

[Third Reprint]

ASSEMBLY, No. 1649

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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Assemblywoman YVONNE LOPEZ

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SYNOPSIS

“Daniel’s Law”; prohibits disclosure of certain personal information of active, formerly active, and retired judicial officers, prosecutors, and law enforcement officers, and their family members; establishes crime and civil action for disclosing such information.

CURRENT VERSION OF TEXT

As amended by the Senate on October 29, 2020.

(Sponsorship Updated As Of: 11/16/2020)

1 AN ACT prohibiting disclosure of certain information regarding
 2 ²**[certain]**² ¹**[judges]** ²**[law enforcement officers,]** active,
 3 formerly active, and retired² judicial officers ²**[and]** ²
 4 prosecutors ¹, ²**[designated as Daniel's Law]** and law
 5 enforcement officers, as well as disclosure of certain information
 6 about their family members under certain circumstances² ¹,
 7 ³designated as "Daniel's Law,"³ and amending ¹P.L.1995, c.23,
 8 P.L.2001, c.404, and ²amending² the title and body of¹ ², and
 9 supplementing² P.L.2015, c.226 ²**[**¹, and supplementing Title
 10 47 of the Revised Statutes¹**]**².

11
 12 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 13 *of New Jersey:*

14
 15 ¹1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
 16 read as follows:

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

19 "Biotechnology" means any technique that uses living
 20 organisms, or parts of living organisms, to make or modify
 21 products, to improve plants or animals, or to develop micro-
 22 organisms for specific uses; including the industrial use of
 23 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

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

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:

¹Assembly AAP committee amendments adopted September 17, 2020.

²Senate SJU committee amendments adopted October 22, 2020.

³Senate floor amendments adopted October 29, 2020.

1 A government record shall not include the following information
2 which is deemed to be confidential for the purposes of P.L.1963,
3 c.73 (C.47:1A-1 et seq.) as amended and supplemented:
4 information received by a member of the Legislature from a
5 constituent or information held by a member of the Legislature
6 concerning a constituent, including but not limited to information in
7 written form or contained in any e-mail or computer data base, or in
8 any telephone record whatsoever, unless it is information the
9 constituent is required by law to transmit;
10 any memorandum, correspondence, notes, report or other
11 communication prepared by, or for, the specific use of a member of
12 the Legislature in the course of the member's official duties, except
13 that this provision shall not apply to an otherwise publicly-
14 accessible report which is required by law to be submitted to the
15 Legislature or its members;
16 any copy, reproduction or facsimile of any photograph, negative
17 or print, including instant photographs and videotapes of the body,
18 or any portion of the body, of a deceased person, taken by or for the
19 medical examiner at the scene of death or in the course of a post
20 mortem examination or autopsy made by or caused to be made by
21 the medical examiner except:
22 when used in a criminal action or proceeding in this State which
23 relates to the death of that person,
24 for the use as a court of this State permits, by order after good
25 cause has been shown and after written notification of the request
26 for the court order has been served at least five days before the
27 order is made upon the county prosecutor for the county in which
28 the post mortem examination or autopsy occurred,
29 for use in the field of forensic pathology or for use in medical or
30 scientific education or research, or
31 for use by any law enforcement agency in this State or any other
32 state or federal law enforcement agency;
33 criminal investigatory records;
34 victims' records, except that a victim of a crime shall have access
35 to the victim's own records;
36 any written request by a crime victim for a record to which the
37 victim is entitled to access as provided in this section, including,
38 but not limited to, any law enforcement agency report, domestic
39 violence offense report, and temporary or permanent restraining
40 order;
41 personal firearms records, except for use by any person
42 authorized by law to have access to these records or for use by any
43 government agency, including any court or law enforcement
44 agency, for purposes of the administration of justice;
45 personal identifying information received by the Division of Fish
46 and Wildlife in the Department of Environmental Protection in
47 connection with the issuance of any license authorizing hunting
48 with a firearm. For the purposes of this paragraph, personal

