

ASSEMBLY, No. 3416

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Assemblyman JAY WEBBER
District 26 (Essex, Morris and Passaic)

SYNOPSIS

Requires law enforcement agencies to obtain court order prior to use of imaging surveillance device.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the use of imaging surveillance devices and
2 supplementing Title 2A of the New Jersey Statutes.

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

6
7 1. a. For the purposes of this act:

8 "Law enforcement agency" means a department, division,
9 bureau, commission, board, or other authority of the State or of any
10 political subdivision thereof which employs law enforcement
11 officers, whose public duties include the power to act as an officer
12 for the detection, investigation, apprehension, arrest, and conviction
13 of offenders against the laws of this State.

14 "Imaging surveillance device" means a device that uses radar,
15 sonar, infrared, or other remote sensing or detection technology that
16 enables the individual operating the device to obtain information,
17 not otherwise directly observable, about individuals, items, or
18 activities within a closed structure.

19 "Target" means a person or a structure upon which a government
20 entity intentionally collects or attempts to collect information using
21 an imaging surveillance device.

22 b. No law enforcement agency or officer shall utilize an
23 imaging surveillance device unless that law enforcement agency or
24 officer, or the Attorney General or county prosecutor acting on
25 behalf of the law enforcement agency or officer, files an application
26 with a judge for a court order authorizing the use of an imaging
27 surveillance device.

28 c. Each application for a court order authorizing the use of an
29 imaging surveillance device shall be made in writing upon oath or
30 affirmation and shall state:

31 (1) the identity of the particular target or targets, if known,
32 which are the subject of the imaging surveillance device operation;

33 (2) a statement of facts establishing the purpose for the use of
34 the imaging surveillance device and the character of the information
35 that the law enforcement agency or officer intends to obtain;

36 (3) the location of the imaging surveillance device operation or
37 the particular place where the operation is to take place;

38 (4) a statement of the period of time during which the imaging
39 surveillance device operation is to be conducted; and

40 (5) a particular statement of facts showing that other normal
41 investigative procedures with respect to the unlawful activity have
42 been tried and have failed or reasonably appear to be unlikely to
43 succeed if tried or to be too dangerous to employ.

44

45 2. This act shall take effect immediately.

STATEMENT

This bill requires a law enforcement agency to obtain a court order prior to the use of an “imaging surveillance device” on a structure.

The bill defines an “imaging surveillance device” as one that uses radar, sonar, infrared, or other remote sensing or detection technology to enable the individual operating the device to obtain information, not otherwise directly observable, about individuals, items, or activities within a closed structure. Essentially, these devices allow law enforcement officers to “see” through the walls of houses and other privately owned buildings.

The bill provides that prior to the use of an imaging surveillance device, a law enforcement agency is required to file an application with a judge for an order authorizing its use. The bill requires the application to include the following information:

(1) the identity of the particular target or targets, if known, which are the subject of the imaging surveillance device operation;

(2) a statement of facts establishing the purpose for the use of the imaging surveillance device and the character of the information that the law enforcement agency or officer intends to obtain;

(3) the location of the imaging surveillance device operation or the particular place where the operation is to take place;

(4) a statement of the period of time during which the imaging surveillance device operation is to be conducted; and

(5) a particular statement of facts showing that other normal investigative procedures with respect to the unlawful activity have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ.