

SENATE, No. 3453

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 11, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblyman RALPH R. CAPUTO

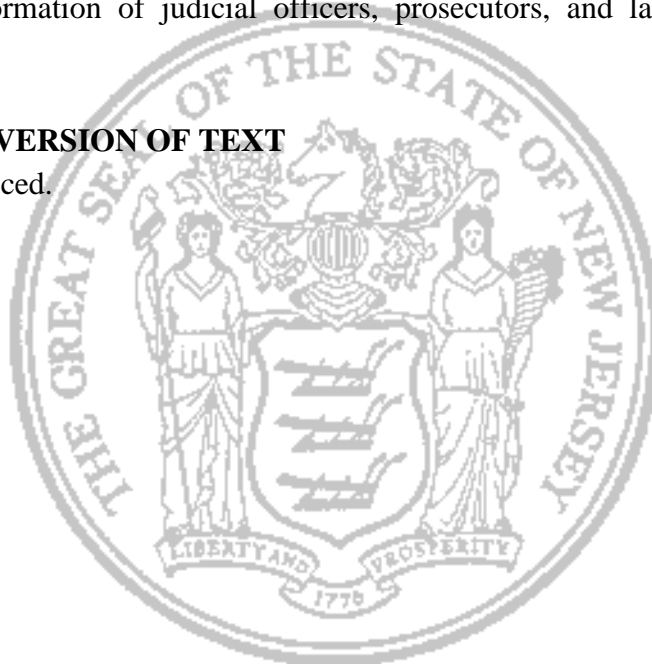
District 28 (Essex)

SYNOPSIS

Amends certain provisions and effective date applicable to disclosure of personal information of judicial officers, prosecutors, and law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT concerning disclosure of certain information with respect to
2 certain public officials and amending various parts of the statutory
3 law.

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

7
8 1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to read
9 as follows:

10 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and
11 supplemented:

12 "Biotechnology" means any technique that uses living organisms,
13 or parts of living organisms, to make or modify products, to improve
14 plants or animals, or to develop micro-organisms for specific uses;
15 including the industrial use of recombinant DNA, cell fusion, and
16 novel bioprocessing techniques.

17 "Custodian of a government record" or "custodian" means in the
18 case of a municipality, the municipal clerk and in the case of any
19 other public agency, the officer officially designated by formal action
20 of that agency's director or governing body, as the case may be.

21 "Government record" or "record" means any paper, written or
22 printed book, document, drawing, map, plan, photograph, microfilm,
23 data processed or image processed document, information stored or
24 maintained electronically or by sound-recording or in a similar
25 device, or any copy thereof, that has been made, maintained or kept
26 on file in the course of his or its official business by any officer,
27 commission, agency or authority of the State or of any political
28 subdivision thereof, including subordinate boards thereof, or that has
29 been received in the course of his or its official business by any such
30 officer, commission, agency, or authority of the State or of any
31 political subdivision thereof, including subordinate boards thereof.
32 The terms shall not include inter-agency or intra-agency advisory,
33 consultative, or deliberative material.

34 A government record shall not include the following information
35 which is deemed to be confidential for the purposes of P.L.1963, c.73
36 (C.47:1A-1 et seq.) as amended and supplemented:

37 information received by a member of the Legislature from a
38 constituent or information held by a member of the Legislature
39 concerning a constituent, including but not limited to information in
40 written form or contained in any e-mail or computer data base, or in
41 any telephone record whatsoever, unless it is information the
42 constituent is required by law to transmit;

43 any memorandum, correspondence, notes, report or other
44 communication prepared by, or for, the specific use of a member of
45 the Legislature in the course of the member's official duties, except

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.