1 identifying information shall include, but not be limited to, identity,
2 name, address, social security number, telephone number, fax
3 number, driver's license number, email address, or social media
4 address of any applicant or licensee;
5 trade secrets and proprietary commercial or financial information
6 obtained from any source. For the purposes of this paragraph, trade
7 secrets shall include data processing software obtained by a public
8 body under a licensing agreement which prohibits its disclosure;
9 any record within the attorney-client privilege. This paragraph
10 shall not be construed as exempting from access attorney or
11 consultant bills or invoices except that such bills or invoices may be
12 redacted to remove any information protected by the attorney-client
13 privilege;
14 administrative or technical information regarding computer
15 hardware, software and networks which, if disclosed, would
16 jeopardize computer security;
17 emergency or security information or procedures for any
18 buildings or facility which, if disclosed, would jeopardize security
19 of the building or facility or persons therein;
20 security measures and surveillance techniques which, if
21 disclosed, would create a risk to the safety of persons, property,
22 electronic data or software;
23 information which, if disclosed, would give an advantage to
24 competitors or bidders;
25 information generated by or on behalf of public employers or
26 public employees in connection with any sexual harassment
27 complaint filed with a public employer or with any grievance filed
28 by or against an individual or in connection with collective
29 negotiations, including documents and statements of strategy or
30 negotiating position;
31 information which is a communication between a public agency
32 and its insurance carrier, administrative service organization or risk
33 management office;
34 information which is to be kept confidential pursuant to court
35 order;
36 any copy of form DD-214, NGB-22, or that form, issued by the
37 United States Government, or any other certificate of honorable
38 discharge, or copy thereof, from active service or the reserves of a
39 branch of the Armed Forces of the United States, or from service in
40 the organized militia of the State, that has been filed by an
41 individual with a public agency, except that a veteran or the
42 veteran's spouse or surviving spouse shall have access to the
43 veteran's own records;
44 any copy of an oath of allegiance, oath of office or any
45 affirmation taken upon assuming the duties of any public office, or
46 that oath or affirmation, taken by a current or former officer or
47 employee in any public office or position in this State or in any
48 county or municipality of this State, including members of the

1 Legislative Branch, Executive Branch, Judicial Branch, and all law
2 enforcement entities, except that the full name, title, and oath date
3 of that person contained therein shall not be deemed confidential;

4 that portion of any document which discloses the social security
5 number, credit card number, unlisted telephone number or driver
6 license number of any person, or that portion of any document
7 which discloses the home address, whether a primary or secondary
8 residence, of any active ², formerly active,² or retired ²judicial
9 officer or prosecutor, and beginning 18 months after the effective
10 date of P.L. , c. (C.) (pending before the Legislature as this
11 bill), any active, formerly active, or retired² law enforcement
12 officer ², active or retired federal, State, or municipal judicial
13 officer, or active or retired federal, State, county or municipal
14 prosecutor²; except for use by any government agency, including
15 any court or law enforcement agency, in carrying out its functions,
16 or any private person or entity acting on behalf thereof, or any
17 private person or entity seeking to enforce payment of court-ordered
18 child support; except with respect to the disclosure of driver
19 information by the New Jersey Motor Vehicle Commission as
20 permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except
21 that a social security number contained in a record required by law
22 to be made, maintained or kept on file by a public agency shall be
23 disclosed when access to the document or disclosure of that
24 information is not otherwise prohibited by State or federal law,
25 regulation or order or by State statute, resolution of either or both
26 houses of the Legislature, Executive Order of the Governor, rule of
27 court or regulation promulgated under the authority of any statute or
28 executive order of the Governor;

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

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

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

40 pedagogical, scholarly and/or academic research records and/or
41 the specific details of any research project conducted under the
42 auspices of a public higher education institution in New Jersey,
43 including, but not limited to research, development information,
44 testing procedures, or information regarding test participants,
45 related to the development or testing of any pharmaceutical or
46 pharmaceutical delivery system, except that a custodian may not
47 deny inspection of a government record or part thereof that gives
48 the name, title, expenditures, source and amounts of funding and

