

53:1-20.10

LEGISLATIVE HISTORY CHECKLIST
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(Violent crime reporting)

NJSA: 53:1-20.10

LAWS OF: 1992

CHAPTER: 22

BILL NO: S391

SPONSOR(S): Bossano

DATE INTRODUCED: February 24, 1992

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Law, Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: April 13, 1992 Re-enacted June 18, 1992

SENATE: March 12, 1992 Re-enacted June 11, 1992

DATE OF APPROVAL: June 23, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: ~~No~~ Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

AD
AC

[SECOND REPRINT]

SENATE, No. 391

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1992

By Senator BASSANO, Assemblyman Geist
and Assemblywoman Haines

1 AN ACT concerning the uniform collection of information on
2 violent crimes and supplementing Chapter 1 of Title 53 of the
3 Revised Statutes ¹[and making an appropriation]¹.

4

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

7 1. The Legislature finds and declares that advances in
8 computer technology offer promising opportunities for the
9 solution of crimes and the apprehension of criminal offenders. It
10 is, therefore, in the best interest of the State of New Jersey to
11 ²[participate fully] authorize full participation by law
12 enforcement agencies² in the use of such advanced
13 crime-fighting technology when its effectiveness and potential
14 benefits for enhancing law enforcement and public safety have
15 been amply demonstrated. The Violent Criminal Apprehension
16 Program (VICAP), sponsored by the Federal Bureau of
17 Investigation (FBI), clearly meets these tests.

18 VICAP is a national data center designed to collect, collate
19 and analyze information regarding unsolved violent crimes, with
20 emphasis on homicides. Since its inception, VICAP has
21 demonstrated its capability to identify and inform law
22 enforcement agencies in diverse geographic areas of similar
23 patterns in the commission of seemingly unrelated crimes.
24 Information supplied by VICAP has enabled these agencies to
25 conduct joint investigations which have led to the expeditious
26 apprehension of serial killers, rapists and other dangerous
27 criminals.

28 It is fitting and proper, therefore, that New Jersey law
29 enforcement agencies ²should² take part in this program.

30 2. ²[There is established in the] The² Division of State Police
31 in the Department of Law and Public Safety ²[a Homicide
32 Evaluation and Assessment Tracking/Violent Criminal
33 Apprehension Program (HEAT/VICAP) unit. The unit]² shall be
34 responsible for fostering and coordinating ²any² participation by
35 State and local law enforcement agencies in the ²Violent
36 Criminal Apprehension Program (VICAP) sponsored by the
37 Federal Bureau of Investigation. Any such activity shall be
38 conducted in conjunction with the division's Homocide Evaluation
39 and Assessment Tracking (HEAT)² program. The ²[unit shall]
40 division may² maintain a statewide central registry which shall
41 include, but not be limited to, information regarding:

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted February 27, 1992.

² Senate amendments adopted in accordance with Governor's
recommendations June 4, 1992.

1 (1) Solved or unsolved homicides or homicide attempts,
2 especially those that involve abduction; appear to be random,
3 motiveless or sexually motivated; or are known or suspected to be
4 part of a series.

5 (2) Missing persons, where the circumstances indicate possible
6 foul play.

7 (3) Unidentified dead bodies, where the manner of death is
8 known or suspected to be homicide.

9 3. ²[This] Such² information shall be maintained in a format
10 that is compatible with the national VICAP data base maintained
11 by the Federal Bureau of Investigation and regularly transmitted
12 to the bureau for inclusion in this data base.

13 4. The Division of State Police and all other initial
14 investigatory law enforcement agencies in the State, including
15 county prosecutors offices and municipal and county police
16 departments, shall collect and report the information specified in
17 section 2 of this act to the ²[HEAT/VICAP unit] division² in a
18 standardized format and manner as ²may be² determined by the
19 Superintendent of State Police.

20 5. ²[The superintendent shall appoint a State Police detective
21 sergeant first-class to administer the HEAT/VICAP unit and such
22 other personnel as may be necessary.]² Within the limits of
23 appropriations, the superintendent², with the approval of the
24 Attorney General,² may contract for and purchase any
25 equipment, supplies or services necessary for ²[operation of the
26 unit] the implementation of this act².

27 6. Pursuant to the "Administrative Procedure Act," P.L.1968,
28 c.410 (C.52:14B-1 et seq.), the Superintendent of State Police
29 ²[shall] may² adopt rules and regulations necessary to carry out
30 the purposes of this act.

31 ¹[7. There is appropriated to the Department of Law and Public
32 Safety the sum of \$200,000 to establish and maintain the
33 HEAT/VICAP unit.]¹

34 ¹[8.] 7.¹ This act shall take effect immediately.

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38
39 Authorizes State Police to coordinate any participation in federal
40 program for violent crimes reporting.

1 compatible with the national VICAP data base maintained by the
2 Federal Bureau of Investigation and regularly transmitted to the
3 bureau for inclusion in this data base.

4 4. The Division of State Police and all other initial
5 investigatory law enforcement agencies in the State, including
6 county prosecutors offices and municipal and county police
7 departments, shall collect and report the information specified in
8 section 2 of this act to the HEAT/VICAP unit in a standardized
9 format and manner as determined by the Superintendent of State
10 Police.

11 5. The superintendent shall appoint a State Police detective
12 sergeant first-class to administer the HEAT/VICAP unit and such
13 other personnel as may be necessary. Within the limits of
14 appropriations, the superintendent may contract for and purchase
15 any equipment, supplies or services necessary for operation of the
16 unit.

17 6. Pursuant to the "Administrative Procedure Act," P.L.1968,
18 c.410 (C.52:14B-1 et seq.), the Superintendent of State Police
19 shall adopt rules and regulations necessary to carry out the
20 purposes of this act.

21 7. There is appropriated to the Department of Law and Public
22 Safety the sum of \$200,000 to establish and maintain the
23 HEAT/VICAP unit.

24 8. This act shall take effect immediately.

25 26 27 STATEMENT

28
29 The bill establishes a unit in the Division of State Police to
30 coordinate the State's participation in the Violent Criminal
31 Apprehension Program (VICAP). VICAP, sponsored by the
32 Federal Bureau of Investigation (FBI), collects and classifies
33 information submitted by law enforcement agencies nation-wide
34 pertaining to unsolved violent crimes, particularly homicides.
35 This data is analyzed by computer to identify similarities in
36 criminal methods, victimology, evidence and suspect descriptions
37 that may exist in seemingly disparate and unrelated crimes.
38 Analyses performed by VICAP have enabled law enforcement
39 agencies to carry out joint investigations leading to the capture
40 of serial killers, rapists and other dangerous criminals.

41 The Homicide Evaluation and Assessment Tracking/Violent
42 Criminal Apprehension Program (HEAT/VICAP) unit created by
43 this bill would serve as the central collection point and repository
44 for VICAP information from law enforcement agencies
45 throughout the State. The State Police and all other law
46 enforcement agencies in the State would be required to submit
47 this information to the unit in format and form to be determined
48 by the Superintendent of State Police. This information would be
49 forwarded by the unit to the FBI for inclusion in the national
50 VICAP data base.

51 The bill appropriates \$200,000 for its implementation to the
52 Department of Law and Public Safety.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 391

STATE OF NEW JERSEY

DATED: MARCH 30, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 391 [1R].

The bill establishes a unit in the Division of State Police to coordinate the State's participation in the Violent Criminal Apprehension Program (VICAP). VICAP, sponsored by the Federal Bureau of Investigation (FBI), collects and classifies information submitted by law enforcement agencies nation-wide pertaining to unsolved violent crimes, particularly homicides. This data is analyzed by computer to identify similarities in criminal methods, victimology, evidence and suspect descriptions that may exist in seemingly disparate and unrelated crimes. Analyses performed by VICAP have enabled law enforcement agencies to carry out joint investigations leading to the capture of serial killers, rapists and other dangerous criminals.

The Homicide Evaluation and Assessment Tracking/Violent Criminal Apprehension Program (HEAT/VICAP) unit created by this bill would serve as the central collection point and repository for VICAP information from initial investigatory law enforcement agencies throughout the State. The State Police and all other law enforcement agencies in the State would be required to submit this information to the unit on a form to be determined by the Superintendent of State Police. This information would be forwarded by the unit to the FBI for inclusion in the national VICAP data base.

This bill is identical to Assembly Bill No. 1089 of 1992.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 391

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1992

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 391 with amendments.

As amended, the bill establishes a unit in the Division of State Police to coordinate the State's participation in the Violent Criminal Apprehension Program (VICAP). VICAP, sponsored by the Federal Bureau of Investigation (FBI), collects and classifies information submitted by law enforcement agencies nation-wide pertaining to unsolved violent crimes, particularly homicides. This data is analyzed by computer to identify similarities in criminal methods, victimology, evidence and suspect descriptions that may exist in seemingly disparate and unrelated crimes. Analyses performed by VICAP have enabled law enforcement agencies to carry out joint investigations leading to the capture of serial killers, rapists and other dangerous criminals.

