

# 2A:156A-35 to 2A:156A-37

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2013                **CHAPTER:** 156

**NJSA:** 2A:156A-35 to 2A:156A-37 (Sets forth certain reporting requirements when out-of-State law enforcement entities conduct counter-terrorism investigations within New Jersey)

**BILL NO:** A2948                (Substituted for S2311)

**SPONSOR(S)** Mainor and others

**DATE INTRODUCED:** May 14, 2012

**COMMITTEE:**                **ASSEMBLY:** Homeland Security and State Preparedness

**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                **ASSEMBLY:** October 18, 2012

**SENATE:** June 24, 2013

**DATE OF APPROVAL:** September 6, 2013

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (First reprint enacted) Yes

**A2948**

**SPONSOR'S STATEMENT** (Begins on page 3 of introduced bill): Yes

**COMMITTEE STATEMENT:**                **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2311**

**SPONSOR'S STATEMENT:** (Begins on page 4 introduced bill): Yes

**COMMITTEE STATEMENT:**                **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

LAW/RWH

P.L.2013, CHAPTER 156, *approved September 6, 2013*  
Assembly, No. 2948 (*First Reprint*)

1 AN ACT concerning <sup>1</sup>**criminal surveillance** counter-terrorism  
2 investigations by out-of-State law enforcement entities<sup>1</sup> and  
3 supplementing Title 2A of the New Jersey Statutes.  
4

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

7  
8 1. a. For the purposes of this act <sup>1</sup>**],** “surveillance operation”  
9 means the act of monitoring, observing, listening to, or making a  
10 recording of a person or group of persons or their movements,  
11 activities and communications. **]** :

12 “Member of a New Jersey law enforcement agency” means any  
13 sworn or civilian employee of a law enforcement agency operating  
14 under the authority of the laws of the State of New Jersey;

15 “Out-of-State law enforcement agency” means any law  
16 enforcement agency or officer operating under the authority of the  
17 laws of another State; “Out-of-State law enforcement agency” shall  
18 not include a federal law enforcement agency, or task force  
19 operating under the auspices of a federal law enforcement agency;

20 “Law enforcement activity” means investigations, operations and  
21 intelligence gathering activity conducted by a law enforcement  
22 agency or officer; “law enforcement activity” shall not encompass  
23 non-investigatory conduct, including but not limited to participation  
24 in training classes or exercises, execution of child-support warrants,  
25 or transportation of incarcerated persons to and from this State;

26 “Counter-terrorism activity” means any activity undertaken by a  
27 law enforcement agency to investigate, detect, deter, or prevent the  
28 crime of terrorism as defined under the “September 11th, 2001  
29 Anti-Terrorism Act,” P.L. 2002, c.26 (C.2C:38-1 et seq.), or any  
30 other offense defined under chapter 38 of Title 2C of the Revised  
31 Statutes, or for an offense of a substantially similar nature  
32 committed in another jurisdiction, without regard to whether such  
33 crime is committed or intended to be committed in this State.

34 “Counter-terrorism watch” means a counter terrorism entity  
35 within the New Jersey State Police Regional Operations Intelligence  
36 Center.<sup>1</sup>

37 b. <sup>1</sup>**[**No law enforcement agency, or investigative or law  
38 enforcement officer, of another state shall conduct a surveillance

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHS committee amendments adopted October 15, 2012.

1 operation within the borders of this State unless that law  
2 enforcement agency, or investigative or law enforcement officer,  
3 has provided prior notice of the surveillance operation to the  
4 Attorney General, the superintendent of State Police, and the chief  
5 law enforcement officer of the jurisdiction in which the operation is  
6 to take place. The notification shall include:

7 (1) the identity and qualifications of the investigative or law  
8 enforcement officers conducting the surveillance operation;

9 (2) the identity of the particular person or group of persons, if  
10 known, who are the subject of the surveillance operation;

11 (3) a statement of facts establishing the purpose of the  
12 surveillance activities and the character of the information that the  
13 law enforcement agency, or investigative or law enforcement  
14 officer intends to obtain from conducting a surveillance operation;

15 (4) the location of the surveillance operation or the particular  
16 place where the operation is to take place; and