1 date when the final project summary of any research will be
2 available;

3 test questions, scoring keys and other examination data
4 pertaining to the administration of an examination for employment
5 or academic examination;

6 records of pursuit of charitable contributions or records
7 containing the identity of a donor of a gift if the donor requires non-
8 disclosure of the donor's identity as a condition of making the gift
9 provided that the donor has not received any benefits of or from the
10 institution of higher education in connection with such gift other
11 than a request for memorialization or dedication;

12 valuable or rare collections of books **【and/or】** or documents
13 obtained by gift, grant, bequest or devise conditioned upon limited
14 public access;

15 information contained on individual admission applications; and
16 information concerning student records or grievance or
17 disciplinary proceedings against a student to the extent disclosure
18 would reveal the identity of the student.

19 "Personal firearms record" means any information contained in a
20 background investigation conducted by the chief of police, the
21 county prosecutor, or the Superintendent of State Police, of any
22 applicant for a permit to purchase a handgun, firearms identification
23 card license, or firearms registration; any application for a permit to
24 purchase a handgun, firearms identification card license, or firearms
25 registration; any document reflecting the issuance or denial of a
26 permit to purchase a handgun, firearms identification card license,
27 or firearms registration; and any permit to purchase a handgun,
28 firearms identification card license, or any firearms license,
29 certification, certificate, form of register, or registration statement.
30 For the purposes of this paragraph, information contained in a
31 background investigation shall include, but not be limited to,
32 identity, name, address, social security number, phone number, fax
33 number, driver's license number, email address, social media
34 address of any applicant, licensee, registrant or permit holder.

35 "Public agency" or "agency" means any of the principal
36 departments in the Executive Branch of State Government, and any
37 division, board, bureau, office, commission or other instrumentality
38 within or created by such department; the Legislature of the State
39 and any office, board, bureau or commission within or created by
40 the Legislative Branch; and any independent State authority,
41 commission, instrumentality or agency. The terms also mean any
42 political subdivision of the State or combination of political
43 subdivisions, and any division, board, bureau, office, commission or
44 other instrumentality within or created by a political subdivision of
45 the State or combination of political subdivisions, and any
46 independent authority, commission, instrumentality or agency
47 created by a political subdivision or combination of political
48 subdivisions.

1 "Law enforcement agency" means a public agency, or part
2 thereof, determined by the Attorney General to have law
3 enforcement responsibilities.

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

6 "Judicial officer" means ²[the Chief Justice or an Associate
7 Justice of the United States Supreme Court, a judge of the United
8 States Court of Appeals, a judge of a federal district court,
9 including a magistrate judge, a judge of]² any ²[other court
10 established by federal law, the Chief Justice or an Associate Justice
11 of the New Jersey Supreme Court, a] active, formerly active, or
12 retired federal, state, county, or municipal² judge ²[of the Superior
13 Court]² , ²including² a judge of the Tax Court ²[, a judge of a
14 municipal court] and any other court of limited jurisdiction
15 established, altered, or abolished by law² , a judge of the Office of
16 Administrative Law, a judge of the Division of Workers'
17 Compensation, ²[or a] and any other² judge ²[of any other court or
18 who handles proceedings] established by law who serves² in the
19 executive branch ²[of the State government or a local government
20 established by State law]² .

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

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

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

31 "Victim of a crime" means a person who has suffered personal or
32 psychological injury or death or incurs loss of or injury to personal
33 or real property as a result of a crime, or if such a person is
34 deceased or incapacitated, a member of that person's immediate
35 family.

