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FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

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CL/JA

P.L. 2023, CHAPTER 113, *approved July 20, 2023*
Senate, No. 3125 (*Fourth Reprint*)

1 AN ACT prohibiting disclosure of personal information with respect
2 to child protective investigators and amending various parts of
3 the statutory 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
9 read 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
13 organisms, or parts of living organisms, to make or modify
14 products, to improve plants or animals, or to develop micro-
15 organisms for specific uses; including the industrial use of
16 recombinant DNA, cell fusion, and novel bioprocessing techniques.

17 ¹"Child protective investigator in the Division of Child
18 Protection and Permanency" means an employee of the Division of
19 Child Protection and Permanency in the Department of Children
20 and Families whose primary duty is to investigate reports of child
21 abuse and neglect, or ²[a representative of the Office of the Public
22 Defender acting as the division's agent] any other employee of the
23 Department of Children and Families whose duties include
24 investigation, response to, or review of allegations of child abuse
25 and neglect².

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

28 "Criminal investigatory record" means a record which is not
29 required by law to be made, maintained or kept on file that is held
30 by a law enforcement agency which pertains to any criminal
31 investigation or related civil enforcement proceeding.¹

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

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:

¹Senate SHH committee amendments adopted December 15, 2022.

²Assembly AAP committee amendments adopted February 23, 2023.

³Assembly AAP committee amendments adopted March 23, 2023.

⁴Assembly floor amendments adopted March 30, 2023.

1 "Government record" or "record" means any paper, written or
2 printed book, document, drawing, map, plan, photograph,
3 microfilm, data processed or image processed document,
4 information stored or maintained electronically or by sound-
5 recording or in a similar device, or any copy thereof, that has been
6 made, maintained or kept on file in the course of his or its official
7 business by any officer, commission, agency or authority of the
8 State or of any political subdivision thereof, including subordinate
9 boards thereof, or that has been received in the course of his or its
10 official business by any such officer, commission, agency, or
11 authority of the State or of any political subdivision thereof,
12 including subordinate boards thereof. The terms shall not include
13 inter-agency or intra-agency advisory, consultative, or deliberative
14 material.

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

18 information received by a member of the Legislature from a
19 constituent or information held by a member of the Legislature
20 concerning a constituent, including, but not limited to, information
21 in written form or contained in any e-mail or computer data base, or
22 in any telephone record whatsoever, unless it is information the
23 constituent is required by law to transmit;

24 any memorandum, correspondence, notes, report or other
25 communication prepared by, or for, the specific use of a member of
26 the Legislature in the course of the member's official duties, except
27 that this provision shall not apply to an otherwise publicly-
28 accessible report which is required by law to be submitted to the
29 Legislature or its members;

30 any copy, reproduction or facsimile of any photograph, negative
31 or print, including instant photographs and videotapes of the body,
32 or any portion of the body, of a deceased person, taken by or for the
33 medical examiner at the scene of death or in the course of a post
34 mortem examination or autopsy made by or caused to be made by
35 the medical examiner except:

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

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

43 for use in the field of forensic pathology or for use in medical or
44 scientific education or research, or

45 for use by any law enforcement agency in this State or any other
46 state or federal law enforcement agency;

47 criminal investigatory records;

1 the portion of any criminal record concerning a person's
2 detection, apprehension, arrest, detention, trial or disposition for
3 unlawful manufacturing, distributing, or dispensing, or possessing
4 or having under control with intent to manufacture, distribute, or
5 dispense, marijuana or hashish in violation of paragraph (11) of
6 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
7 hashish in violation of paragraph (12) of subsection b. of that
8 section, or a violation of either of those paragraphs and a violation
9 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
10 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
11 distributing, dispensing, or possessing, or having under control with
12 intent to distribute or dispense, on or within 1,000 feet of any
13 school property, or on or within 500 feet of the real property
14 comprising a public housing facility, public park, or public
15 building, or for obtaining, possessing, using, being under the
16 influence of, or failing to make lawful disposition of marijuana or
17 hashish in violation of paragraph (3) or (4) of subsection a., or
18 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
19 of any of those provisions and a violation of N.J.S.2C:36-2 for
20 using or possessing with intent to use drug paraphernalia with that
21 marijuana or hashish;

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,
26 but not limited to, any law enforcement agency report, domestic
27 violence offense report, and temporary or permanent restraining
28 order;

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

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

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

45 any record within the attorney-client privilege. This paragraph
46 shall not be construed as exempting from access attorney or
47 consultant bills or invoices except that such bills or invoices may be

1 redacted to remove any information protected by the attorney-client
2 privilege;
3 administrative or technical information regarding computer
4 hardware, software and networks which, if disclosed, would
5 jeopardize computer security;
6 emergency or security information or procedures for any
7 buildings or facility which, if disclosed, would jeopardize security
8 of the building or facility or persons therein;
9 security measures and surveillance techniques which, if
10 disclosed, would create a risk to the safety of persons, property,
11 electronic data or software;
12 information which, if disclosed, would give an advantage to
13 competitors or bidders;
14 information generated by or on behalf of public employers or
15 public employees in connection with any sexual harassment
16 complaint filed with a public employer or with any grievance filed
17 by or against an individual or in connection with collective
18 negotiations, including documents and statements of strategy or
19 negotiating position;
20 information which is a communication between a public agency
21 and its insurance carrier, administrative service organization or risk
22 management office;
23 information which is to be kept confidential pursuant to court
24 order;
25 any copy of form DD-214, NGB-22, or that form, issued by the
26 United States Government, or any other certificate of honorable
27 discharge, or copy thereof, from active service or the reserves of a
28 branch of the Armed Forces of the United States, or from service in
29 the organized militia of the State, that has been filed by an
30 individual with a public agency, except that a veteran or the
31 veteran's spouse or surviving spouse shall have access to the
32 veteran's own records;
33 any copy of an oath of allegiance, oath of office or any
34 affirmation taken upon assuming the duties of any public office, or
35 that oath or affirmation, taken by a current or former officer or
36 employee in any public office or position in this State or in any
37 county or municipality of this State, including members of the
38 Legislative Branch, Executive Branch, Judicial Branch, and all law
39 enforcement entities, except that the full name, title, and oath date
40 of that person contained therein shall not be deemed confidential;
41 that portion of any document which discloses the social security
42 number, credit card number, unlisted telephone number or driver
43 license number of any person, or, in accordance with section 2 of
44 P.L.2021, c.371 (C.47:1B-2), that portion of any document which
45 discloses the home address, whether a primary or secondary
46 residence, of any active, formerly active, or retired judicial officer,
47 **1[prosecutor,]1 [or] law enforcement officer, 1[or employee of]**
48 **child protective investigator in1 the Division of Child Protection**

1 and Permanency ¹ **[in the Department of Children and Families]** or
2 prosecutor¹, or, as defined in section 1 of P.L.2021, c.371
3 (C.47:1B-1), any immediate family member thereof; except for use
4 by any government agency, including any court or law enforcement
5 agency, in carrying out its functions, or any private person or entity
6 acting on behalf thereof, or any private person or entity seeking to
7 enforce payment of court-ordered child support; except with respect
8 to the disclosure of driver information by the New Jersey Motor
9 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
10 (C.39:2-3.4); and except that a social security number contained in
11 a record required by law to be made, maintained or kept on file by a
12 public agency shall be disclosed when access to the document or
13 disclosure of that information is not otherwise prohibited by State
14 or federal law, regulation or order or by State statute, resolution of
15 either or both houses of the Legislature, Executive Order of the
16 Governor, rule of court or regulation promulgated under the
17 authority of any statute or executive order of the Governor;

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

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

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

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

40 test questions, scoring keys and other examination data
41 pertaining to the administration of an examination for employment
42 or academic examination;

43 records of pursuit of charitable contributions or records
44 containing the identity of a donor of a gift if the donor requires non-
45 disclosure of the donor's identity as a condition of making the gift
46 provided that the donor has not received any benefits of or from the
47 institution of higher education in connection with such gift other
48 than a request for memorialization or dedication;

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

4 information contained on individual admission applications; and
5 information concerning student records or grievance or
6 disciplinary proceedings against a student to the extent disclosure
7 would reveal the identity of the student.

8 "Judicial officer" means any active, formerly active, or retired
9 federal, state, county, or municipal judge, including a judge of the
10 Tax Court and any other court of limited jurisdiction established,
11 altered, or abolished by law, a judge of the Office of Administrative
12 Law, a judge of the Division of Workers' Compensation, and any
13 other judge established by law who serves in the executive branch.

14 "Law enforcement agency" means a public agency, or part
15 thereof, determined by the Attorney General to have law
16 enforcement responsibilities.

17 "Law enforcement officer" means a person whose public duties
18 include the power to act as an officer for the detection,
19 apprehension, arrest and conviction of offenders against the laws of
20 this State.

21 "Member of the Legislature" means any person elected or
22 selected to serve in the New Jersey Senate or General Assembly.¹

23 "Personal firearms record" means any information contained in a
24 background investigation conducted by the chief of police, the
25 county prosecutor, or the Superintendent of State Police, of any
26 applicant for a permit to purchase a handgun, firearms identification
27 card license, or firearms registration; any application for a permit to
28 purchase a handgun, firearms identification card license, or firearms
29 registration; any document reflecting the issuance or denial of a
30 permit to purchase a handgun, firearms identification card license,
31 or firearms registration; and any permit to purchase a handgun,
32 firearms identification card license, or any firearms license,
33 certification, certificate, form of register, or registration statement.
34 For the purposes of this paragraph, information contained in a
35 background investigation shall include, but not be limited to,
36 identity, name, address, social security number, phone number, fax
37 number, driver's license number, email address, ¹or¹ social media
38 address of any applicant, licensee, registrant or permit holder.

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

1 the State or combination of political subdivisions, and any
2 independent authority, commission, instrumentality or agency
3 created by a political subdivision or combination of political
4 subdivisions.

5 ¹["Law enforcement agency" means a public agency, or part
6 thereof, determined by the Attorney General to have law
7 enforcement responsibilities.

8 "Law enforcement officer" means a person whose public duties
9 include the power to act as an officer for the detection,
10 apprehension, arrest and conviction of offenders against the laws of
11 this State.

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

14 "Judicial officer" means any active, formerly active, or retired
15 federal, state, county, or municipal judge, including a judge of the
16 Tax Court and any other court of limited jurisdiction established,
17 altered, or abolished by law, a judge of the Office of Administrative
18 Law, a judge of the Division of Workers' Compensation, and any
19 other judge established by law who serves in the executive branch.

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

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

26 "Victim's record" means an individually-identifiable file or
27 document held by a victims' rights agency which pertains directly to
28 a victim of a crime except that a victim of a crime shall have access
29 to the victim's own records. ¹

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

35 ¹"Victim's record" means an individually-identifiable file or
36 document held by a victims' rights agency which pertains directly to
37 a victim of a crime except that a victim of a crime shall have access
38 to the victim's own records.¹

39 "Victims' rights agency" means a public agency, or part thereof,
40 the primary responsibility of which is providing services, including,
41 but not limited to, food, shelter, or clothing, medical, psychiatric,
42 psychological or legal services or referrals, information and referral
43 services, counseling and support services, or financial services to
44 victims of crimes, including victims of sexual assault, domestic
45 violence, violent crime, child endangerment, child abuse or child
46 neglect, and the Victims of Crime Compensation Board, established
47 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as

1 the Victims of Crime Compensation Office pursuant to P.L.2007,
2 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

3 ¹“Division” means the Division of Child Protection and
4 Permanency in the Department of Children and Families.

5 “Child protective investigator in the Division of Child Protection
6 and Permanency” means an employee at the division whose primary
7 duty is to investigate reports of child abuse and neglect; the term
8 shall include a representative of the Office of the Public Defender
9 acting as the division’s agent.]¹

10 (cf: P.L.2021, c.371, s.10)

11
12 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read as
13 follows:

14 6. a. The custodian of a government record shall permit the
15 record to be inspected, examined, and copied by any person during
16 regular business hours; or in the case of a municipality having a
17 population of 5,000 or fewer according to the most recent federal
18 decennial census, a board of education having a total district
19 enrollment of 500 or fewer, or a public authority having less than \$10
20 million in assets, during not less than six regular business hours over
21 not less than three business days per week or the entity's regularly-
22 scheduled business hours, whichever is less; unless a government
23 record is exempt from public access by: P.L.1963, c.73 (C.47:1A-1 et
24 seq.) as amended and supplemented; any other statute; resolution of
25 either or both houses of the Legislature; regulation promulgated under
26 the authority of any statute or Executive Order of the Governor;
27 Executive Order of the Governor; Rules of Court; any federal law;
28 federal regulation; or federal order. Prior to allowing access to any
29 government record, the custodian thereof shall redact from that record
30 any information which discloses the social security number, credit card
31 number, unlisted telephone number, or driver license number of any
32 person, or, in accordance with section 2 of P.L.2021, c.371 (C.47:1B-
33 2), the home address, whether a primary or secondary residence, of
34 any active, formerly active, or retired judicial officer, prosecutor, **[or]**
35 law enforcement officer, or child protective investigator in the
36 Division of Child Protection and Permanency ¹**[in the Department of**
37 Children and Families]¹, or, as defined in section 1 of P.L.2021,
38 c.371 (C.47:1B-1), any immediate family member thereof; except for
39 use by any government agency, including any court or law
40 enforcement agency, in carrying out its functions, or any private
41 person or entity acting on behalf thereof, or any private person or
42 entity seeking to enforce payment of court-ordered child support;
43 except with respect to the disclosure of driver information by the New
44 Jersey Motor Vehicle Commission as permitted by section 2 of
45 P.L.1997, c.188 (C.39:2-3.4); and except that a social security number
46 contained in a record required by law to be made, maintained or kept
47 on file by a public agency shall be disclosed when access to the
48 document or disclosure of that information is not otherwise prohibited

1 by State or federal law, regulation or order or by State statute,
2 resolution of either or both houses of the Legislature, Executive Order
3 of the Governor, rule of court or regulation promulgated under the
4 authority of any statute or executive order of the Governor. Except
5 where an agency can demonstrate an emergent need, a regulation that
6 limits access to government records shall not be retroactive in effect or
7 applied to deny a request for access to a government record that is
8 pending before the agency, the council or a court at the time of the
9 adoption of the regulation.

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

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

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

44 d. A custodian shall permit access to a government record and
45 provide a copy thereof in the medium requested if the public agency
46 maintains the record in that medium. If the public agency does not
47 maintain the record in the medium requested, the custodian shall either
48 convert the record to the medium requested or provide a copy in some

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

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

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

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

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

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

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

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

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

1 k. The files maintained by the Office of the Public Defender that
2 relate to the handling of any case shall be considered confidential and
3 shall not be open to inspection by any person unless authorized by law,
4 court order, or the State Public Defender.

5 (cf: P.L.2021, c.371, s.11)

6
7 3. Section 1 of P.L.2021, c.371 (C.47:1B-1) is amended to read as
8 follows:

9 1. a. As used in this act, P.L.2021, c.371 (C.47:1B-1 et al.):

10 "Authorized person" means a covered person or any of the
11 following persons hereby authorized to submit or revoke a request for
12 the redaction or nondisclosure of a home address on behalf of a
13 covered person:

14 (1) on behalf of any federal judge, a designee of the United States
15 Marshals Service or of the clerk of any United States District Court,
16 provided that the designee submits the affirmation required under
17 subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2) signed by
18 each federal judge for whom a request or revocation is made;

19 (2) on behalf of any covered person who is deceased or medically
20 or psychologically incapacitated, a person acting on behalf of the
21 covered person as a designated trustee, as an estate executor, or
22 pursuant to a written power of attorney or other legal instrument,
23 provided that the person signs and submits the affirmation required
24 under subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2) in the
25 stead of the covered person; and

26 (3) on behalf of any immediate family member who is a minor and
27 who is otherwise entitled to address redaction or nondisclosure
28 pursuant to this act, the parent or legal guardian thereof.

29 "Covered person" means an active, formerly active, or retired
30 judicial officer, ¹**or**¹ law enforcement officer, or child protective
31 investigator in the Division of Child Protection and Permanency ¹**in**
32 **the Department of Children and Families**¹, as those terms are defined
33 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor ¹,¹ and any
34 immediate family member residing in the same household as the
35 judicial officer, law enforcement officer, child protective investigator
36 in the Division of Child Protection and Permanency ¹**in the**
37 **Department of Children and Families**¹, or prosecutor.

38 "Immediate family member" means a spouse, child, or parent of, or
39 any other family member related by blood or by law to, an active,
40 formerly active, or retired judicial officer, ¹**or**¹ law enforcement
41 officer, or child protective investigator in the Division of Child
42 Protection and Permanency ¹**in the Department of Children and**
43 **Families**¹, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),
44 or prosecutor ¹,¹ and who resides in the same household as the judicial
45 officer, law enforcement officer, child protective investigator in the
46 Division of Child Protection and Permanency ¹**in the Department of**
47 **Children and Families**¹, or prosecutor.

1 b. There is established in the Department of Community Affairs
2 an office to be known as the Office of Information Privacy. The office
3 shall be led by a director, who shall be appointed by and serve at the
4 pleasure of the Commissioner of Community Affairs and who may
5 hire staff as necessary.

6 c. The director shall establish:

7 (1) a secure portal through which an authorized person may submit
8 or revoke a request for the redaction or nondisclosure of a covered
9 person's home address from certain records and Internet postings, as
10 provided in section 2 of P.L.2021, c.371 (C.47:1B-2); and such
11 requests shall not be subject to disclosure under P.L.1963, c.73
12 (C.47:1A-1 et seq.);

13 (2) a process by which an authorized person may petition the
14 director for reconsideration of a denial of such request or any
15 revocations thereof;

16 (3) a process by which a person or entity may request receipt of a
17 record that does not contain redactions, or of information that is not
18 disclosable, resulting from subsection a. of section 2 of P.L.2021,
19 c.371 (C.47:1B-2); and

20 (4) a process for the evaluation of any other exceptions to the
21 requirement for redaction or nondisclosure pursuant to section 2 of
22 P.L.2021, c.371 (C.47:1B-2), whether categorical or individualized.
23 The director may grant an exception to any person or entity for the
24 receipt of the unredacted records or information pursuant to this
25 process.

26 d. The director shall evaluate and either approve or deny a request
27 submitted pursuant to subsection c. of this section and any revocations
28 thereof.

29 e. (1) The director may enter into any agreement or contract
30 necessary to effectuate the purposes of this act.

31 (2) The director may issue any guidance, guidelines, decisions, or
32 rules and regulations necessary to effectuate the purposes of this act.
33 The rules and regulations shall be effective immediately upon filing
34 with the Office of Administrative Law for a period not to exceed 18
35 months, and shall, thereafter, be amended, adopted, or readopted in
36 accordance with the provisions of the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.).

38 (cf: P.L.2021, c.371, s.1)

39
40 4. Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended to read as
41 follows:

42 2. a. An authorized person seeking the redaction or nondisclosure
43 of the home address of any covered person from certain records and
44 Internet postings consistent with section 2 of P.L.2015, c.226 (C.47:1-
45 17), section 1 of P.L.1995, c.23 (C.47:1A-1.1), or section 6 of
46 P.L.2001, c.404 (C.47:1A-5) shall submit a request in accordance with
47 section 1 of P.L.2021, c.371 (C.47:1B-1) to the Office of Information
48 Privacy through the secure portal established by the office. The

1 address shall only be subject to redaction or nondisclosure if a request
2 is submitted to and approved by the Director of the Office of
3 Information Privacy.

4 b. A public agency shall redact or cease to disclose, in accordance
5 with section 6 of P.L.2001, c.404 (C.47:1A-5) and section 1 of
6 P.L.1995, c.23 (C.47:1A-1.1), respectively, the home address of a
7 covered person approved by the Office of Information Privacy not
8 later than 30 days following the approval. A public agency shall also
9 discontinue the redaction or nondisclosure of the home address of any
10 covered person for whom a revocation request has been approved not
11 later than 30 days following the approval.

12 c. An immediate family member who has sought and received
13 approval under subsection a. of this section and who no longer resides
14 with the active, formerly active, or retired judicial officer,
15 1[prosecutor,]1 [or] law enforcement officer, 1[or]1 child protective
16 investigator in the Division of Child Protection and Permanency 1[in
17 the Department of Children and Families]1 , or prosecutor1 , shall
18 submit through the portal a revocation request not later than 30 days
19 from the date on which the immediate family member no longer
20 resided with the judicial officer, 1[prosecutor, or]1 law enforcement
21 officer 1, child protective investigator in the Division of Child
22 Protection and Permanency, or prosecutor1 .

23 d. A person submitting a request pursuant to subsection a. of this
24 section shall affirm in writing that the person understands that certain
25 rights, duties, and obligations are affected as a result of the request,
26 including:

27 (1) the receipt of certain notices from non-governmental entities as
28 would otherwise be required pursuant to the "Municipal Land Use
29 Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

30 (2) the signing of petitions related to the nomination or election of
31 a candidate to public office or related to any public question;

32 (3) the eligibility or requirements related to seeking or accepting
33 the nomination for election or election to public office, or the
34 appointment to any public position;

35 (4) the sale or purchase of a home or other property, recordation of
36 a judgment, lien or other encumbrance on real or other property, and
37 any relief granted based thereon;

38 (5) the ability to be notified of any class action suit or settlement;
39 and

40 (6) any other legal, promotional, or official notice which would
41 otherwise be provided to the person but for the redaction or
42 nondisclosure of such person's home address pursuant to subsection a.
43 of this section.

44 (cf: P.L.2021, c.371, s.2)

45

46 5. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
47 read as follows:

1 1. a. For the purposes of this section:

2 "Authorized person" means a covered person or any of the
3 following persons hereby authorized to submit or revoke a request for
4 the redaction or nondisclosure of a home address or unpublished
5 telephone number on behalf of a covered person pursuant to subsection
6 c. of this section:

7 (1) on behalf of any federal judge, a designee of the United States
8 Marshals Service or of the clerk of any United States District Court;

9 (2) on behalf of any covered person who is deceased or medically
10 or psychologically incapacitated, a person acting on behalf of the
11 covered person as a designated trustee, as an estate executor, or
12 pursuant to a written power of attorney or other legal instrument; and

13 (3) on behalf of any immediate family member who is a minor and
14 who is otherwise entitled to address redaction or nondisclosure
15 pursuant to this act, P.L.2021, c.371 (C.47:1B-1 et al.), the parent or
16 legal guardian thereof.

17 "Covered person" means an active, formerly active, or retired
18 judicial officer, ¹**[or]**¹ law enforcement officer, or child protective
19 investigator in the Division of Child Protection and Permanency ¹**[in**
20 **the Department of Children and Families]**¹, as those terms are defined
21 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
22 immediate family member residing in the same household as the
23 judicial officer, law enforcement officer, child protective investigator
24 in the Division of Child Protection and Permanency ¹**[in the**
25 **Department of Children and Families]**¹, or prosecutor.

