

CHAPTER 156

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

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

C.2A:156A-35 Definitions relative to certain counter-terrorism investigations.

1. a. For the purposes of this act:

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

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

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

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

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

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

- (1) the date and time that the out-of-State agency’s activity is discovered;
- (2) the nature, purpose, and scope of the out-of-State law enforcement agency’s activities in this State;
- (3) the out-of-State law enforcement agency’s name and contact information; and
- (4) the name and contact information of the law enforcement agency operating in the State of New Jersey.

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

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

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

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

C.2A:156A-36 Notification required relative to certain counter-terrorism activities.

2. a. Any out-of-State law enforcement agency as defined under section 1 of P.L.2013, c.156 (C.2A:156A-35) that intends to enter the borders which are under the jurisdiction of this State for the purpose of conducting counter-terrorism activities in this State shall, no later than 24 hours prior to entering New Jersey State borders, inform the county prosecutor, or the county prosecutor's designee of the county in which the counter-terrorism activity is to take place. Notification required pursuant to this act shall include, but not be limited to:

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

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

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

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

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

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

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

C.2A:156A-37 Violation of notification requirement; injunction.

3. Whenever, on the basis of available information, the Attorney General or a county prosecutor, or his designee finds that an out-of-State law enforcement agency as defined under section 1 of P.L.2013, c.156 (C.2A:156A-35) has violated the provisions of this act, by failing to adhere to the notification requirements pursuant to section 2 of P.L.2013, c.156 (C.2A:156A-36) or any rule or regulation adopted pursuant to this act, the Attorney General or a county prosecutor, or his designee, may seek and obtain in a summary proceeding in the

Superior Court a temporary or permanent injunction prohibiting that out-of-State law enforcement agency from conducting counter-terrorism activity within the borders of this State. In such a proceeding, the court may enter such orders as is necessary to prevent the performance of counter-terrorism activity in violation of the reporting requirement under this act, or may require compliance with the reporting requirements provided under the provisions of this act.

4. This act shall take effect immediately.

Approved September 6, 2013.