17 (5) a statement of the period of time during which the  
18 surveillance operation is to be conducted. Any local, municipal, or  
19 county law enforcement agency or officer shall promptly notify the  
20 county prosecutor, or the county prosecutor's designee, when a law  
21 enforcement officer learns of, or acquires knowledge of, an out-of-  
22 State law enforcement agency that intends to enter, or has entered,  
23 the borders which are under the jurisdiction of the State of New  
24 Jersey for the purpose of conducting law enforcement activities in  
25 this State. Notification required pursuant to this act shall include,  
26 but not be limited to:

27 (1) the date and time that the out-of-State agency's activity is  
28 discovered;

29 (2) the nature, purpose, and scope of the out-of-State law  
30 enforcement agency's activities in this State;

31 (3) the out-of-State law enforcement agencies name and contact  
32 information; and

33 (4) the name and contact information of the law enforcement  
34 agency operating in the State of New Jersey.

35 The notification shall be given as soon as practicable, but in no  
36 event shall notification be provided later than 24 hours after  
37 learning of, or acquiring information concerning, the out-of-State  
38 agency's law enforcement activity in this State.<sup>1</sup>

39 c. <sup>1</sup>Whenever, on the basis of available information, the  
40 Attorney General finds that a law enforcement agency, or  
41 investigative or law enforcement officer, of another state has  
42 violated the provisions of this act or any rule or regulation adopted  
43 pursuant to this act, the Attorney General, or his designee, may seek  
44 and obtain in a summary proceeding in the Superior Court a  
45 temporary or permanent injunction prohibiting that law enforcement  
46 agency, or investigative or law enforcement officer, from engaging  
47 in a surveillance operation. In such a proceeding the court may  
48 enter such orders as is necessary to prevent the performance of an

1 unlawful surveillance operation in violation of this act, or may  
2 require compliance with the provision this act.】 All county  
3 prosecutors shall promptly notify the counter-terrorism watch  
4 within the New Jersey State Police when a law enforcement officer  
5 learns of, or acquires knowledge of, an out-of-State law  
6 enforcement agency that intends to enter, or has entered, the borders  
7 which are under the jurisdiction of this State for the purpose of  
8 conducting counter-terrorism activities in this State. Notifications  
9 shall be provided in a manner and within the time limitations set  
10 forth under subsection b. of this section.<sup>1</sup>

11 d. <sup>1</sup>【The Attorney General may promulgate rules and  
12 regulations, pursuant to the "Administrative Procedure Act,"  
13 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the  
14 purposes of this act.】 Upon receiving information that an out-of-  
15 State law enforcement agency intends to enter, or has entered, the  
16 borders which are under the jurisdiction of the State of New Jersey  
17 for the purpose of conducting counter-terrorism activities in this  
18 State, the counter-terrorism watch shall notify the Superintendent of  
19 State Police, or the Superintendent's designee, and the Director of  
20 the New Jersey Office of Homeland Security and Preparedness.  
21 The counter-terrorism watch shall communicate such information  
22 provided by the county prosecutor to the designated staff of the  
23 joint terrorism task force within the New Jersey State Police.

24 e. The Attorney General may promulgate rules and regulations,  
25 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
26 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this  
27 act.<sup>1</sup>

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29 <sup>1</sup>2. a. Any out-of-State law enforcement agency as defined  
30 under section 1 of P.L. , c. (C. )(pending before the  
31 Legislature as this bill) that intends to enter the borders which are  
32 under the jurisdiction of this State for the purpose of conducting  
33 counter-terrorism activities in this State shall, no later than 24 hours  
34 prior to entering New Jersey State borders, inform the county  
35 prosecutor, or the county prosecutor's designee of the county in  
36 which the counter-terrorism activity is to take place. Notification  
37 required pursuant to this act shall include, but not be limited to:

38 (1) the date and time that the out-of-State agency intends to  
39 conduct the counter-terrorism activity;

40 (2) the nature, purpose, and scope of the counter-terrorism  
41 activity that the out-of-State law enforcement agency intends to  
42 undertake in this State; and

43 (3) the out-of-State law enforcement agency's name and contact  
44 information.

45 Such notification shall be given as soon as practicable, but in no  
46 event shall notification be provided later than 24 hours prior to the  
47 counter-terrorism activities being carried out in this State.

