9 an important tool in criminal investigations and in deterring and
10 detecting recidivist acts. It is the policy of this State to assist
11 federal, state and local criminal justice and law enforcement
12 agencies in the identification and detection of individuals who are
13 the subjects of criminal investigations. It is therefore in the best
14 interest of the State of New Jersey to establish a DNA database and
15 a DNA databank containing blood or other biological samples
16 submitted by every person convicted or found not guilty by reason
17 of insanity of a crime or a specified disorderly persons offense and
18 arrested for certain violent crimes. It is also in the best interest of
19 the State of New Jersey to include in this DNA database and DNA
20 databank blood or other biological samples submitted by juveniles
21 adjudicated delinquent or adjudicated not delinquent by reason of
22 insanity for acts, which if committed by an adult, would constitute a
23 crime or a specified disorderly persons offense and by every
24 juvenile arrested for certain violent crimes.

25 The Legislature further finds and declares that the minimal
26 intrusion on an individual's privacy interest resulting from a DNA
27 test is justified by the compelling governmental interests advanced
28 by DNA analysis, for those who are convicted, adjudicated or found
29 not guilty by reason of insanity for **【indictable】** crimes or specified
30 disorderly persons offenses, as well as for those who are arrested
31 for certain violent crimes. It further finds that DNA testing
32 enhances the State's ability to positively identify an offender, to
33 ascertain whether an individual may be implicated in another
34 offense, and to establish positive identification in the event the
35 offender becomes a fugitive.

36 The **【Legislative】** Legislature finds, as did the Supreme Court of
37 New Jersey, that there is a compelling parallel between the taking
38 of DNA and fingerprinting, and that the purposes of DNA testing
39 demonstrate "special needs" beyond ordinary law enforcement.
40 (cf: P.L.2011, c.104, s.1)

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 2. Section 4 of P.L.1994, c.136 (C.53:1-20.20) is amended to
2 read as follows:

3 4. a. On or after January 1, 1995 every person convicted of
4 aggravated sexual assault and sexual assault under N.J.S.2C:14-2 or
5 aggravated criminal sexual contact and criminal sexual contact
6 under N.J.S.2C:14-3 or any attempt to commit any of these crimes
7 and who is sentenced to a term of imprisonment shall have a blood
8 sample drawn or other biological sample collected for purposes of
9 DNA testing upon commencement of the period of confinement.

10 In addition, every person convicted on or after January 1, 1995
11 of these offenses, but who is not sentenced to a term of
12 confinement, shall provide a DNA sample for purposes of DNA
13 testing as a condition of the sentence imposed. A person who has
14 been convicted and incarcerated as a result of a conviction of one or
15 more of these offenses prior to January 1, 1995 shall provide a
16 DNA sample before parole or release from incarceration.

17 Every person arrested for an offense enumerated in this
18 subsection shall provide a DNA sample for purposes of DNA
19 testing prior to the person's release from custody.

20 b. On or after January 1, 1998 every juvenile adjudicated
21 delinquent for an act which, if committed by an adult, would
22 constitute aggravated sexual assault or sexual assault under
23 N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal
24 sexual contact under N.J.S.2C:14-3, or any attempt to commit any
25 of these crimes, shall have a blood sample drawn or other biological
26 sample collected for purposes of DNA testing.

27 Every juvenile arrested for an act which, if committed by an
28 adult, would constitute an offense enumerated in this subsection
29 shall provide a DNA sample for purposes of DNA testing prior to
30 the juvenile's release from custody.

31 c. On or after January 1, 1998 every person found not guilty by
32 reason of insanity of aggravated sexual assault or sexual assault
33 under N.J.S.2C:14-2 or aggravated criminal sexual contact or
34 criminal sexual contact under N.J.S.2C:14-3, or any attempt to
35 commit any of these crimes, or adjudicated not delinquent by reason
36 of insanity for an act which, if committed by an adult, would
37 constitute one of these crimes, shall have a blood sample drawn or
38 other biological sample collected for purposes of DNA testing.

39 d. On or after January 1, 2000 every person convicted of
40 murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to
41 N.J.S.2C:11-4, aggravated assault of the second degree pursuant to
42 paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping
43 pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of
44 P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which
45 would impair or debauch the morals of a child pursuant to
46 N.J.S.2C:24-4, or any attempt to commit any of these crimes and
47 who is sentenced to a term of imprisonment shall have a blood

1 sample drawn or other biological sample collected for purposes of
2 DNA testing upon commencement of the period of confinement.

3 In addition, every person convicted on or after January 1, 2000
4 of these offenses, but who is not sentenced to a term of
5 confinement, shall provide a DNA sample as a condition of the
6 sentence imposed. A person who has been convicted and
7 incarcerated as a result of a conviction of one or more of these
8 offenses prior to January 1, 2000 shall provide a DNA sample
9 before parole or release from incarceration.

10 Every person arrested for an offense enumerated in this
11 subsection shall provide a DNA sample for purposes of DNA
12 testing prior to the person's release from custody.

13 e. On or after January 1, 2000 every juvenile adjudicated
14 delinquent for an act which, if committed by an adult, would
15 constitute murder pursuant to N.J.S.2C:11-3, manslaughter pursuant
16 to N.J.S.2C:11-4, aggravated assault of the second degree pursuant
17 to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1,
18 kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in
19 violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual
20 conduct which would impair or debauch the morals of a child
21 pursuant to N.J.S.2C:24-4, or any attempt to commit any of these
22 crimes, shall have a blood sample drawn or other biological sample
23 collected for purposes of DNA testing.

24 Every juvenile arrested for an act which, if committed by an
25 adult, would constitute an offense enumerated in this subsection
26 shall provide a DNA sample for purposes of DNA testing prior to
27 the juvenile's release from custody.

28 f. On or after January 1, 2000 every person found not guilty by
29 reason of insanity of murder pursuant to N.J.S.2C:11-3,
30 manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the
31 second degree pursuant to paragraph (1) or (6) of subsection b. of
32 N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or
33 enticing a child in violation of P.L.1993, c.291 (C.2C:13-6),
34 engaging in sexual conduct which would impair or debauch the
35 morals of a child pursuant to N.J.S.2C:24-4, or any attempt to
36 commit any of these crimes, or adjudicated not delinquent by reason
37 of insanity for an act which, if committed by an adult, would
38 constitute one of these crimes, shall have a blood sample drawn or
39 other biological sample collected for purposes of DNA testing.

40 g. Every person convicted or found not guilty by reason of
41 insanity of a crime or a specified disorderly persons offense shall
42 have a blood sample drawn or other biological sample collected for
43 purposes of DNA testing. If the person is sentenced to a term of
44 imprisonment or confinement, the person shall have a blood sample
45 drawn or other biological sample collected for purposes of DNA
46 testing upon commencement of the period of imprisonment or
47 confinement. If the person is not sentenced to a term of
48 imprisonment or confinement, the person shall provide a DNA

1 sample as a condition of the sentence imposed. A person who has
2 been convicted or found not guilty by reason of insanity of a crime
3 prior to the effective date of P.L.2003, c.183 or of a specified
4 disorderly persons offense prior to the effective date of
5 P.L. _____, c. _____ (pending before the Legislature as this bill) and who,
6 on the effective date, is serving a sentence of imprisonment,
7 probation, parole or other form of supervision as a result of the
8 crime or is confined following acquittal by reason of insanity shall
9 provide a DNA sample before termination of imprisonment,
10 probation, parole, supervision or confinement, as the case may be.

11 h. Every juvenile adjudicated delinquent, or adjudicated not
12 delinquent by reason of insanity, for an act which, if committed by
13 an adult, would constitute a crime or a specified disorderly persons
14 offense shall have a blood sample drawn or other biological sample
15 collected for purposes of DNA testing. If under the order of
16 disposition the juvenile is sentenced to some form of imprisonment,
17 detention or confinement, the juvenile shall have a blood sample
18 drawn or other biological sample collected for purposes of DNA
19 testing upon commencement of the period of imprisonment,
20 detention or confinement. If the order of disposition does not
21 include some form of imprisonment, detention or confinement, the
22 juvenile shall provide a DNA sample as a condition of the
23 disposition ordered by the court. A juvenile who, prior to the
24 effective date of P.L.2003, c.183, has been adjudicated delinquent,
25 or adjudicated not delinquent by reason of insanity for an act which,
26 if committed by an adult, would constitute a crime or, prior to the
27 effective date of P.L. _____, c. _____ (pending before the Legislature as
28 this bill), has been adjudicated delinquent or adjudicated not
29 delinquent by reason of insanity for an act which, if committed by
30 an adult, would constitute a specified disorderly persons offense,
31 and who on the effective date is under some form of imprisonment,
32 detention, confinement, probation, parole or any other form of
33 supervision as a result of the offense or is confined following an
34 adjudication of not delinquent by reason of insanity shall provide a
35 DNA sample before termination of imprisonment, detention,
36 supervision or confinement, as the case may be.

37 As used in this act, “specified disorderly persons offense” shall
38 mean assault constituting domestic violence as defined in section 3
39 of P.L.1991, c.261 (C.2C:25-19); prostitution pursuant to
40 N.J.S.2C:34-1; any disorderly persons offense relating to narcotics
41 or dangerous drugs for which a person is required to be
42 fingerprinted pursuant to section 1 of P.L.1952, c.92 (C.53:1-18.1),
43 excluding possession of 50 grams or less of marijuana, including
44 any adulterants or dilutants, or five grams or less of hashish under
45 N.J.S.2C:35-10; or any other disorderly persons offense for which a
46 person is required to be fingerprinted pursuant to R.S.53:1-15. A
47 “specified disorderly persons offense” shall not include shoplifting
48 pursuant to N.J.S.2C:20-11.

1 i. Nothing in this act shall be deemed to limit or preclude
2 collection of DNA samples as authorized by court order or in
3 accordance with any other law.

4 (cf: P.L.2011, c.104, s.2)

5

6 3. Section 6 of P.L.1994, c.136 (C.53:1-20.22) is amended to
7 read as follows:

8 6. a. Each blood sample required to be drawn or biological
9 sample collected pursuant to section 4 of P.L.1994, c.136 (C.53:1-
10 20.20) from persons who are incarcerated shall be drawn or
11 collected at the place of incarceration. The law enforcement agency
12 that effects an arrest for which DNA testing is required pursuant to
13 P.L.2011, c.104 shall collect a DNA sample from the arrestee prior
14 to the arrestee's release or incarceration. DNA samples from
15 persons who are not sentenced to a term of confinement shall be
16 drawn or collected at a prison or jail unit to be specified by the
17 sentencing court. DNA samples from persons who are adjudicated
18 delinquent shall be drawn or collected at a prison or jail
19 identification and classification bureau specified by the family
20 court.