36 "Victims' rights agency" means a public agency, or part thereof,
37 the primary responsibility of which is providing services, including
38 but not limited to food, shelter, or clothing, medical, psychiatric,
39 psychological or legal services or referrals, information and referral
40 services, counseling and support services, or financial services to
41 victims of crimes, including victims of sexual assault, domestic
42 violence, violent crime, child endangerment, child abuse or child
43 neglect, and the Victims of Crime Compensation Board, established
44 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
45 the Victims of Crime Compensation Office pursuant to P.L.2007,
46 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.¹
47 (cf: P.L.2019, c.255, s.4)

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

3 6. a. The custodian of a government record shall permit the
4 record to be inspected, examined, and copied by any person during
5 regular business hours; or in the case of a municipality having a
6 population of 5,000 or fewer according to the most recent federal
7 decennial census, a board of education having a total district
8 enrollment of 500 or fewer, or a public authority having less than
9 \$10 million in assets, during not less than six regular business hours
10 over not less than three business days per week or the entity's
11 regularly-scheduled business hours, whichever is less; unless a
12 government record is exempt from public access by: P.L.1963, c.73
13 (C.47:1A-1 et seq.) as amended and supplemented; any other
14 statute; resolution of either or both houses of the Legislature;
15 regulation promulgated under the authority of any statute or
16 Executive Order of the Governor; Executive Order of the Governor;
17 Rules of Court; any federal law; federal regulation; or federal order.
18 Prior to allowing access to any government record, the custodian
19 thereof shall redact from that record any information which
20 discloses the social security number, credit card number, unlisted
21 telephone number, or driver license number of any person, or the
22 home address, whether a primary or secondary residence, of any
23 active ², formerly active,² or retired ²judicial officer or prosecutor,
24 and beginning 18 months after the effective date of P.L. _____,
25 c. (C. _____) (pending before the Legislature as this bill), any active,
26 formerly active, or retired² law enforcement officer ²[, active or
27 retired federal, State, or municipal judicial officer, or active or
28 retired federal, State, county, or municipal prosecutor]²; except for
29 use by any government agency, including any court or law
30 enforcement agency, in carrying out its functions, or any private
31 person or entity acting on behalf thereof, or any private person or
32 entity seeking to enforce payment of court-ordered child support;
33 except with respect to the disclosure of driver information by the
34 New Jersey Motor Vehicle Commission as permitted by section 2 of
35 P.L.1997, c.188 (C.39:2-3.4); and except that a social security
36 number contained in a record required by law to be made,
37 maintained or kept on file by a public agency shall be disclosed
38 when access to the document or disclosure of that information is not
39 otherwise prohibited by State or federal law, regulation or order or
40 by State statute, resolution of either or both houses of the
41 Legislature, Executive Order of the Governor, rule of court or
42 regulation promulgated under the authority of any statute or
43 executive order of the Governor. Except where an agency can
44 demonstrate an emergent need, a regulation that limits access to
45 government records shall not be retroactive in effect or applied to
46 deny a request for access to a government record that is pending
47 before the agency, the council or a court at the time of the adoption
48 of the regulation.

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

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

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

37 d. A custodian shall permit access to a government record and
38 provide a copy thereof in the medium requested if the public agency
39 maintains the record in that medium. If the public agency does not
40 maintain the record in the medium requested, the custodian shall
41 either convert the record to the medium requested or provide a copy
42 in some other meaningful medium. If a request is for a record: (1)
43 in a medium not routinely used by the agency; (2) not routinely
44 developed or maintained by an agency; or (3) requiring a substantial
45 amount of manipulation or programming of information technology,
46 the agency may charge, in addition to the actual cost of duplication,
47 a special charge that shall be reasonable and shall be based on the
48 cost for any extensive use of information technology, or for the

