

CHAPTER 59

AN ACT concerning missing persons and amending P.L.1983, c.467 and P.L.2007, c.279.

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

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

C.52:17B-9.8 Powers, duties of unit.

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

- a. Coordinate, file and investigate all missing persons cases in this State, and cooperate with local law enforcement officials and federal law enforcement officials in the creation of a centralized office on missing persons in this State;
- b. (Deleted by amendment, P.L.2007, c.39).
- c. Collect and maintain data on missing persons and unidentified bodies in this State and throughout the United States;
- d. Coordinate efforts with other states and with the federal government in the investigation of cases involving missing persons or unidentified bodies;
- e. Provide specialized training to law enforcement officers and medical examiners in this State, in conjunction with the Police Training Commission, which would enable them to more efficiently handle the tracing of missing persons and unidentified bodies on the local level;
- f. Employ the services of local law enforcement agencies or other social or governmental agencies;
- g. Be authorized to issue administrative subpoenas concerning any case involving a missing person or unidentified body to obtain information necessary to conduct an investigation; and
- h. Be authorized to seek or obtain from an appropriate court legal process, including but not limited to, subpoenas, warrants, and court orders, concerning any case involving a high-risk missing person designated pursuant to subsection a. of section 5 of P.L.2007, c.279 (C.52:17B-216).

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

C.52:17B-216 Determination of designation as high-risk missing person.

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

(2) If a law enforcement agency has reason to believe that a person reported missing is a high-risk missing person pursuant to section 1 of P.L.2007, c.279 (C.52:17B-212), the agency shall contact the appropriate county prosecutor who shall determine whether the person reported missing is a high-risk missing person. If the prosecutor determines that the person is a high-risk missing person, there shall be a rebuttable presumption that the person is missing as a result of, or in association with, criminal activity, and the Missing Persons Unit may seek or obtain legal process pursuant to subsection h. of section 3 of P.L.1983, c.467 (C.52:17B-9.8).

If the Missing Persons Unit discovers evidence during the investigation which indicates that the missing person does not meet the definition of a high-risk missing person, there shall no longer be a rebuttable presumption that the person is missing as a result of, or in association

with, criminal activity, and the Missing Persons Unit shall not seek or obtain legal process pursuant to subsection h. of section 3 of P.L.1983, c.467 (C.52:17B-9.8).

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

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

3. This act shall take effect immediately.

Approved May 15, 2023.