21 b. Only a correctional health nurse technician, physician,
22 registered professional nurse, licensed practical nurse, laboratory or
23 medical technician, phlebotomist or other health care worker with
24 phlebotomy training shall draw any blood sample to be submitted
25 for analysis, and only a correctional health nurse technician,
26 physician, registered professional nurse, licensed practical nurse,
27 laboratory or medical technician or person, including but not
28 limited to a law enforcement officer, who has received biological
29 sample collection training in accordance with protocols adopted by
30 the Attorney General, in consultation with the Department of
31 Corrections, shall collect or supervise the collection of any other
32 biological sample to be submitted for analysis.

33 c. In addition to any other person who has received biological
34 sample collection training pursuant to subsection b. of this section,
35 a law enforcement officer who has been appropriately trained and
36 qualified pursuant to protocols adopted by the Attorney General, in
37 consultation with the Department of Corrections, may collect or
38 supervise the collection of a buccal swab sample to be submitted for
39 analysis.

40 d. No civil liability shall attach to any person authorized to
41 draw blood or collect a biological sample by this section as a result
42 of drawing blood or collecting the sample from any person if the
43 blood was drawn or sample collected according to recognized
44 medical procedures. No person shall be relieved from liability for
45 negligence in the drawing or collecting of any DNA sample. No
46 sample shall be drawn or collected pursuant to section 4 of
47 P.L.1994, c.136 (C.53:1-20.20) if the division has previously
48 received a blood or biological sample from the convicted person or

1 the juvenile adjudicated delinquent which was adequate for
2 successful analysis and identification.

3 (cf: P.L.2011, c.104, s.3)

4

5 4. This act shall take effect on the first day of the 18th month
6 following enactment, but the Attorney General and the
7 Superintendent of State Police may take such anticipatory
8 administrative action in advance as shall be necessary for the
9 implementation of this act.

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12

13

14 Expands DNA database to include samples from disorderly
15 persons who are fingerprinted and permits law enforcement officers
16 to collect certain biological samples.

ASSEMBLY, No. 428

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

SYNOPSIS

Expands DNA database to include samples from disorderly persons.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning DNA testing and amending P.L.1994, c.136.

2

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

5

6 1. Section 2 of P.L.1994, c.136 (C.53:1-20.18) is amended to
7 read as follows:

8 2. The Legislature finds and declares that DNA databanks are
9 an important tool in criminal investigations and in deterring and
10 detecting recidivist acts. It is the policy of this State to assist
11 federal, state and local criminal justice and law enforcement
12 agencies in the identification and detection of individuals who are
13 the subjects of criminal investigations. It is therefore in the best
14 interest of the State of New Jersey to establish a DNA database and
15 a DNA databank containing blood or other biological samples
16 submitted by every person convicted or found not guilty by reason
17 of insanity of a crime or offense. It is also in the best interest of the
18 State of New Jersey to include in this DNA database and DNA
19 databank blood or other biological samples submitted by juveniles
20 adjudicated delinquent or adjudicated not delinquent by reason of
21 insanity for acts, which if committed by an adult, would constitute a
22 crime or offense.

23 (cf: P.L.2003, c.183, s.1)

24

25 2. Section 4 of P.L.1994, c.136 (C.53:1-20.20) is amended to
26 read as follows:

27 4. a. On or after January 1, 1995 every person convicted of
28 aggravated sexual assault and sexual assault under N.J.S.2C:14-2 or
29 aggravated criminal sexual contact and criminal sexual contact
30 under N.J.S.2C:14-3 or any attempt to commit any of these crimes
31 and who is sentenced to a term of imprisonment shall have a blood
32 sample drawn or other biological sample collected for purposes of
33 DNA testing upon commencement of the period of confinement.

34 In addition, every person convicted on or after January 1, 1995
35 of these offenses, but who is not sentenced to a term of
36 confinement, shall provide a DNA sample as a condition of the
37 sentence imposed. A person who has been convicted and
38 incarcerated as a result of a conviction of one or more of these
39 offenses prior to January 1, 1995 shall provide a DNA sample
40 before parole or release from incarceration.

41 b. On or after January 1, 1998 every juvenile adjudicated
42 delinquent for an act which, if committed by an adult, would
43 constitute aggravated sexual assault or sexual assault under
44 N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal
45 sexual contact under N.J.S.2C:14-3, or any attempt to commit any

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 of these crimes, shall have a blood sample drawn or other biological
2 sample collected for purposes of DNA testing.

3 c. On or after January 1, 1998 every person found not guilty by
4 reason of insanity of aggravated sexual assault or sexual assault
5 under N.J.S.2C:14-2 or aggravated criminal sexual contact or
6 criminal sexual contact under N.J.S.2C:14-3, or any attempt to
7 commit any of these crimes, or adjudicated not delinquent by reason
8 of insanity for an act which, if committed by an adult, would
9 constitute one of these crimes, shall have a blood sample drawn or
10 other biological sample collected for purposes of DNA testing.

11 d. On or after January 1, 2000 every person convicted of
12 murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to
13 N.J.S.2C:11-4, aggravated assault of the second degree pursuant to
14 paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping
15 pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of
16 P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which
17 would impair or debauch the morals of a child pursuant to
18 N.J.S.2C:24-4, or any attempt to commit any of these crimes and
19 who is sentenced to a term of imprisonment shall have a blood
20 sample drawn or other biological sample collected for purposes of
21 DNA testing upon commencement of the period of confinement.

22 In addition, every person convicted on or after January 1, 2000
23 of these offenses, but who is not sentenced to a term of
24 confinement, shall provide a DNA sample as a condition of the
25 sentence imposed. A person who has been convicted and
26 incarcerated as a result of a conviction of one or more of these
27 offenses prior to January 1, 2000 shall provide a DNA sample
28 before parole or release from incarceration.

29 e. On or after January 1, 2000 every juvenile adjudicated
30 delinquent for an act which, if committed by an adult, would
31 constitute murder pursuant to N.J.S.2C:11-3, manslaughter pursuant
32 to N.J.S.2C:11-4, aggravated assault of the second degree pursuant
33 to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1,
34 kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in
35 violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual
36 conduct which would impair or debauch the morals of a child
37 pursuant to N.J.S.2C:24-4, or any attempt to commit any of these
38 crimes, shall have a blood sample drawn or other biological sample
39 collected for purposes of DNA testing.

40 f. On or after January 1, 2000 every person found not guilty by
41 reason of insanity of murder pursuant to N.J.S.2C:11-3,
42 manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the
43 second degree pursuant to paragraph (1) or (6) of subsection b. of
44 N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or
45 enticing a child in violation of P.L.1993, c.291 (C.2C:13-6),
46 engaging in sexual conduct which would impair or debauch the
47 morals of a child pursuant to N.J.S.2C:24-4, or any attempt to
48 commit any of these crimes, or adjudicated not delinquent by reason

1 of insanity for an act which, if committed by an adult, would
2 constitute one of these crimes, shall have a blood sample drawn or
3 other biological sample collected for purposes of DNA testing.

4 g. Every person convicted or found not guilty by reason of
5 insanity of a crime or disorderly persons offense shall have a blood
6 sample drawn or other biological sample collected for purposes of
7 DNA testing. If the person is sentenced to a term of imprisonment
8 or confinement, the person shall have a blood sample drawn or
9 other biological sample collected for purposes of DNA testing upon
10 commencement of the period of imprisonment or confinement. If
11 the person is not sentenced to a term of imprisonment or
12 confinement, the person shall provide a DNA sample as a condition
13 of the sentence imposed. A person who has been convicted or
14 found not guilty by reason of insanity of a crime prior to the
15 effective date of P.L.2003, c.183 or of a disorderly persons offense
16 prior to the effective date of P.L. , c. (pending before the
17 Legislature as this bill) and who, on the effective date, is serving a
18 sentence of imprisonment, probation, parole or other form of
19 supervision as a result of the crime or is confined following
20 acquittal by reason of insanity shall provide a DNA sample before
21 termination of imprisonment, probation, parole, supervision or
22 confinement, as the case may be.

23 h. Every juvenile adjudicated delinquent, or adjudicated not
24 delinquent by reason of insanity, for an act which, if committed by
25 an adult, would constitute a crime or disorderly persons offense
26 shall have a blood sample drawn or other biological sample
27 collected for purposes of DNA testing. If under the order of
28 disposition the juvenile is sentenced to some form of imprisonment,
29 detention or confinement, the juvenile shall have a blood sample
30 drawn or other biological sample collected for purposes of DNA
31 testing upon commencement of the period of imprisonment,
32 detention or confinement. If the order of disposition does not
33 include some form of imprisonment, detention or confinement, the
34 juvenile shall provide a DNA sample as a condition of the
35 disposition ordered by the court. A juvenile who, prior to the
36 effective date of P.L.2003, c.183, has been adjudicated delinquent,
37 or adjudicated not delinquent by reason of insanity for an act which,
38 if committed by an adult, would constitute a crime or, prior to the
39 effective date of P.L. , c. (pending before the Legislature as this
40 bill), has been adjudicated delinquent, or adjudicated not delinquent
41 by reason of insanity for an act which, if committed by an adult,
42 would constitute a disorderly persons offense, and who on the
43 effective date is under some form of imprisonment, detention,
44 confinement, probation, parole or any other form of supervision as a
45 result of the offense or is confined following an adjudication of not
46 delinquent by reason of insanity shall provide a DNA sample before
47 termination of imprisonment, detention, supervision or
48 confinement, as the case may be.

1 i. Nothing in this act shall be deemed to limit or preclude
2 collection of DNA samples as authorized by court order or in
3 accordance with any other law.

4 (cf: P.L.2003, c.183, s.3)

5

6 3. Section 6 of P.L.1994, c.136 (C.53:1-20.22) is amended to
7 read as follows:

8 6. a. Each blood sample required to be drawn or biological
9 sample collected pursuant to section 4 of P.L.1994, c.136 (C.53:1-
10 20.20) from persons who are incarcerated shall be drawn or
11 collected at the place of incarceration. DNA samples from persons
12 who are not sentenced to a term of confinement shall be drawn or
13 collected at a prison or jail unit to be specified by the sentencing
14 court. DNA samples from persons who are adjudicated delinquent
15 shall be drawn or collected at a prison or jail identification and
16 classification bureau specified by the family court.

