

ASSEMBLY, No. 2234

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

SYNOPSIS

Outlines procedures for conducting drug tests involving State law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning drug testing in certain cases and supplementing
2 Title 52 of the Revised Statutes.

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

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7 1. As used in this act:

8 “Employee representative” means a representative as defined in
9 the “New Jersey Employer-Employee Relations Act,” P.L.1941,
10 c.100 (C.34:13A-1 et seq.)

11 “State law enforcement officer” means any law enforcement
12 officer in the employ of the State of New Jersey holding a civil
13 service title of any rank in the classified career service, including all
14 State correction officers.

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16 2. a. Whenever a State law enforcement officer is subject to a
17 urine analysis to test for the presence of a chemical, drug or
18 controlled dangerous substance, or a metabolite of a drug or
19 controlled dangerous substance, the subject officer shall be entitled
20 to divide the sample taken into two and have one delivered to a
21 private State certified toxicology laboratory for testing. For the
22 purposes of this section, “State certified” shall mean a toxicology
23 laboratory approved to test and verify the results of a urine analysis
24 for the presence of a chemical, drug or controlled dangerous
25 substance, or a metabolite of a drug or controlled dangerous
26 substance.

27 b. The urine specimen selected for delivery to the private State
28 certified toxicology laboratory and the State Toxicology Laboratory
29 for testing shall be secured and sealed in the officer’s presence in an
30 approved container. The container shall be sealed with tamperproof
31 evidence tape on which the subject officer shall sign his name.

32 Each container and specimen shall be collected, handled,
33 transported, and stored in accordance with prevailing industry
34 standards and in accordance with those practices utilized to ensure
35 the continuity of evidence.

36 c. Whenever the results of a urine test conducted by the State
37 Toxicology Laboratory differ from those of a private State certified
38 toxicology laboratory, no charges shall be filed against the subject
39 officer and any pending charges shall be dismissed. The officer
40 shall be reinstated immediately, and all rights and benefits restored.
41 No record of any charges or any allegation of charges relating to the
42 urine analysis, other than a statement that the results were negative,
43 shall be placed in the officer’s personnel file, official work history
44 or any other compilation of employment or personnel information
45 without the written approval of the officer.

46 d. The officer shall be notified of the results of a urine test
47 conducted by the State Toxicology Laboratory, whether those
48 results are positive or negative. If the State Toxicology Laboratory

1 reports that an officer has tested positive for a chemical, drug or
2 controlled dangerous substance, or a metabolite of a drug or
3 controlled dangerous substance, and there is a second sample, the
4 officer may ask that the second sample not be tested by a private
5 State certified toxicology laboratory. In such cases, the second
6 sample shall be destroyed within five working days in the presence
7 of an employee representative of the officer.

8 e. Until they are destroyed in the presence of an employee
9 representative of the affected officers, all urine samples held by the
10 State Toxicology Laboratory shall be handled and stored in
11 accordance with prevailing industry standards and in accordance
12 with those practices utilized to ensure the continuity of evidence.

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14 3. a. Whenever a State law enforcement officer is subject to a
15 random urine analysis to test for the presence of a chemical, drug or
16 controlled dangerous substance, or a metabolite of a drug or
17 controlled dangerous substance, the selection process shall be
18 witnessed by an employee representative of the subject officer. A
19 randomly selected officer or his employee representative may
20 request verification that the selection was from a complete list of
21 eligible State law enforcement officers.

22 b. No State law enforcement officer shall be subject to a random
23 urine analysis to test for the presence of a chemical, drug or
24 controlled dangerous substance, or a metabolite of a drug or
25 controlled dangerous substance, when the officer is on an approved
26 leave of absence.

27 c. A random urine analysis to test for the presence of a
28 chemical, drug or controlled dangerous substance, or a metabolite
29 of a drug or controlled dangerous substance shall not be conducted
30 more than once in a 30-day period in any State law enforcement
31 facility or station.

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33 4. This act shall take effect on the first day of the fourth month
34 following enactment.

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37 STATEMENT

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39 This bill outlines the procedures for conducting urine analyses to
40 test State law enforcement officers for the presence of a chemical,
41 drug or controlled dangerous substance, or a metabolite of a drug or
42 controlled dangerous substance. Under the bill, officers would have
43 the opportunity to split their urine samples to have them tested not
44 only by the State, but also by a private, but State certified,
45 laboratory. To ensure the integrity of the tests, the amended bill
46 calls for the securing and sealing of the samples in the officer's
47 presence, and directs that all specimens be collected, handled,
48 transported and stored in accordance with prevailing industry

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1 standards and in accordance with those practices utilized to insure
2 the continuity of evidence. Finally, the bill provides that random
3 urine analyses to test for the presence of a chemical, drug or
4 controlled dangerous substance, or a metabolite of a drug or
5 controlled dangerous substance may not be conducted more than
6 once in a 30-day period in any State law enforcement facility or
7 station.

8 The procedures outlined in this bill do not apply to State Police
9 officers and troopers.