- 1 labor cost of personnel providing the service, that is actually
2 incurred by the agency or attributable to the agency for the
3 programming, clerical, and supervisory assistance required, or both.
- 4 e. Immediate access ordinarily shall be granted to budgets,
5 bills, vouchers, contracts, including collective negotiations
6 agreements and individual employment contracts, and public
7 employee salary and overtime information.
- 8 f. The custodian of a public agency shall adopt a form for the
9 use of any person who requests access to a government record held
10 or controlled by the public agency. The form shall provide space
11 for the name, address, and phone number of the requestor and a
12 brief description of the government record sought. The form shall
13 include space for the custodian to indicate which record will be
14 made available, when the record will be available, and the fees to be
15 charged. The form shall also include the following: (1) specific
16 directions and procedures for requesting a record; (2) a statement as
17 to whether prepayment of fees or a deposit is required; (3) the time
18 period within which the public agency is required by P.L.1963, c.73
19 (C.47:1A-1 et seq.) as amended and supplemented, to make the
20 record available; (4) a statement of the requestor's right to challenge
21 a decision by the public agency to deny access and the procedure
22 for filing an appeal; (5) space for the custodian to list reasons if a
23 request is denied in whole or in part; (6) space for the requestor to
24 sign and date the form; (7) space for the custodian to sign and date
25 the form if the request is fulfilled or denied. The custodian may
26 require a deposit against costs for reproducing documents sought
27 through an anonymous request whenever the custodian anticipates
28 that the information thus requested will cost in excess of \$5 to
29 reproduce.
- 30 g. A request for access to a government record shall be in
31 writing and hand-delivered, mailed, transmitted electronically, or
32 otherwise conveyed to the appropriate custodian. A custodian shall
33 promptly comply with a request to inspect, examine, copy, or
34 provide a copy of a government record. If the custodian is unable
35 to comply with a request for access, the custodian shall indicate the
36 specific basis therefor on the request form and promptly return it to
37 the requestor. The custodian shall sign and date the form and
38 provide the requestor with a copy thereof. If the custodian of a
39 government record asserts that part of a particular record is exempt
40 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
41 as amended and supplemented, the custodian shall delete or excise
42 from a copy of the record that portion which the custodian asserts is
43 exempt from access and shall promptly permit access to the
44 remainder of the record. If the government record requested is
45 temporarily unavailable because it is in use or in storage, the
46 custodian shall so advise the requestor and shall make arrangements
47 to promptly make available a copy of the record. If a request for
48 access to a government record would substantially disrupt agency

1 operations, the custodian may deny access to the record after
2 attempting to reach a reasonable solution with the requestor that
3 accommodates the interests of the requestor and the agency.

4 h. Any officer or employee of a public agency who receives a
5 request for access to a government record shall forward the request
6 to the custodian of the record or direct the requestor to the
7 custodian of the record.

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

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

37 j. A custodian shall post prominently in public view in the part
38 or parts of the office or offices of the custodian that are open to or
39 frequented by the public a statement that sets forth in clear, concise
40 and specific terms the right to appeal a denial of, or failure to
41 provide, access to a government record by any person for
42 inspection, examination, or copying or for purchase of copies
43 thereof and the procedure by which an appeal may be filed.

44 k. The files maintained by the Office of the Public Defender
45 that relate to the handling of any case shall be considered
46 confidential and shall not be open to inspection by any person
47 unless authorized by law, court order, or the State Public Defender.¹
48 (cf: P.L.2020, c.10, s.1)

1 ¹3. The title of P.L.2015, c.226 is amended to read as follows:

2 **AN ACT** concerning certain information regarding **law**
3 **enforcement]** certain public officers and supplementing Title 2C
4 of the New Jersey Statutes and Titles 47 and 56 of the Revised
5 Statutes.¹

6 (cf: P.L.2015, c.226, title)

7
8 ¹**[2.] 4.**¹ Section 2 of P.L.2015, c.226 (C.47:1-17) is amended
9 to read as follows:

10 2. A State or local governmental agency shall not knowingly
11 post or publish on the Internet ², or repost, republish, or otherwise
12 make available,² the home address or unpublished home telephone
13 number of any active ², formerly active,² or retired ²judicial officer,
14 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor,
15 or² law enforcement officer [or law enforcement officer] ²**[,]**²
16 ¹**[judge of any court of law of this State, or State, county]** ²**[any**
17 active or retired federal, State, or municipal judicial officer, as
18 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1)]¹ , or
19 ¹**[municipal]** any active or retired federal, State, county or
20 municipal¹ prosecutor]² without first obtaining the written
21 permission of that **law enforcement officer or retired law**
22 **enforcement officer]** ²**[individual]** person².