17 b. Only a correctional health nurse technician, physician,
18 registered professional nurse, licensed practical nurse, laboratory or
19 medical technician, phlebotomist or other health care worker with
20 phlebotomy training shall draw any blood sample to be submitted
21 for analysis, and only a correctional health nurse technician,
22 physician, registered professional nurse, licensed practical nurse,
23 laboratory or medical technician or person who has received
24 biological sample collection training in accordance with protocols
25 adopted by the Attorney General, in consultation with the
26 Department of Corrections, shall collect or supervise the collection
27 of any other biological sample to be submitted for analysis. No
28 civil liability shall attach to any person authorized to draw blood or
29 collect a biological sample by this section as a result of drawing
30 blood or collecting the sample from any person if the blood was
31 drawn or sample collected according to recognized medical
32 procedures. No person shall be relieved from liability for
33 negligence in the drawing or collecting of any DNA sample. No
34 sample shall be drawn or collected pursuant to section 4 of
35 P.L.1994, c.136 (C.53:1-20.20) if the division has previously
36 received a blood or biological sample from the convicted person or
37 the juvenile adjudicated delinquent which was adequate for
38 successful analysis and identification.

39 c. A person or juvenile who refuses to allow a blood sample to
40 be drawn or a biological sample to be collected is guilty of a crime
41 of the fourth degree.

42 (cf: P.L.2003, c.183, s.5)

43

44 4. This act shall take effect on the first day of the 18th month
45 following enactment, but the Attorney General and the
46 Superintendent of State Police may take such anticipatory
47 administrative action in advance as shall be necessary for the
48 implementation of this act.

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STATEMENT

This bill would expand the State's DNA database to also include DNA samples from persons convicted of disorderly persons offenses.

The "DNA Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.), was amended by P.L.2003, c.183 to expand the DNA database to include blood or biological samples from adults and juveniles found guilty of, adjudicated delinquent for, or found not guilty by reason of insanity of a crime of the first, second, third or fourth degree. Prior to this law, the database contained DNA samples from these persons if they were convicted of, adjudicated delinquent for or found not guilty by reason of insanity of certain violent crimes, such as murder, manslaughter and kidnapping and sex offenses.

Under this bill, DNA samples also would be taken from adults and juveniles convicted of disorderly persons offenses. The sample would be obtained upon imprisonment or, if the person is not sentenced to imprisonment, as a condition of the sentence. Persons imprisoned or on parole or probation for a disorderly persons offense when the law becomes effective also would have to provide a sample.

The bill also establishes that a person who refuses to submit a blood or biological sample is guilty of a crime of the fourth degree. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 428**

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2015

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 428.

As reported by the committee, the Assembly Committee Substitute for Assembly Bill No. 428 expands the State's DNA database to also include DNA samples from persons convicted of certain disorderly persons offenses. The committee substitute also clarifies that certain law enforcement officers may collect or supervise the collection of a buccal swab DNA sample to be submitted for analysis.

The "DNA Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.), was amended by P.L.2003, c.183 to expand the DNA database to include blood or biological samples from adults and juveniles found guilty of, adjudicated delinquent for, or found not guilty by reason of insanity of a crime of the first, second, third, or fourth degree. Prior to this law, the database contained DNA samples from these persons if they were convicted of, adjudicated delinquent for, or found not guilty by reason of insanity of certain violent crimes, such as murder, manslaughter, kidnapping, and sex offenses. The act was amended in 2011 to include in the database blood or biological samples from all persons arrested for certain violent crimes.

Under the committee substitute, DNA samples also would be taken from adults and juveniles convicted of any disorderly persons offense for which law enforcement is required to take the person's fingerprints. These offenses include prostitution, assault constituting domestic violence, and those relating to certain narcotics or dangerous drugs. As introduced, the enumerated disorderly persons offenses for which a DNA sample would be taken included shoplifting; the committee substitute excludes shoplifting from its provisions.

The committee substitute also excludes the disorderly persons offense of possession 50 grams or less of marijuana or five grams or less of hashish.

A DNA sample would be obtained from the person upon imprisonment or, if the person is not sentenced to imprisonment, as a condition of the sentence. Persons imprisoned or on parole or probation for one of the specified disorderly persons offenses when the

law becomes effective also would be required to provide a sample.

The committee substitute also clarifies that a law enforcement officer who has been appropriately trained and qualified pursuant to protocols adopted by the Attorney General, in consultation with the Department of Corrections, may collect or supervise the collection of a buccal swab sample to be submitted for analysis.

The requirements of the committee substitute are not applicable to petty disorderly persons offenses.

As reported, this Assembly Committee Substitute for Assembly Bill No. 428 is identical to Senate Bill No. 393 (1R)

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 428
STATE OF NEW JERSEY
216th LEGISLATURE

DATED: DECEMBER 21, 2015

SUMMARY

- Synopsis:** Expands DNA database to include samples from disorderly persons who are fingerprinted and permits law enforcement officers to collect certain biological samples.
- Type of Impact:** State and Local Expenditure Increase. General Fund.
- Agencies Affected:** Department of Law and Public Safety; Division of State Police; Division of Criminal Justice; Juvenile Justice Commission; Department of Corrections; State Parole Board; Administrative Office of the Courts; and Local Law Enforcement.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Cost	Indeterminate – See comments below		
State and Local Revenue	None – See comments below		

- The Office of Legislative Services notes that the cost to carry out the procedures in this bill is indeterminate. The offenses proposed for DNA collection under this bill already require fingerprinting under current law; however, the expansion of entries into the DNA database would increase DNA processing costs indeterminately.
- This bill requires that DNA samples would be taken from adults and juveniles convicted of specified disorderly persons offenses, including assault constituting domestic violence (N.J.S.A.2C:25-19), prostitution (N.J.S.A.2C:34-1), certain offenses related to narcotics or drugs (N.J.S.A.53:1-18.1), and most disorderly persons offenses which require fingerprinting (N.J.S.A.53:1-15).
- This bill requires the DNA sample to be obtained from the person upon imprisonment or as a condition of the person’s sentence. Persons imprisoned or on parole or probation for one of the specified disorderly persons offenses when the law becomes effective also would be required to provide a sample.

BILL DESCRIPTION

The Assembly Committee Substitute for Assembly Bill No. 428 of 2014 expands the State's DNA database to also include DNA samples from persons convicted of certain disorderly persons offenses.

The "DNA Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.), was amended by P.L.2003, c.183 to expand the DNA database to include blood or biological samples from adults and juveniles found guilty of, adjudicated delinquent for, or found not guilty by reason of insanity of a crime of the first, second, third, or fourth degree. Prior to this law, the database contained DNA samples from these persons if they were convicted of, adjudicated delinquent for, or found not guilty by reason of insanity of certain violent crimes, such as murder, manslaughter, kidnapping, and sex offenses. The act was subsequently amended by P.L.2011, c.104 to include in the database blood or biological samples from all persons arrested for certain violent crimes.

Under the committee substitute, DNA samples also would be taken from adults and juveniles convicted of any disorderly persons offense for which law enforcement is required to take the person's fingerprints. These offenses include assault constituting domestic violence, prostitution, and those relating to narcotics or dangerous drugs. The committee substitute excludes shoplifting and the disorderly persons offense of possessing 50 grams or less of marijuana or five grams or less of hashish. The requirements of this committee substitute are not applicable to petty disorderly persons offenses.

The DNA sample would be obtained from the person upon imprisonment or, if the person is not sentenced to imprisonment, as a condition of the sentence. Persons imprisoned or on parole or probation for one of the specified disorderly persons offenses when the law becomes effective also would be required provide a DNA sample.

Additionally, a law enforcement officer who has been appropriately trained and qualified pursuant to protocols adopted by the Attorney General, in consultation with the Department of Corrections, may collect or supervise the collection of a buccal swab DNA sample to be submitted for analysis.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that the cost to carry out the procedures in this bill is indeterminate. The offenses proposed for DNA collection under this bill already require fingerprinting under current law; however, the expansion of entries into the DNA database would increase DNA processing costs indeterminately.

The specific number of disorderly persons offenses that would qualify for DNA collection under this bill is unknown. The Administrative Office of the Courts previously indicated that this bill could affect thousands of convictions annually for the specified disorderly persons offenses subject to the bill's provisions, which include: assault constituting domestic violence,

prostitution, those relating to narcotics or dangerous drugs, and other offenses which require fingerprinting.

This estimate does not exclude adults and juveniles that may have supplied DNA samples for an indictable offense.

Additionally, the following are considered unknown factors:

- How many specific DNA samples would be collected under the disorderly person requirement?
- How would the DNA samples be processed and what are the costs associated with the processing and data base entry?

Funding possibilities:

- Increase the DNA surcharge to pay for increased implementation expenditures.
- Require a charge upon conviction to cover the expenses of implementing this bill.

Section: Law and Public Safety

*Analyst: Amy Denholtz
Senior Research Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 428**

STATE OF NEW JERSEY

DATED: DECEMBER 21, 2015

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 428 (ACS).

This bill expands the State's DNA database to include DNA samples from persons convicted of certain disorderly persons offenses. The bill also clarifies that certain law enforcement officers may collect or supervise the collection of a buccal swab DNA sample to be submitted for analysis.

The "DNA Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.), was amended by P.L.2003, c.183 to expand the DNA database to include blood or biological samples from adults and juveniles found guilty of, adjudicated delinquent for, or found not guilty by reason of insanity of a crime of the first, second, third, or fourth degree. Prior to this law, the database contained DNA samples from these persons if they were convicted of, adjudicated delinquent for, or found not guilty by reason of insanity of certain violent crimes, such as murder, manslaughter, kidnapping, and sex offenses. The law was amended in 2011 to include in the database blood or biological samples from all persons arrested for certain violent crimes.

Under the bill, DNA samples also will be taken from adults and juveniles convicted of any disorderly persons offense for which law enforcement is required to take the person's fingerprints. These offenses include prostitution, assault constituting domestic violence, and those relating to certain narcotics or dangerous drugs, but specifically do not include shoplifting or the disorderly persons offense of possession of 50 grams or less of marijuana or five grams or less of hashish.

In accordance with current law, a DNA sample will be obtained from persons convicted of a specified disorderly persons offense upon imprisonment or, if the person is not sentenced to imprisonment, as a condition of the sentence. Persons imprisoned or on parole or probation for one of the specified disorderly persons offenses when the bill becomes effective also will be required to provide a sample.

The bill also clarifies that a law enforcement officer who has been appropriately trained and qualified pursuant to protocols adopted by the Attorney General, in consultation with the Department of

Corrections, may collect or supervise the collection of a buccal swab sample to be submitted for analysis.

