

[First Reprint]

ASSEMBLY, No. 3147

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

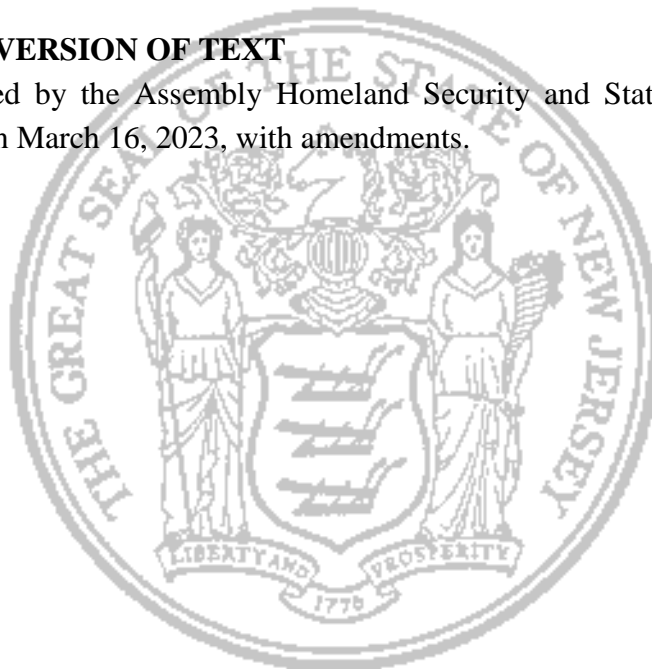
**Assemblywomen Speight, Matsikoudis, Timberlake, Assemblyman Benson
and Assemblywoman Park**

SYNOPSIS

Concerns investigation of missing persons cases.

CURRENT VERSION OF TEXT

As reported by the Assembly Homeland Security and State Preparedness
Committee on March 16, 2023, with amendments.



(Sponsorship Updated As Of: 3/30/2023)

1 AN ACT concerning ¹**[high risk]**¹ missing persons ¹**[,]**¹ and
 2 amending P.L.1983, c.467 and P.L.2007, c.279.

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

6
 7 1. Section 3 of P.L.1983, c.467 (C.52:17B-9.8) is amended to
 8 read as follows:

9 3. In addition to any other powers and duties vested in it by law
 10 or by the Attorney General, the unit shall:

11 a. Coordinate, file and investigate all missing persons cases in
 12 this State, and cooperate with local law enforcement officials and
 13 federal law enforcement officials in the creation of a centralized
 14 office on missing persons in this State;

15 b. (Deleted by amendment, P.L.2007, c.39).

16 c. Collect and maintain data on missing persons and
 17 unidentified bodies in this State and throughout the United States;

18 d. Coordinate efforts with other states and with the federal
 19 government in the investigation of cases involving missing persons
 20 or unidentified bodies;

21 e. Provide specialized training to law enforcement officers and
 22 medical examiners in this State, in conjunction with the Police
 23 Training Commission, which would enable them to more efficiently
 24 handle the tracing of missing persons and unidentified bodies on the
 25 local level;

26 f. Employ the services of local law enforcement agencies or
 27 other social or governmental agencies ;

28 g. ¹**[Issue legal process]** Be authorized to issue administrative
 29 subpoenas¹ concerning any case involving ¹a¹ missing ¹[persons]
 30 person¹ or unidentified ¹[bodies for] body to obtain¹ information
 31 necessary to conduct an investigation; ¹[including, but not limited
 32 to, administrative subpoenas and court orders] and

33 h. Be authorized to seek or obtain from an appropriate court
 34 legal process, including but not limited to, subpoenas, warrants, and
 35 court orders, concerning any case involving a high-risk missing
 36 person designated pursuant to subsection a. of section 5 of
 37 P.L.2007, c.279 (C.52:17B-216)¹.

38 (cf:P.L.2007, c.39, s.6)

39
 40 2. Section 5 of P.L.2007, c.279 (C.52:17B-216) is amended to
 41 read as follows:

42 5. a. (1) Upon the initial receipt of a missing person report, a
 43 law enforcement agency shall seek to determine whether the person
 44 reported missing is to be designated a high risk missing person.

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:

¹Assembly AHS committee amendments adopted March 16, 2023.

1 (2) If a law enforcement agency has reason to believe that a
2 person reported missing is a high risk missing person¹], the agency
3 shall consult with the Division of Criminal Justice, the respective
4 county prosecutor's office, or both, as appropriate under the
5 circumstances. If it is determined upon consultation that a person
6 reported missing is a high risk missing person, there shall be a
7 presumption that a person has engaged or is engaging in a crime or
8 offense, which shall provide the basis for the issuance of legal
9 process. This presumption may be rebutted if evidence discovered
10 during further investigation indicates that the missing person does
11 not qualify as a high risk missing person as defined in section 1 of
12 P.L.2007, c.279 (C.52:17B-212). Any records obtained in the
13 course of a missing persons investigation may be released to a
14 governmental entity upon showing of good cause to the Superior
15 Court, Law Division] pursuant to section 1 of P.L.2007, c.279
16 (C.52:17B-212), the agency shall contact the appropriate county
17 prosecutor who shall determine whether the person reported missing
18 is a high risk missing person. If the prosecutor determines that the
19 person is a high risk missing person, there shall be a rebuttable
20 presumption that the person is missing as a result of, or in
21 association with, criminal activity, and the Missing Persons Unit
22 may seek or obtain legal process pursuant to subsection h. of
23 section 3 of P.L.1983, c.467 (C.52:17B-9.8).

24 If the Missing Persons Unit discovers evidence during the
25 investigation which indicates that the missing person does not meet
26 the definition of a high risk missing person, there shall no longer be
27 a rebuttable presumption that the person is missing as a result of, or
28 in association with, criminal activity, and the Missing Persons Unit
29 shall not seek or obtain legal process pursuant to subsection h. of
30 section 3 of P.L.1983, c.467 (C.52:17B-9.8).

31 The Superior Court, Law Division may release any records that
32 are obtained by the Missing Persons Unit to a governmental entity
33 upon showing of good cause by the governmental entity¹.

34 b. If the initial determination of a person reported missing does
35 not warrant designation of that person as high risk, it shall not
36 preclude a later determination, based on further investigation or the
37 discovery of additional information, that the missing person is high
38 risk.

39 (cf: P.L.2007, c.279, s.5)

40
41 3. This act shall take effect immediately.