26 ¹"Home telephone number" means any telephone number used
27 primarily for personal communications, including a landline or cellular
28 telephone number.¹

29 "Immediate family member" means a spouse, child, or parent of, or
30 any other family member related by blood or by law to, an active,
31 formerly active, or retired judicial officer, ¹**[or]**¹ law enforcement
32 officer, or child protective investigator in the Division of Child
33 Protection and Permanency ¹**[in the Department of Children and**
34 **Families]**¹, as those terms are defined by section 1 of P.L.1995, c.23
35 (C.47:1A-1.1), or prosecutor ¹,¹ and who resides in the same
36 household as the judicial officer, law enforcement officer, child
37 protective investigator in the Division of Child Protection and
38 Permanency ¹**[in the Department of Children and Families]**¹, or
39 prosecutor.

40 ¹"News media" means newspapers, magazines, press associations,
41 news agencies, wire services, or other similar printed means of
42 disseminating news to the general public.¹

43 "Person" shall not be construed to include in any capacity the
44 custodian of a government record as defined in section 1 of P.L.1995,
45 c.23 (C.47:1A-1.1).

46 b. Upon notification pursuant to subsection c. of this section, and
47 not later than 10 business days after receipt thereof, a person shall not

1 knowingly, with purpose to expose another to harassment or risk of
2 harm to life or property, or in reckless disregard of the probability of
3 such exposure, post, repost, publish, or republish on the Internet, or
4 otherwise make available, the home address or unpublished home
5 telephone number of any covered person, except in compliance with
6 any court order, law enforcement investigation, or request by a
7 government agency or person duly acting on behalf of the agency.

8 c. An authorized person, as defined in subsection a. of this
9 section, seeking to prohibit the disclosure of the home address or
10 unpublished home telephone number of any covered person consistent
11 with subsection b. of this section shall provide written notice to the
12 person from whom ¹**【they are】** the authorized person is¹ seeking
13 nondisclosure that ¹**【they are】** the authorized person is¹ an authorized
14 person and requesting that such person cease the disclosure of such
15 information and remove the protected information from the Internet or
16 where otherwise made available.

17 d. A reckless violation of subsection b. of this section is a crime
18 of the fourth degree. A purposeful violation of subsection b. of this
19 section is a crime of the third degree.

20 e. This section shall not be construed to prohibit a person,
21 business, or association ¹**【who】** that¹ has received information as
22 unredacted pursuant to the provisions of sections 1 through 3 of
23 P.L.2021, c.371 (C.47:1B-1 through C.47:1B-3) from making the
24 information available consistent with the purposes for which the
25 person, business, or association received the information. A person,
26 business, or association that uses or makes available the information in
27 a way that is inconsistent with the purposes for which the person,
28 business, or association received the information shall be liable as
29 provided pursuant to subsection d. of this section.

30 f. Nothing herein shall be construed to impose liability on the
31 news media for failure to remove information from previously printed
32 newspapers ¹**【**. As used in this subsection, "news media" means
33 newspapers, magazines, press associations, news agencies, wire
34 services, or other similar printed means of disseminating news to the
35 general public】 , and nothing herein shall be construed to impose
36 liability relating to telephone directories or directory assistance unless
37 the covered person has requested to be unpublished in the directory
38 and directory assistance by the applicable publication deadline¹ .
39 (cf: P.L.2021, c.371, s.5)

40
41 6. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to read
42 as follows:

43 3. a. (1) Upon notification pursuant to paragraph (2) of this
44 subsection, and not later than 10 business days following receipt
45 thereof, a person, business, or association shall not disclose or re-
46 disclose on the Internet or otherwise make available, the home address
47 or unpublished home telephone number of any covered person, as
48 defined in subsection d. of this section ³**【**, who has received approval

1 from the Office of Information Privacy for the redaction or
2 nondisclosure of the covered person's address³.

3 (2) An authorized person seeking to prohibit the disclosure of the
4 home address or unpublished home telephone number of any covered
5 person consistent with paragraph (1) of this subsection shall provide
6 written notice to the person from whom ¹~~they are~~ the authorized
7 person is¹ seeking nondisclosure that ¹~~they are~~ the authorized
8 person is¹ an authorized person and requesting that the person cease
9 the disclosure of the information and remove the protected information
10 from the Internet or where otherwise made available.

11 (3) An immediate family member who has provided notice
12 pursuant to paragraph (2) of this subsection and who no longer resides
13 with the judicial officer, ¹~~prosecutor,~~ ¹ ~~or~~ law enforcement officer,
14 ¹~~or~~ child protective investigator in the Division of Child Protection
15 and Permanency ¹~~in the Department of Children and Families~~ , or
16 prosecutor¹ shall provide notice to that effect to the person, business,
17 or association not later than 30 days from the date on which the
18 immediate family member no longer resided with the judicial officer,
19 ¹~~prosecutor, child protective investigator in the Division of Child~~
20 Protection and Permanency in the Department of Children and
21 Families, or¹ law enforcement officer ¹, child protective investigator
22 in the Division of Child Protection and Permanency, or prosecutor¹ .

23 b. A person, business, or association that violates subsection a. of
24 this section shall be liable to the ¹~~aggrieved~~ covered¹ person ¹~~or the~~
25 covered person's assignee¹ , who may bring a civil action in the
26 Superior Court. ⁴³The covered person, or the covered person's
27 assignee as defined in this section, may bring such a civil action
28 commencing on the date of enactment of P.L. _____, c. _____ (pending
29 before the Legislature as this bill).³⁴

30 c. The court ¹~~may~~ shall¹ award:

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

33 (2) punitive damages upon proof of willful or reckless disregard of
34 the law;

35 (3) reasonable attorney's fees and other litigation costs reasonably
36 incurred; and

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

39 d. For the purposes of this section:

40 ¹"Assignee" means a person or entity to whom or which an
41 authorized person has assigned, in writing, a covered person's right to
42 bring a civil action for a violation of subsection a. of this section.¹

43 "Authorized person" means a covered person or any of the
44 following persons hereby authorized to submit or revoke a request for
45 the redaction or nondisclosure of a home address on behalf of a
46 covered person:

1 (1) on behalf of any federal judge, a designee of the United States
2 Marshals Service or of the clerk of any United States District Court;

3 (2) on behalf of any covered person who is deceased or medically
4 or psychologically incapacitated, a person acting on behalf of the
5 covered person as a designated trustee, as an estate executor, or
6 pursuant to a written power of attorney or other legal instrument; and

7 (3) on behalf of any immediate family member who is a minor and
8 who is otherwise entitled to address redaction or nondisclosure
9 pursuant to this act, the parent or legal guardian thereof.

10 "Covered person" means an active, formerly active, or retired
11 judicial officer, ¹**[or]**¹ law enforcement officer, or child protective
12 investigator in the Division of Child Protection and Permanency ¹**[in**
13 the Department of Children and Families]¹, as those terms are defined
14 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor ¹,¹ and any
15 immediate family member residing in the same household as such
16 judicial officer, law enforcement officer, child protective investigator
17 in the Division of Child Protection and Permanency ¹**[in the**
18 Department of Children and Families]¹, or prosecutor.

19 "Disclose" shall mean to solicit, sell, manufacture, give, provide,
20 lend, trade, mail, deliver, transfer, post, publish, distribute, circulate,
21 disseminate, present, exhibit, advertise or offer ¹, and shall include
22 making available or viewable within a searchable list or database,
23 regardless of whether a search of such list or database is actually
24 performed.

25 "Home telephone number" means any telephone number used
26 primarily for personal communications, including a landline or cellular
27 telephone number¹.

28 "Immediate family member" means a spouse, child, or parent of, or
29 any other family member related by blood or by law to, an active,
30 formerly active, or retired judicial officer, ¹**[or]**¹ law enforcement
31 officer, or child protective investigator in the Division of Child
32 Protection and Permanency ¹**[in the Department of Children and**
33 Families]¹, as those terms are defined by section 1 of P.L.1995, c.23
34 (C.47:1A-1.1), or prosecutor ¹,¹ and who resides in the same
35 household as such judicial officer, ¹**[prosecutor, child protective**
36 investigator in the Division of Child Protection and Permanency in the
37 Department of Children and Families, or]¹ law enforcement officer ¹,
38 child protective investigator in the Division of Child Protection and
39 Permanency, or prosecutor¹.

40 ¹"News media" means newspapers, magazines, press associations,
41 news agencies, wire services, or other similar printed means of
42 disseminating news to the general public.¹

43 "Person" shall not be construed to include in any capacity the
44 custodian of a government record as defined in section 1 of P.L.1995,
45 c.23 (C.47:1A-1.1).

46 e. This section shall not be construed to prohibit a person,
47 business, or association ¹**[who]** that¹ has received information as

1 unredacted pursuant to the provisions of sections 1 through 3 of
2 P.L.2021, c.371 (C.47:1B-1 through C.47:1B-3) from making the
3 information available consistent with the purposes for which the
4 person, business, or association received the information. A person,
5 business, or association that uses or makes available the information in
6 a way that is inconsistent with the purposes for which the person,
7 business, or association received the information shall be liable as
8 provided pursuant to subsection c. of this section.

9 f. Nothing herein shall be construed to impose liability on the
10 news media for failure to remove information from previously printed
11 newspapers ¹ . As used in this subsection, "news media" means
12 newspapers, magazines, press associations, news agencies, wire
13 services, or other similar printed means of disseminating news to the
14 general public] , and nothing herein shall be construed to impose
15 liability relating to telephone directories or directory assistance unless
16 the covered person has requested to be unpublished in the directory
17 and directory assistance by the applicable publication deadline¹ .

18 (cf: P.L.2021, c.371, s.8)

19
20 7. Section 8 of P.L.2020, c.125 (C.56:8-166.3) is amended to read
21 as follows:

22 8. This act shall be liberally construed in order to accomplish its
23 purpose and the public policy of this State, which is to enhance the
24 safety and security of certain public officials in the justice system,
25 including judicial officers, ¹ [prosecutors,] ¹ [and] ¹ law enforcement
26 officers, ¹ [and] ¹ child protective ¹ [investigator] investigators¹ in the
27 Division of Child Protection and Permanency ¹ [in the Department of
28 Children and Families] , and prosecutors¹ , who served or have served
29 the people of New Jersey, and the immediate family members of these
30 individuals, to foster the ability of these public servants who perform
31 critical roles in the justice system to carry out their official duties
32 without fear of personal reprisal from affected individuals related to
33 the performance of their public functions. ¹ For the purposes of this
34 section, "child protective investigator in the Division of Child
35 Protection and Permanency" has the same meaning as is provided in
36 section 1 of P.L.1995, c.23 (C.47:1A-1.1).¹

37 (cf: P.L.2020, c.125, s.8)

38
39 8. ³ [This] ⁴ [Except as otherwise specified, this³] This⁴ act
40 shall take effect ² [immediately] ⁴ [on] immediately, except that
41 sections 1 through 5 and section 7 shall remain inoperative until⁴
42 the first day of the 13th month following the date of enactment ⁴ [,
43 except that the] . The⁴ Department of Community Affairs may take
44 any anticipatory administrative action as shall be necessary for the
45 implementation of this act² .

1

2

3

4

Expands “Daniel’s Law” to prohibit disclosure of personal information concerning child protective investigators.

SENATE, No. 3125

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Expands “Daniel’s Law” to prohibit disclosure of personal information concerning child protective investigators.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/27/2022)

1 AN ACT prohibiting disclosure of personal information with respect
2 to child protective investigators and amending various parts of
3 the statutory 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
9 read 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
13 organisms, or parts of living organisms, to make or modify
14 products, to improve plants or animals, or to develop micro-
15 organisms for specific uses; including the industrial use of
16 recombinant DNA, cell fusion, and 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
20 action of that agency's director or governing body, as the case may
21 be.

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

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

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

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 any memorandum, correspondence, notes, report or other
2 communication prepared by, or for, the specific use of a member of
3 the Legislature in the course of the member's official duties, except
4 that this provision shall not apply to an otherwise publicly-
5 accessible report which is required by law to be submitted to the
6 Legislature or its members;

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

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

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

20 for use in the field of forensic pathology or for use in medical or
21 scientific education or research, or

22 for use by any law enforcement agency in this State or any other
23 state or federal law enforcement agency;

24 criminal investigatory records;

25 the portion of any criminal record concerning a person's
26 detection, apprehension, arrest, detention, trial or disposition for
27 unlawful manufacturing, distributing, or dispensing, or possessing
28 or having under control with intent to manufacture, distribute, or
29 dispense, marijuana or hashish in violation of paragraph (11) of
30 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
31 hashish in violation of paragraph (12) of subsection b. of that
32 section, or a violation of either of those paragraphs and a violation
33 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
34 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
35 distributing, dispensing, or possessing, or having under control with
36 intent to distribute or dispense, on or within 1,000 feet of any
37 school property, or on or within 500 feet of the real property
38 comprising a public housing facility, public park, or public
39 building, or for obtaining, possessing, using, being under the
40 influence of, or failing to make lawful disposition of marijuana or
41 hashish in violation of paragraph (3) or (4) of subsection a., or
42 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
43 of any of those provisions and a violation of N.J.S.2C:36-2 for
44 using or possessing with intent to use drug paraphernalia with that
45 marijuana or hashish;

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

S3125 CRYAN

4

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

6 personal firearms records, except for use by any person
7 authorized by law to have access to these records or for use by any
8 government agency, including any court or law enforcement
9 agency, for purposes of the administration of justice;

10 personal identifying information received by the Division of Fish
11 and Wildlife in the Department of Environmental Protection in
12 connection with the issuance of any license authorizing hunting
13 with a firearm. For the purposes of this paragraph, personal
14 identifying information shall include, but not be limited to, identity,
15 name, address, social security number, telephone number, fax
16 number, driver's license number, email address, or social media
17 address of any applicant or licensee;

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

22 any record within the attorney-client privilege. This paragraph
23 shall not be construed as exempting from access attorney or
24 consultant bills or invoices except that such bills or invoices may be
25 redacted to remove any information protected by the attorney-client
26 privilege;

27 administrative or technical information regarding computer
28 hardware, software and networks which, if disclosed, would
29 jeopardize computer security;

30 emergency or security information or procedures for any
31 buildings or facility which, if disclosed, would jeopardize security
32 of the building or facility or persons therein;

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

36 information which, if disclosed, would give an advantage to
37 competitors or bidders;

38 information generated by or on behalf of public employers or
39 public employees in connection with any sexual harassment
40 complaint filed with a public employer or with any grievance filed
41 by or against an individual or in connection with collective
42 negotiations, including documents and statements of strategy or
43 negotiating position;

44 information which is a communication between a public agency
45 and its insurance carrier, administrative service organization or risk
46 management office;

47 information which is to be kept confidential pursuant to court
48 order;

1 any copy of form DD-214, NGB-22, or that form, issued by the
2 United States Government, or any other certificate of honorable
3 discharge, or copy thereof, from active service or the reserves of a
4 branch of the Armed Forces of the United States, or from service in
5 the organized militia of the State, that has been filed by an
6 individual with a public agency, except that a veteran or the
7 veteran's spouse or surviving spouse shall have access to the
8 veteran's own records;

9 any copy of an oath of allegiance, oath of office or any
10 affirmation taken upon assuming the duties of any public office, or
11 that oath or affirmation, taken by a current or former officer or
12 employee in any public office or position in this State or in any
13 county or municipality of this State, including members of the
14 Legislative Branch, Executive Branch, Judicial Branch, and all law
15 enforcement entities, except that the full name, title, and oath date
16 of that person contained therein shall not be deemed confidential;

17 that portion of any document which discloses the social security
18 number, credit card number, unlisted telephone number or driver
19 license number of any person, or, in accordance with section 2 of
20 P.L.2021, c.371 (C.47:1B-2), that portion of any document which
21 discloses the home address, whether a primary or secondary
22 residence, of any active, formerly active, or retired judicial officer,
23 prosecutor, **[or]** law enforcement officer, or employee of the
24 Division of Child Protection and Permanency in the Department of
25 Children and Families, or, as defined in section 1 of P.L.2021,
26 c.371 (C.47:1B-1), any immediate family member thereof; except
27 for use by any government agency, including any court or law
28 enforcement agency, in carrying out its functions, or any private
29 person or entity acting on behalf thereof, or any private person or
30 entity seeking to enforce payment of court-ordered child support;
31 except with respect to the disclosure of driver information by the
32 New Jersey Motor Vehicle Commission as permitted by section 2 of
33 P.L.1997, c.188 (C.39:2-3.4); and except that a social security
34 number contained in a record required by law to be made,
35 maintained or kept on file by a public agency shall be disclosed
36 when access to the document or disclosure of that information is not
37 otherwise prohibited by State or federal law, regulation or order or
38 by State statute, resolution of either or both houses of the
39 Legislature, Executive Order of the Governor, rule of court or
40 regulation promulgated under the authority of any statute or
41 executive order of the Governor;

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

46 a list of persons identifying themselves as being in need of
47 special assistance in the event of an emergency maintained by a

1 county for public safety purposes pursuant to section 6 of P.L.2011,
2 c.178 (C.App.A:9-43.13).

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

6 pedagogical, scholarly and/or academic research records and/or
7 the specific details of any research project conducted under the
8 auspices of a public higher education institution in New Jersey,
9 including, but not limited to, research, development information,
10 testing procedures, or information regarding test participants,
11 related to the development or testing of any pharmaceutical or
12 pharmaceutical delivery system, except that a custodian may not
13 deny inspection of a government record or part thereof that gives
14 the name, title, expenditures, source and amounts of funding and
15 date when the final project summary of any research will be
16 available;

17 test questions, scoring keys and other examination data
18 pertaining to the administration of an examination for employment
19 or academic examination;

20 records of pursuit of charitable contributions or records
21 containing the identity of a donor of a gift if the donor requires non-
22 disclosure of the donor's identity as a condition of making the gift
23 provided that the donor has not received any benefits of or from the
24 institution of higher education in connection with such gift other
25 than a request for memorialization or dedication;

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

29 information contained on individual admission applications; and
30 information concerning student records or grievance or
31 disciplinary proceedings against a student to the extent disclosure
32 would reveal the identity of the student.

33 "Personal firearms record" means any information contained in a
34 background investigation conducted by the chief of police, the
35 county prosecutor, or the Superintendent of State Police, of any
36 applicant for a permit to purchase a handgun, firearms identification
37 card license, or firearms registration; any application for a permit to
38 purchase a handgun, firearms identification card license, or firearms
39 registration; any document reflecting the issuance or denial of a
40 permit to purchase a handgun, firearms identification card license,
41 or firearms registration; and any permit to purchase a handgun,
42 firearms identification card license, or any firearms license,
43 certification, certificate, form of register, or registration statement.
44 For the purposes of this paragraph, information contained in a
45 background investigation shall include, but not be limited to,
46 identity, name, address, social security number, phone number, fax
47 number, driver's license number, email address, social media
48 address of any applicant, licensee, registrant or permit holder.

1 "Public agency" or "agency" means any of the principal
2 departments in the Executive Branch of State Government, and any
3 division, board, bureau, office, commission or other instrumentality
4 within or created by such department; the Legislature of the State
5 and any office, board, bureau or commission within or created by
6 the Legislative Branch; and any independent State authority,
7 commission, instrumentality or agency. The terms also mean any
8 political subdivision of the State or combination of political
9 subdivisions, and any division, board, bureau, office, commission or
10 other instrumentality within or created by a political subdivision of
11 the State or combination of political subdivisions, and any
12 independent authority, commission, instrumentality or agency
13 created by a political subdivision or combination of political
14 subdivisions.

15 "Law enforcement agency" means a public agency, or part
16 thereof, determined by the Attorney General to have law
17 enforcement responsibilities.

18 "Law enforcement officer" means a person whose public duties
19 include the power to act as an officer for the detection,
20 apprehension, arrest and conviction of offenders against the laws of
21 this State.

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

24 "Judicial officer" means any active, formerly active, or retired
25 federal, state, county, or municipal judge, including a judge of the
26 Tax Court and any other court of limited jurisdiction established,
27 altered, or abolished by law, a judge of the Office of Administrative
28 Law, a judge of the Division of Workers' Compensation, and any
29 other judge established by law who serves in the executive branch.

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

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

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

40 "Victim of a crime" means a person who has suffered personal or
41 psychological injury or death or incurs loss of or injury to personal
42 or real property as a result of a crime, or if such a person is
43 deceased or incapacitated, a member of that person's immediate
44 family.

45 "Victims' rights agency" means a public agency, or part thereof,
46 the primary responsibility of which is providing services, including,
47 but not limited to, food, shelter, or clothing, medical, psychiatric,
48 psychological or legal services or referrals, information and referral

1 services, counseling and support services, or financial services to
2 victims of crimes, including victims of sexual assault, domestic
3 violence, violent crime, child endangerment, child abuse or child
4 neglect, and the Victims of Crime Compensation Board, established
5 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
6 the Victims of Crime Compensation Office pursuant to P.L.2007,
7 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

8 “Division” means the Division of Child Protection and
9 Permanency in the Department of Children and Families.

10 “Child protective investigator in the Division of Child Protection
11 and Permanency” means an employee at the division whose primary
12 duty is to investigate reports of child abuse and neglect; the term
13 shall include a representative of the Office of the Public Defender
14 acting as the division’s agent.

15 (cf: P.L.2021, c.371, s.10)

16
17 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
18 as follows:

19 6. a. The custodian of a government record shall permit the
20 record to be inspected, examined, and copied by any person during
21 regular business hours; or in the case of a municipality having a
22 population of 5,000 or fewer according to the most recent federal
23 decennial census, a board of education having a total district
24 enrollment of 500 or fewer, or a public authority having less than
25 \$10 million in assets, during not less than six regular business hours
26 over not less than three business days per week or the entity's
27 regularly-scheduled business hours, whichever is less; unless a
28 government record is exempt from public access by: P.L.1963, c.73
29 (C.47:1A-1 et seq.) as amended and supplemented; any other
30 statute; resolution of either or both houses of the Legislature;
31 regulation promulgated under the authority of any statute or
32 Executive Order of the Governor; Executive Order of the Governor;
33 Rules of Court; any federal law; federal regulation; or federal order.
34 Prior to allowing access to any government record, the custodian
35 thereof shall redact from that record any information which
36 discloses the social security number, credit card number, unlisted
37 telephone number, or driver license number of any person, or, in
38 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the home
39 address, whether a primary or secondary residence, of any active,
40 formerly active, or retired judicial officer, prosecutor, [or] law
41 enforcement officer, or child protective investigator in the Division
42 of Child Protection and Permanency in the Department of Children
43 and Families, or, as defined in section 1 of P.L.2021, c.371
44 (C.47:1B-1), any immediate family member thereof; except for use
45 by any government agency, including any court or law enforcement
46 agency, in carrying out its functions, or any private person or entity
47 acting on behalf thereof, or any private person or entity seeking to
48 enforce payment of court-ordered child support; except with respect

1 to the disclosure of driver information by the New Jersey Motor
2 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
3 (C.39:2-3.4); and except that a social security number contained in
4 a record required by law to be made, maintained or kept on file by a
5 public agency shall be disclosed when access to the document or
6 disclosure of that information is not otherwise prohibited by State
7 or federal law, regulation or order or by State statute, resolution of
8 either or both houses of the Legislature, Executive Order of the
9 Governor, rule of court or regulation promulgated under the
10 authority of any statute or executive order of the Governor. Except
11 where an agency can demonstrate an emergent need, a regulation
12 that limits access to government records shall not be retroactive in
13 effect or applied to deny a request for access to a government
14 record that is pending before the agency, the council or a court at
15 the time of the adoption of the regulation.

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

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

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

1 established in advance by ordinance. The requestor shall have the
2 opportunity to review and object to the charge prior to it being
3 incurred.

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

19 e. Immediate access ordinarily shall be granted to budgets,
20 bills, vouchers, contracts, including collective negotiations
21 agreements and individual employment contracts, and public
22 employee salary and overtime information.

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

45 g. A request for access to a government record shall be in
46 writing and hand-delivered, mailed, transmitted electronically, or
47 otherwise conveyed to the appropriate custodian. A custodian shall
48 promptly comply with a request to inspect, examine, copy, or

1 provide a copy of a government record. If the custodian is unable
2 to comply with a request for access, the custodian shall indicate the
3 specific basis therefor on the request form and promptly return it to
4 the requestor. The custodian shall sign and date the form and
5 provide the requestor with a copy thereof. If the custodian of a
6 government record asserts that part of a particular record is exempt
7 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
8 as amended and supplemented, the custodian shall delete or excise
9 from a copy of the record that portion which the custodian asserts is
10 exempt from access and shall promptly permit access to the
11 remainder of the record. If the government record requested is
12 temporarily unavailable because it is in use or in storage, the
13 custodian shall so advise the requestor and shall make arrangements
14 to promptly make available a copy of the record. If a request for
15 access to a government record would substantially disrupt agency
16 operations, the custodian may deny access to the record after
17 attempting to reach a reasonable solution with the requestor that
18 accommodates the interests of the requestor and the agency.

19 h. Any officer or employee of a public agency who receives a
20 request for access to a government record shall forward the request
21 to the custodian of the record or direct the requestor to the
22 custodian of the record.

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

43 (2) During a period declared pursuant to the laws of this State as
44 a state of emergency, public health emergency, or state of local
45 disaster emergency, the deadlines by which to respond to a request
46 for, or grant or deny access to, a government record under
47 paragraph (1) of this subsection or subsection e. of this section shall
48 not apply, provided, however, that the custodian of a government

1 record shall make a reasonable effort, as the circumstances permit,
2 to respond to a request for access to a government record within
3 seven business days or as soon as possible thereafter.

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

11 k. The files maintained by the Office of the Public Defender that
12 relate to the handling of any case shall be considered confidential
13 and shall not be open to inspection by any person unless authorized
14 by law, court order, or the State Public Defender.
15 (cf: P.L.2021, c.371, s.11)

16

17 3. Section 1 of P.L.2021, c.371 (C.47:1B-1) is amended to read
18 as follows:

19 1. a. As used in this act, P.L.2021, c.371 (C.47:1B-1 et al.):

20 "Authorized person" means a covered person or any of the
21 following persons hereby authorized to submit or revoke a request
22 for the redaction or nondisclosure of a home address on behalf of a
23 covered person:

24 (1) on behalf of any federal judge, a designee of the United
25 States Marshals Service or of the clerk of any United States District
26 Court, provided that the designee submits the affirmation required
27 under subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2)
28 signed by each federal judge for whom a request or revocation is
29 made;

30 (2) on behalf of any covered person who is deceased or
31 medically or psychologically incapacitated, a person acting on
32 behalf of the covered person as a designated trustee, as an estate
33 executor, or pursuant to a written power of attorney or other legal
34 instrument, provided that the person signs and submits the
35 affirmation required under subsection d. of section 2 of P.L.2021,
36 c.371 (C.47:1B-2) in the stead of the covered person; and

37 (3) on behalf of any immediate family member who is a minor
38 and who is otherwise entitled to address redaction or nondisclosure
39 pursuant to this act, the parent or legal guardian thereof.

40 "Covered person" means an active, formerly active, or retired
41 judicial officer, or law enforcement officer, or child protective
42 investigator in the Division of Child Protection and Permanency in
43 the Department of Children and Families, as those terms are defined
44 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
45 immediate family member residing in the same household as the
46 judicial officer, law enforcement officer, child protective
47 investigator in the Division of Child Protection and Permanency in
48 the Department of Children and Families, or prosecutor.

1 "Immediate family member" means a spouse, child, or parent of,
2 or any other family member related by blood or by law to, an active,
3 formerly active, or retired judicial officer, or law enforcement
4 officer, or child protective investigator in the Division of Child
5 Protection and Permanency in the Department of Children and
6 Families, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),
7 or prosecutor and who resides in the same household as the judicial
8 officer, law enforcement officer, child protective investigator in the
9 Division of Child Protection and Permanency in the Department of
10 Children and Families, or prosecutor.

11 b. There is established in the Department of Community
12 Affairs an office to be known as the Office of Information Privacy.
13 The office shall be led by a director, who shall be appointed by and
14 serve at the pleasure of the Commissioner of Community Affairs
15 and who may hire staff as necessary.

16 c. The director shall establish:

17 (1) a secure portal through which an authorized person may
18 submit or revoke a request for the redaction or nondisclosure of a
19 covered person's home address from certain records and Internet
20 postings, as provided in section 2 of P.L.2021, c.371 (C.47:1B-2);
21 and such requests shall not be subject to disclosure under P.L.1963,
22 c.73 (C.47:1A-1 et seq.);

23 (2) a process by which an authorized person may petition the
24 director for reconsideration of a denial of such request or any
25 revocations thereof;

26 (3) a process by which a person or entity may request receipt of
27 a record that does not contain redactions, or of information that is
28 not disclosable, resulting from subsection a. of section 2 of
29 P.L.2021, c.371 (C.47:1B-2); and

30 (4) a process for the evaluation of any other exceptions to the
31 requirement for redaction or nondisclosure pursuant to section 2 of
32 P.L.2021, c.371 (C.47:1B-2), whether categorical or individualized.
33 The director may grant an exception to any person or entity for the
34 receipt of the unredacted records or information pursuant to this
35 process.

36 d. The director shall evaluate and either approve or deny a
37 request submitted pursuant to subsection c. of this section and any
38 revocations thereof.

39 e. (1) The director may enter into any agreement or contract
40 necessary to effectuate the purposes of this act.

41 (2) The director may issue any guidance, guidelines, decisions,
42 or rules and regulations necessary to effectuate the purposes of this
43 act. The rules and regulations shall be effective immediately upon
44 filing with the Office of Administrative Law for a period not to
45 exceed 18 months, and shall, thereafter, be amended, adopted, or
46 readopted in accordance with the provisions of the "Administrative
47 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

48 (cf: P.L.2021, c.371, s.1)

1 4. Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended to read
2 as follows:

3 2. a. An authorized person seeking the redaction or
4 nondisclosure of the home address of any covered person from
5 certain records and Internet postings consistent with section 2 of
6 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
7 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
8 request in accordance with section 1 of P.L.2021, c.371 (C.47:1B-1)
9 to the Office of Information Privacy through the secure portal
10 established by the office. The address shall only be subject to
11 redaction or nondisclosure if a request is submitted to and approved
12 by the Director of the Office of Information Privacy.

13 b. A public agency shall redact or cease to disclose, in
14 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
15 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
16 address of a covered person approved by the Office of Information
17 Privacy not later than 30 days following the approval. A public
18 agency shall also discontinue the redaction or nondisclosure of the
19 home address of any covered person for whom a revocation request
20 has been approved not later than 30 days following the approval.

21 c. An immediate family member who has sought and received
22 approval under subsection a. of this section and who no longer
23 resides with the active, formerly active, or retired judicial officer,
24 prosecutor, **[or]** law enforcement officer, or child protective
25 investigator in the Division of Child Protection and Permanency in
26 the Department of Children and Families, shall submit through the
27 portal a revocation request not later than 30 days from the date on
28 which the immediate family member no longer resided with the
29 judicial officer, prosecutor, or law enforcement officer.

30 d. A person submitting a request pursuant to subsection a. of
31 this section shall affirm in writing that the person understands that
32 certain rights, duties, and obligations are affected as a result of the
33 request, including:

34 (1) the receipt of certain notices from non-governmental entities
35 as would otherwise be required pursuant to the "Municipal Land
36 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

37 (2) the signing of petitions related to the nomination or election
38 of a candidate to public office or related to any public question;

39 (3) the eligibility or requirements related to seeking or accepting
40 the nomination for election or election to public office, or the
41 appointment to any public position;

42 (4) the sale or purchase of a home or other property, recordation
43 of a judgment, lien or other encumbrance on real or other property,
44 and any relief granted based thereon;

45 (5) the ability to be notified of any class action suit or
46 settlement; and

47 (6) any other legal, promotional, or official notice which would
48 otherwise be provided to the person but for the redaction or

1 nondisclosure of such person's home address pursuant to subsection
2 a. of this section.

3 (cf: P.L.2021, c.371, s.2)

4

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

7 1. a. For the purposes of this section:

8 "Authorized person" means a covered person or any of the
9 following persons hereby authorized to submit or revoke a request
10 for the redaction or nondisclosure of a home address or unpublished
11 telephone number on behalf of a covered person pursuant to
12 subsection c. of this section:

13 (1) on behalf of any federal judge, a designee of the United
14 States Marshals Service or of the clerk of any United States District
15 Court;

16 (2) on behalf of any covered person who is deceased or
17 medically or psychologically incapacitated, a person acting on
18 behalf of the covered person as a designated trustee, as an estate
19 executor, or pursuant to a written power of attorney or other legal
20 instrument; and

21 (3) on behalf of any immediate family member who is a minor
22 and who is otherwise entitled to address redaction or nondisclosure
23 pursuant to this act, P.L.2021, c.371 (C.47:1B-1 et al.), the parent or
24 legal guardian thereof.

25 "Covered person" means an active, formerly active, or retired
26 judicial officer, or law enforcement officer, or child protective
27 investigator in the Division of Child Protection and Permanency in
28 the Department of Children and Families, as those terms are defined
29 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
30 immediate family member residing in the same household as the
31 judicial officer, law enforcement officer, child protective
32 investigator in the Division of Child Protection and Permanency in
33 the Department of Children and Families, or prosecutor.

34 "Immediate family member" means a spouse, child, or parent of,
35 or any other family member related by blood or by law to, an active,
36 formerly active, or retired judicial officer, or law enforcement
37 officer, or child protective investigator in the Division of Child
38 Protection and Permanency in the Department of Children and
39 Families, as those terms are defined by section 1 of P.L.1995, c.23
40 (C.47:1A-1.1), or prosecutor and who resides in the same household
41 as the judicial officer, law enforcement officer, child protective
42 investigator in the Division of Child Protection and Permanency in
43 the Department of Children and Families, or prosecutor.

44 "Person" shall not be construed to include in any capacity the
45 custodian of a government record as defined in section 1 of
46 P.L.1995, c.23 (C.47:1A-1.1).

47 b. Upon notification pursuant to subsection c. of this section,
48 and not later than 10 business days after receipt thereof, a person

1 shall not knowingly, with purpose to expose another to harassment
2 or risk of harm to life or property, or in reckless disregard of the
3 probability of such exposure, post, repost, publish, or republish on
4 the Internet, or otherwise make available, the home address or
5 unpublished home telephone number of any covered person, except
6 in compliance with any court order, law enforcement investigation,
7 or request by a government agency or person duly acting on behalf
8 of the agency.

9 c. An authorized person, as defined in subsection a. of this
10 section, seeking to prohibit the disclosure of the home address or
11 unpublished home telephone number of any covered person
12 consistent with subsection b. of this section shall provide written
13 notice to the person from whom they are seeking nondisclosure that
14 they are an authorized person and requesting that such person cease
15 the disclosure of such information and remove the protected
16 information from the Internet or where otherwise made available.

17 d. A reckless violation of subsection b. of this section is a crime
18 of the fourth degree. A purposeful violation of subsection b. of this
19 section is a crime of the third degree.