1 that this provision shall not apply to an otherwise publicly-accessible
2 report which is required by law to be submitted to the Legislature or
3 its members;

4 any copy, reproduction or facsimile of any photograph, negative
5 or print, including instant photographs and videotapes of the body, or
6 any portion of the body, of a deceased person, taken by or for the
7 medical examiner at the scene of death or in the course of a post
8 mortem examination or autopsy made by or caused to be made by the
9 medical examiner except:

10 when used in a criminal action or proceeding in this State which
11 relates to the death of that person,

12 for the use as a court of this State permits, by order after good
13 cause has been shown and after written notification of the request for
14 the court order has been served at least five days before the order is
15 made upon the county prosecutor for the county in which the post
16 mortem examination or autopsy occurred,

17 for use in the field of forensic pathology or for use in medical or
18 scientific education or research, or

19 for use by any law enforcement agency in this State or any other
20 state or federal law enforcement agency;

21 criminal investigatory records;

22 victims' records, except that a victim of a crime shall have access
23 to the victim's own records;

24 any written request by a crime victim for a record to which the
25 victim is entitled to access as provided in this section, including, but
26 not limited to, any law enforcement agency report, domestic violence
27 offense report, and temporary or permanent restraining order;

28 personal firearms records, except for use by any person authorized
29 by law to have access to these records or for use by any government
30 agency, including any court or law enforcement agency, for purposes
31 of the administration of justice;

32 personal identifying information received by the Division of Fish
33 and Wildlife in the Department of Environmental Protection in
34 connection with the issuance of any license authorizing hunting with
35 a firearm. For the purposes of this paragraph, personal identifying
36 information shall include, but not be limited to, identity, name,
37 address, social security number, telephone number, fax number,
38 driver's license number, email address, or social media address of any
39 applicant or licensee;

40 trade secrets and proprietary commercial or financial information
41 obtained from any source. For the purposes of this paragraph, trade
42 secrets shall include data processing software obtained by a public
43 body under a licensing agreement which prohibits its disclosure;

44 any record within the attorney-client privilege. This paragraph
45 shall not be construed as exempting from access attorney or
46 consultant bills or invoices except that such bills or invoices may be
47 redacted to remove any information protected by the attorney-client
48 privilege;

1 administrative or technical information regarding computer
2 hardware, software and networks which, if disclosed, would
3 jeopardize computer security;

4 emergency or security information or procedures for any buildings
5 or facility which, if disclosed, would jeopardize security of the
6 building or facility or persons therein;

7 security measures and surveillance techniques which, if disclosed,
8 would create a risk to the safety of persons, property, electronic data
9 or software;

10 information which, if disclosed, would give an advantage to
11 competitors or bidders;

12 information generated by or on behalf of public employers or
13 public employees in connection with any sexual harassment
14 complaint filed with a public employer or with any grievance filed
15 by or against an individual or in connection with collective
16 negotiations, including documents and statements of strategy or
17 negotiating position;

18 information which is a communication between a public agency
19 and its insurance carrier, administrative service organization or risk
20 management office;

21 information which is to be kept confidential pursuant to court
22 order;

23 any copy of form DD-214, NGB-22, or that form, issued by the
24 United States Government, or any other certificate of honorable
25 discharge, or copy thereof, from active service or the reserves of a
26 branch of the Armed Forces of the United States, or from service in
27 the organized militia of the State, that has been filed by an individual
28 with a public agency, except that a veteran or the veteran's spouse or
29 surviving spouse shall have access to the veteran's own records;

30 any copy of an oath of allegiance, oath of office or any affirmation
31 taken upon assuming the duties of any public office, or that oath or
32 affirmation, taken by a current or former officer or employee in any
33 public office or position in this State or in any county or municipality
34 of this State, including members of the Legislative Branch, Executive
35 Branch, Judicial Branch, and all law enforcement entities, except that
36 the full name, title, and oath date of that person contained therein
37 shall not be deemed confidential;

38 that portion of any document which discloses the social security
39 number, credit card number, unlisted telephone number or driver
40 license number of any person, or that portion of any document which
41 discloses the home address, whether a primary or secondary
42 residence, of any active, formerly active, or retired judicial officer or
43 prosecutor, and **【beginning 18 months after the effective date of**
44 **P.L.2020, c.125 (C.56:8-166.2 et al.),】** any active, formerly active,
45 or retired law enforcement officer; except for use by any government
46 agency, including any court or law enforcement agency, in carrying
47 out its functions, or any private person or entity acting on behalf
48 thereof, or any private person or entity seeking to enforce payment
49 of court-ordered child support; except with respect to the disclosure

