

ASSEMBLY, No. 1277

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires data collection and issuance of report on drug evidence testing by New Jersey State Police Office of Forensic Sciences.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning drug evidence testing and supplementing Title
2 52 of the Revised Statutes.

3

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

6

7 1. a. The Superintendent of State Police shall conduct a six
8 month study on the collection, recording, and analysis of data on
9 specimens collected by law enforcement which may contain a
10 controlled dangerous substance or a controlled substance analog, as
11 defined in N.J.S.2C:35-2.

12 b. The superintendent shall direct the Office of Forensic
13 Sciences to record the following information for each specimen:

14 (1) The name of the agency and location where the specimen
15 was obtained;

16 (2) Whether a drug field test was performed on the specimen
17 and, if so, the result of the drug field test; the type of drug field test
18 used; and the name and manufacturer of the drug field test;

19 (3) Whether the specimen was analyzed in an Office of Forensic
20 Sciences Laboratory;

21 (4) For any specimen that was both drug field tested and
22 analyzed in an Office of Forensic Sciences Laboratory, whether the
23 laboratory test indicates an erroneous drug field test result; and the
24 amount of time that elapsed between the drug field test and the
25 laboratory test; and

26 (5) Whether the New Jersey State Police Office of Forensic
27 Sciences Laboratory test was expedited and the reason for
28 expediting the test.

29 c. Within 90 days following the date on which the six-month
30 period of data collection ends, the Office of Forensic Sciences shall
31 issue a report to the Legislature analyzing the data collected
32 pursuant to subsection b. of this section. The report shall include,
33 but not be limited to:

34 (1) A summary of the data collected;

35 (2) The incidence of false positive drug field test results;

36 (3) Whether there appear to be any trends related to the
37 incidence of false positive drug field test results based on the type
38 of drug field test used, the location of the drug field test, or any
39 other information concerning the specimens.

40 For the purposes of this section, “specimen” shall refer to a
41 substance or sample of a substance which may contain a controlled
42 dangerous substance or a controlled substance analog as defined in
43 N.J.S.2C:35-2 that is taken by law enforcement during an
44 investigation of a potential violation of any section of chapter 35 of
45 Title 2C of the New Jersey Statutes.

46

47 2. This act shall take effect on the first day of the third month
48 following enactment.

STATEMENT

This bill requires the New Jersey State Police Office of Forensic Sciences to collect data for six months and issue a report on evidence used in prosecuting certain drug-related crimes.

Specimens taken by law enforcement during the investigation of a drug-related crime are sent to forensic laboratories for testing, including four New Jersey State Police Office of Forensic Sciences laboratories, as well as county forensic laboratories. In some cases, presumptive drug field tests are performed by officers. There have been reports of cases being disposed of following a presumptive drug field test without undergoing confirmatory testing in one of the forensic laboratories.

Various news reports suggest that reliance solely on drug field testing could lead to wrongful incarceration. However, data concerning the reliability of drug field tests in New Jersey which would confirm or deny this claim is currently unavailable.

This bill provides for the collection of data and the issuance of a report 90 days after the data collection ends concerning the usage and reliability of drug field tests in New Jersey. The term “specimen” is defined under the bill as a substance or sample of a substance which may contain a controlled dangerous substance or a controlled substance analog that is taken by a law enforcement officer investigating a potential violation of this State’s law governing controlled dangerous substances.