The Homicide Evaluation and Assessment Tracking/Violent Criminal Apprehension Program (HEAT/VICAP) unit created by this bill would serve as the central collection point and repository for VICAP information from law enforcement agencies throughout the State. The State Police and all other law enforcement agencies in the State would be required to submit this information to the unit on a form to be determined by the Superintendent of State Police. This information would be forwarded by the unit to the FBI for inclusion in the national VICAP data base.

The committee amended the bill to delete the \$200,000 appropriation to the Department of Law and Public Safety.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 1, 1992

SENATE BILL NO. 391 (First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 391 (First Reprint) with my recommendations for reconsideration.

This bill would establish a unit in the Division of State Police to coordinate the State's participation in the Violent Criminal Apprehension Program (VICAP). VICAP, sponsored by the Federal Bureau of Investigation (FBI), collects and classifies information submitted by law enforcement agencies nationwide regarding unsolved violent crimes, particularly homicides. This data is analyzed by computer to identify similarities that may exist in seemingly unrelated crimes. Analyses performed by VICAP have enabled law enforcement agencies to conduct joint investigations leading to the capture of serial killers, rapists and other dangerous criminals.

The unit that would be created by this bill would serve as the central collection point and repository for VICAP information from initial investigatory law enforcement agencies throughout the State. The State Police and all other law enforcement agencies in the State would be required to submit this information on a form to be determined by the Superintendent of State Police. This information would be forwarded to the FBI for inclusion in the national VICAP data base.

I strongly support the purpose behind this bill and agree that law enforcement agencies in this State should be able to fully participate in this federal program. However, achievement of this purpose may not require the creation and staffing of a separate, new unit within the State Police. The decision on how to implement this legislation -- whether through a dedicated unit or through the existing State Police command structure -- should be left to the Attorney General and the Superintendent of State Police so that efficiency and cost-effectiveness can be maximized.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Also, State participation in this federal program should not be made permanent through legislative mandate. At some point in the future such participation may prove to be contrary to the best interests of the State due to the attachment of costly federal conditions or some other factors that cannot be foreseen now.

For these reasons, I recommend that the bill be amended to authorize but not mandate participation in the VICAP program. Also, references to a separate VICAP unit in the Division of State Police and to the appointment of a head of such unit should be deleted.

Therefore, I herewith return Senate Bill No. 391 (First Reprint) and recommend that it be amended as follows:

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| <u>Page 1, Section 1, Line 11:</u> | Delete "participate fully" insert "authorize full participation by law enforcement agencies" |
| <u>Page 1, Section 1, Line 28:</u> | After "agencies" insert "should" |
| <u>Page 1, Section 2, Line 29:</u> | Delete "There is established in the" insert "The" |
| <u>Page 1, Section 2, Lines 30-32:</u> | Delete "a Homicide Evaluation and Assessment Tracking/Violent Criminal Apprehension Program (HEAT/VICAP) unit. The unit" |
| <u>Page 1, Section 2, Line 33:</u> | After "coordinating" insert "any" |
| <u>Page 1, Section 2, Line 34:</u> | Before "program." insert "Violent Criminal Apprehension Program (VICAP) sponsored by the Federal Bureau of Investigation. Any such activity shall be conducted in conjunction with the division's Homicide Evaluation and Assessment Tracking (HEAT)" |

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EXECUTIVE DEPARTMENT

<u>Page 1, Section 2, Line 34:</u>	Delete "unit shall" insert "division may"
<u>Page 2, Section 3, Line 3:</u>	Delete "This" insert "Such"
<u>Page 2, Section 4, Line 11:</u>	Delete "HEAT/VICAP unit" insert "division"
<u>Page 2, Section 4, Line 12:</u>	After "as" insert "may be"
<u>Page 2, Section 5, Lines 14-16:</u>	Delete "The superintendent shall appoint a State Police detective sergeant first-class to administer the HEAT/VICAP unit and such other personnel as may be necessary."
<u>Page 2, Section 5, Line 17:</u>	After "superintendent" insert ", with the approval of the Attorney General,"
<u>Page 2, Section 5, Lines 18-19:</u>	Delete "operation of the unit" insert "the implementation of this act"
<u>Page 2, Section 6, Line 22:</u>	Delete "shall" insert "may"
<u>Page 2, Synopsis, Line 32:</u>	Delete "Creates" insert "Authorizes"
<u>Page 2, Synopsis, Line 32:</u>	Delete "unit on" insert "to coordinate any participation in federal program for"

Respectfully

/s/ Jim Florio

GOVERNOR

[seal]

Attest:

/s/ M. Robert DeCotiis

Chief Counsel to the Governor