1        b. All county prosecutors shall promptly notify the counter-  
2 terrorism watch within the New Jersey State Police upon receiving  
3 notification from an out-of-State law enforcement agency provided  
4 under subsection a. of this section.

5        c. Upon receiving information that an out-of-State law  
6 enforcement agency intends to enter the borders which are under the  
7 jurisdiction of the State of New Jersey for the purpose of  
8 conducting counter-terrorism activities in this State, the counter-  
9 terrorism watch shall notify the Superintendent of the New Jersey  
10 State Police, or the Superintendent's designee, and the Director of  
11 the New Jersey Office of Homeland Security and Preparedness.  
12 The counter-terrorism watch shall communicate such information  
13 provided by the county prosecutor to the designated staff of Joint  
14 Terrorism Task Force within the New Jersey State Police.

15        d. The Attorney General may promulgate rules and regulations,  
16 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
17 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this  
18 act.<sup>1</sup>

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20        <sup>13.</sup> Whenever, on the basis of available information, the  
21 Attorney General or a county prosecutor, or his designee finds that  
22 an out-of-State law enforcement agency as defined under section 1  
23 of P.L. , c. (C. ) (pending before the Legislature as this  
24 bill) has violated the provisions of this act, by failing to adhere to  
25 the notification requirements pursuant to section 2 of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill)  
27 or any rule or regulation adopted pursuant to this act, the Attorney  
28 General or a county prosecutor, or his designee, may seek and  
29 obtain in a summary proceeding in the Superior Court a temporary  
30 or permanent injunction prohibiting that out-of-State law  
31 enforcement agency from conducting counter-terrorism activity  
32 within the borders of this State. In such a proceeding, the court  
33 may enter such orders as is necessary to prevent the performance of  
34 counter-terrorism activity in violation of the reporting requirement  
35 under this act, or may require compliance with the reporting  
36 requirements provided under the provisions of this act.<sup>1</sup>

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38        <sup>1</sup>[2.] 4.<sup>1</sup> This act shall take effect immediately.

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43        Sets forth certain reporting requirements when out-of-State law  
44 enforcement entities conduct counter-terrorism investigations  
45 within New Jersey.

# ASSEMBLY, No. 2948

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 14, 2012

**Sponsored by:**

**Assemblyman CHARLES MAINOR**

**District 31 (Hudson)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Requires out-of-state law enforcement entities to report surveillance activities in New Jersey.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/16/2012)**

1 AN ACT concerning criminal surveillance and supplementing Title  
2 2A of the New Jersey Statutes.

3

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

6

7 1. a. For the purposes of this act, "surveillance operation" means  
8 the act of monitoring, observing, listening to, or making a recording  
9 of a person or group of persons or their movements, activities and  
10 communications.

11 b. No law enforcement agency, or investigative or law  
12 enforcement officer, of another state shall conduct a surveillance  
13 operation within the borders of this State unless that law  
14 enforcement agency, or investigative or law enforcement officer,  
15 has provided prior notice of the surveillance operation to the  
16 Attorney General, the superintendent of State Police, and the chief  
17 law enforcement officer of the jurisdiction in which the operation is  
18 to take place. The notification shall include:

19 (1) the identity and qualifications of the investigative or law  
20 enforcement officers conducting the surveillance operation;

21 (2) the identity of the particular person or group of persons, if  
22 known, who are the subject of the surveillance operation;

23 (3) a statement of facts establishing the purpose of the  
24 surveillance activities and the character of the information that the  
25 law enforcement agency, or investigative or law enforcement  
26 officer intends to obtain from conducting a surveillance operation;

27 (4) the location of the surveillance operation or the particular  
28 place where the operation is to take place; and

29 (5) a statement of the period of time during which the  
30 surveillance operation is to be conducted.

31 c. Whenever, on the basis of available information, the Attorney  
32 General finds that a law enforcement agency, or investigative or law  
33 enforcement officer, of another state has violated the provisions of  
34 this act or any rule or regulation adopted pursuant to this act, the  
35 Attorney General, or his designee, may seek and obtain in a  
36 summary proceeding in the Superior Court a temporary or  
37 permanent injunction prohibiting that law enforcement agency, or  
38 investigative or law enforcement officer, from engaging in a  
39 surveillance operation. In such a proceeding the court may enter  
40 such orders as is necessary to prevent the performance of an  
41 unlawful surveillance operation in violation of this act, or may  
42 require compliance with the provision this act.