The bill takes effect on the first day of the 18th month following enactment, but permits the Attorney General and the Superintendent of State Police to take anticipatory administrative actions in advance of the bill's effective date as are necessary to implement the bill.

As reported, this bill is identical to Senate Bill No. 393 (1R), as reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services expects this bill will result in recurring annual State and local cost increases, but lacks sufficient information to determine the magnitude of the increased costs. It is not currently known how many additional DNA samples will be required to be collected from persons convicted of a specified disorderly persons offense following enactment of the bill, or the exact cost that may be incurred to collect and process each additional sample.

SENATE, No. 393

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senators Sweeney, Cardinale, Greenstein and Beach

SYNOPSIS

Expands DNA database to include samples from disorderly persons who are fingerprinted and permits law enforcement officers to collect certain biological samples.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning DNA testing and amending P.L.1994, c.136.

2

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

5

6 1. Section 2 of P.L.1994, c.136 (C.53:1-20.18) is amended to
7 read as follows:

8 2. The Legislature finds and declares that DNA databanks are
9 an important tool in criminal investigations and in deterring and
10 detecting recidivist acts. It is the policy of this State to assist
11 federal, state and local criminal justice and law enforcement
12 agencies in the identification and detection of individuals who are
13 the subjects of criminal investigations. It is therefore in the best
14 interest of the State of New Jersey to establish a DNA database and
15 a DNA databank containing blood or other biological samples
16 submitted by every person convicted or found not guilty by reason
17 of insanity of a crime or a specified disorderly persons offense and
18 arrested for certain violent crimes. It is also in the best interest of
19 the State of New Jersey to include in this DNA database and DNA
20 databank blood or other biological samples submitted by juveniles
21 adjudicated delinquent or adjudicated not delinquent by reason of
22 insanity for acts, which if committed by an adult, would constitute a
23 crime or a specified disorderly persons offense and by every
24 juvenile arrested for certain violent crimes.

25 The Legislature further finds and declares that the minimal
26 intrusion on an individual's privacy interest resulting from a DNA
27 test is justified by the compelling governmental interests advanced
28 by DNA analysis, for those who are convicted, adjudicated or found
29 not guilty by reason of insanity for **[indictable]** crimes or specified
30 disorderly persons offenses, as well as for those who are arrested
31 for certain violent crimes. It further finds that DNA testing
32 enhances the State's ability to positively identify an offender, to
33 ascertain whether an individual may be implicated in another
34 offense, and to establish positive identification in the event the
35 offender becomes a fugitive.

36 The **[Legislative]** Legislature finds, as did the Supreme Court of
37 New Jersey, that there is a compelling parallel between the taking
38 of DNA and fingerprinting, and that the purposes of DNA testing
39 demonstrate "special needs" beyond ordinary law enforcement.

40 (cf: P.L.2011, c.104, s.1)

41

42 2. Section 4 of P.L.1994, c.136 (C.53:1-20.20) is amended to
43 read as follows:

44 4. a. On or after January 1, 1995 every person convicted of
45 aggravated sexual assault and sexual assault under N.J.S.2C:14-2 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 aggravated criminal sexual contact and criminal sexual contact
2 under N.J.S.2C:14-3 or any attempt to commit any of these crimes
3 and who is sentenced to a term of imprisonment shall have a blood
4 sample drawn or other biological sample collected for purposes of
5 DNA testing upon commencement of the period of confinement.

6 In addition, every person convicted on or after January 1, 1995
7 of these offenses, but who is not sentenced to a term of
8 confinement, shall provide a DNA sample for purposes of DNA
9 testing as a condition of the sentence imposed. A person who has
10 been convicted and incarcerated as a result of a conviction of one or
11 more of these offenses prior to January 1, 1995 shall provide a
12 DNA sample before parole or release from incarceration.

13 Every person arrested for an offense enumerated in this
14 subsection shall provide a DNA sample for purposes of DNA
15 testing prior to the person's release from custody.

16 b. On or after January 1, 1998 every juvenile adjudicated
17 delinquent for an act which, if committed by an adult, would
18 constitute aggravated sexual assault or sexual assault under
19 N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal
20 sexual contact under N.J.S.2C:14-3, or any attempt to commit any
21 of these crimes, shall have a blood sample drawn or other biological
22 sample collected for purposes of DNA testing.

23 Every juvenile arrested for an act which, if committed by an
24 adult, would constitute an offense enumerated in this subsection
25 shall provide a DNA sample for purposes of DNA testing prior to
26 the juvenile's release from custody.

27 c. On or after January 1, 1998 every person found not guilty by
28 reason of insanity of aggravated sexual assault or sexual assault
29 under N.J.S.2C:14-2 or aggravated criminal sexual contact or
30 criminal sexual contact under N.J.S.2C:14-3, or any attempt to
31 commit any of these crimes, or adjudicated not delinquent by reason
32 of insanity for an act which, if committed by an adult, would
33 constitute one of these crimes, shall have a blood sample drawn or
34 other biological sample collected for purposes of DNA testing.

35 d. On or after January 1, 2000 every person convicted of
36 murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to
37 N.J.S.2C:11-4, aggravated assault of the second degree pursuant to
38 paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping
39 pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of
40 P.L.1993, c.291 (C.2C:13-6), engaging in sexual conduct which
41 would impair or debauch the morals of a child pursuant to
42 N.J.S.2C:24-4, or any attempt to commit any of these crimes and
43 who is sentenced to a term of imprisonment shall have a blood
44 sample drawn or other biological sample collected for purposes of
45 DNA testing upon commencement of the period of confinement.

46 In addition, every person convicted on or after January 1, 2000
47 of these offenses, but who is not sentenced to a term of

1 confinement, shall provide a DNA sample as a condition of the
2 sentence imposed. A person who has been convicted and
3 incarcerated as a result of a conviction of one or more of these
4 offenses prior to January 1, 2000 shall provide a DNA sample
5 before parole or release from incarceration.

6 Every person arrested for an offense enumerated in this
7 subsection shall provide a DNA sample for purposes of DNA
8 testing prior to the person's release from custody.

9 e. On or after January 1, 2000 every juvenile adjudicated
10 delinquent for an act which, if committed by an adult, would
11 constitute murder pursuant to N.J.S.2C:11-3, manslaughter pursuant
12 to N.J.S.2C:11-4, aggravated assault of the second degree pursuant
13 to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1,
14 kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in
15 violation of P.L.1993, c.291 (C.2C:13-6), engaging in sexual
16 conduct which would impair or debauch the morals of a child
17 pursuant to N.J.S.2C:24-4, or any attempt to commit any of these
18 crimes, shall have a blood sample drawn or other biological sample
19 collected for purposes of DNA testing.

20 Every juvenile arrested for an act which, if committed by an
21 adult, would constitute an offense enumerated in this subsection
22 shall provide a DNA sample for purposes of DNA testing prior to
23 the juvenile's release from custody.

24 f. On or after January 1, 2000 every person found not guilty by
25 reason of insanity of murder pursuant to N.J.S.2C:11-3,
26 manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the
27 second degree pursuant to paragraph (1) or (6) of subsection b. of
28 N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or
29 enticing a child in violation of P.L.1993, c.291 (C.2C:13-6),
30 engaging in sexual conduct which would impair or debauch the
31 morals of a child pursuant to N.J.S.2C:24-4, or any attempt to
32 commit any of these crimes, or adjudicated not delinquent by reason
33 of insanity for an act which, if committed by an adult, would
34 constitute one of these crimes, shall have a blood sample drawn or
35 other biological sample collected for purposes of DNA testing.

36 g. Every person convicted or found not guilty by reason of
37 insanity of a crime or a specified disorderly persons offense shall
38 have a blood sample drawn or other biological sample collected for
39 purposes of DNA testing. If the person is sentenced to a term of
40 imprisonment or confinement, the person shall have a blood sample
41 drawn or other biological sample collected for purposes of DNA
42 testing upon commencement of the period of imprisonment or
43 confinement. If the person is not sentenced to a term of
44 imprisonment or confinement, the person shall provide a DNA
45 sample as a condition of the sentence imposed. A person who has
46 been convicted or found not guilty by reason of insanity of a crime
47 prior to the effective date of P.L.2003, c.183 or of a specified

1 disorderly persons offense prior to the effective date of
2 P.L. , c. (pending before the Legislature as this bill) and who,
3 on the effective date, is serving a sentence of imprisonment,
4 probation, parole or other form of supervision as a result of the
5 crime or is confined following acquittal by reason of insanity shall
6 provide a DNA sample before termination of imprisonment,
7 probation, parole, supervision or confinement, as the case may be.

8 h. Every juvenile adjudicated delinquent, or adjudicated not
9 delinquent by reason of insanity, for an act which, if committed by
10 an adult, would constitute a crime or a specified disorderly persons
11 offense shall have a blood sample drawn or other biological sample
12 collected for purposes of DNA testing. If under the order of
13 disposition the juvenile is sentenced to some form of imprisonment,
14 detention or confinement, the juvenile shall have a blood sample
15 drawn or other biological sample collected for purposes of DNA
16 testing upon commencement of the period of imprisonment,
17 detention or confinement. If the order of disposition does not
18 include some form of imprisonment, detention or confinement, the
19 juvenile shall provide a DNA sample as a condition of the
20 disposition ordered by the court. A juvenile who, prior to the
21 effective date of P.L.2003, c.183, has been adjudicated delinquent,
22 or adjudicated not delinquent by reason of insanity for an act which,
23 if committed by an adult, would constitute a crime or, prior to the
24 effective date of P.L. , c. (pending before the Legislature as this
25 bill), has been adjudicated delinquent or adjudicated not delinquent
26 by reason of insanity for an act which, if committed by an adult,
27 would constitute a specified disorderly persons offense, and who on
28 the effective date is under some form of imprisonment, detention,
29 confinement, probation, parole or any other form of supervision as a
30 result of the offense or is confined following an adjudication of not
31 delinquent by reason of insanity shall provide a DNA sample before
32 termination of imprisonment, detention, supervision or
33 confinement, as the case may be.

34 As used in this act, “specified disorderly persons offense” shall
35 mean shoplifting pursuant to N.J.S.2C:20-11; assault constituting
36 domestic violence as defined in section 3 of P.L.1991, c.261
37 (C.2C:25-19); prostitution pursuant to N.J.S.2C:34-1; any
38 disorderly persons offense relating to narcotics or dangerous drugs
39 for which a person is required to be fingerprinted pursuant to
40 section 1 of P.L.1952, c.92 (C.53:1-18.1); or any other disorderly
41 persons offense for which a person is required to be fingerprinted
42 pursuant to R.S.53:1-15.

