

18A:37-6.1

LEGISLATIVE HISTORY CHECKLIST

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(Strip Searches)

NJSA: 18A:37-6.1

LAWS OF: 1997 CHAPTER: 242

BILL NO: A1167

SPONSOR(S): Cohen and others

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 17, 1997
SENATE: June 19, 1997

DATE OF APPROVAL: September 5, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement
adopted 5-6-97

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Student strip search law signed," 9-6-97, Courier News.

"New law bans strip searches....," 9-6-97, Home News.

KBP:pp

P.L. 1997, CHAPTER 242, *approved September 5, 1997*
Assembly, No. 1167 (*First Reprint*)

1 AN ACT concerning pupils and supplementing Title 18A of the New
2 Jersey Statutes.

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

6
7 1. ¹ [a. Notwithstanding any other provision of law to the contrary,
8 any teaching staff member, principal or other educational personnel
9 of any public school in this State who has reasonable grounds to
10 believe that a pupil may have committed an act which if committed by
11 an adult would constitute a criminal offense shall immediately notify
12 the parent or guardian and the local law enforcement agency.]¹

13 ¹[b. No] Any¹ teaching staff member, principal or other
14 educational personnel ¹[who has reasonable grounds to believe that
15 a pupil may have committed an act which if committed by an adult
16 would constitute a criminal offense]¹ shall ¹[conduct]be prohibited
17 from conducting¹ any strip search or body cavity search of ¹ [the] a¹
18 pupil under any circumstances.

19
20 2. This act shall take effect immediately.

21
22
23 _____
24
25 Prohibits strip and body cavity searches of pupils.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted May 20, 1996.

ASSEMBLY, No. 1167

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen COHEN and GREEN

1 AN ACT concerning pupils and supplementing Title 18A of the New
2 Jersey Statutes.

3

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

6

7 1. a. Notwithstanding any other provision of law to the contrary,
8 any teaching staff member, principal or other educational personnel of
9 any public school in this State who has reasonable grounds to believe
10 that a pupil may have committed an act which if committed by an adult
11 would constitute a criminal offense shall immediately notify the parent
12 or guardian and the local law enforcement agency.

13 b. No teaching staff member, principal or other educational
14 personnel who has reasonable grounds to believe that a pupil may have
15 committed an act which if committed by an adult would constitute a
16 criminal offense shall conduct any strip search or body cavity search
17 of the pupil under any circumstances.

18

19 2. This act shall take effect immediately.

20

21

22 STATEMENT

23

24 This bill would clarify the procedures when a school official has
25 reasonable grounds to believe that a pupil has committed a criminal
26 offense.

27 The bill would require any teaching staff member, principal or other
28 educational personnel who has reasonable grounds to believe that a
29 pupil may have committed an act which committed by an adult would
30 constitute a criminal offense to immediately notify the parent or
31 guardian of the pupil and the local law enforcement agency.

32 The bill also makes it clear that no teaching staff member, principal
33 or other educational personnel is authorized to conduct any strip
34 searches or body cavity searches of the pupil under any circumstances.

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 1167

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen COHEN, GREEN and Assemblywoman Gill

1 AN ACT concerning pupils and supplementing Title 18A of the New
2 Jersey Statutes.

3

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

6

7 1. ¹ [a. Notwithstanding any other provision of law to the contrary,
8 any teaching staff member, principal or other educational personnel
9 of any public school in this State who has reasonable grounds to
10 believe that a pupil may have committed an act which if committed by
11 an adult would constitute a criminal offense shall immediately notify
12 the parent or guardian and the local law enforcement agency.]¹

13 ¹[b. No] Any¹ teaching staff member, principal or other
14 educational personnel ¹[who has reasonable grounds to believe that
15 a pupil may have committed an act which if committed by an adult
16 would constitute a criminal offense]¹ shall ¹[conduct] be prohibited
17 from conducting¹ any strip search or body cavity search of ¹ [the] a¹
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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1167

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No.1167.

This bill prohibits any teacher, principal or other educational personnel from conducting any strip search or body cavity search of any pupil.

The bill in its original form prevented any teaching staff member, principal or other educational personnel from conducting any strip searches or body cavity searches if they had reasonable grounds to believe that a pupil may have committed an act which would constitute a criminal offense. The committee amended this provision of the bill by prohibiting strip searches or body cavity searches under any circumstances regardless of whether the school personnel had reasonable grounds to believe that the pupil had committed a criminal offense.

In its original form this bill would have clarified the procedures to be utilized when a school official had reasonable grounds to believe that a pupil had committed a criminal offense. The committee amendments delete this provision of the bill.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1167

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Senate Education Committee reports favorably Assembly Bill No. 1167 (1R).

This bill prohibits any teacher, principal or other educational personnel from conducting any strip search or body cavity search of any pupil.

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OFFICE OF THE GOVERNOR NEWS RELEASE

PO BOX 004

TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: Friday
Sept. 5, 1997

Gov. Christie Whitman today signed legislation that prohibits teachers, principals or any other education personnel from conducting a strip search or body cavity search of a pupil under any circumstances.

Previous law made searches permissible in cases where school officials had reasonable grounds for suspecting that the search would reveal evidence that the student had violated the laws of the school. This law was drafted in response to an April 1995 incident where a third grade class in Plainfield was searched.

The Governor signed the legislation to provide increased protection for children's rights, safety and welfare. Under the new law, any such searches would have to be conducted by police authorities.

The legislation, **A-1167**, was sponsored by Assembly Members Neil Cohen (D-Union) and Jerry Green (D-Middlesex).