

ASSEMBLY, No. 5684

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

Assemblyman Simonsen

SYNOPSIS

“Michael ‘Mikey’ Gioia’s Law”; requires field sobriety test and certain chemical tests be conducted when driver is involved in certain motor vehicle accidents.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain motor vehicle accidents, designated as
2 Michael “Mikey” Gioia’s Law, and amending P.L.1966, c.142
3 and P.L.1981, c.512.

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

7
8 1. Section 2 of P.L.1966, c.142 (C.39:4-50.2) is amended to
9 read as follows:

10 2. (a) Any person who operates a motor vehicle on any public
11 road, street or highway or quasi-public area in this State shall be
12 deemed to have given his consent to the taking of samples of his
13 breath for the purpose of making chemical tests to determine the
14 content of alcohol in his blood; provided, however, that the taking
15 of samples is made in accordance with the provisions of this act and
16 at the request of a police officer who has reasonable grounds to
17 believe that such person has been operating a motor vehicle in
18 violation of the provisions of R.S.39:4-50 or section 1 of P.L.1992,
19 c.189 (C.39:4-50.14).

20 Any person who operates a motor vehicle on any public road,
21 street, or highway or quasi-public area in this State and is involved
22 in a motor vehicle accident resulting in the death of or serious
23 bodily injury to another person shall be deemed to have given the
24 person’s consent to the taking of samples of the person’s breath,
25 blood, urine, or saliva for the purpose of making chemical tests to
26 determine the content of alcohol, narcotic, hallucinogenic, or habit-
27 producing drug in the person’s blood.

28 A standardized field sobriety test shall be conducted on an
29 operator of a motor vehicle who is involved in a motor vehicle
30 accident resulting in the death of or serious bodily injury to another
31 person. In addition, a breath, blood, urine, or saliva sample shall be
32 obtained from the operator of a motor vehicle who is involved in a
33 motor vehicle accident resulting in the death of or serious bodily
34 injury to another person for the purpose of making chemical tests to
35 determine the content of alcohol, narcotic, hallucinogenic, or habit-
36 producing drug in the person’s blood.

37 As used in this paragraph, “serious bodily injury” shall have the
38 same meaning as set forth in subsection b. of N.J.S.2C:11-1.

39 (b) A record of the taking of any such sample, disclosing the
40 date and time thereof, as well as the result of any chemical test,
41 shall be made and a copy thereof, upon his request, shall be
42 furnished or made available to the person so tested.

43 (c) In addition to the samples taken and tests made at the
44 direction of a police officer hereunder, the person tested shall be
45 permitted to have such samples taken and chemical tests of his

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 breath, urine or blood made by a person or physician of his own
2 selection.

3 (d) The police officer shall inform the person tested of his rights
4 under subsections (b) and (c) of this section.

5 (e) No chemical test, as provided in this section, or specimen
6 necessary thereto, may be made or taken forcibly and against
7 physical resistance thereto by the defendant. The police officer
8 shall, however, inform the person arrested of the consequences of
9 refusing to submit to such test in accordance with section 2 of this
10 amendatory and supplementary act. A standard statement, prepared
11 by the chief administrator, shall be read by the police officer to the
12 person under arrest.

13 (cf: P.L.2007, c.267, s.1)

14

15 2. Section 2 of P.L.1981, c.512 (C.39:4-50.4a) is amended to
16 read as follows:

17 2. a. The municipal court shall order any person who, after
18 being arrested for a violation of R.S.39:4-50 or section 1 of
19 P.L.1992, c.189 (C.39:4-50.14), refuses to submit, upon request, to
20 a test provided for in section 2 of P.L.1966, c.142 (C.39:4-50.2):

21 (1) if the refusal was in connection with a first offense under
22 this section, to forfeit the right to operate a motor vehicle over the
23 highways of this State until the person installs an ignition interlock
24 device in one motor vehicle owned, leased, or principally operated
25 by the person, whichever the person most often operates, for the
26 purpose of complying with the provisions of P.L.1999, c.417
27 (C.39:4-50.16 et al.);