43 i. Nothing in this act shall be deemed to limit or preclude
44 collection of DNA samples as authorized by court order or in
45 accordance with any other law.

46 (cf: P.L.2011, c.104, s.2)

1 3. Section 6 of P.L.1994, c.136 (C.53:1-20.22) is amended to
2 read as follows:

3 6. a. Each blood sample required to be drawn or biological
4 sample collected pursuant to section 4 of P.L.1994, c.136 (C.53:1-
5 20.20) from persons who are incarcerated shall be drawn or
6 collected at the place of incarceration. The law enforcement agency
7 that effects an arrest for which DNA testing is required pursuant to
8 P.L.2011, c.104 shall collect a DNA sample from the arrestee prior
9 to the arrestee's release or incarceration. DNA samples from
10 persons who are not sentenced to a term of confinement shall be
11 drawn or collected at a prison or jail unit to be specified by the
12 sentencing court. DNA samples from persons who are adjudicated
13 delinquent shall be drawn or collected at a prison or jail
14 identification and classification bureau specified by the family
15 court.

16 b. Only a correctional health nurse technician, physician,
17 registered professional nurse, licensed practical nurse, laboratory or
18 medical technician, phlebotomist or other health care worker with
19 phlebotomy training shall draw any blood sample to be submitted
20 for analysis, and only a correctional health nurse technician,
21 physician, registered professional nurse, licensed practical nurse,
22 laboratory or medical technician or person, including but not
23 limited to a law enforcement officer, who has received biological
24 sample collection training in accordance with protocols adopted by
25 the Attorney General, in consultation with the Department of
26 Corrections, shall collect or supervise the collection of any other
27 biological sample to be submitted for analysis.

28 c. In addition to any other person who has received biological
29 sample collection training pursuant to subsection b. of this section,
30 a law enforcement officer who has been appropriately trained and
31 qualified pursuant to protocols adopted by the Attorney General, in
32 consultation with the Department of Corrections, may collect or
33 supervise the collection of a buccal swab sample to be submitted for
34 analysis.

35 d. No civil liability shall attach to any person authorized to
36 draw blood or collect a biological sample by this section as a result
37 of drawing blood or collecting the sample from any person if the
38 blood was drawn or sample collected according to recognized
39 medical procedures. No person shall be relieved from liability for
40 negligence in the drawing or collecting of any DNA sample. No
41 sample shall be drawn or collected pursuant to section 4 of
42 P.L.1994, c.136 (C.53:1-20.20) if the division has previously
43 received a blood or biological sample from the convicted person or
44 the juvenile adjudicated delinquent which was adequate for
45 successful analysis and identification.

46 (cf: P.L.2011, c.104, s.3)

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 393

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2014

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 393.

As amended and reported by the committee, Senate Bill No. 393 expands the State's DNA database to also include DNA samples from persons convicted of certain disorderly persons offenses. The amended bill also clarifies that certain law enforcement officers may collect or supervise the collection of a buccal swab DNA sample to be submitted for analysis.

The "DNA Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.), was amended by P.L.2003, c.183 to expand the DNA database to include blood or biological samples from adults and juveniles found guilty of, adjudicated delinquent for, or found not guilty by reason of insanity of a crime of the first, second, third, or fourth degree. Prior to this law, the database contained DNA samples from these persons if they were convicted of, adjudicated delinquent for, or found not guilty by reason of insanity of certain violent crimes, such as murder, manslaughter and kidnapping and sex offenses. The act was amended in 2011 to include in the database blood or biological samples from all persons arrested for certain violent crimes.

Under the amended bill, DNA samples also would be taken from adults and juveniles convicted of any disorderly persons offense for which law enforcement is required to take the person's fingerprints. These offenses include prostitution, assault constituting domestic violence, and those relating to narcotics or dangerous drugs. As introduced, the enumerated disorderly persons offenses for which a DNA sample would be taken included shoplifting; the committee amendments specifically exclude shoplifting from the bill's provisions. The committee also amended the bill to exclude the disorderly persons offense of possession 50 grams or less of marijuana or five grams or less of hashish.

A DNA sample would be obtained from the person upon imprisonment or, if the person is not sentenced to imprisonment, as a condition of the sentence. Persons imprisoned or on parole or probation for one of the specified disorderly persons offenses when the law becomes effective also would be required to provide a sample.

The amended bill also clarifies that a law enforcement officer who has been appropriately trained and qualified pursuant to protocols adopted by the Attorney General, in consultation with the Department of Corrections, may collect or supervise the collection of a buccal swab sample to be submitted for analysis.

The requirements of the amended bill are not applicable to petty disorderly persons offenses.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 393

STATE OF NEW JERSEY

DATED: DECEMBER 21, 2015

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 393 (1R).

This bill expands the State's DNA database to include DNA samples from persons convicted of certain disorderly persons offenses. The bill also clarifies that certain law enforcement officers may collect or supervise the collection of a buccal swab DNA sample to be submitted for analysis.

The "DNA Database and Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.), was amended by P.L.2003, c.183 to expand the DNA database to include blood or biological samples from adults and juveniles found guilty of, adjudicated delinquent for, or found not guilty by reason of insanity of a crime of the first, second, third, or fourth degree. Prior to this law, the database contained DNA samples from these persons if they were convicted of, adjudicated delinquent for, or found not guilty by reason of insanity of certain violent crimes, such as murder, manslaughter, kidnapping, and sex offenses. The law was amended in 2011 to include in the database blood or biological samples from all persons arrested for certain violent crimes.

Under the bill, DNA samples also will be taken from adults and juveniles convicted of any disorderly persons offense for which law enforcement is required to take the person's fingerprints. These offenses include prostitution, assault constituting domestic violence, and those relating to certain narcotics or dangerous drugs, but specifically do not include shoplifting or the disorderly persons offense of possession of 50 grams or less of marijuana or five grams or less of hashish.

In accordance with current law, a DNA sample will be obtained from persons convicted of a specified disorderly persons offense upon imprisonment or, if the person is not sentenced to imprisonment, as a condition of the sentence. Persons imprisoned or on parole or probation for one of the specified disorderly persons offenses when the bill becomes effective also will be required to provide a sample.

The bill also clarifies that a law enforcement officer who has been appropriately trained and qualified pursuant to protocols adopted by the Attorney General, in consultation with the Department of

Corrections, may collect or supervise the collection of a buccal swab sample to be submitted for analysis.

The bill takes effect on the first day of the 18th month following enactment, but permits the Attorney General and the Superintendent of State Police to take anticipatory administrative actions in advance of the bill's effective date as are necessary to implement the bill.

As reported, this bill is identical to Assembly Bill No. 428 (ACS), as reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services expects this bill will result in recurring annual State and local cost increases, but lacks sufficient information to determine the magnitude of the increased costs. It is not currently known how many additional DNA samples will be required to be collected from persons convicted of a specified disorderly persons offense following enactment of the bill, or the exact cost that may be incurred to collect and process each additional sample.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 393

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: DECEMBER 24, 2015

SUMMARY

- Synopsis:** Expands DNA database to include samples from disorderly persons who are fingerprinted and permits law enforcement officers to collect certain biological samples.
- Type of Impact:** Indeterminate State and Local Expenditure Increases.
- Agencies Affected:** Department of Law and Public Safety; Division of State Police; Division of Criminal Justice; Juvenile Justice Commission; Department of Corrections; State Parole Board; Administrative Office of the Courts; and Local Law Enforcement.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase	Indeterminate – See comments below		
Local Cost Increase	Indeterminate – See comments below		

- The Office of Legislative Services notes that the cost to the State and local governments to carry out the procedures in this bill is indeterminate. The offenses proposed for DNA collection under this bill already require fingerprinting under current law; however, the expansion of entries into the DNA database would increase DNA processing costs indeterminately.

BILL DESCRIPTION

Senate Bill No. 393 (1R) of 2014 expands the State's DNA database to also include DNA samples from persons convicted of certain disorderly persons offenses.

Specifically, DNA samples would newly have to be taken from adults and juveniles convicted of any disorderly persons offense for which law enforcement is required to take the person's fingerprints. These offenses include assault constituting domestic violence,

prostitution, and those relating to narcotics or dangerous drugs. The bill excludes shoplifting and the disorderly persons offense of possessing 50 grams or less of marijuana or five grams or less of hashish. The requirements of this bill are not applicable to petty disorderly persons offenses.

The DNA sample would be obtained from the person upon imprisonment or, if the person is not sentenced to imprisonment, as a condition of the sentence. Persons imprisoned or on parole or probation for one of the specified disorderly persons offenses when the law becomes effective also would be required to provide a DNA sample.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that the cost to the State and local governments to carry out the procedures in this bill is indeterminate. The offenses proposed for DNA collection under this bill already require fingerprinting under current law; however, the expansion of entries into the DNA database would increase DNA processing costs indeterminately.

The specific number of disorderly persons offenses that would qualify for DNA collection under this bill is unknown. The Administrative Office of the Courts previously indicated that this bill could affect thousands of convictions annually for the specified disorderly persons offenses, which include: assault constituting domestic violence, prostitution, those relating to narcotics or dangerous drugs, and other offenses which require fingerprinting. This estimate does not exclude adults and juveniles who may have supplied DNA samples for an indictable offense.

Section: Law and Public Safety

Analyst: Amy Denholtz
Senior Research Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Chris Christie Takes Action On Pending Legislation From The 216th Legislative Session

Tuesday, January 19, 2016 Tags: [Weather](#)



Trenton, NJ – Furthering his administration's commitment to New Jersey's veterans and military personnel, Governor Chris Christie took action today on legislation from the 216th Legislative Session, including 11 legislative measures designed to assist both active military members and veterans, along with their families.

"From the very start of this administration, we have focused on serving the needs of our veterans and the men and women still in active duty, assisting them with everything from securing jobs to finding the proper health care and social services," said Governor Christie. "The bills I signed today continue to make good on our promise to help those who have given so much of themselves to defend and serve this nation find a seamless transition back to civilian life and receive a helping-hand, when needed, no matter how long after their discharge from the military."