1 of driver information by the New Jersey Motor Vehicle Commission
2 as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except
3 that a social security number contained in a record required by law to
4 be made, maintained or kept on file by a public agency shall be
5 disclosed when access to the document or disclosure of that
6 information is not otherwise prohibited by State or federal law,
7 regulation or order or by State statute, resolution of either or both
8 houses of the Legislature, Executive Order of the Governor, rule of
9 court or regulation promulgated under the authority of any statute or
10 executive order of the Governor;

11 a list of persons identifying themselves as being in need of special
12 assistance in the event of an emergency maintained by a municipality
13 for public safety purposes pursuant to section 1 of P.L.2017, c.266
14 (C.40:48-2.67); and

15 a list of persons identifying themselves as being in need of special
16 assistance in the event of an emergency maintained by a county for
17 public safety purposes pursuant to section 6 of P.L.2011, c.178
18 (C.App.A:9-43.13).

19 A government record shall not include, with regard to any public
20 institution of higher education, the following information which is
21 deemed to be privileged and confidential:

22 pedagogical, scholarly and/or academic research records and/or
23 the specific details of any research project conducted under the
24 auspices of a public higher education institution in New Jersey,
25 including, but not limited to research, development information,
26 testing procedures, or information regarding test participants, related
27 to the development or testing of any pharmaceutical or
28 pharmaceutical delivery system, except that a custodian may not
29 deny inspection of a government record or part thereof that gives the
30 name, title, expenditures, source and amounts of funding and date
31 when the final project summary of any research will be available;

32 test questions, scoring keys and other examination data pertaining
33 to the administration of an examination for employment or academic
34 examination;

35 records of pursuit of charitable contributions or records containing
36 the identity of a donor of a gift if the donor requires non-disclosure
37 of the donor's identity as a condition of making the gift provided that
38 the donor has not received any benefits of or from the institution of
39 higher education in connection with such gift other than a request for
40 memorialization or dedication;

41 valuable or rare collections of books or documents obtained by
42 gift, grant, bequest or devise conditioned upon limited public access;

43 information contained on individual admission applications; and
44 information concerning student records or grievance or
45 disciplinary proceedings against a student to the extent disclosure
46 would reveal the identity of the student.

47 "Personal firearms record" means any information contained in a
48 background investigation conducted by the chief of police, the county
49 prosecutor, or the Superintendent of State Police, of any applicant for

1 a permit to purchase a handgun, firearms identification card license,
2 or firearms registration; any application for a permit to purchase a
3 handgun, firearms identification card license, or firearms
4 registration; any document reflecting the issuance or denial of a
5 permit to purchase a handgun, firearms identification card license, or
6 firearms registration; and any permit to purchase a handgun, firearms
7 identification card license, or any firearms license, certification,
8 certificate, form of register, or registration statement. For the
9 purposes of this paragraph, information contained in a background
10 investigation shall include, but not be limited to, identity, name,
11 address, social security number, phone number, fax number, driver's
12 license number, email address, social media address of any applicant,
13 licensee, registrant or permit holder.

14 "Public agency" or "agency" means any of the principal
15 departments in the Executive Branch of State Government, and any
16 division, board, bureau, office, commission or other instrumentality
17 within or created by such department; the Legislature of the State and
18 any office, board, bureau or commission within or created by the
19 Legislative Branch; and any independent State authority,
20 commission, instrumentality or agency. The terms also mean any
21 political subdivision of the State or combination of political
22 subdivisions, and any division, board, bureau, office, commission or
23 other instrumentality within or created by a political subdivision of
24 the State or combination of political subdivisions, and any
25 independent authority, commission, instrumentality or agency
26 created by a political subdivision or combination of political
27 subdivisions.

28 "Law enforcement agency" means a public agency, or part thereof,
29 determined by the Attorney General to have law enforcement
30 responsibilities.

31 "Constituent" means any State resident or other person
32 communicating with a member of the Legislature.

33 "Judicial officer" means any active, formerly active, or retired
34 federal, state, county, or municipal judge, including a judge of the
35 Tax Court and any other court of limited jurisdiction established,
36 altered, or abolished by law, a judge of the Office of Administrative
37 Law, a judge of the Division of Workers' Compensation, and any
38 other judge established by law who serves in the executive branch.