28 (2) if the refusal was in connection with a second offense under
29 this section, to forfeit the right to operate a motor vehicle over the
30 highways of this State for a period of not less than one year or more
31 than two years following the installation of an ignition interlock
32 device in one motor vehicle owned, leased, or principally operated
33 by the person, whichever the person most often operates, for the
34 purpose of complying with the provisions of P.L.1999, c.417
35 (C.39:4-50.16 et al.);

36 (3) if the refusal was in connection with a third or subsequent
37 offense under this section, to forfeit the right to operate a motor
38 vehicle over the highways of this State for a period of eight years
39 following the installation of an ignition interlock device in one
40 motor vehicle owned, leased, or principally operated by the person,
41 whichever the person most often operates, for the purpose of
42 complying with the provisions of P.L.1999, c.417 (C.39:4-50.16 et
43 al.). A conviction or administrative determination of a violation of
44 a law of a substantially similar nature in another jurisdiction,
45 regardless of whether that jurisdiction is a signatory to the Interstate
46 Driver License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et
47 seq.), shall constitute a prior conviction under this section.

1 The municipal court shall determine by a preponderance of the
2 evidence whether the arresting officer had probable cause to believe
3 that the person had been driving or was in actual physical control of
4 a motor vehicle on the public highways or quasi-public areas of this
5 State while the person was under the influence of intoxicating
6 liquor or a narcotic, hallucinogenic, or habit-producing drug, or
7 marijuana or cannabis item as defined in section 3 of P.L.2021, c.16
8 (C.24:6I-33); whether the person was placed under arrest, if
9 appropriate, and whether he refused to submit to the test upon
10 request of the officer; and if these elements of the violation are not
11 established, no conviction shall issue. In addition to any other
12 requirements provided by law, a person whose operator's license is
13 revoked for refusing to submit to a test shall be referred to an
14 Intoxicated Driver Resource Center established by subsection (f) of
15 R.S.39:4-50 and shall satisfy the same requirements of the center
16 for refusal to submit to a test as provided for in section 2 of
17 P.L.1966, c.142 (C.39:4-50.2) in connection with a first, second,
18 third or subsequent offense under this section that must be satisfied
19 by a person convicted of a commensurate violation of this section,
20 or be subject to the same penalties as such a person for failure to do
21 so. For a first offense, the revocation may be concurrent with or
22 consecutive to any revocation imposed for a conviction under the
23 provisions of R.S.39:4-50 arising out of the same incident. For a
24 second or subsequent offense, the revocation shall be consecutive to
25 any revocation imposed for a conviction under the provisions of
26 R.S.39:4-50. In addition to issuing a revocation, the municipal
27 court shall fine a person convicted under this section, a fine of not
28 less than \$300 or more than \$500 for a first offense; a fine of not
29 less than \$500 or more than \$1,000 for a second offense; and a fine
30 of \$1,000 for a third or subsequent offense.

31 Notwithstanding any judicial directive to the contrary, upon
32 recommendation by the prosecutor, a plea agreement under this
33 section is authorized under the appropriate factual basis consistent
34 with any other violation of Title 39 of the Revised Statutes or
35 offense under Title 2C of the New Jersey Statutes; provided,
36 however, that if a person is convicted of operating a motor vehicle
37 while under the influence of a narcotic, hallucinogenic, or habit-
38 producing drug or permitting another person who is under the
39 influence of a narcotic, hallucinogenic, or habit-producing drug to
40 operate a motor vehicle owned by the person or under the person's
41 custody or control pursuant to the provisions of R.S.39:4-50 or a
42 person is convicted of operating a commercial motor vehicle under
43 the influence of a controlled substance pursuant to section 5 of
44 P.L.1990, c.103 (C.39:3-10.13), the person shall forfeit the right to
45 operate a motor vehicle over the highways of this State for a period
46 of not less than six months.

47 b. (Deleted by amendment, P.L.2019, c.248)

c. There shall be a rebuttable presumption that a person operated a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic, or habit-producing drug in violation of R.S.30:4-50 if the person operated a motor vehicle which was involved in an accident resulting in the death of or serious bodily injury to another person and refused to submit, upon request, to a standardized field sobriety test or a chemical test of the person's breath, blood, urine, or saliva pursuant to section 2 of P.L.1966, c.142 (C.39:4-50.2).

3. This act shall take effect immediately.