20 e. This section shall not be construed to prohibit a person,
21 business, or association who has received information as unredacted
22 pursuant to the provisions of sections 1 through 3 of P.L.2021,
23 c.371 (C.47:1B-1 through C. 47:1B-3) from making the information
24 available consistent with the purposes for which the person,
25 business, or association received the information. A person,
26 business, or association that uses or makes available the information
27 in a way that is inconsistent with the purposes for which the person,
28 business, or association received the information shall be liable as
29 provided pursuant to subsection d. of this section.

30 f. Nothing herein shall be construed to impose liability on the
31 news media for failure to remove information from previously
32 printed newspapers. As used in this subsection, "news media"
33 means newspapers, magazines, press associations, news agencies,
34 wire services, or other similar printed means of disseminating news
35 to the general public.

36 (cf: P.L.2021, c.371, s.5)

37

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

40 3. a. (1) Upon notification pursuant to paragraph (2) of this
41 subsection, and not later than 10 business days following receipt
42 thereof, a person, business, or association shall not disclose or re-
43 disclose on the Internet or otherwise make available, the home
44 address or unpublished home telephone number of any covered
45 person, as defined in subsection d. of this section, who has received
46 approval from the Office of Information Privacy for the redaction or
47 nondisclosure of the covered person's address.

1 (2) An authorized person seeking to prohibit the disclosure of
2 the home address or unpublished home telephone number of any
3 covered person consistent with paragraph (1) of this subsection
4 shall provide written notice to the person from whom they are
5 seeking nondisclosure that they are an authorized person and
6 requesting that the person cease the disclosure of the information
7 and remove the protected information from the Internet or where
8 otherwise made available.

9 (3) An immediate family member who has provided notice
10 pursuant to paragraph (2) of this subsection and who no longer
11 resides with the judicial officer, prosecutor, **[or]** law enforcement
12 officer, or child protective investigator in the Division of Child
13 Protection and Permanency in the Department of Children and
14 Families shall provide notice to that effect to the person, business,
15 or association not later than 30 days from the date on which the
16 immediate family member no longer resided with the judicial
17 officer, prosecutor, child protective investigator in the Division of
18 Child Protection and Permanency in the Department of Children
19 and Families, or law enforcement officer.

20 b. A person, business, or association that violates subsection a.
21 of this section shall be liable to the aggrieved person, who may
22 bring a civil action in the Superior Court.

23 c. The court may award:

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

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

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

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

32 d. For the purposes of this section:

33 "Authorized person" means a covered person or any of the
34 following persons hereby authorized to submit or revoke a request
35 for the redaction or nondisclosure of a home address on behalf of a
36 covered person:

37 (1) on behalf of any federal judge, a designee of the United
38 States Marshals Service or of the clerk of any United States District
39 Court;

40 (2) on behalf of any covered person who is deceased or
41 medically or psychologically incapacitated, a person acting on
42 behalf of the covered person as a designated trustee, as an estate
43 executor, or pursuant to a written power of attorney or other legal
44 instrument; and

45 (3) on behalf of any immediate family member who is a minor
46 and who is otherwise entitled to address redaction or nondisclosure
47 pursuant to this act, the parent or legal guardian thereof.

1 "Covered person" means an active, formerly active, or retired
2 judicial officer, or law enforcement officer, or child protective
3 investigator in the Division of Child Protection and Permanency in
4 the Department of Children and Families as those terms are defined
5 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
6 immediate family member residing in the same household as such
7 judicial officer, law enforcement officer, child protective
8 investigator in the Division of Child Protection and Permanency in
9 the Department of Children and Families, or prosecutor.

10 "Disclose" shall mean to solicit, sell, manufacture, give, provide,
11 lend, trade, mail, deliver, transfer, post, publish, distribute,
12 circulate, disseminate, present, exhibit, advertise or offer.

13 "Immediate family member" means a spouse, child, or parent of,
14 or any other family member related by blood or by law to, an active,
15 formerly active, or retired judicial officer, or law enforcement
16 officer, or child protective investigator in the Division of Child
17 Protection and Permanency in the Department of Children and
18 Families, as those terms are defined by section 1 of P.L.1995, c.23
19 (C.47:1A-1.1), or prosecutor and who resides in the same household
20 as such judicial officer, prosecutor, child protective investigator in
21 the Division of Child Protection and Permanency in the Department
22 of Children and Families, or law enforcement officer.

23 "Person" shall not be construed to include in any capacity the
24 custodian of a government record as defined in section 1 of
25 P.L.1995, c.23 (C.47:1A-1.1).

26 e. This section shall not be construed to prohibit a person,
27 business, or association who has received information as unredacted
28 pursuant to the provisions of sections 1 through 3 of P.L.2021,
29 c.371 (C.47:1B-1 through C.47:1B-3) from making the information
30 available consistent with the purposes for which the person,
31 business, or association received the information. A person,
32 business, or association that uses or makes available the information
33 in a way that is inconsistent with the purposes for which the person,
34 business, or association received the information shall be liable as
35 provided pursuant to subsection c. of this section.

36 f. Nothing herein shall be construed to impose liability on the
37 news media for failure to remove information from previously
38 printed newspapers. As used in this subsection, "news media"
39 means newspapers, magazines, press associations, news agencies,
40 wire services, or other similar printed means of disseminating news
41 to the general public.

42 (cf: P.L.2021, c.371, s.8)

43
44 7. Section 8 of P.L.2020, c.125 (C.56:8-166.3) is amended to
45 read as follows:

46 8. This act shall be liberally construed in order to accomplish
47 its purpose and the public policy of this State, which is to enhance
48 the safety and security of certain public officials in the justice

1 system, including judicial officers, prosecutors, **[and]** law
2 enforcement officers, and child protective investigator in the
3 Division of Child Protection and Permanency in the Department of
4 Children and Families, who served or have served the people of
5 New Jersey, and the immediate family members of these
6 individuals, to foster the ability of these public servants who
7 perform critical roles in the justice system to carry out their official
8 duties without fear of personal reprisal from affected individuals
9 related to the performance of their public functions.

10 (cf: P.L.2020, c.125, s.8)

11
12 8. This act shall take effect immediately.

13
14
15 STATEMENT

16
17 This bill expands “Daniel’s Law” to prohibit the disclosure
18 concerning personal information of child protective investigators in
19 the Division of Child Protection and Permanency (DCPP) in the
20 Department of Children and Families.

21 Currently, various public officials who provide services in the
22 criminal and civil justice systems for this State, for the federal
23 government, and for other governmental entities are covered under
24 Daniel’s Law which: (1) prohibits the disclosure, by both
25 governmental entities and private parties, of the home addresses of
26 any active, formerly active, or retired federal, State, county, or
27 municipal judicial officer, prosecutor, or law enforcement officer
28 (the expansive definition of “judicial officer” includes judges of the
29 Office of Administrative Law and of the Division of Workers’
30 Compensation); (2) expands an existing crime concerning the
31 disclosure of home addresses and unlisted telephone numbers for
32 active or retired law enforcement officers to also cover formerly
33 active law enforcement officers, as well as active, formerly active,
34 or retired judicial officers or prosecutors; and (3) permits criminal
35 prosecutions and statutory civil actions concerning any prohibited
36 disclosure. Daniel’s Law represents legislative action directly
37 related to, and intended to honor, Daniel Anderl, the son of a
38 federal judge, who was shot and killed in July 2020 at the judge’s
39 family home by a person who had compiled a dossier of personal
40 information about the judge, including the judge’s home address.

41 This bill expands the scope of Daniel’s Law beyond protecting
42 judicial and law enforcement officers to also include DCPP child
43 protective investigators.

44 In the sponsor’s view, DCPP child protective investigators have
45 an important job protecting and ensuring the safety and well-being
46 of our State’s most vulnerable population. DCPP investigators are
47 often unwelcome visitors who respond to the home of a family
48 during a crisis. Child protective investigators sometimes have to

1 remove children from their caregiver's home due to neglect and
2 abuse. Removing a child from a parent or guardian's home, makes
3 DCPD investigators a target for retaliation sometimes resulting in
4 threats of violence. DCPD child protective investigators live in the
5 same communities that they serve which makes it important to
6 protect their personal information so as to not jeopardize their
7 safety.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3125

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3125, with committee amendments.

As amended, this bill expands “Daniel’s Law,” P.L.2020, c.125 (C.56:8-166.2 et al.), to prohibit the disclosure concerning personal information of child protective investigators in the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families.

Currently, various public officials who provide services in the criminal and civil justice systems for this State, for the federal government, and for other governmental entities are covered under Daniel’s Law which: (1) prohibits the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer (the expansive definition of “judicial officer” includes judges of the Office of Administrative Law and of the Division of Workers’ Compensation); (2) expands an existing crime concerning the disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers to also cover formerly active law enforcement officers, as well as active, formerly active, or retired judicial officers or prosecutors; and (3) permits criminal prosecutions and statutory civil actions concerning any prohibited disclosure.

This bill expands the scope of Daniel’s Law beyond protecting judicial and law enforcement officers to also include DCPP child protective investigators.

In addition, as amended, the bill adds a definition of “home telephone number” to clarify that the term may include either a landline or a cellular telephone number that is primarily used for personal communication. The bill further revises the current definition of “disclose” to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

As amended, the bill allows an authorized person under the bill to assign, in writing, a covered person's right to bring a civil action for a violation of Daniel's Law. The bill as amended also requires courts to impose certain penalties for a violation of Daniel's Law; under current law, each of the authorized penalties is discretionary. As amended, the bill additionally replaces the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

Current law provides that news media are not liable for violations of Daniel's Law for failing to remove information from previously printed newspapers. This bill revises this exemption to additionally provide an exemption from liability for telephone directories and directory assistance, unless a covered person has requested to be unpublished in the directory and directory assistance by the applicable publication deadline.

COMMITTEE AMENDMENTS:

The committee amendments add a definition of "home telephone number" that provides that the term may include both landline and cellular telephone numbers used primarily for personal communication.

The committee amendments revise the definition of "disclose" to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

The committee amendments add a provision allowing an authorized person under the bill to assign, in writing, a covered person's right to bring a civil action for a violation of Daniel's Law.

The committee amendments replace the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

The committee amendments revise current law to require courts to impose certain penalties for a violation of Daniel's Law; under current law, each of the authorized penalties is discretionary.

The committee amendments revise an exemption from liability under State non-disclosure laws that applies to news media to additionally include telephone directories and directory assistance, under certain circumstances.

The committee amendments make various technical changes to current law to place definitions in alphabetical order, to ensure terminology is used consistently throughout, and to make certain corrections involving grammar.

[Second Reprint]

SENATE, No. 3125

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

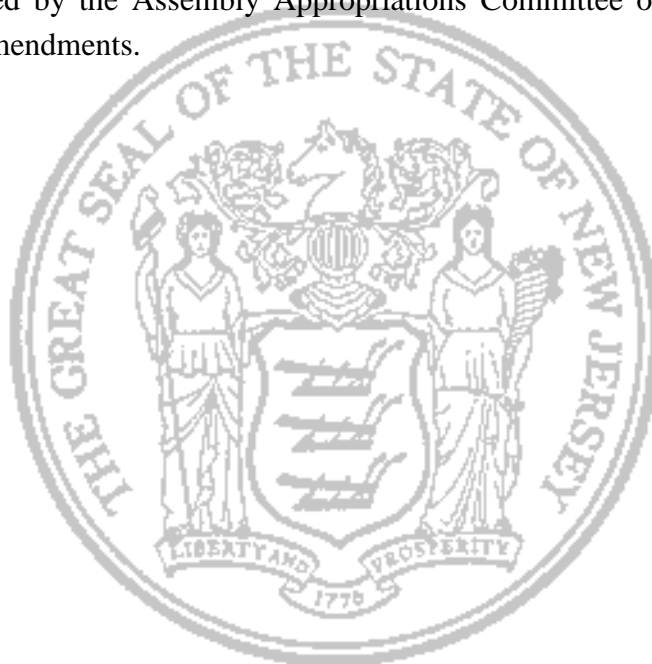
Senators Diegnan, Codey, Durr and Greenstein

SYNOPSIS

Expands “Daniel’s Law” to prohibit disclosure of personal information concerning child protective investigators.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on February 23, 2023, with amendments.