39 "Member of the Legislature" means any person elected or selected
40 to serve in the New Jersey Senate or General Assembly.

41 "Criminal investigatory record" means a record which is not
42 required by law to be made, maintained or kept on file that is held by
43 a law enforcement agency which pertains to any criminal
44 investigation or related civil enforcement proceeding.

45 "Victim's record" means an individually-identifiable file or
46 document held by a victims' rights agency which pertains directly to
47 a victim of a crime except that a victim of a crime shall have access
48 to the victim's own records.

1 "Victim of a crime" means a person who has suffered personal or
2 psychological injury or death or incurs loss of or injury to personal
3 or real property as a result of a crime, or if such a person is deceased
4 or incapacitated, a member of that person's immediate family.

5 "Victims' rights agency" means a public agency, or part thereof,
6 the primary responsibility of which is providing services, including
7 but not limited to food, shelter, or clothing, medical, psychiatric,
8 psychological or legal services or referrals, information and referral
9 services, counseling and support services, or financial services to
10 victims of crimes, including victims of sexual assault, domestic
11 violence, violent crime, child endangerment, child abuse or child
12 neglect, and the Victims of Crime Compensation Board, established
13 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the
14 Victims of Crime Compensation Office pursuant to P.L.2007, c.95
15 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
16 (cf: P.L.2020, c.125, s.1)

17
18 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
19 as follows:

20 6. a. The custodian of a government record shall permit the
21 record to be inspected, examined, and copied by any person during
22 regular business hours; or in the case of a municipality having a
23 population of 5,000 or fewer according to the most recent federal
24 decennial census, a board of education having a total district
25 enrollment of 500 or fewer, or a public authority having less than \$10
26 million in assets, during not less than six regular business hours over
27 not less than three business days per week or the entity's regularly-
28 scheduled business hours, whichever is less; unless a government
29 record is exempt from public access by: P.L.1963, c.73 (C.47:1A-1
30 et seq.) as amended and supplemented; any other statute; resolution
31 of either or both houses of the Legislature; regulation promulgated
32 under the authority of any statute or Executive Order of the
33 Governor; Executive Order of the Governor; Rules of Court; any
34 federal law; federal regulation; or federal order. Prior to allowing
35 access to any government record, the custodian thereof shall redact
36 from that record any information which discloses the social security
37 number, credit card number, unlisted telephone number, or driver
38 license number of any person, or the home address, whether a
39 primary or secondary residence, of any active, formerly active, or
40 retired judicial officer or prosecutor, and [beginning 18 months after
41 the effective date of P.L.2020, c.125 (C.56:8-166.2 et al.),] any
42 active, formerly active, or retired law enforcement officer; except for
43 use by any government agency, including any court or law
44 enforcement agency, in carrying out its functions, or any private
45 person or entity acting on behalf thereof, or any private person or
46 entity seeking to enforce payment of court-ordered child support;
47 except with respect to the disclosure of driver information by the
48 New Jersey Motor Vehicle Commission as permitted by section 2 of
49 P.L.1997, c.188 (C.39:2-3.4); and except that a social security

1 number contained in a record required by law to be made, maintained
2 or kept on file by a public agency shall be disclosed when access to
3 the document or disclosure of that information is not otherwise
4 prohibited by State or federal law, regulation or order or by State
5 statute, resolution of either or both houses of the Legislature,
6 Executive Order of the Governor, rule of court or regulation
7 promulgated under the authority of any statute or executive order of
8 the Governor. Except where an agency can demonstrate an emergent
9 need, a regulation that limits access to government records shall not
10 be retroactive in effect or applied to deny a request for access to a
11 government record that is pending before the agency, the council or
12 a court at the time of the adoption of the regulation.

13 b. (1) A copy or copies of a government record may be
14 purchased by any person upon payment of the fee prescribed by law
15 or regulation. Except as otherwise provided by law or regulation and
16 except as provided in paragraph (2) of this subsection, the fee
17 assessed for the duplication of a government record embodied in the
18 form of printed matter shall be \$0.05 per letter size page or smaller,
19 and \$0.07 per legal size page or larger. If a public agency can
20 demonstrate that its actual costs for duplication of a government
21 record exceed the foregoing rates, the public agency shall be
22 permitted to charge the actual cost of duplicating the record. The
23 actual cost of duplicating the record, upon which all copy fees are
24 based, shall be the cost of materials and supplies used to make a copy
25 of the record, but shall not include the cost of labor or other overhead
26 expenses associated with making the copy except as provided for in
27 subsection c. of this section. Access to electronic records and non-
28 printed materials shall be provided free of charge, but the public
29 agency may charge for the actual costs of any needed supplies such
30 as computer discs.