43 d. The Attorney General may promulgate rules and regulations,  
44 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
45 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this  
46 act.

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48 2. This act shall take effect immediately.



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STATEMENT

This bill requires out-of-state law enforcement entities to provide prior notice before conducting a surveillance operation in the State of New Jersey to the Attorney General, the superintendent of State Police, and the chief law enforcement officer of the jurisdiction in which a surveillance operation is to take place. The bill requires that a notification include the identity and qualifications of the law enforcement officers conducting a surveillance operation as well as the identity of the particular person or group of persons who are the subject of a surveillance operation. An out-of-state law enforcement entity is also required to provide a statement of facts establishing the purpose of the surveillance activities and the character of the information that may be obtained from surveillance. In addition, the bill requires that the notification include the intended location of the surveillance operation and a statement providing the time period during which surveillance is to be conducted.

Upon finding that an out-of-state law enforcement agency has not complied with the notification requirements under the bill, the Attorney General may seek a temporary or permanent injunction in a summary proceeding in Superior Court. The bill allows the court to enter an order to prevent the performance of a surveillance operation, or to require compliance with the provisions of the bill.

ASSEMBLY HOMELAND SECURITY AND STATE  
PREPAREDNESS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 2948**

with committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 15, 2012

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 2948.

As amended and reported by the committee, Assembly Bill No. 2948 sets forth the guidelines to be followed by a New Jersey law enforcement agency or officer who acquires knowledge that an out-of-State law enforcement agency intends to enter, or has entered, the State of New Jersey for the purpose of conducting counter-terrorism activities in this State. Under the provisions of the amended bill, a New Jersey law enforcement agency or officer who learns of an out-of-State law enforcement agency conducting counter-terrorism activities in this State is required to notify the county prosecutor.

In addition, the bill requires that out-of-State law enforcement entities inform the county prosecutor 24 hours prior to entering the borders of the county in which the out-of-State entity intends to conduct counter-terrorism activities.

Within the 24 hour period established under the bill, the county prosecutor is required to report the out-of-State law enforcement agency's activity to the counter-terrorism watch within the Division of State Police. Upon receiving this information, the counter-terrorism watch is to notify the Superintendent of State Police, the Director of the New Jersey Office of Homeland Security and Preparedness, and the designated staff of the Joint Terrorism Task Force within the Division of State Police.

Upon finding that an out-of-state law enforcement agency has not complied with the notification requirements under the bill, the Attorney General or a county prosecutor may seek a temporary or permanent injunction in a summary proceeding in Superior Court. The bill allows the court to enter an order to prevent the out-of-State law enforcement entity from conducting counter-terrorism activity or to require compliance with the provisions of the bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to adopt certain reporting requirements under current guidelines established by an Attorney General law enforcement directive, which sets forth the notification procedures followed by New Jersey law enforcement agencies.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2948**

# **STATE OF NEW JERSEY**

DATED: JUNE 17, 2013

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2948 (1R).

Assembly Bill No. 2948 (1R) sets forth the guidelines to be followed by a New Jersey law enforcement agency or officer who acquires knowledge that an out-of-State law enforcement agency intends to enter, or has entered, the State of New Jersey for the purpose of conducting counter-terrorism activities in this State. Under the provisions of the bill, a New Jersey law enforcement agency or officer who learns of an out-of-State law enforcement agency conducting counter-terrorism activities in this State is required to notify the county prosecutor.

In addition, the bill requires that out-of-State law enforcement entities inform the county prosecutor 24 hours prior to entering the borders of the county in which the out-of-State entity intends to conduct counter-terrorism activities.

Within the 24 hour period established under the bill, the county prosecutor is required to report the out-of-State law enforcement agency's activity to the counter-terrorism watch within the Division of State Police. Upon receiving this information, the counter-terrorism watch is to notify the Superintendent of State Police, the Director of the New Jersey Office of Homeland Security and Preparedness, and the designated staff of the Joint Terrorism Task Force within the Division of State Police.