23 ²The amendatory provisions of this section, enacted by
24 P.L. , c. (C.) (pending before the Legislature as this bill),
25 shall not be operative and enforceable with respect to any active,
26 formerly active, or retired law enforcement officer until 18 months
27 after the effective date of that act; but the provisions of this section,
28 prior to being amended, shall remain operative and enforceable with
29 respect to any active or retired law enforcement officer during that
30 18-month period.²

31 (cf: P.L.2015, c.226, s.2)

32
33 ¹**[1] 5.**¹ Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is
34 amended to read as follows:

35 1. A person shall not knowingly, with purpose to expose
36 another to harassment or risk of harm to life or property, or in
37 reckless disregard of the probability of such exposure, post or
38 publish on the Internet ², or repost, republish, or otherwise make
39 available,² the home address or unpublished home telephone
40 number of any active ², formerly active,² or retired ²judicial officer,
41 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor,
42 or² law enforcement officer, [law enforcement officer] ¹**[judge of**
43 any court of law of this State, or] ²**[any active or retired federal,**
44 State, or municipal judicial officer, as defined by section 1 of
45 P.L.1995, c.23 (C.47:1A-1.1), or any active or retired federal,¹

1 State, county or municipal prosecutor,]² or the spouse or child [of
 2 a law enforcement officer] thereof. A reckless violation of this
 3 section is a crime of the fourth degree. A purposeful violation of
 4 this section is a crime of the third degree.

5 ²The amendatory provisions of this section, enacted by
 6 P.L. , c. (C.) (pending before the Legislature as this bill),
 7 shall not be operative and enforceable with respect to any active,
 8 formerly active, or retired law enforcement officer, or the spouse or
 9 child thereof, until 18 months after the effective date of that act; but
 10 the provisions of this section, prior to being amended, shall remain
 11 operative and enforceable with respect to any active or retired law
 12 enforcement officer, or the spouse or child of a law enforcement
 13 officer, during that 18-month period.²

14 (cf: P.L.2015, c.226, s.1)

15
 16 ¹[3.] 6.¹ Section 3 of P.L.2015, c.226 (C.56:8-166.1) is
 17 amended to read as follows:

18 3. a. A person, business, or association shall not disclose on
 19 the Internet ², or re-disclose or otherwise make available,² the home
 20 address or unpublished home telephone number of [a law
 21 enforcement officer or] ²[an] any² active², formerly active,² or
 22 retired² judicial officer, as defined by section 1 of P.L.1995, c.23
 23 (C.47:1A-1.1), prosecutor, or² law enforcement officer ²[.]²
 24 ¹[judge of any court of law of this State, or] ²[an active or retired
 25 federal, State, or municipal judicial officer, as defined by section 1
 26 of P.L.1995, c.23 (C.47:1A-1.1), or an active or retired federal,¹
 27 State, county or municipal prosecutor]² under circumstances in
 28 which a reasonable person would believe that providing that
 29 information would expose another to harassment or risk of harm to
 30 life or property.