31 (2) No fee shall be charged to a victim of a crime for a copy or
32 copies of a record to which the crime victim is entitled to access, as
33 provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

34 c. Whenever the nature, format, manner of collation, or volume
35 of a government record embodied in the form of printed matter to be
36 inspected, examined, or copied pursuant to this section is such that
37 the record cannot be reproduced by ordinary document copying
38 equipment in ordinary business size or involves an extraordinary
39 expenditure of time and effort to accommodate the request, the public
40 agency may charge, in addition to the actual cost of duplicating the
41 record, a special service charge that shall be reasonable and shall be
42 based upon the actual direct cost of providing the copy or copies;
43 provided, however, that in the case of a municipality, rates for the
44 duplication of particular records when the actual cost of copying
45 exceeds the foregoing rates shall be established in advance by
46 ordinance. The requestor shall have the opportunity to review and
47 object to the charge prior to it being incurred.

48 d. A custodian shall permit access to a government record and
49 provide a copy thereof in the medium requested if the public agency

1 maintains the record in that medium. If the public agency does not
2 maintain the record in the medium requested, the custodian shall
3 either convert the record to the medium requested or provide a copy
4 in some other meaningful medium. If a request is for a record: (1) in
5 a medium not routinely used by the agency; (2) not routinely
6 developed or maintained by an agency; or (3) requiring a substantial
7 amount of manipulation or programming of information technology,
8 the agency may charge, in addition to the actual cost of duplication,
9 a special charge that shall be reasonable and shall be based on the
10 cost for any extensive use of information technology, or for the labor
11 cost of personnel providing the service, that is actually incurred by
12 the agency or attributable to the agency for the programming,
13 clerical, and supervisory assistance required, or both.

14 e. Immediate access ordinarily shall be granted to budgets, bills,
15 vouchers, contracts, including collective negotiations agreements
16 and individual employment contracts, and public employee salary
17 and overtime information.

18 f. The custodian of a public agency shall adopt a form for the
19 use of any person who requests access to a government record held
20 or controlled by the public agency. The form shall provide space for
21 the name, address, and phone number of the requestor and a brief
22 description of the government record sought. The form shall include
23 space for the custodian to indicate which record will be made
24 available, when the record will be available, and the fees to be
25 charged. The form shall also include the following: (1) specific
26 directions and procedures for requesting a record; (2) a statement as
27 to whether prepayment of fees or a deposit is required; (3) the time
28 period within which the public agency is required by P.L.1963, c.73
29 (C.47:1A-1 et seq.) as amended and supplemented, to make the
30 record available; (4) a statement of the requestor's right to challenge
31 a decision by the public agency to deny access and the procedure for
32 filing an appeal; (5) space for the custodian to list reasons if a request
33 is denied in whole or in part; (6) space for the requestor to sign and
34 date the form; (7) space for the custodian to sign and date the form if
35 the request is fulfilled or denied. The custodian may require a deposit
36 against costs for reproducing documents sought through an
37 anonymous request whenever the custodian anticipates that the
38 information thus requested will cost in excess of \$5 to reproduce.

39 g. A request for access to a government record shall be in writing
40 and hand-delivered, mailed, transmitted electronically, or otherwise
41 conveyed to the appropriate custodian. A custodian shall promptly
42 comply with a request to inspect, examine, copy, or provide a copy
43 of a government record. If the custodian is unable to comply with a
44 request for access, the custodian shall indicate the specific basis
45 therefor on the request form and promptly return it to the requestor.
46 The custodian shall sign and date the form and provide the requestor
47 with a copy thereof. If the custodian of a government record asserts
48 that part of a particular record is exempt from public access pursuant
49 to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented,

1 the custodian shall delete or excise from a copy of the record that
2 portion which the custodian asserts is exempt from access and shall
3 promptly permit access to the remainder of the record. If the
4 government record requested is temporarily unavailable because it is
5 in use or in storage, the custodian shall so advise the requestor and
6 shall make arrangements to promptly make available a copy of the
7 record. If a request for access to a government record would
8 substantially disrupt agency operations, the custodian may deny
9 access to the record after attempting to reach a reasonable solution
10 with the requestor that accommodates the interests of the requestor
11 and the agency.