Upon finding that an out-of-State law enforcement agency has not complied with the notification requirements under the bill, the Attorney General or a county prosecutor may seek a temporary or permanent injunction in a summary proceeding in Superior Court. The bill allows the court to enter an order to prevent the out-of-State law enforcement entity from conducting counter-terrorism activity or to require compliance with the provisions of the bill.

This bill is identical to Senate Bill No. 2311, which was amended and reported by the committee on the same date.

# SENATE, No. 2311

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED NOVEMBER 19, 2012

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Sets forth certain reporting requirements when out-of-State law enforcement entities conduct counter-terrorism investigations within New Jersey.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning counter-terrorism investigations by out-of-State  
2 law enforcement entities and supplementing Title 2A of the New  
3 Jersey Statutes.

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

7  
8 1. a. For the purposes of this act:

9 “Member of a New Jersey law enforcement agency” means any  
10 sworn or civilian employee of a law enforcement agency operating  
11 under the authority of the laws of the State of New Jersey;

12 “Out-of-State law enforcement agency” means any law  
13 enforcement agency or officer operating under the authority of the  
14 laws of another State; “Out-of-State law enforcement agency” shall  
15 not include a federal law enforcement agency, or task force  
16 operating under the auspices of a federal law enforcement agency;

17 “Law enforcement activity” means investigations, operations and  
18 intelligence gathering activity conducted by a law enforcement  
19 agency or officer; “law enforcement activity” shall not encompass  
20 non-investigatory conduct, including but not limited to participation  
21 in training classes or exercises, execution of child-support warrants,  
22 or transportation of incarcerated persons to and from this State;

23 “Counter-terrorism activity” means any activity undertaken by a  
24 law enforcement agency to investigate, detect, deter, or prevent the  
25 crime of terrorism as defined under the “September 11th, 2001  
26 Anti-Terrorism Act,” P.L. 2002, c.26 (C.2C:38-1 et seq.), or any  
27 other offense defined under chapter 38 of Title 2C of the Revised  
28 Statutes, or for an offense of a substantially similar nature  
29 committed in another jurisdiction, without regard to whether such  
30 crime is committed or intended to be committed in this State; and

31 “Counter-terrorism watch” means a counter terrorism entity  
32 within the New Jersey State Police Regional Operations Intelligence  
33 Center.

34 b. Any local, municipal, or county law enforcement agency or  
35 officer shall promptly notify the county prosecutor, or the county  
36 prosecutor’s designee, when a law enforcement officer learns of, or  
37 acquires knowledge of, an out-of-State law enforcement agency that  
38 intends to enter, or has entered, the borders which are under the  
39 jurisdiction of the State of New Jersey for the purpose of  
40 conducting law enforcement activities in this State. Notification  
41 required pursuant to this act shall include, but not be limited to:

42 (1) the date and time that the out-of-State agency’s activity is  
43 discovered;

44 (2) the nature, purpose, and scope of the out-of-State law  
45 enforcement agency’s activities in this State;

46 (3) the out-of-State law enforcement agencies name and contact  
47 information; and

1 (4) the name and contact information of the law enforcement  
2 agency operating in the State of New Jersey.

3 The notification shall be given as soon as practicable, but in no  
4 event shall notification be provided later than 24 hours after  
5 learning of, or acquiring information concerning, the out-of-State  
6 agency's law enforcement activity in this State.

7 c. All county prosecutors shall promptly notify the counter-  
8 terrorism watch within the New Jersey State Police when a law  
9 enforcement officer learns of, or acquires knowledge of, an out-of-  
10 State law enforcement agency that intends to enter, or has entered,  
11 the borders which are under the jurisdiction of this State for the  
12 purpose of conducting counter-terrorism activities in this State.  
13 Notifications shall be provided in a manner and within the time  
14 limitations set forth under subsection b. of this section.

15 d. Upon receiving information that an out-of-State law  
16 enforcement agency intends to enter, or has entered, the borders  
17 which are under the jurisdiction of the State of New Jersey for the  
18 purpose of conducting counter-terrorism activities in this State, the  
19 counter-terrorism watch shall notify the Superintendent of State  
20 Police, or the Superintendent's designee, and the Director of the  
21 New Jersey Office of Homeland Security and Preparedness. The  
22 counter-terrorism watch shall communicate such information  
23 provided by the county prosecutor to the designated staff of the  
24 joint terrorism task force within the New Jersey State Police.

