

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 815**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

ADOPTED APRIL 4, 2016

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**District 21 (Morris, Somerset and Union)**

**Co-Sponsored by:**

**Assemblywoman Chaparro, Assemblyman Burzichelli, Assemblywomen**

**N.Munoz, Pinkin, Senators Rice, Beck and Greenstein**

**SYNOPSIS**

Concerns Code Blue alert plans to shelter at-risk individuals.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on January 30, 2017, with amendments.

(Sponsorship Updated As Of: 2/14/2017)

1 AN ACT concerning Code Blue alert plans to shelter at-risk  
2 individuals <sup>1</sup>, supplementing chapter 9 of Appendix A of the  
3 Revised Statutes, and amending P.L.1942, c.251<sup>1</sup>.

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

7  
8 1. <sup>1</sup>(New section)<sup>1</sup> As used in this act:

9 “At-risk individual” means an individual living outdoors, on the  
10 streets, in the parks or in poorly insulated settings, and who is at  
11 risk for weather-related exposure and possible death.

12 “Coordinator” means the county emergency management  
13 coordinator appointed pursuant to section 12 of P.L.1953, c.438  
14 (C.App.A:9-42.1).

15 “County governing body” means the board of chosen  
16 freeholders, or in the case of those counties organized pursuant to  
17 the provisions of the “Optional County Charter Law,” P.L.1972,  
18 c.154 (C.40:41A-1 et seq.), the board of chosen freeholders and the  
19 county executive, the county supervisor, or the county manager, as  
20 appropriate.

21  
22 2. <sup>1</sup>(New section)<sup>1</sup> A county governing body, through its office  
23 of emergency management <sup>1</sup>or other appropriate office, agency, or  
24 department<sup>1</sup>, shall establish a <sup>1</sup>**[procedure] plan**<sup>1</sup> for issuing a Code  
25 Blue alert <sup>1</sup>**[to provide notice]**<sup>1</sup> to municipalities, social service  
26 agencies, and non-profit organizations that provide services to at-  
27 risk individuals and are located within the county’s borders. The  
28 county office of emergency management <sup>1</sup>, or appropriate office,  
29 agency, or department,<sup>1</sup> shall coordinate with municipal emergency  
30 management coordinators in municipalities with a documented  
31 homeless population of at least 10<sup>1,1</sup> as noted in the most recent  
32 Annual Point In Time Count<sup>1,1</sup> in developing consistent Code Blue  
33 alert plans throughout the county that provide for emergency  
34 warming centers during implementation of a Code Blue alert plan  
35 <sup>1</sup>**[, which]** <sup>1</sup>. This plan<sup>1</sup> may be carried out by designated volunteer  
36 organizations. Volunteer-organized Code Blue efforts shall receive  
37 cooperation and logistical support from the coordinator, but shall  
38 operate autonomously, provided that they operate <sup>1</sup>**[when]**<sup>1</sup> in  
39 response to an alert and pursuant to the Code Blue alert plan.

40 <sup>1</sup>**[A volunteer organization and its members and volunteers who**  
41 **during implementation of a Code Blue alert plan provide in good**  
42 **faith the services of an emergency warming center to an at-risk**  
43 **individual, or transport an at-risk individual to an emergency**

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SBA committee amendments adopted January 30, 2017.

1 warming center, shall not be liable for any civil damages as a result  
2 of any acts or omissions by those members or volunteers rendering  
3 the services.】<sup>1</sup>

4

5 3. <sup>1</sup>(New section)<sup>1</sup> A coordinator shall declare a Code Blue  
6 alert after evaluating weather forecasts and advisories produced by  
7 the National Weather Service that predict the following weather  
8 conditions in the county within 24 to 48 hours: <sup>1</sup>【a】

9 a.<sup>1</sup> temperatures will reach 25 degrees Fahrenheit or lower  
10 without precipitation <sup>1</sup>【; b) temperatures will reach】 or<sup>1</sup> 32 degrees  
11 Fahrenheit or lower with precipitation; or

12 <sup>1</sup>b.<sup>1</sup> the National Weather Service windchill temperature will be  
13 zero degrees Fahrenheit or less for a period of two hours or more.

14

15 <sup>1</sup>4. Section 20 of P.L.1942, c.251 (C.App.A:9-52) is amended to  
16 read as follows:

17 20. Neither the State nor any political subdivision of the State  
18 under any circumstances, nor the agents, officers, employees,  
19 servants or representatives of the State or any political subdivision  
20 thereof, including all volunteers, in good faith carrying out,  
21 complying with, or attempting to comply with, any order, rule or  
22 regulation promulgated pursuant to the provisions of this act or  
23 performing any authorized service in connection therewith, shall be  
24 liable for any injury or death to persons or damage to property as  
25 the result of any such activity. No person owning, possessing or  
26 managing any real property which has been designated, pursuant to  
27 the provisions of this act or of any order, rule or regulation  
28 promulgated thereunder, as a shelter from destructive operations or  
29 attacks by enemies of the United States, shall be liable in any civil  
30 action for death or injury to any person who, because such real  
31 property has been designated a shelter as aforesaid, enters upon it  
32 solely for the purpose of seeking refuge therein during such  
33 destructive operations or attacks or during civil defense tests  
34 ordered by lawful authority, except where such death or injury is  
35 caused by the willful act of such owner, possessor or manager, or  
36 his agents or employees. The foregoing shall not affect the right of  
37 any person to receive benefits or compensation which may be  
38 specifically provided by the provisions of this or any other State or  
39 Federal Statute, nor shall it affect the right of any person to recover  
40 under the terms of any policy of insurance. The provisions of this  
41 section shall apply but shall not be limited to establishing or  
42 developing a Code Blue alert plan, or implementing, carrying out,  
43 or providing services under a Code Blue alert plan, pursuant to the  
44 provisions of P.L. , c. (C. ) (pending before the Legislature  
45 as this bill).<sup>1</sup>

46 (cf: P.L.1952, c. 14, s.1)

1       <sup>1</sup>**[4.]** 5. (New section)<sup>1</sup> The coordinator, or the coordinator's  
2       designee, shall review weather forecasts from the National Weather  
3       Service on a regular and consistent basis to determine when a Code  
4       Blue alert is warranted.

5

6       <sup>1</sup>**[5.]** 6.<sup>1</sup> This act shall take effect <sup>1</sup>**[**on the first day of the  
7       fourth month following the date of enactment**]** immediately<sup>1</sup>.