The enacted legislation includes:

- **S-172/A-2276 (Whelan, Beach/DeAngelo, Quijano)** - Exempts disabled veterans and Purple Heart recipients from payment of municipal parking meter fees when their vehicles bear a disable veteran's or Purple Heart license plate or placard issued by New Jersey Motor Vehicle Commission
- **S-2972/A-4465 (Van Drew, Cruz-Perez/Andrzejczak, Tucker, Benson)** - Requires DMVA assist and mentor veterans through criminal justice system
- **A-1667/S-2155 (Johnson, DeAngelo, Andrzejczak, Mukherji, Pintor Marin/Van Drew, A.R. Bucco)** - Permits child whose parent or guardian is ordered into active military service to remain enrolled in school district where child's parent or guardian resided prior to active military service
- **A-2935/S-1325 (Andrzejczak, Lagana, Webber, Mosquera, Lampitt/Van Drew, A.R. Bucco)** - Authorizes property tax deferral for deployed military personnel
- **A-2299/S-239 (Andrzejczak, Benson/Van Drew, Stack)** - Requires municipalities to exempt 100% disabled veterans from construction permit surcharge fees for improvements to promote living unit accessibility; appropriates \$20,000 for municipal reimbursements
- **A-3552/S-2636 (Mazzeo, Andrzejczak, Mukherji, Benson/Beach, Van Drew)** - Creates financial planning assistance program for disabled veterans and their caregivers
- **A-3554/S-2606 (Mazzeo, Andrzejczak, Mukherji, Benson, Danielsens/Beach, Cruz-Perez)** - Increases income eligibility cap to receive respite care for certain veterans
- **AS for A-3750/S-2569 (Lampitt, Tucker, Andrzejczak, Singleton, Mosquera/Beach, Allen)** - Requires Adjutant General to create informational webpage for women veterans
- **A-4148/S-2731 (Andrzejczak, Benson/Van Drew, Beach)** - Provides an excused absence on Veterans Day for pupil who participates in certain activities for veterans or active duty members of United States Armed Forces or New Jersey National Guard

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- **A-4323/S-2952 (DeAngelo, Lagana, Muoio, Benson/Beach, Whelan)** - Expands timeframe for renewal of driver's license, registration, and inspection by military personnel and immediate family members under certain circumstances.
- **AJR-117/SJR-85 (Tucker, Holley, Vainieri Huttie/Beach, Whelan, Madden)** - Urges Congress to restore funding to Vets4Warriors veteran suicide hotline

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

BILL SIGNINGS:

- **S-451/A-1103 (Ruiz, Allen/Vainieri Huttie, Singleton, Benson)** - Establishes Office of the Special Education Ombudsman in DOE
- **S-485/A-1976 (Cunningham, Ruiz/Lampitt, Mosquera, Quijano)** -Requires president of public institution of higher education to regularly report on-campus criminal and fire events to the institution's governing board
- **S-489/A-4926 (Cunningham, T. Kean/Diegnan, Mukherji, Benson)** - Authorizes institutions of higher education to grant college credit to high school students who complete the Jersey Boys State or Jersey Girls State program
- **S-832/A-2039 (Whelan, Beach/Moriarty, Stender, Garcia)** - Permits voter registration of certain persons at age 17 for voting at next election occurring on or after 18th birthday
- **S-1046/A-2721 (Turner, Scutari/Gusciora)** - Concerns alterations in child support obligations in response to changes to status of supported child
- **S-1184/A-1950 (Vitale, Beach/Conaway, Diegnan, Sumter, Danielsen)** - Revises requirements for licensure and creates physician-delegated scope of practice for physician assistants
- **S-1346wGR/A-3837 (Rice/Coughlin, Garcia, Rodriguez-Gregg, Pintor Marin, Jasey)** - Concerns the recording of mortgages
- **S-1447/A-2829 (Greenstein, Addiego/Johnson, Mainor, Rible, Quijano)** - Prohibits posting, publishing on the Internet, or disclosing certain information regarding law enforcement officers
- **S-1567/A-410 (A.R. Bucco, Van Drew/A.M. Bucco, Bramnick, Johnson, Quijano, Rumana)** - Establishes DOT roadside memorial program for fallen police officers, sheriff's officers, EMS workers, and firefighters; designated as "Patrolman Joseph Wargo's Law"
- **S-1687/A-4924 (Ruiz, Vitale/Diegnan, Eustace)** - Permits students made homeless by act of terrorism or natural disaster to attend tuition-free the school district in which they resided prior to being homeless for two school years after the event
- **S-2032wGR/A-3440 (Codey, Turner/Diegnan, Eustace)** - Requires DOE to review Core Curriculum Content Standards to ensure that they incorporate modern computer science standards where appropriate
- **S-2110/A-3343 (Oroho/Space, Vainieri Huttie, Schaer, Phoebus, Pinkin)** - Requires nursing homes to offer form designating beneficiary of personal needs allowance accounts from incoming and current residents

- **S-2201/A-3273 (O'Toole/Russo, Rumana, Casagrande)** - Authorizes youth camps to maintain supply of epinephrine and permit trained employees to administer epinephrine to camp members suffering from anaphylaxis
- **SCS for S-2251/A-3708 (Oroho, Barnes/Diegnan, Webber, Johnson, Space, Phoebus)** - Increases monetary amounts for transfer of estate assets without administration and for exemption from debts of the deceased
- **S-2260wGR/A-688 (Scutari, Cardinale/Schaer)** - Modifies certain fees charged by, and requirements imposed on, check casher licensees
- **S-2284wGR/A-3549 (Pou, Weinberg/Schaer, Vainieri Huttle, Webber, Singleton, Jimenez, Johnson, Bramnick)** - Requires Medicaid managed care organizations to meet certain conditions prior to reducing reimbursement rates for personal care assistant services and home-based supportive care services
- **S-2442/A-3891 (T. Kean, Sarlo/Bramnick, Rodriquez-Gregg, Johnson, Casagrande, Schepisi)** - Establishes NJ Innovation and Research Fellowship Program in DOLWD
- **S-2495/A-3868 (Codey, Rice/Conaway, Singleton, Eustace, Coughlin)** - Authorizes State-chartered banks, savings banks, savings and loans, and credit unions to conduct certain savings account promotions
- **S-2617/A-3944 (Cardinale/Garcia, McKeon, Auth, Eustace, Pinkin)** - Requires DEP to adopt regulations to allow cultivation of commercial shellfish species in certain coastal and inner harbor waters for research, educational, or restoration purposes; requires community engagement process for revision thereof
- **S-2627/A-3957 (Cardinale, Sacco/Schepisi, Auth, Eustace, Rumana, Johnson)** - Designates State Highway Route 17 in Borough of Ramsey as "Staff Sergeant Timothy R. McGill Memorial Highway"
- **S-2695/A-4110 (T. Kean, Sacco/Dancer, Benson, Jimenez, Johnson)** - Requires MVC conduct study and make recommendations concerning electronic driver's licenses and mobile applications
- **S-2741/A-4213 (Doherty/Vainieri Huttle, Webber)** - Permits unregulated solicitation to perform snow shoveling within 24 hours of predicted snowstorm
- **S-2787wGR/A-4273 (Sweeney/Singleton, Burzichelli, Giblin, Prieto, Wimberly)** - Establishes vocational training pilot program in DOC; provides for inmate compensation for education and workforce training participation
- **S-2880/A-4704 (Lesniak, T. Kean/Diegnan, Wisniewski)** - Provides up to \$25 million in tax credits under Economic Redevelopment and Growth Grant Program for certain infrastructure at Rutgers, the State University of New Jersey
- **S-2922/A-4925 (Ruiz, Turner/Diegnan, Jasey)** - Requires DOE on its website to link to Department of Treasury's website where list is maintained of all third party individuals and vendors employed or retained for work associated with State assessments
- **S-2923/A-4901 (Ruiz, Turner/Jasey, Caputo)** - Requires school district or charter school to provide notification to parent or guardian of enrolled student on upcoming administration of State assessments or commercially-developed standardized assessment
- **S-2960/A-4331 (Codey, Rice/Garcia, Vainieri Huttle, Danielsén, DeAngelo, Holley, Benson, Mukherji)** -

Establishes requirements for training programs for homemaker-home health aides in care of patients with Alzheimer's disease and related disorders

- **S-3019/A-4771 (Sweeney, Stack/Burzichelli, Muoio)** - Requires filing of financial agreement for long term tax exemption with county finance officer and counsel; requires quarterly payment of county share of payment in lieu of tax
- **S-3129/A-4728 (Madden, Cunningham/DeAngelo, Benson, Lampitt, Quijano)** - Directs DOLWD to provide information regarding employee leave and benefit rights
- **S-3168/A-4769 (Sweeney, O'Toole/Burzichelli)** - Limits increase in annual budget requests of certain county entities
- **S-3170/A-4768 (Pou, Bateman/Burzichelli)** - Requires county superintendent of elections to operate pursuant to county administrative code; subjects certain salary costs of office of county superintendent of elections to review and approval by county governing body
- **S-3171/A-4575 (Whelan, Oroho/Greenwald, Burzichelli)** - Creates definition of certified mail
- **S-3182/A-4690 (Ruiz, Pou/Pintor Marin, Spencer, Sumter)** - Delays certain documentation submission deadlines under certain business tax credit programs
- **S-3207/A-4714 (Vitale, T. Kean/Lampitt, Mosquera)** - Limits liability of caregivers when facilitating normalcy for children in foster care
- **S-3240/A-4878 (Lesniak, Allen/Spencer, Sumter, Holley, Eustace)** - Authorizes establishment of recovery high school alternative education programs
- **S-3242/A-4856 (Vitale, Sweeney/Vainieri Huttie)** - Clarifies best interests of the child should be primary consideration in actions undertaken by State governmental entities and courts of law
- **S-3243/A-4702 (Vitale, Greenstein/Vainieri Huttie, Spencer)** - Provides that if minor appears to have been sexually assaulted, health care professionals in addition to physicians may authorize forensic sexual assault examination and medical care without parental consent
- **S-3247/A-4928 (Ruiz, Pou/Sumter, Wimberly)** - Eliminates cap on cost of SDA district school facilities projects that may be constructed by district and included in capital outlay budget
- **S-3282wGR/A-4850 (Rice, Cunningham/Wimberly, Mainor, Johnson)** - Expands Police Training Commission membership to include representative from Northern New Jersey and South Jersey Chapters of National Organization of Black Law Enforcement Executives
- **S-3303/A-4469 (Whelan/Quijano, Mukherji, Jimenez)** - Makes fraudulent use of social security number to collect lottery winnings crime of fourth degree
- **S-3321/A-4927 (Smith, Van Drew, Bateman/Spencer, Rumana)** - Authorizes DEP to require public access to waterfront and adjacent shoreline as condition of waterfront development approvals and CAFRA permits

