

Kyleigh's Law – Interim Report



April 2011

Background

On October 7, 2010, Governor Christie directed the Attorney General to study the implementation of Kyleigh's Law, which requires drivers with a probationary driver's license pursuant to *N.J.S.A. 39:3-13.4* to display a decal while operating a vehicle. In particular, the Governor directed the Attorney General to conduct a survey of reported criminal complaints in which it is alleged that a victim was targeted as a result of displaying a Kyleigh's Law decal. This survey was required to be completed within six months in order to highlight any issues with the decal requirement that may need to be addressed immediately. This Interim Report contains the results of that survey. The Governor also directed the Division of Highway Traffic Safety to complete its overall study of the graduated driver's license program and submit its report no later than one year from October 7, 2010.

The Division of Criminal Justice surveyed all police departments in order to collect information regarding the targeting of any holder of a probationary driver's license as the result of the display of such a decal. Since there are no automated systems that capture such information, a prospective manual survey was conducted beginning November 1, 2010. State Police and municipal police departments were directed to notify their County Prosecutor's Office of any criminal complaint filed, including, but not limited to stalking, sexual assault, kidnapping or carjacking, in which there was an allegation or other evidence that the victim may have been targeted as the result of displaying a probationary driver's license decal. Law enforcement agencies were asked to provide notification of any allegations of this type of activity, even if no criminal charges were filed because the agency was unable to identify the perpetrator.

As a follow up measure, law enforcement agencies were contacted again in February 2011 and asked to provide such reports or, in the alternative, they were asked to confirm that no such incidents were reported to their agency.

In *Trautmann v. Christie*, __ *N.J. Super.* __ (App. Div. 2011) the Appellate Division recently upheld the constitutionality of Kyleigh's Law. The court held that Kyleigh's law is not preempted by the Federal Driver's Privacy Protection Act, 18 U.S.C. §§ 2721-2725 and does not violate equal protection or constitute an unreasonable search and seizure contrary to the Fourth Amendment of the United States Constitution and Article I, paragraph 7 of the New Jersey Constitution.

Incident Reports

In response to the survey, a total of three (3) alleged incidents were reported by police departments. Below is a summary of the incidents. In order to protect the identities of the victims, no identifying information is provided.

1. In January 2011, a seventeen year old female reported to a municipal police department that at approximately 4:50 p.m. she was driving a vehicle displaying a decal identifying her as a probationary driver when she was stopped by someone impersonating a police officer. A dark colored vehicle equipped with white and blue flashing lights stopped her. The victim did not provide a license plate number for the vehicle that stopped her. The suspect was wearing police uniform pants and a navy blue t-shirt with POLICE in white lettering on the chest. The suspect asked for the victim's driver's license and stated that he was "a cop." The suspect stated "I saw the sticker on your car (GDL sticker on the license plate) and figured that you were a hot 17-year old." He asked her for her phone number, which she did not provide. The suspect then stated that he was not a cop, he was just kidding. He gave back her wallet and drove away.

The police department investigated further, but was unable to identify the suspect.

2. One Municipal Police Department reported two (2) incidences of the Kyleigh's Law decals being stolen from vehicles.

Reporting Summary

The Division of Criminal Justice has received confirmation from all Twenty-One County Prosecutors' Offices and from the Division of State Police that no other reports of incidents in which anyone was alleged to have been targeted as a result of displaying a Kyleigh's Law decal have been received.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT
ASSEMBLY BILL NO. 2740
(Second Reprint)

October 7, 2010

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2740 (Second Reprint) without my approval. This bill would require the Attorney General to study and report on the State's graduated driver's license system six months after the effective date of the act.

The State's graduated driver's license law requires that the performance of new drivers of passenger automobiles be monitored, the operation and effectiveness of the graduated driver's license law be evaluated, and that these findings be reported by the Attorney General to the Governor and the Legislature. As such, enactment of a law requiring a study is unnecessary.

The Division of Highway Traffic Safety in the Department of Law and Public Safety is currently working in partnership with Rowan University and Virginia Tech University to study the graduated driver's license law and the changes to that law that became effective May 1, 2010. Further, I am advised that at least one year of data relevant to the recent changes to the graduated driver's license program is necessary to allow for a meaningful evaluation of those changes. An analysis based on insufficient data may lead to inconclusive or even misleading results. Since the recent changes to the program took effect only a few months ago, the six month time period provided in the bill for a review of the graduated driver's license program is inadequate.

However, I share the concerns of those who raise the issue of whether the new requirement that teen drivers display a decal while driving with a special learner's permit, examination permit, or probationary driver's license may make those teens a target. This well-intentioned requirement, known as "Kyleigh's Law," was established to allow better enforcement of graduated driver's license restrictions and, ultimately, to make our teens safer drivers. To that end, the Division of Highway Traffic Safety is

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already conducting a separate study of this requirement in partnership with the Children's Hospital of Philadelphia and the National Highway Traffic Safety Administration which will evaluate the effectiveness of the decal requirement from both an enforcement and behavioral standpoint. Any suggestion that the requirement to display the decal may put our teens at risk is troubling and investigation of this issue cannot wait until the study of the graduated driver's license program can be completed.

Therefore, I am directing the Attorney General to immediately conduct a survey and submit a statistical summary of reported criminal complaints in which it is alleged the victim was targeted as a result of being an operator or a passenger in a motor vehicle on which a decal was displayed, and to complete that report no later than six months from today. This survey will highlight any issues with the decal requirement that may need to be addressed immediately.

I am also directing the Division of Highway Traffic Safety to complete its overall study of the graduated driver's license program and submit its report of findings no later than one year from today.

Accordingly, I herewith return Assembly Bill No. 2740 (Second Reprint) without my approval.

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/Jeffrey S. Chiesa

Chief Counsel to the Governor

sent April 1