25 e. The Attorney General may promulgate rules and regulations,  
26 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
27 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this  
28 act.

29  
30 2. a. Any out-of-State law enforcement agency as defined under  
31 section 1 of P.L. , c. (C. ) (pending before the Legislature  
32 as this bill) that intends to enter the borders which are under the  
33 jurisdiction of this State for the purpose of conducting counter-  
34 terrorism activities in this State shall, no later than 24 hours prior to  
35 entering New Jersey State borders, inform the county prosecutor, or  
36 the county prosecutor's designee of the county in which the  
37 counter-terrorism activity is to take place. Notification required  
38 pursuant to this act shall include, but not be limited to:

39 (1) the date and time that the out-of-State agency intends to  
40 conduct the counter-terrorism activity;

41 (2) the nature, purpose, and scope of the counter-terrorism  
42 activity that the out-of-State law enforcement agency intends to  
43 undertake in this State; and

44 (3) the out-of-State law enforcement agency's name and contact  
45 information.

46 Such notification shall be given as soon as practicable, but in no  
47 event shall notification be provided later than 24 hours prior to the  
48 counter-terrorism activities being carried out in this State.

1       b. All county prosecutors shall promptly notify the counter-  
2 terrorism watch within the New Jersey State Police upon receiving  
3 notification from an out-of-State law enforcement agency provided  
4 under subsection a. of this section.

5       c. Upon receiving information that an out-of-State law  
6 enforcement agency intends to enter the borders which are under the  
7 jurisdiction of the State of New Jersey for the purpose of  
8 conducting counter-terrorism activities in this State, the counter-  
9 terrorism watch shall notify the Superintendent of the New Jersey  
10 State Police, or the Superintendent's designee, and the Director of  
11 the New Jersey Office of Homeland Security and Preparedness.  
12 The counter-terrorism watch shall communicate such information  
13 provided by the county prosecutor to the designated staff of Joint  
14 Terrorism Task Force within the New Jersey State Police.

15       d. The Attorney General may promulgate rules and regulations,  
16 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
17 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this  
18 act.

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20       3. Whenever, on the basis of available information, the Attorney  
21 General or a county prosecutor, or his designee finds that an out-of-  
22 State law enforcement agency as defined under section 1 of P.L.     ,  
23 c.     (C.     ) (pending before the Legislature as this bill) has  
24 violated the provisions of this act, by failing to adhere to the  
25 notification requirements pursuant to section 2 of P.L.     ,  
26 c.     (C.     ) (pending before the Legislature as this bill) or any  
27 rule or regulation adopted pursuant to this act, the Attorney General  
28 or a county prosecutor, or his designee, may seek and obtain in a  
29 summary proceeding in the Superior Court a temporary or  
30 permanent injunction prohibiting that out-of-State law enforcement  
31 agency from conducting counter-terrorism activity within the  
32 borders of this State. In such a proceeding, the court may enter  
33 such orders as is necessary to prevent the performance of counter-  
34 terrorism activity in violation of the reporting requirement under  
35 this act, or may require compliance with the reporting requirements  
36 provided under the provisions of this act.

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38       4. This act shall take effect immediately.

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STATEMENT

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43       This bill sets forth the guidelines to be followed by a New Jersey  
44 law enforcement agency or officer who acquires knowledge that an  
45 out-of-State law enforcement agency intends to enter, or has  
46 entered, the State of New Jersey for the purpose of conducting law  
47 enforcement activities in this State. Under the provisions of the  
48 bill, a New Jersey law enforcement agency or officer who learns of



1 an out-of-State law enforcement agency conducting law  
2 enforcement activities in this State is required to notify the county  
3 prosecutor.

4 In addition, the bill requires that out-of-State law enforcement  
5 entities inform the county prosecutor 24 hours prior to entering the  
6 borders of the county in which the out-of-State entity intends to  
7 conduct counter-terrorism activities.

8 Within the 24 hour period established under the bill, the county  
9 prosecutor is required to report the out-of-State law enforcement  
10 agency's activity to the counter-terrorism watch within the Division  
11 of State Police. Upon receiving this information, the counter-  
12 terrorism watch is required to notify the Superintendent of State  
13 Police, the Director of the New Jersey Office of Homeland Security  
14 and Preparedness, and the designated staff of the Joint Terrorism  
15 Task Force within the Division of State Police.

16 Upon finding that an out-of-State law enforcement agency has  
17 not complied with the notification requirements under the bill, the  
18 Attorney General or a county prosecutor may seek a temporary or  
19 permanent injunction in a summary proceeding in Superior Court.  
20 The bill allows the court to enter an order to prevent the out-of-  
21 State law enforcement entity from conducting counter-terrorism  
22 activity or to require compliance with the provisions of the bill.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2311**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 17, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2311.

As amended, this bill sets forth the guidelines to be followed by a New Jersey law enforcement agency or officer who acquires knowledge that an out-of-State law enforcement agency intends to enter, or has entered, the State of New Jersey for the purpose of conducting law enforcement activities in this State. Under the provisions of the amended bill, a New Jersey law enforcement agency or officer who learns of an out-of-State law enforcement agency conducting law enforcement activities in this State is required to notify the county prosecutor.

In addition, the amended bill requires that out-of-State law enforcement entities inform the county prosecutor 24 hours prior to entering the borders of the county in which the out-of-State entity intends to conduct counter-terrorism activities.

Within the 24-hour period established under the amended bill, the county prosecutor is required to report the out-of-State law enforcement agency's activity to the counter-terrorism watch within the Division of State Police. Upon receiving this information, the counter-terrorism watch is required to notify the Superintendent of State Police, the Director of the New Jersey Office of Homeland Security and Preparedness, and the designated staff of the Joint Terrorism Task Force within the Division of State Police.

Upon finding that an out-of-State law enforcement agency has not complied with the notification requirements under the amended bill, the Attorney General or a county prosecutor may seek a temporary or permanent injunction in a summary proceeding in Superior Court. The amended bill allows the court to enter an order to prevent the out-of-State law enforcement entity from conducting counter-terrorism activity or to require compliance with the provisions of the bill.

The committee amended the bill to make technical corrections.

As amended, this bill is identical to Assembly Bill No. 2948 (1R), which also was reported by the committee on the same date.

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# Governor Christie Signs Bipartisan Bill To Keep Our Country Safe From Terrorism While Protecting Civil Liberties

Monday, September 09, 2013   Tags: [Bill Action](#)

**Trenton, NJ** – Acting on his belief that we can keep our country safe from terrorism while also protecting civil liberties, Governor Chris Christie signed bipartisan legislation requiring out-of-state law enforcement to report surveillance activities in New Jersey.

The bill, which passed both the Assembly last October and the Senate in June by wide margins, was first proposed as a response to the New York Police Department's (NYPD) surveillance of Muslims in New Jersey. Specifically, the legislation "requires that out-of-State law enforcement entities inform the county prosecutor 24 hours prior to entering the borders of the county in which the out-of-State entity intends to conduct counter-terrorism activities." Under the law, if this notification requirement is not met, "the Attorney General or a county prosecutor may seek a temporary or permanent injunction in a summary proceeding in Superior Court."

"As a former U.S. Attorney appointed in the aftermath of September 11, 2001, I strongly believe we need to do everything in our power to prevent terrorist attacks on our country and keep our people safe," said Governor Christie today. "I also believe we must protect and maintain civil liberties, especially those of the citizens in New Jersey's Muslim community. This bipartisan legislation will help us reach that balance, and I am pleased to sign it into law today."

By signing this bill, the Governor is building on the principles and convictions he has acted on during his entire time in public office. As the United States Attorney in New Jersey from 2002-2008, Governor Christie built an aggressive record of combating terrorism. He prosecuted several of the first major anti-terrorism cases after September 11, including the Daniel Pearl case, the Hemant Lakhani case, the Fort Dix plot and operation Arabian Knight. At the same time, Governor Christie worked to improve relations between law enforcement and the Muslim community, a commitment he has kept during his term in the governor's office.

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