- **SJR-22/AJR-40 (Weinberg/Johnson, Vainieri Huttie)** - Designates January 14 of each year as "Hannah G. Solomon Day"
- **ACS for A-206, 471, 1663, 2879, 3060, 3108wGR/S-2663 (Green, Spencer, Gusciora, Johnson, McKeon, Giblin, Wimberly, Mainor, Quijano/Turner, Lesniak, Pou)** - Shortens waiting periods for expungement of criminal and other records and information; makes various changes to other expungement procedures and requirements
- **A-311/S-2426 (Bramnick, Diegnan, Wimberly, Gusciora/Ruiz, T. Kean)** - Requires public schools to weight courses in visual and performing arts equally with other courses worth same number of credits in calculating grade point average
- **ACS for A-428/S-393 (Jimenez, Prieto/Sacco, Sarlo)** - Expands DNA database to include samples from disorderly persons who are fingerprinted and permits law enforcement officers to collect certain biological samples
- **A-801wGR/S-861 (Coughlin, Wisniewski, Mazzeo/Vitale, Sacco)** - Directs New Jersey Turnpike Authority and South Jersey Transportation Authority to study and report on potential revenue generating services of rest areas and service plazas
- **A-984/S-1534 (Andrzejczak, Wimberly/Van Drew, Bateman)** - Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death
- **A-1455/S-2011 (Diegnan, Mosquera, Caputo, Jasey, Mukherji/Madden, Holzapfel)** - Abigail's Law; requires that newly-manufactured school buses be equipped with sensors
- **A-1462/S-3288 (Diegnan, Wimberly/Gill)** - Requires coin redemption machine operators to disclose fees
- **A-1466 (Diegnan, O'Donnell, Mainor, Garcia)** - Allows for waiver of school bus requirements for mobility assistance vehicle technicians who transport students with medical needs to and from school
- **A-1726wGR/S-308 (Eustace, Lagana, Mosquera, Vainieri Huttie, Wimberly/Gordon)** - Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and floodplains
- **A-1812/S-2717 (Mosquera, Mazzeo, Andrzejczak/Cruz-Perez, Oroho, Jones)** - Extends protections of the new vehicle "lemon law" to new farm tractors purchased or leased in New Jersey
- **A-1958/S-1848 (Allen, Van Drew)** - Concerns exemptions from permits for certain agricultural activities under "Freshwater Wetlands Protection Act"
- **A-2597/S-2161 (Singleton, Diegnan, DiMaio/Ruiz, Beach)** - Provides that beginning with the 2016-2017 grade nine class, Advanced Placement computer science course may satisfy a part of the mathematics credits required for high school graduation
- **A-2839/S-2620 (Burzichelli, Space, Phoebus/Oroho, Turner)** - "New Jersey Rural Microenterprise Act"
- **A-2915/S-2035 (Lagana, McKeon, Ciattarelli/Bateman, Barnes)** - "Uniform Trust Code"

- **A-2943/S-1312 (Andrzejczak, DeAngelo, Mazzeo, Quijano, Danielsen/Van Drew, Allen)** - Provides for voluntary contributions by taxpayers on gross income tax returns for active duty members of United States Armed Forces, Reserve components thereof, and National Guard from New Jersey

- **A-3006/S-3272 (Conaway, Singleton, Eustace, DiMaio, Danielsen/Beach, Turner)** - Establishes procedure for consolidating fire districts

- **A-3019/S-1978 (Singleton, Conaway, Andrzejczak, Mazzeo, Garcia, Mosquera/Van Drew, Beach)** - Requires State Employment and Training Commission to prepare annual report on State workforce

- **A-3043/S-1943 (Space, DeAngelo, Egan, Phoebus, Moriarty/Oroho, Van Drew)** - Concerns authority of DOLWD to inspect prevailing wage public work projects

- **A-3044/S-1944 (Space, DeAngelo, Egan, Phoebus, Moriarty/Oroho, Van Drew)**
Requires Commissioner of DOLWD to disseminate certain information to contractors who bid on or perform prevailing wage public work

- **A-3225/S-2333 (Singleton, Rible, Lampitt, Quijano, Pintor Marin, Jimenez/Sweeney)** - Provides for licensure of chiropractic assistants

- **A-3228/S-2499 (Mukherji, Vainieri Huttie, Mosquera, Garcia/Turner)** - Requires sober living homes and other substance abuse aftercare treatment facilities to provide certain notifications to next-of-kin when patient is released from care; designated as "Nick Rohdes' Law"
- **A-3257wGR/S-2125 (Andrzejczak, Mazzeo, Burzichelli/Van Drew)** - Provides that determination by county agriculture development board or State Agriculture Development Committee as to what qualifies as farm-based recreational activity in pinelands protection area is binding on Pinelands Commission

- **A-3276/S-2248 (Mazzeo/Whelan)** - "Mainland Memoriam Act"; directs MVC to create graduated driver's license informational material to be distributed by motor vehicle dealers

- **A-3435wGR/S-2503 (Garcia, Mukherji, Vainieri Huttie, Mainor, Eustace, Mosquera/Stack, Gordon)** - "Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care

- **A-3850/S-2467 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer)** - Requires BPU to establish procedures allowing electric power and gas supplier customers to switch energy suppliers

- **A-3927/S-2820 (Andrzejczak, Mazzeo, Taliaferro, Dancer/Van Drew, Oroho)** - Requires drivers to slow down before passing slow moving vehicles; establishes Statewide educational campaign on rural roadway safety; updates agriculture-related motor vehicle laws to reflect current industry practices

- **A-3955/S-2644 (Conaway, Benson, Vainieri Huttie, Munoz, Sumter, Mukherji/Vitale, Codey)** - Requires development and maintenance of database to advise public about open bed availability in residential substance use disorders treatment facilities

- **A-4098/S-2877 (Pinkin, Sumter, Benson/Codey, Greenstein)** - Prohibits sale or distribution of liquid nicotine except in child-resistant containers

- **A-4105/S-2977 (Garcia, Mainor, Mukherji, O'Donnell, Sumter, Rible, A.M. Bucco/Greenstein, Cunningham)** - Expands scope of law governing registration of security guards; designated as "Detective Vincent Santiago's Law"
- **A-4133/S-2997 (Giblin, Pinkin/Cruz-Perez, Allen)** - Allows dispensation of certain nutritional supplements by physician or podiatric physician
- **A-4275wGR/S-2831 (Prieto, Eustace, Lagana, Greenwald, Quijano, Danielsen, Mukherji/Sweeney, Turner, Sarlo)** - "New Jersey Secure Choice Saving Program Act"; establishes retirement savings program for certain workers
- **A-4386wGR/S-3042 (Coughlin, Pinkin, Vitale, Singer)** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes
- **A-4387/S-3016 (Coughlin, Wisniewski, Wimberly/Vitale)** - Requires MVC to allow submission of "Next-of-Kin Registry" information by mail
- **A-4388/S-3041 (Coughlin, Wisniewski/Vitale)** - Designates State Highway 184 in Woodbridge Township as "Bruce Turcotte Memorial Highway"
- **A-4415/S-3279 (Diegnan, Garcia, Pinkin/Turner, Ruiz)** - Establishes State Seal of Biliteracy to recognize high school graduates who have attained a high level of bilingual proficiency
- **A-4420/S-3056 (Mazzeo, Vainieri Huttie, DeAngelo, Lampitt/Gordon, Greenstein)** - Requires certain notifications for termination of services to persons with developmental disabilities and providers
- **A-4476wGR/S-2876 (Conaway/Codey)** - Requires certain surgical practices and ambulatory care facilities licensed in this State to be owned by hospital or medical school located in the State
- **A-4719/S-3250 (Moriarty, Mosquera, Vainieri Huttie, DeAngelo, Diegnan, Mukherji/Cruz-Perez, Ruiz)** - Extends use of stored driver's license picture for person undergoing chemotherapy or other treatment for certain medical illnesses
- **CC for A-4863/S-3233 (A.M. Bucco, Phoebus, Munoz, Wisniewski, Oliver/A.R. Bucco)** - Requires warning sign to be posted at pontoon boat rental businesses; designated as "Christopher's Law"
- **AJR-112/SJR-86 (Conaway/Weinberg)** - Designates May of each year as "Cystic Fibrosis Awareness Month"

BILLS POCKET VETOED:

- **S-221/A-4155 (Allen, Vitale/Vainieri Huttie, Sumter, Lampitt)** - Prohibits the restraint of prisoners during and immediately after childbirth
- **S-316/A-1739 (Gordon/Eustace, Ciattarelli, Lagana, Gusciora)** - Increases flexibility, clarity, and available tools of optional municipal consolidation process
- **S-564/A-4186 (Smith, Bateman/Eustace, McKeon, Spencer, Benson)** - Establishes "Solar Roof Installation Warranty Program" in EDA and transfers \$2 million from societal benefits charge to initially fund program

- **S-602/A-3254 (Codey, Vitale/Vainieri Huttle, Angelini, Lampitt, Diegnan, Jasey, Conaway, Moriarty)** - Raises minimum age for purchase and sale of tobacco products and electronic smoking devices from 19 to 21

- **SCS for S-726, 1257/ACS for A-1405 (Turner, Cruz-Perez, Beach, T. Kean/Lampitt, Egan, Quijano, Sumter, Danielsen)** - Establishes innovation zone program to stimulate technology industry clusters around New Jersey's research institutions; allows certain technology businesses located in certain innovation zones to receive certain tax credits under Grow New Jersey Assistance Program

- **S-1232/A-3314 (Weinberg, Pennacchio/Johnson, Greenwald, Wimberly, Mosquera)** - Establishes Office of State Dental Director and New Jersey Oral Health Commission

- **S-1279/A-2325 (Rice, Van Drew/Spencer, Muoio, Benson, Pintor Marin)** - Makes FY 2016 supplemental Grants-in-Aid appropriation of \$10 million to DCA for Lead Hazard Control Assistance Fund

- **S-1414/A-2405 (Smith, Bateman/Eustace, Benson, Johnson)** - Concerns low emission and zero emission vehicles; establishes Clean Vehicle Task Force

- **SCS for S-1420/ACS for A-1603 (Beach, Whelan, Smith, Sweeney, Bateman, Thompson/Spencer, Eustace, Quijano, Wimberly)** - Requires paint producers to implement or participate in paint stewardship program

- **S-1436/A-4687 (Rice/Green, Holley)** - Exempts sales to homeowner assistance and recovery programs from realty transfer fees

- **S-1594/A-4044 (Turner/Peterson, Lagana, Rible, Jasey, Wimberly)** - Requires a public school district to provide a daily recess period for students in grades kindergarten through 5

