

CHAPTER 465

AN ACT establishing a Statewide Hit and Run Advisory Program, designated as “Zackhary’s Law,” and supplementing Title 52 of the Revised Statutes.

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

C.52:17B-194.17 Definitions relative to a Statewide Hit and Run Advisory Program.

1. As used in this act:

“Lead law enforcement agency” means a law enforcement agency that is conducting an investigation to apprehend a person involved in a motor vehicle accident resulting in serious bodily injury to or the death of another person and who is suspected of violating the provisions of R.S.39:4-129.

“Public entity” means the State and any county, municipality, district, or political subdivision and any authority, agency, board, or body thereof that, on the effective date of P.L.2019, c.465 (C.52:17B-194.17 et seq.), is under contract with a wireless telephone company providing commercial mobile service as defined in subsection (d) of 47 U.S.C. s.332 that participates in the Statewide Hit and Run Advisory Program.

“Statewide Hit and Run Advisory Program ” means the voluntary partnership between the wireless industry and State and local law enforcement agencies to distribute Hit and Run Advisory text messages to wireless subscribers who register to receive the messages and are able to receive text messages on their wireless telephones or electronic communication devices.

C.52:17B-194.18 Establishment of a Statewide Hit and Run Advisory Program.

2. a. The Attorney General shall establish a Statewide Hit and Run Advisory Program pursuant to the provisions of P.L.2019, c.465 (C.52:17B-194.17 et seq.) to facilitate the apprehension of persons involved in a motor vehicle accident resulting in serious bodily injury to or the death of another person and who are suspected of knowingly leaving the scene of that accident, under circumstances that violate the provisions of R.S.39:4-129. The program shall be a cooperative effort between State and local law enforcement agencies, port, tunnel, highway, and bridge authorities, and may include voluntary participation by the media including, but not limited to, print, radio, social media, and television media outlets.

b. The Attorney General shall notify the media serving the State of New Jersey of the establishment of the Statewide Hit and Run Advisory Program and invite their voluntary participation.

c. The Attorney General shall adopt guidelines to effectuate the purposes of this act.

C.52:17B-194.19 Issuance of advisory.

3. a. A Hit and Run Advisory authorized pursuant to this act may be issued in accordance with the following criteria, which shall be incorporated into the guidelines required by subsection c. of section 2 of P.L.2019, c.465 (C.52:17B-194.18):

(1) the lead law enforcement agency confirms that a person has been seriously injured or killed as a result of a motor vehicle accident and the driver of a vehicle involved in the accident appears to have left the scene of that accident under circumstances that may constitute a violation of the provisions of R.S.39:4-129, and a suspect has not been apprehended;

(2) there is sufficient information available to indicate that a Hit and Run Advisory would assist in locating the vehicle involved in the accident or the driver of the vehicle including, but not limited to, the license plate number, make and model of the vehicle involved, the

nature of damage to the vehicle involved, or a description or other identifying information about the driver or passenger of the vehicle involved; and

(3) the lead law enforcement agency requests that a Hit and Run Advisory be issued.

b. Nothing in this section shall require that a Hit and Run Advisory be issued if the criteria under paragraphs (1), (2), and (3) of subsection a. of this section are met, but it is determined by the lead law enforcement agency that the activation of a Hit and Run Advisory would cause public harm or would compromise an ongoing investigation.

c. When the State Police concur within the determination of the lead law enforcement agency to issue a Hit and Run Advisory, the State Police Operational Dispatch Unit shall immediately notify the Department of Transportation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority as deemed appropriate by the unit. The State Police Operational Dispatch Unit shall ensure that employees of the New Jersey Transit Corporation who are on duty at any time the Hit and Run Advisory is in effect receive notice of the Hit and Run Advisory along with all pertinent information.

d. The Hit and Run Advisory may be issued in a manner designed to reach those members of the public in locations that are relatively likely to observe the vehicle involved in the accident or the suspect, based on the time and place of the accident. The range of the advisory may be expanded over time when the vehicle involved is not located or the suspect is not apprehended.

e. The State Police shall, in a timely manner, update the broadcast media and any other entity receiving notice of a Hit and Run Advisory with new information concerning the accident, when appropriate.

f. The Hit and Run Advisory shall terminate upon notice from the State Police.

C.52:17B-194.20 Media participation in advisory.

4. a. Any media outlet that participates in the Statewide Hit and Run Advisory Program established pursuant to section 2 of P.L.2019, c.465 (C.52:17B-194.18) may voluntarily agree, upon notice of the issuance of a Hit and Run Advisory, to transmit emergency advisories to provide the public within the service regions of that media outlet with information designed to enable members of the public to assist the lead law enforcement agency in locating a vehicle or driver involved in a motor vehicle accident resulting in serious bodily injury to or the death of another person that left the scene of the accident under circumstances that may violate the provisions of R.S.39:4-129. The notice shall be provided through the lead law enforcement agency.

b. The emergency advisories shall be read after a distinctive sound tone and the statement: "This is a Hit and Run Advisory." The emergency advisories shall be broadcast as often as possible, pursuant to the guidelines established by the New Jersey Broadcasters' Association, for the first three hours. After the initial three hours, the emergency advisory shall be rebroadcast at intervals as the lead law enforcement agency and the participating media deem appropriate.

c. The emergency advisories shall include a description of the suspect or suspect's vehicle and any other information the lead law enforcement agency deems appropriate. The lead law enforcement agency shall, in a timely manner, update the media with new information regarding the suspect, when appropriate.

d. The emergency advisories also shall provide information concerning the method by which members of the public who have information relating to the suspect or the vehicle may contact the lead law enforcement agency.

e. The emergency advisories shall terminate upon notice from the lead law enforcement agency.

C.52:17B-194.20 Officer, employee of public entity to receive text message advisories.

5. Every officer or employee of a public entity who possesses a wireless telephone or electronic communication device which is issued by a public entity, is capable of receiving text messages, and is enrolled in or subscribed to a service or plan that enables the telephone or device to receive text messages shall subscribe to the Statewide Hit and Run Advisory Program to receive wireless Hit and Run Advisory text messages. The officer or employee shall, at a minimum, enroll the wireless telephone or electronic communication device in the program to receive wireless Hit and Run Advisory text messages for a zip code that corresponds to the city of the officer's or employee's permanent residence and primary place of business. In the event that the officer or employee is not authorized to manage the account for the wireless telephone or electronic communication device issued by a public entity, the officer or employee shall request the administrator of the account to enroll the wireless telephone or electronic communication device in the Statewide Hit and Run Advisory Program to receive Hit and Run Advisory text messages in accordance with the provisions of this act.

C.52:17B-194.22 Public education campaign.

6. The Attorney General, with the assistance of the participating media, shall develop and undertake a public education campaign to inform the public about the Statewide Hit and Run Advisory Program.

7. This act shall take effect on the first day of the seventh month following enactment, but the Attorney General may take anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 21, 2020.