



State of New Jersey

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MEMORANDUM

TO: Col. Joseph R. Fuentes, Superintendent, Division of State Police
All Law Enforcement Chief Executives

FROM: Vaughn L. McKoy, Director

DATE: April 27, 2004

SUBJECT: Revision, Standard DWI Refusal Statement, Effective April 26, 2004

Effective Monday, April 26, 2004, Governor James M. McGreevey signed Assembly Bill No. 2259, First Reprint, into law. This bill amends the penalties for refusing to submit to chemical breath testing, *N.J.S.A.* 39:4-50.4a. The provisions in this bill became effective immediately upon adoption (A2259 [1R], §4).

With the adoption of this bill, it was necessary to have the Chief Administrator of the New Jersey Motor Vehicle Commission (formerly the Director, Division of Motor Vehicles) approve a revised Standard Statement for Operators of a Motor Vehicle, pursuant to *N.J.S.A.* 39:4-50.2(e). The NJMVC Chief Administrator approved that revision to become effective immediately upon the adoption of Assembly Bill No. 2259, First Reprint, into law. A copy of the revised Standard Statement for Operators of a Motor Vehicle is attached. It is also available, in an Adobe Acrobat PDF format, on the Division of Criminal Justice internet website at www.njdcj.org or at www.state.nj.us/lps/dcj, under the heading Attorney General Guidelines, DWI Enforcement, "NJMVC Standard Refusal Statements."

Accordingly, this Letter-Memorandum superceded the Letter-Memorandum dated January 22, 2004 entitled, "New DWI 0.08% *Per Se* Offense, Revised Standard Refusal Statement."



Effective immediately **ALL** law enforcement officers in this State who place a person under arrest for a DWI violation (*N.J.S.A. 39:4-50*) are required to use the attached April 26, 2004 revised Standard Statement.

Officers who place a person under arrest for a CDL/DWI violation (*N.J.S.A. 39:3-10.13*) or operating a vessel while intoxicated (OVWI) violation (*N.J.S.A. 12:7-46*) are to continue to use the Standard Statements for those offenses, as revised effective February 1, 2001.

Please note, however, that the content of the Standard Statements **cannot be altered or changed in any manner**, and **cannot be translated to any other language**.

Police and law enforcement agencies should NOT attempt to contact the Division of Criminal Justice, the Office of the Attorney General or the NJMVC with their inquiries concerning this matter. Questions concerning this revised Standard Statements should be directed to the Police Legal Advisor or other appropriate Assistant Prosecutor in County Prosecutor's Office of your county. State, Bi-State and other Law Enforcement Agencies should contact, respectively, their Deputy Attorney General, General Counsel or designated legal advisor.