12 h. Any officer or employee of a public agency who receives a
13 request for access to a government record shall forward the request
14 to the custodian of the record or direct the requestor to the custodian
15 of the record.

16 i. (1) Unless a shorter time period is otherwise provided by
17 statute, regulation, or executive order, a custodian of a government
18 record shall grant access to a government record or deny a request
19 for access to a government record as soon as possible, but not later
20 than seven business days after receiving the request, provided that
21 the record is currently available and not in storage or archived. In
22 the event a custodian fails to respond within seven business days after
23 receiving a request, the failure to respond shall be deemed a denial
24 of the request, unless the requestor has elected not to provide a name,
25 address or telephone number, or other means of contacting the
26 requestor. If the requestor has elected not to provide a name, address,
27 or telephone number, or other means of contacting the requestor, the
28 custodian shall not be required to respond until the requestor
29 reappears before the custodian seeking a response to the original
30 request. If the government record is in storage or archived, the
31 requestor shall be so advised within seven business days after the
32 custodian receives the request. The requestor shall be advised by the
33 custodian when the record can be made available. If the record is not
34 made available by that time, access shall be deemed denied.

35 (2) During a period declared pursuant to the laws of this State as
36 a state of emergency, public health emergency, or state of local
37 disaster emergency, the deadlines by which to respond to a request
38 for, or grant or deny access to, a government record under paragraph
39 (1) of this subsection or subsection e. of this section shall not apply,
40 provided, however, that the custodian of a government record shall
41 make a reasonable effort, as the circumstances permit, to respond to
42 a request for access to a government record within seven business
43 days or as soon as possible thereafter.

44 j. A custodian shall post prominently in public view in the part
45 or parts of the office or offices of the custodian that are open to or
46 frequented by the public a statement that sets forth in clear, concise
47 and specific terms the right to appeal a denial of, or failure to provide,
48 access to a government record by any person for inspection,

1 examination, or copying or for purchase of copies thereof and the
2 procedure by which an appeal may be filed.

3 k. The files maintained by the Office of the Public Defender that
4 relate to the handling of any case shall be considered confidential and
5 shall not be open to inspection by any person unless authorized by
6 law, court order, or the State Public Defender.
7 (cf: P.L.2020, c.125, s.2)

8
9 3. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
10 as follows:

11 2. A State or local governmental agency shall not knowingly
12 post or publish on the Internet, or repost, republish, or otherwise
13 make available, the home address or unpublished home telephone
14 number of any active, formerly active, or retired judicial officer, as
15 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or
16 law enforcement officer without first obtaining the written
17 permission of that person.

18 **【The amendatory provisions of this section, enacted by P.L.2020,**
19 **c.125 (C.56:8-166.2 et al.), shall not be operative and enforceable**
20 **with respect to any active, formerly active, or retired law**
21 **enforcement officer until 18 months after the effective date of that**
22 **act; but the provisions of this section, prior to being amended, shall**
23 **remain operative and enforceable with respect to any active or retired**
24 **law enforcement officer during that 18-month period.】**

25 (cf: P.L.2020, c.125, s.4)

26
27 4. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
28 read as follows:

29 1. A person shall not knowingly, with purpose to expose another
30 to harassment or risk of harm to life or property, or in reckless
31 disregard of the probability of such exposure, post or publish on the
32 Internet, or repost, republish, or otherwise make available, the home
33 address or unpublished home telephone number of any active,
34 formerly active, or retired judicial officer, as defined by section 1 of
35 P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement
36 officer, or the spouse or child thereof. A reckless violation of this
37 section is a crime of the fourth degree. A purposeful violation of this
38 section is a crime of the third degree.

