

SUGGESTED REMARKS FOR
GOVERNOR THOMAS H. KEAN
FOR PUBLIC BILL SIGNING

A. 701

TO PRESECRIBE STANDARDS FOR STRIP SEARCHES

GOOD AFTERNOON.

WE ARE HERE TODAY TO PREVENT ABUSE:

- ABUSE OF STRIP SEARCHES IN THE CASE OF MINOR,
NON-CRIMINAL OFFENSES;
- AND ABUSE OF THE LAW BY THOSE WHO HAVE SOMETHING TO
CONCEAL.

THIS BILL MEETS BOTH OF THESE GOALS.

EDMUND BURKE ONCE SAID THAT "ALL GOVERNMENT IS FOUNDED
ON COMPROMISE."

WELL, THIS BILL EXEMPLIFIES THE TRUTH OF THAT AXIOM.

IT IS THE PRODUCT OF COMPROMISE -- BETWEEN THE STATE BAR ASSOCIATION AND ITS WOMEN'S RIGHTS SECTION, OUR COUNTY PROSECUTORS, THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, THE POLICEMEN'S BENEVOLENT ASSOCIATION, THE CHIEFS OF POLICE, THE AMERICAN CIVIL LIBERTIES UNION, THE DIVISION ON WOMEN, THE LEAGUE OF MUNICIPALITIES, AND OUR OWN DIVISION ON WOMEN.

I CONGRATULATE ALL OF THOSE GROUPS FOR THEIR EFFORTS IN COMING UP WITH THIS BILL.

I PARTICULARLY CONGRATULATE THE BILL'S SPONSOR, ASSEMBLY MINORITY LEADER CHUCK HARDWICK, FOR HIS HARD WORK IN STEERING IT THROUGH THE LEGISLATURE. AND I WANT TO THANK SENATOR LIPMAN, ASSEMBLYWOMAN PERUN, ASSEMBLYMEN KERN AND SHUSTED, AND ALL THOSE WHO WORKED WITH CHUCK TO GET THIS BILL PASSED.

WE HAVE ALL HEARD HORRID STORIES OF INDIVIDUALS WHO WERE DETAINED FOR A MINOR OFFENSE -- SUCH AS A TRAFFIC VIOLATION -- AND WERE SUBJECTED TO AN UNNECESSARY AND DEGRADING STRIP SEARCH OR BODY CAVITY SEARCH.

AND WE HAVE READ OF SOME OF THE LAW SUITS THAT FOLLOWED THESE INCIDENTS.

WE CANNOT -- AND WILL NOT -- TOLERATE THAT KIND OF ABUSE.

THIS BILL IS DESIGNED TO MAKE SURE THAT THIS KIND OF UNFORTUNATE INCIDENT NEVER TAKES PLACE IN NEW JERSEY.

IT PROVIDES THAT ANYONE WHO IS DETAINED FOR A MINOR, NON-CRIMINAL OFFENSE CANNOT BE SUBJECTED TO A STRIP SEARCH WITHOUT EITHER A WARRANT OR THEIR OWN CONSENT; AND THAT WARRANTLESS SEARCHES CAN ONLY BE CONDUCTED WHEN THERE IS PROBABLE CAUSE THAT A WEAPON, DRUG, OR EVIDENCE OF A CRIME WILL BE FOUND.

IT SETS FORTH SPECIFIC CONDITIONS UNDER WHICH STRIP SEARCHES MAY BE CONDUCTED, AND IT ESTABLISHES PROCEDURES FOR MAKING SURE THAT THE REASONS FOR SUCH SEARCHES ARE PROPERLY REPORTED.

IN OTHER WORDS, THIS BILL CREATES A FRAMEWORK OF PROTECTION FROM UNNECESSARY SEARCHES.

IT WILL ELIMINATE THE FRIGHTENING SPECTER OF BEING FORCED TO SUBMIT TO A STRIP SEARCH AT AN INAPPROPRIATE PLACE AT AN INAPPROPRIATE TIME.

BUT IT WILL PROTECT THE RIGHT OF OUR LAW ENFORCEMENT OFFICERS TO SEARCH THOSE CRIMINALS WHO SHOULD BE SEARCHED.

THE FUNDAMENTAL POINT IS THIS: WE WILL STILL BE ABLE TO STOP VIOLATORS OF THE LAW -- WITHOUT VIOLATING THE LEGAL RIGHTS OF EVERYDAY CITIZENS.

WITH THAT, I WILL SIGN A. 701 INTO LAW.

THANK YOU.