31 ²The amendatory provisions of this section, enacted by
 32 P.L. , c. (C.) (pending before the Legislature as this bill),
 33 shall not be operative and enforceable with respect to any active,
 34 formerly active, or retired law enforcement officer until 18 months
 35 after the effective date of that act; but the provisions of this section,
 36 prior to being amended, shall remain operative and enforceable with
 37 respect to any active or retired law enforcement officer during that
 38 18-month period.²

39 b. A person, business, or association that violates subsection a.
 40 of this section shall be liable to the [law enforcement officer,]
 41 ¹[active or retired law enforcement officer, judge of any court of
 42 law of this State, or State, county, or municipal prosecutor, or any
 43 other person residing at the home address of the [law enforcement
 44 officer] active or retired law enforcement officer, judge of any
 45 court of law of this State, or State, county, or municipal
 46 prosecutor.] aggrieved person^{1 2} or any other person residing at the

1 home address of the aggrieved person,² who may bring a civil
2 action in the Superior Court.

3 c. The court may award:

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

6 (2) punitive damages upon proof of willful or reckless disregard
7 of the law;

8 (3) reasonable attorney's fees and other litigation costs
9 reasonably incurred; and

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

12 d. For the purposes of this section, "disclose" shall mean to
13 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
14 transfer, ²post, ²publish, distribute, circulate, disseminate, present,
15 exhibit, advertise or offer.

16 (cf: P.L.2015, c.226, s.3)

17
18 ¹7. (New section) a. ²(1) **Any**² active², formerly active,²
19 or retired ²**law enforcement officer, an active or retired federal,**
20 **State, or municipal**² judicial officer, as defined by section 1 of
21 P.L.1995, c.23 (C.47:1A-1.1), or ²**active or retired federal, State,**
22 **county or municipal**² prosecutor^{2,2} whose home address or
23 unpublished telephone number² is disclosed on the Internet, or re-
24 disclosed or otherwise made available, by any person, business, or
25 association,² or whose immediate family member's name, home
26 address^{2,2} or unpublished telephone number is disclosed on the
27 Internet², or re-disclosed or otherwise made available,² by any
28 person, business, or association², which in the case of a family
29 member's name or home address may be used, alone or in
30 conjunction with any other information, to identify the person as the
31 family member of a judicial officer or prosecutor,² may request that
32 the person, business, or association that disclosed², re-disclosed, or
33 otherwise made available² that information refrain from² **[such**
34 **disclosure]** that action² and remove² **[that]** the² information from
35 the Internet² or where otherwise made available.

36 (2) Beginning 18 months after the effective date of
37 P.L. , c. (C.) (pending before the Legislature as this bill),
38 any law enforcement officer whose home address or unpublished
39 home telephone number is disclosed on the Internet, or re-disclosed
40 or otherwise made available, by any person, business, or
41 association, or whose immediate family member's name, home
42 address, or unpublished telephone number is disclosed on the
43 Internet, or re-disclosed or otherwise made available, by any
44 person, business, or association, which in the case of a family
45 member's name or home address may be used, alone or in
46 conjunction with any other information, to identify the person as the

1 family member of a law enforcement officer, may request that the
 2 person, business, or association that disclosed, re-disclosed, or
 3 otherwise made available that information refrain from that action
 4 and remove the information from the Internet or where otherwise
 5 made available.

6 For purposes of this section, “immediate family member” shall
 7 include a spouse, child, or parent of an active, formerly active, or
 8 retired judicial officer, as defined by section 1 of P.L.1995, c.23
 9 (C.47:1A-1.1), prosecutor, or law enforcement officer, or any other
 10 family member related by blood or by law to the judicial officer,
 11 prosecutor, or law enforcement officer who lives in the same
 12 residence².

13 b. ²(1)² A request to refrain ²【from disclosure】² and remove
 14 information ²【from the Internet】² pursuant to subsection a. of this
 15 section shall be made in writing, addressed to the person, business,
 16 or association that disclosed ², re-disclosed, or otherwise made
 17 available² the information, and may be made by the ²【law
 18 enforcement officer, the federal, State, or municipal】² judicial
 19 officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),
 20 ²【or the federal, State, county or municipal】² prosecutor, ²or law
 21 enforcement officer,² as appropriate, or by the ²person’s² employer
 22 ²【of the law enforcement officer, judicial officer or prosecutor】²
 23 with the consent of that ²【individual】 person².