39 **【The amendatory provisions of this section, enacted by P.L.2020,**
40 **c.125 (C.56:8-166.2 et al.), shall not be operative and enforceable**
41 **with respect to any active, formerly active, or retired law**
42 **enforcement officer, or the spouse or child thereof, until 18 months**
43 **after the effective date of that act; but the provisions of this section,**
44 **prior to being amended, shall remain operative and enforceable with**
45 **respect to any active or retired law enforcement officer, or the spouse**
46 **or child of a law enforcement officer, during that 18-month period.】**

47 (cf: P.L.2020, c.125, s.5)

1 5. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to
2 read as follows:

3 3. a. A person, business, or association shall not disclose on the
4 Internet, or re-disclose or otherwise make available, the home
5 address or unpublished home telephone number of any active,
6 formerly active, or retired judicial officer, as defined by section 1 of
7 P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement officer
8 under circumstances in which a reasonable person would believe that
9 providing that information would expose another to harassment or
10 risk of harm to life or property.

11 【The amendatory provisions of this section, enacted by P.L.2020,
12 c.125 (C.56:8-166.2 et al.), shall not be operative and enforceable
13 with respect to any active, formerly active, or retired law
14 enforcement officer until 18 months after the effective date of that
15 act; but the provisions of this section, prior to being amended, shall
16 remain operative and enforceable with respect to any active or retired
17 law enforcement officer during that 18-month period.】

18 b. A person, business, or association that violates subsection a.
19 of this section shall be liable to the aggrieved person or any other
20 person residing at the home address of the aggrieved person, who
21 may bring a civil action in the Superior Court.

22 c. The court may award:

23 (1) actual damages, but not less than liquidated damages
24 computed at the rate of \$1,000 for each violation of this act;

25 (2) punitive damages upon proof of willful or reckless disregard
26 of the law;

27 (3) reasonable attorney's fees and other litigation costs
28 reasonably incurred; and

29 (4) any other preliminary and equitable relief as the court
30 determines to be appropriate.

31 d. For the purposes of this section, "disclose" shall mean to
32 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
33 transfer, post, publish, distribute, circulate, disseminate, present,
34 exhibit, advertise or offer.

35 (cf: P.L.2020, c.125, s.6)

36

37 6. Section 7 of P.L.2020, c.125 (C.56:8-166.2) is amended to
38 read as follows:

39 7. a. (1) Any active, formerly active, or retired judicial officer,
40 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or
41 prosecutor, whose home address or unpublished telephone number is
42 disclosed on the Internet, or re-disclosed or otherwise made
43 available, by any person, business, or association, or whose
44 immediate family member's name, home address, or unpublished
45 telephone number is disclosed on the Internet, or re-disclosed or
46 otherwise made available, by any person, business, or association,
47 which in the case of a family member's name or home address may
48 be used, alone or in conjunction with any other information, to
49 identify the person as the family member of a judicial officer or

1 prosecutor, may request that the person, business, or association that
2 disclosed, re-disclosed, or otherwise made available that information
3 refrain from that action and remove the information from the Internet
4 or where otherwise made available.

5 (2) Beginning 18 months after the [effective date] enactment of
6 P.L.2020, c.125 (C.56:8-166.2 et al.), any law enforcement officer
7 whose home address or unpublished home telephone number is
8 disclosed on the Internet, or re-disclosed or otherwise made
9 available, by any person, business, or association, or whose
10 immediate family member's name, home address, or unpublished
11 telephone number is disclosed on the Internet, or re-disclosed or
12 otherwise made available, by any person, business, or association,
13 which in the case of a family member's name or home address may
14 be used, alone or in conjunction with any other information, to
15 identify the person as the family member of a law enforcement
16 officer, may request that the person, business, or association that
17 disclosed, re-disclosed, or otherwise made available that information
18 refrain from that action and remove the information from the Internet
19 or where otherwise made available.

20 For purposes of this section, "immediate family member" shall
21 include a spouse, child, or parent of an active, formerly active, or
22 retired judicial officer, as defined by section 1 of P.L.1995, c.23
23 (C.47:1A-1.1), prosecutor, or law enforcement officer, or any other
24 family member related by blood or by law to the judicial officer,
25 prosecutor, or law enforcement officer who lives in the same
26 residence.