- **S-1961/A-4111 (Codey/McKeon, Jasey, Vainieri Huttle, Garcia)** - Establishes certain minimum and maximum temperatures in emergency shelters, rooming and boarding houses, and certain nursing homes and residential health care facilities

- **S-2143/ACS for A-1682, 3547 (Van Drew, Singer/Wisniewski, Andrzejczak, Webber)** - Establishes time periods for adverse possession of certain property

- **S-2375/A-3700 (Vitale, Singer/Mazzeo, Vainieri Huttle, Lagana, Sumter, A.M. Bucco)** - Provides for licensure of ambulatory care facilities to provide integrated primary care services including behavioral health care

- **S-2491/A-4069 (Smith/Danielsen, Pinkin, Benson)** - Establishes position of State Oceanographer

- **S-2515/A-3269 (Scutari/Mukherji, Burzichelli, McKeon, Garcia)** - Confers title of Acting Associate Justice of the Supreme Court on certain judges of the Superior Court, Appellate Division, temporarily assigned to the Supreme Court

- **SCS for S-2521/ACS for A-3888 (Gill, Allen/Lampitt, Benson, Vainieri Huttle, Eustace)** - Establishes Pedestrian and Bicycle Safety Advisory Council

- **S-2623/A-4849 (Turner/Wimberly, Mainor, Johnson)** - Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement

- **S-2640/A-4026 (Madden, Pou/Lampitt, Mosquera, Vainieri Huttie)** - Establishes New Jersey Caregiver Task Force to evaluate and provide recommendations on caregiver support services

- **S-2711/A-4128 (Smith, Whelan/Mazzeo, DeAngelo, Spencer, Singleton, McKeon, Danielsens, Johnson)** - Permits BPU to approve qualified wind energy project; requires BPU to provide application periods for those projects

- **S-2716/A-4359 (Ruiz, Turner/Pintor Marin, Spencer, Sumter, Caride)** - Requires that school district's request for permission to use unrecognized position title include list of abolished positions and positions in which there have been layoffs and detailed job descriptions for them

- **S-2769/AS for ACS for A-4197, 4206 (Smith, Bateman/Andrzejczak, McKeon, Spencer, Pintor Marin, Dancer, Vainieri Huttie)** - Implements 2014 constitutional dedication of CBT revenues for certain environmental purposes; revises State's open space, farmland, and historic preservation programs

- **S-2793/A-3962 (Whelan/Vainieri Huttie)** - Increases from 17 to 21 public members of New Jersey State Council on the Arts; requires members to be residents of NJ; imposes specific criteria for four new members initially appointed

- **S-2806/A-4913 (Cunningham, Vitale, Singer/Muoio, Spencer)** - Removes restrictions on convicted drug offenders receiving general assistance benefits under Work First New Jersey program

- **S-2878/A-4636 (Stack, Weinberg/Jimenez, Lagana, Mukherji, Vainieri Huttie, Giblin, Moriarty)** - Establishes minimum certified nurse aide-to-resident ratios in nursing homes

- **S-2975/A-4548 (Sarlo, Pou/Wimberly)** - Establishes pilot program in Paterson authorizing non-disclosure of records of certain expungements

- **S-3067/A-4653 (Barnes, Turner/Diegnan, Oliver)** - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate

- **S-3071/A-4639 (Weinberg, Gordon/Vainieri Huttie, Garcia, Eustace, Johnson)**
Establishes Mike Adler Aphasia Task Force to assess needs of persons with aphasia, and their families, and ensure adequate provision of support services and information thereto

- **S-3201/A-3607 (Barnes, Holzapfel/Dancer, McGuckin, Rible, A.M. Bucco)** - Requires interior light of motor vehicle be turned on when stopped by law enforcement under certain circumstances

- **S-3244/A-2740 (Ruiz, Sarlo/Diegnan, Johnson, Jasey)** - Eliminates school district budget per pupil administrative cost limits

- **S-3249/A-4717 (Weinberg, Codey/Johnson, Vainieri Huttie, Eustace, Garcia)** - Requires firearm retailers to sell personalized handguns

- **S-3277/A-4764 (Cruz-Perez/Burzichelli)** - Expands municipal authority to license and inspect residential rental property

- **S-3299/A-4903 (Sweeney, Singer, Vitale/Burzichelli, Rible, Pintor Marin, Mukherji, Lagana, Vainieri Huttie)** -

Maintains property tax exemption for certain nonprofit hospitals with on-site for-profit medical providers; requires these hospitals to pay community service contributions to host municipalities; establishes Nonprofit Hospital Community Service Contribution Study Commission

- **S-3416/A-4808 (Lesniak, Sarlo/Eustace, Gusciora)** - Prohibits possession, transport, import, export, processing, sale, or shipment of parts and products of certain animal species threatened with extinction
- **SJR-77/A-JR104 (Bateman, Whelan/Ciattarelli, McKeon, Eustace)** - Permits county commissioners of registration and boards of election to conduct "Electronic Poll Book Demonstration Project" in certain districts during 2016 elections; requires Division of Elections review and approval of proposed projects
- **A-431/S-2773 (Jimenez/Singer)** - Requires clinical laboratory that provides services for accountable care organization to establish clinical laboratory testing advisory board
- **A-943/S-2967 (Singleton, Conaway, Moriarty, Green, Lampitt, Mazzeo/Van Drew)** - Permits small businesses to qualify for loans from NJEDA for costs of energy audit and making energy efficiency or conservation improvements
- **A-945/S-2402 (Singleton, Lampitt, Schaer, Wimberly, Garcia/Rice, Turner)** - Establishes New Jersey Council on Responsible Fatherhood and Responsible Fatherhood Fund
- **A-964/S-187 (Singleton, DeAngelo, Quijano, Coughlin, Moriarty/Whelan, Madden)** - Requires certain bidders for prevailing wage public work to provide proof that the prevailing wage will be paid
- **A-986/S-247 (Andrzejczak, Benson, Danielsen, Moriarty/Van Drew, Cunningham)** - Establishes telemarketing fraud investigation unit
- **A-1035/S-2040 (Benson, Rible, A.M. Bucco/Scutari, Cardinale)** - Prohibits health insurance carriers from requiring optometrists to become providers with vision care plans as condition of becoming providers in carriers' panel of providers
- **A-1039/S-2310 (Benson, Prieto, Caride, Quijano/Sacco, Greenstein)** - Sets forth certain standards to be followed by law enforcement agencies and fire departments when utilizing drones
- **A-1431/S-1501 (Caride, Singleton, Jasey/Bateman, Addiego)** - Requires State Board of Education regulations regarding school nurse certification to include certain minimum eligibility requirements
- **A-1849/S-1766 (Lampitt, Spencer/Rice)** - Prohibits State Board of Education from limiting number of certain two-year college credits that may be applied towards meeting teacher certification requirements
- **A-2026/S-3317 (Greenwald, Pintor Marin/Sweeney, Oroho)** - Realigning the transfer inheritance tax payment due date to coincide with the payment due dates for State and federal estate taxes
- **A-2583 (DeAngelo, Pintor Marin)** - Requires development of fact sheet about bedbugs to be posted on the Department of Education's website
- **A-2586/S-1796 (DeAngelo, Quijano, Benson/Greenstein)** - Establishes "Energy Infrastructure Study Commission"

- **A-2925/S-1033 (Lagana, O'Scanlon, Burzichelli, Garcia/Weinberg, Oroho, Van Drew)** - Allows modernization for the form of disbursement for certain State government and local unit payments to individuals and business entities
- **A-3460/S-2191 (Conaway, Pinkin, Sumter, Casagrande, Wimberly/Vitale, Cruz-Perez)** - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes
- **A-3806/S-2493 (Singleton, Dancer, Mosquera, Benson/Sweeney, Weinberg)** - Establishes four-year pilot program in Ocean County for electronic monitoring of certain domestic violence offenders; designated as "Lisa's Law"; appropriates \$2.5 million
- **A-4182/S-1995 (Eustace, Sumter, Wimberly, Danielsen, Jimenez/Bateman, Smith)** - Prohibits firearm possession by persons convicted of carjacking, gang criminality, racketeering and terroristic threats
- **A-4271/S-3036 (Conaway, Benson, Pinkin, Wimberly/Vitale, Greenstein)** - Mandates health benefits coverage for opioid analgesics with abuse-deterrent properties
- **A-4343/S-2888 (Schaer, Prieto, Sumter, Danielsen, Johnson/Turner)** - Requires county and municipal police departments to establish cultural diversity training course and plan
- **A-4384/S-3145 (DeAngelo, Pintor Marin, Danielsen, Schaer, Johnson/Whelan)** - Requires BPU to render decision on case within 12 months of final public hearing or hold another public hearing prior to deciding case
- **ACS for A-4576/S-1771 (Johnson, Wimberly, Spencer, Tucker/Turner)** - Requires lowest possible price not exceeding certain cap for inmate telephone calls
- **A-4616/S-2958 (Giblin, DeAngelo, Mukherji/Sweeney)** - Extends by two months seasonal retail consumption alcoholic beverage license
- **A-4652/S-3065 (Benson/Gordon)** - Requires Public Health Counsel to promulgate rules and regulations for use of quality control programs in bio-analytical and clinical laboratories
- **A-4763/SS for SCS for S-2973 (McKeon, Spencer, Pinkin/Smith, Bateman, Greenstein, Codey)** - Revises "Electronic Waste Management Act"
- **A-4772/S-3169 (Burzichelli/Weinberg)** - Permits counties to impose one-percent hotel tax
- **A-4773/S-3146 (Eustace, Garcia, Gusciora/Lesniak)** - Prohibits possession and transport of parts and products of certain animals at PANYNJ airports and port facilities
- **A-4918/S-3301 (Gusciora, S. Kean/Sweeney, Singer)** - Clarifies stadiums and arenas owned by local government entities are exempt from property taxation
- **A-4931/S-3325 (Mazzeo/Sweeney)** - Revises "Casino Property Tax Stabilization Act"

• **NO ACTION TAKEN ON BILLS:**

• **A-3981wGR/S-2572 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan)** - "Casino Property Taxation Stabilization Act"

• **A-3984wGR/S-2575 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan)** - Reallocates casino investment alternative tax to Atlantic City to pay debt service on municipal bonds issued

• **A-3985wGR/S-2576 (Mazzeo, Burzichelli, Andrzejczak, Giblin/Sweeney, Whelan)** - Removes provisions of law relating to Atlantic City Alliance

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