(Sponsorship Updated As Of: 2/2/2023)

1 AN ACT prohibiting disclosure of personal information with respect
2 to child protective investigators and amending various parts of
3 the statutory 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
9 read 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
13 organisms, or parts of living organisms, to make or modify
14 products, to improve plants or animals, or to develop micro-
15 organisms for specific uses; including the industrial use of
16 recombinant DNA, cell fusion, and novel bioprocessing techniques.

17 ¹"Child protective investigator in the Division of Child
18 Protection and Permanency" means an employee of the Division of
19 Child Protection and Permanency in the Department of Children
20 and Families whose primary duty is to investigate reports of child
21 abuse and neglect, or ²[a representative of the Office of the Public
22 Defender acting as the division's agent] any other employee of the
23 Department of Children and Families whose duties include
24 investigation, response to, or review of allegations of child abuse
25 and neglect².

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

28 "Criminal investigatory record" means a record which is not
29 required by law to be made, maintained or kept on file that is held
30 by a law enforcement agency which pertains to any criminal
31 investigation or related civil enforcement proceeding.¹

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

37 "Government record" or "record" means any paper, written or
38 printed book, document, drawing, map, plan, photograph,
39 microfilm, data processed or image processed document,
40 information stored or maintained electronically or by sound-
41 recording or in a similar device, or any copy thereof, that has been
42 made, maintained or kept on file in the course of his or its official
43 business by any officer, commission, agency or authority of the
44 State or of any political subdivision thereof, including subordinate

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:

¹Senate SHH committee amendments adopted December 15, 2022.

²Assembly AAP committee amendments adopted February 23, 2023.

1 boards thereof, or that has been received in the course of his or its
2 official business by any such officer, commission, agency, or
3 authority of the State or of any political subdivision thereof,
4 including subordinate boards thereof. The terms shall not include
5 inter-agency or intra-agency advisory, consultative, or deliberative
6 material.

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

10 information received by a member of the Legislature from a
11 constituent or information held by a member of the Legislature
12 concerning a constituent, including, but not limited to, information
13 in written form or contained in any e-mail or computer data base, or
14 in any telephone record whatsoever, unless it is information the
15 constituent is required by law to transmit;

16 any memorandum, correspondence, notes, report or other
17 communication prepared by, or for, the specific use of a member of
18 the Legislature in the course of the member's official duties, except
19 that this provision shall not apply to an otherwise publicly-
20 accessible report which is required by law to be submitted to the
21 Legislature or its members;

22 any copy, reproduction or facsimile of any photograph, negative
23 or print, including instant photographs and videotapes of the body,
24 or any portion of the body, of a deceased person, taken by or for the
25 medical examiner at the scene of death or in the course of a post
26 mortem examination or autopsy made by or caused to be made by
27 the medical examiner except:

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

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

35 for use in the field of forensic pathology or for use in medical or
36 scientific education or research, or

37 for use by any law enforcement agency in this State or any other
38 state or federal law enforcement agency;

39 criminal investigatory records;

40 the portion of any criminal record concerning a person's
41 detection, apprehension, arrest, detention, trial or disposition for
42 unlawful manufacturing, distributing, or dispensing, or possessing
43 or having under control with intent to manufacture, distribute, or
44 dispense, marijuana or hashish in violation of paragraph (11) of
45 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
46 hashish in violation of paragraph (12) of subsection b. of that
47 section, or a violation of either of those paragraphs and a violation
48 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or

1 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
2 distributing, dispensing, or possessing, or having under control with
3 intent to distribute or dispense, on or within 1,000 feet of any
4 school property, or on or within 500 feet of the real property
5 comprising a public housing facility, public park, or public
6 building, or for obtaining, possessing, using, being under the
7 influence of, or failing to make lawful disposition of marijuana or
8 hashish in violation of paragraph (3) or (4) of subsection a., or
9 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
10 of any of those provisions and a violation of N.J.S.2C:36-2 for
11 using or possessing with intent to use drug paraphernalia with that
12 marijuana or hashish;

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

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

20 personal firearms records, except for use by any person
21 authorized by law to have access to these records or for use by any
22 government agency, including any court or law enforcement
23 agency, for purposes of the administration of justice;

24 personal identifying information received by the Division of Fish
25 and Wildlife in the Department of Environmental Protection in
26 connection with the issuance of any license authorizing hunting
27 with a firearm. For the purposes of this paragraph, personal
28 identifying information shall include, but not be limited to, identity,
29 name, address, social security number, telephone number, fax
30 number, driver's license number, email address, or social media
31 address of any applicant or licensee;

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

36 any record within the attorney-client privilege. This paragraph
37 shall not be construed as exempting from access attorney or
38 consultant bills or invoices except that such bills or invoices may be
39 redacted to remove any information protected by the attorney-client
40 privilege;

41 administrative or technical information regarding computer
42 hardware, software and networks which, if disclosed, would
43 jeopardize computer security;

44 emergency or security information or procedures for any
45 buildings or facility which, if disclosed, would jeopardize security
46 of the building or facility or persons therein;

1 security measures and surveillance techniques which, if
2 disclosed, would create a risk to the safety of persons, property,
3 electronic data or software;
4 information which, if disclosed, would give an advantage to
5 competitors or bidders;
6 information generated by or on behalf of public employers or
7 public employees in connection with any sexual harassment
8 complaint filed with a public employer or with any grievance filed
9 by or against an individual or in connection with collective
10 negotiations, including documents and statements of strategy or
11 negotiating position;
12 information which is a communication between a public agency
13 and its insurance carrier, administrative service organization or risk
14 management office;
15 information which is to be kept confidential pursuant to court
16 order;
17 any copy of form DD-214, NGB-22, or that form, issued by the
18 United States Government, or any other certificate of honorable
19 discharge, or copy thereof, from active service or the reserves of a
20 branch of the Armed Forces of the United States, or from service in
21 the organized militia of the State, that has been filed by an
22 individual with a public agency, except that a veteran or the
23 veteran's spouse or surviving spouse shall have access to the
24 veteran's own records;
25 any copy of an oath of allegiance, oath of office or any
26 affirmation taken upon assuming the duties of any public office, or
27 that oath or affirmation, taken by a current or former officer or
28 employee in any public office or position in this State or in any
29 county or municipality of this State, including members of the
30 Legislative Branch, Executive Branch, Judicial Branch, and all law
31 enforcement entities, except that the full name, title, and oath date
32 of that person contained therein shall not be deemed confidential;
33 that portion of any document which discloses the social security
34 number, credit card number, unlisted telephone number or driver
35 license number of any person, or, in accordance with section 2 of
36 P.L.2021, c.371 (C.47:1B-2), that portion of any document which
37 discloses the home address, whether a primary or secondary
38 residence, of any active, formerly active, or retired judicial officer,
39 ¹**[prosecutor,]**¹ **[or]** law enforcement officer, ¹**[or employee of]**
40 child protective investigator in¹ the Division of Child Protection
41 and Permanency ¹**[in the Department of Children and Families]** or
42 prosecutor¹ , or, as defined in section 1 of P.L.2021, c.371
43 (C.47:1B-1), any immediate family member thereof; except for use
44 by any government agency, including any court or law enforcement
45 agency, in carrying out its functions, or any private person or entity
46 acting on behalf thereof, or any private person or entity seeking to
47 enforce payment of court-ordered child support; except with respect
48 to the disclosure of driver information by the New Jersey Motor

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

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

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

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

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

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

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

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

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

1 ¹"Judicial officer" means any active, formerly active, or retired
2 federal, state, county, or municipal judge, including a judge of the
3 Tax Court and any other court of limited jurisdiction established,
4 altered, or abolished by law, a judge of the Office of Administrative
5 Law, a judge of the Division of Workers' Compensation, and any
6 other judge established by law who serves in the executive branch.

7 "Law enforcement agency" means a public agency, or part
8 thereof, determined by the Attorney General to have law
9 enforcement responsibilities.

10 "Law enforcement officer" means a person whose public duties
11 include the power to act as an officer for the detection,
12 apprehension, arrest and conviction of offenders against the laws of
13 this State.

14 "Member of the Legislature" means any person elected or
15 selected to serve in the New Jersey Senate or General Assembly.¹

16 "Personal firearms record" means any information contained in a
17 background investigation conducted by the chief of police, the
18 county prosecutor, or the Superintendent of State Police, of any
19 applicant for a permit to purchase a handgun, firearms identification
20 card license, or firearms registration; any application for a permit to
21 purchase a handgun, firearms identification card license, or firearms
22 registration; any document reflecting the issuance or denial of a
23 permit to purchase a handgun, firearms identification card license,
24 or firearms registration; and any permit to purchase a handgun,
25 firearms identification card license, or any firearms license,
26 certification, certificate, form of register, or registration statement.
27 For the purposes of this paragraph, information contained in a
28 background investigation shall include, but not be limited to,
29 identity, name, address, social security number, phone number, fax
30 number, driver's license number, email address, ¹or¹ social media
31 address of any applicant, licensee, registrant or permit holder.

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

46 ¹**["Law enforcement agency" means a public agency, or part**
47 **thereof, determined by the Attorney General to have law**
48 **enforcement responsibilities.**

1 "Law enforcement officer" means a person whose public duties
2 include the power to act as an officer for the detection,
3 apprehension, arrest and conviction of offenders against the laws of
4 this State.

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

7 "Judicial officer" means any active, formerly active, or retired
8 federal, state, county, or municipal judge, including a judge of the
9 Tax Court and any other court of limited jurisdiction established,
10 altered, or abolished by law, a judge of the Office of Administrative
11 Law, a judge of the Division of Workers' Compensation, and any
12 other judge established by law who serves in the executive branch.

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

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

19 "Victim's record" means an individually-identifiable file or
20 document held by a victims' rights agency which pertains directly to
21 a victim of a crime except that a victim of a crime shall have access
22 to the victim's own records.】¹

23 "Victim of a crime" means a person who has suffered personal or
24 psychological injury or death or incurs loss of or injury to personal
25 or real property as a result of a crime, or if such a person is
26 deceased or incapacitated, a member of that person's immediate
27 family.

28 ¹"Victim's record" means an individually-identifiable file or
29 document held by a victims' rights agency which pertains directly to
30 a victim of a crime except that a victim of a crime shall have access
31 to the victim's own records.¹

32 "Victims' rights agency" means a public agency, or part thereof,
33 the primary responsibility of which is providing services, including,
34 but not limited to, food, shelter, or clothing, medical, psychiatric,
35 psychological or legal services or referrals, information and referral
36 services, counseling and support services, or financial services to
37 victims of crimes, including victims of sexual assault, domestic
38 violence, violent crime, child endangerment, child abuse or child
39 neglect, and the Victims of Crime Compensation Board, established
40 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
41 the Victims of Crime Compensation Office pursuant to P.L.2007,
42 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

43 ¹["Division" means the Division of Child Protection and
44 Permanency in the Department of Children and Families.