27 b. (1) A request to refrain and remove information pursuant to
28 subsection a. of this section shall be made in writing, addressed to
29 the person, business, or association that disclosed, re-disclosed, or
30 otherwise made available the information, and may be made by the
31 judicial officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-
32 1.1), prosecutor, or law enforcement officer, as appropriate, or by the
33 person's employer with the consent of that person.

34 (2) Upon receipt of a written request to refrain and remove
35 information, the person, business, or association that disclosed, re-
36 disclosed, or otherwise made available the information shall have 72
37 hours to remove that information from the Internet or where
38 otherwise made available, and shall not disclose, re-disclose, or
39 otherwise make available that information to any other person,
40 business, or association through any medium.

41 c. An active, formerly active, or retired judicial officer,
42 prosecutor, or law enforcement officer whose own information, or
43 immediate family member's information, was not timely removed
44 from the Internet or where otherwise made available within 72 hours
45 by a person, business, or association following receipt of a written
46 request to refrain and remove that information, or the person,
47 business, or association re-discloses on the Internet or otherwise
48 makes available the same information at any time subsequent to
49 receipt of the written request, may bring an action seeking injunctive

1 or declaratory relief in the Superior Court. If the court grants
2 injunctive or declaratory relief, the person, business, or association
3 responsible for the violation shall be required to pay reasonable
4 attorney's fees and other litigation costs reasonably incurred by the
5 judicial officer, prosecutor, or law enforcement officer, as
6 appropriate.
7 (cf: P.L.2020, c.125, s.7)

8
9 7. Section 9 of P.L.2020, c.125 is amended to read as follows:

10 9. This act shall take effect **immediately**, but for those
11 provisions of the act which do **on December 10, 2021, except that**
12 **the amendments enacted by P.L.2020, c.125 to section 1 of P.L.1995,**
13 **c.23 (C.47:1A-1.1), section 6 of P.L.2001, c.404 (C.47:1A-5),**
14 **section 2 of P.L.2015, c.226 (C.47:1-17), section 1 of P.L.2015, c.226**
15 **(C.2C:20-31.1), and section 3 of P.L.2015, c.226 (C.56:8-166.1)**
16 **concerning law enforcement officers shall not become operative**
17 **and or enforceable with respect to law enforcement officers** until
18 18 months **after the effective date, any** thereafter, and except that
19 **section 7 of P.L.2020, c.125 (C.56:8-166.2) shall take effect**
20 **immediately.** Any anticipatory administrative action may be taken
21 in advance of the operative date **of any provision of P.L.2020, c.125**
22 that is necessary for the implementation of those provisions.

23
24 8. Any regulations or amendments to regulations necessary to
25 effectuate the purposes of this act, P.L. , c. (pending before the
26 Legislature as this bill), or of P.L.2020, c.125 shall be effective
27 immediately upon filing with the Office of Administrative Law for a
28 period not to exceed 30 months, and may, thereafter, be amended,
29 adopted, or readopted in accordance with the provisions of the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.).

32
33 9. This act shall take effect immediately and shall be retroactive
34 to November 20, 2020.

35
36
37 STATEMENT

38
39 This bill amends certain provisions and the effective date
40 applicable to disclosure of personal information of judicial officers,
41 prosecutors, and law enforcement officers.

42 This bill changes to December 10, 2021 the effective date of
43 certain provisions of P.L.2020, c.125, known as "Daniel's Law,"
44 applicable to any active, formerly active, or retired judicial officer or
45 prosecutor. That law prohibited the disclosure by both governmental
46 entities and private parties, of the home addresses of any active,
47 formerly active, or retired federal, State, county, or municipal
48 judicial officer, prosecutor, or law enforcement officer. The

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1 provisions applicable to law enforcement officers take effect 18
2 months after the effective date applicable to the provisions governing
3 judges and prosecutors.

4 This bill does not change the effective date of the section of law
5 permitting any active, formerly active, or retired judicial officer or
6 prosecutor, or their immediate family member, whose home address
7 or unpublished home telephone number is disclosed or re-disclosed
8 on the Internet, or otherwise made available, by any person, business,
9 or association to request removal or redaction of that information.
10 The request must be honored within 72 hours.