24 ²【c.】 (2)² Upon receipt of a written request to refrain ²【from
 25 disclosure】² and remove information ²【from the Internet pursuant
 26 to this section】², the person, business ²,² or association that ²【made
 27 such disclosure】 disclosed, re-disclosed, or otherwise made
 28 available the information² shall have 72 hours to remove that
 29 information from the Internet ²or where otherwise made available,²
 30 and shall not disclose ², re-disclose, or otherwise make available²
 31 that information to any other person, business, or association
 32 through any medium.

33 ²【d.】 c.² An active ², formerly active,² or retired ²【law
 34 enforcement officer, an active or retired federal, State, or
 35 municipal】² judicial officer, ²【as defined by section 1 of P.L.1995,
 36 c.23 (C.47:1A-1.1), or an active or retired federal, State, county, or
 37 municipal】² prosecutor ², or law enforcement officer² whose
 38 ²【home address or unpublished telephone number】 own
 39 information,² or ²【whose】² immediate family member’s ²【name,
 40 home address or unpublished telephone number】 information,² was
 41 not timely removed from the Internet ²【in violation of the
 42 provisions of subsection c. of this section or was disclosed on the
 43 Internet subsequent to】 or where otherwise made available within
 44 72 hours by a person, business, or association following² receipt of
 45 a ²written² request ²【pursuant to subsection b. of this section】 to

1 refrain and remove that information, or the person, business, or
 2 association re-discloses on the Internet or otherwise makes
 3 available the same information at any time subsequent to receipt of
 4 the written request,² may bring an action seeking injunctive or
 5 declaratory relief in the Superior Court. If the court grants
 6 injunctive or declaratory relief, the person, business, or association
 7 responsible for the violation shall be required to pay reasonable
 8 attorney's fees and other litigation costs reasonably incurred by the
 9 ²[law enforcement officer,]² judicial officer, ²[or] ,² prosecutor,
 10 ²or law enforcement officer,² as appropriate.

11 ²[e. For purposes of this section, "immediate family member"
 12 shall include a spouse, child or parent of a law enforcement officer,
 13 a judicial officer, as defined by section 1 of P.L.1995, c.23
 14 (C.47:1A-1.1), or a federal, State, county, or municipal prosecutor,
 15 or any blood relative of a law enforcement officer, a judicial officer
 16 or a prosecutor or of that individual's spouse who lives in the same
 17 residence as the law enforcement officer, judicial officer or
 18 prosecutor.¹]²

19
 20 ¹8. (New section) This act shall be liberally construed in order
 21 to accomplish its purpose and the public policy of this State, which
 22 is to enhance the safety and security of certain public officials in the
 23 justice system, including ²[law enforcement officers,]² judicial
 24 officers ²[and] ,² prosecutors ², and law enforcement officers,² who
 25 served or have served the people of New Jersey, and the immediate
 26 family members of these individuals, to foster the ability of these
 27 public servants who perform critical roles in the justice system to
 28 carry out their official duties without fear of personal reprisal from
 29 affected individuals related to the performance of their public
 30 functions.¹

31
 32 ²[¹9. (New section) If any section, subsection, clause, sentence,
 33 paragraph, or part of this act, P.L. , c. (pending before the
 34 Legislature as this bill), or the application thereof to any person or
 35 circumstances, shall, for any reason, be adjudged by a court of
 36 competent jurisdiction to be invalid, such judgment shall not affect,
 37 impair, or invalidate the remainder of this act, P.L. , c. (pending
 38 before the Legislature as this bill).¹]²

39
 40 ¹[4.] ²[^{10.}¹] 9.² This act shall take effect immediately ², but for
 41 those provisions of the act which do not become operative and
 42 enforceable with respect to law enforcement officers until 18
 43 months after the effective date, any anticipatory administrative
 44 action may be taken in advance of the operative date that is
 45 necessary for the implementation of those provisions².