45 "Child protective investigator in the Division of Child Protection
46 and Permanency" means an employee at the division whose primary
47 duty is to investigate reports of child abuse and neglect; the term

1 shall include a representative of the Office of the Public Defender
2 acting as the division's agent.】¹

3 (cf: P.L.2021, c.371, s.10)

4

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

7 6. a. The custodian of a government record shall permit the
8 record to be inspected, examined, and copied by any person during
9 regular business hours; or in the case of a municipality having a
10 population of 5,000 or fewer according to the most recent federal
11 decennial census, a board of education having a total district
12 enrollment of 500 or fewer, or a public authority having less than \$10
13 million in assets, during not less than six regular business hours over
14 not less than three business days per week or the entity's regularly-
15 scheduled business hours, whichever is less; unless a government
16 record is exempt from public access by: P.L.1963, c.73 (C.47:1A-1 et
17 seq.) as amended and supplemented; any other statute; resolution of
18 either or both houses of the Legislature; regulation promulgated under
19 the authority of any statute or Executive Order of the Governor;
20 Executive Order of the Governor; Rules of Court; any federal law;
21 federal regulation; or federal order. Prior to allowing access to any
22 government record, the custodian thereof shall redact from that record
23 any information which discloses the social security number, credit card
24 number, unlisted telephone number, or driver license number of any
25 person, or, in accordance with section 2 of P.L.2021, c.371 (C.47:1B-
26 2), the home address, whether a primary or secondary residence, of
27 any active, formerly active, or retired judicial officer, prosecutor, **[or]**
28 law enforcement officer, or child protective investigator in the
29 Division of Child Protection and Permanency ¹**[in the Department of**
30 **Children and Families】¹** , or, as defined in section 1 of P.L.2021,
31 c.371 (C.47:1B-1), any immediate family member thereof; except for
32 use by any government agency, including any court or law
33 enforcement agency, in carrying out its functions, or any private
34 person or entity acting on behalf thereof, or any private person or
35 entity seeking to enforce payment of court-ordered child support;
36 except with respect to the disclosure of driver information by the New
37 Jersey Motor Vehicle Commission as permitted by section 2 of
38 P.L.1997, c.188 (C.39:2-3.4); and except that a social security number
39 contained in a record required by law to be made, maintained or kept
40 on file by a public agency shall be disclosed when access to the
41 document or disclosure of that information is not otherwise prohibited
42 by State or federal law, regulation or order or by State statute,
43 resolution of either or both houses of the Legislature, Executive Order
44 of the Governor, rule of court or regulation promulgated under the
45 authority of any statute or executive order of the Governor. Except
46 where an agency can demonstrate an emergent need, a regulation that
47 limits access to government records shall not be retroactive in effect or
48 applied to deny a request for access to a government record that is

1 pending before the agency, the council or a court at the time of the
2 adoption of the regulation.

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

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

23 c. Whenever the nature, format, manner of collation, or volume of
24 a government record embodied in the form of printed matter to be
25 inspected, examined, or copied pursuant to this section is such that the
26 record cannot be reproduced by ordinary document copying equipment
27 in ordinary business size or involves an extraordinary expenditure of
28 time and effort to accommodate the request, the public agency may
29 charge, in addition to the actual cost of duplicating the record, a
30 special service charge that shall be reasonable and shall be based upon
31 the actual direct cost of providing the copy or copies; provided,
32 however, that in the case of a municipality, rates for the duplication of
33 particular records when the actual cost of copying exceeds the
34 foregoing rates shall be established in advance by ordinance. The
35 requestor shall have the opportunity to review and object to the charge
36 prior to it being 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 either
41 convert the record to the medium requested or provide a copy in some
42 other meaningful medium. If a request is for a record: (1) in a
43 medium not routinely used by the agency; (2) not routinely developed
44 or maintained by an agency; or (3) requiring a substantial amount of
45 manipulation or programming of information technology, the agency
46 may charge, in addition to the actual cost of duplication, a special
47 charge that shall be reasonable and shall be based on the cost for any
48 extensive use of information technology, or for the labor cost of

1 personnel providing the service, that is actually incurred by the agency
2 or attributable to the agency for the programming, clerical, and
3 supervisory assistance required, or both.

4 e. Immediate access ordinarily shall be granted to budgets, bills,
5 vouchers, contracts, including collective negotiations agreements and
6 individual employment contracts, and public employee salary and
7 overtime information.

8 f. The custodian of a public agency shall adopt a form for the use
9 of any person who requests access to a government record held or
10 controlled by the public agency. The form shall provide space for the
11 name, address, and phone number of the requestor and a brief
12 description of the government record sought. The form shall include
13 space for the custodian to indicate which record will be made
14 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 to
17 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 record
20 available; (4) a statement of the requestor's right to challenge a
21 decision by the public agency to deny access and the procedure for
22 filing an appeal; (5) space for the custodian to list reasons if a request
23 is denied in whole or in part; (6) space for the requestor to sign and
24 date the form; (7) space for the custodian to sign and date the form if
25 the request is fulfilled or denied. The custodian may require a deposit
26 against costs for reproducing documents sought through an anonymous
27 request whenever the custodian anticipates that the information thus
28 requested will cost in excess of \$5 to reproduce.

29 g. A request for access to a government record shall be in writing
30 and hand-delivered, mailed, transmitted electronically, or otherwise
31 conveyed to the appropriate custodian. A custodian shall promptly
32 comply with a request to inspect, examine, copy, or provide a copy of
33 a government record. If the custodian is unable to comply with a
34 request for access, the custodian shall indicate the specific basis
35 therefor on the request form and promptly return it to the requestor.
36 The custodian shall sign and date the form and provide the requestor
37 with a copy thereof. If the custodian of a government record asserts
38 that part of a particular record is exempt from public access pursuant
39 to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented,
40 the custodian shall delete or excise from a copy of the record that
41 portion which the custodian asserts is exempt from access and shall
42 promptly permit access to the remainder of the record. If the
43 government record requested is temporarily unavailable because it is
44 in use or in storage, the custodian shall so advise the requestor and
45 shall make arrangements to promptly make available a copy of the
46 record. If a request for access to a government record would
47 substantially disrupt agency operations, the custodian may deny access
48 to the record after attempting to reach a reasonable solution with the

1 requestor that accommodates the interests of the requestor and the
2 agency.

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

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

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

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

42 k. The files maintained by the Office of the Public Defender that
43 relate to the handling of any case shall be considered confidential and
44 shall not be open to inspection by any person unless authorized by law,
45 court order, or the State Public Defender.

46 (cf: P.L.2021, c.371, s.11)

1 3. Section 1 of P.L.2021, c.371 (C.47:1B-1) is amended to read as
2 follows:

3 1. a. As used in this act, P.L.2021, c.371 (C.47:1B-1 et al.):

4 "Authorized person" means a covered person or any of the
5 following persons hereby authorized to submit or revoke a request for
6 the redaction or nondisclosure of a home address on behalf of a
7 covered person:

8 (1) on behalf of any federal judge, a designee of the United States
9 Marshals Service or of the clerk of any United States District Court,
10 provided that the designee submits the affirmation required under
11 subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2) signed by
12 each federal judge for whom a request or revocation is made;

13 (2) on behalf of any covered person who is deceased or medically
14 or psychologically incapacitated, a person acting on behalf of the
15 covered person as a designated trustee, as an estate executor, or
16 pursuant to a written power of attorney or other legal instrument,
17 provided that the person signs and submits the affirmation required
18 under subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2) in the
19 stead of the covered person; and

20 (3) on behalf of any immediate family member who is a minor and
21 who is otherwise entitled to address redaction or nondisclosure
22 pursuant to this act, the parent or legal guardian thereof.

23 "Covered person" means an active, formerly active, or retired
24 judicial officer, ¹**[or]**¹ law enforcement officer, or child protective
25 investigator in the Division of Child Protection and Permanency ¹**[in**
26 **the Department of Children and Families]**¹, as those terms are defined
27 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor ¹,¹ and any
28 immediate family member residing in the same household as the
29 judicial officer, law enforcement officer, child protective investigator
30 in the Division of Child Protection and Permanency ¹**[in the**
31 **Department of Children and Families]**¹, or prosecutor.

32 "Immediate family member" means a spouse, child, or parent of, or
33 any other family member related by blood or by law to, an active,
34 formerly active, or retired judicial officer, ¹**[or]**¹ law enforcement
35 officer, or child protective investigator in the Division of Child
36 Protection and Permanency ¹**[in the Department of Children and**
37 **Families]**¹, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),
38 or prosecutor ¹,¹ and who resides in the same household as the judicial
39 officer, law enforcement officer, child protective investigator in the
40 Division of Child Protection and Permanency ¹**[in the Department of**
41 **Children and Families]**¹, or prosecutor.

42 b. There is established in the Department of Community Affairs
43 an office to be known as the Office of Information Privacy. The office
44 shall be led by a director, who shall be appointed by and serve at the
45 pleasure of the Commissioner of Community Affairs and who may
46 hire staff as necessary.

47 c. The director shall establish:

1 (1) a secure portal through which an authorized person may submit
2 or revoke a request for the redaction or nondisclosure of a covered
3 person's home address from certain records and Internet postings, as
4 provided in section 2 of P.L.2021, c.371 (C.47:1B-2); and such
5 requests shall not be subject to disclosure under P.L.1963, c.73
6 (C.47:1A-1 et seq.);

7 (2) a process by which an authorized person may petition the
8 director for reconsideration of a denial of such request or any
9 revocations thereof;

10 (3) a process by which a person or entity may request receipt of a
11 record that does not contain redactions, or of information that is not
12 disclosable, resulting from subsection a. of section 2 of P.L.2021,
13 c.371 (C.47:1B-2); and

14 (4) a process for the evaluation of any other exceptions to the
15 requirement for redaction or nondisclosure pursuant to section 2 of
16 P.L.2021, c.371 (C.47:1B-2), whether categorical or individualized.
17 The director may grant an exception to any person or entity for the
18 receipt of the unredacted records or information pursuant to this
19 process.

20 d. The director shall evaluate and either approve or deny a request
21 submitted pursuant to subsection c. of this section and any revocations
22 thereof.

23 e. (1) The director may enter into any agreement or contract
24 necessary to effectuate the purposes of this act.

25 (2) The director may issue any guidance, guidelines, decisions, or
26 rules and regulations necessary to effectuate the purposes of this act.
27 The rules and regulations shall be effective immediately upon filing
28 with the Office of Administrative Law for a period not to exceed 18
29 months, and shall, thereafter, be amended, adopted, or readopted in
30 accordance with the provisions of the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.).

32 (cf: P.L.2021, c.371, s.1)

33
34 4. Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended to read as
35 follows:

36 2. a. An authorized person seeking the redaction or nondisclosure
37 of the home address of any covered person from certain records and
38 Internet postings consistent with section 2 of P.L.2015, c.226 (C.47:1-
39 17), section 1 of P.L.1995, c.23 (C.47:1A-1.1), or section 6 of
40 P.L.2001, c.404 (C.47:1A-5) shall submit a request in accordance with
41 section 1 of P.L.2021, c.371 (C.47:1B-1) to the Office of Information
42 Privacy through the secure portal established by the office. The
43 address shall only be subject to redaction or nondisclosure if a request
44 is submitted to and approved by the Director of the Office of
45 Information Privacy.

46 b. A public agency shall redact or cease to disclose, in accordance
47 with section 6 of P.L.2001, c.404 (C.47:1A-5) and section 1 of
48 P.L.1995, c.23 (C.47:1A-1.1), respectively, the home address of a

1 covered person approved by the Office of Information Privacy not
2 later than 30 days following the approval. A public agency shall also
3 discontinue the redaction or nondisclosure of the home address of any
4 covered person for whom a revocation request has been approved not
5 later than 30 days following the approval.

6 c. An immediate family member who has sought and received
7 approval under subsection a. of this section and who no longer resides
8 with the active, formerly active, or retired judicial officer,
9 '[prosecutor,]' [or] law enforcement officer, '[or]' child protective
10 investigator in the Division of Child Protection and Permanency '[in
11 the Department of Children and Families] , or prosecutor¹ , shall
12 submit through the portal a revocation request not later than 30 days
13 from the date on which the immediate family member no longer
14 resided with the judicial officer, '[prosecutor, or]' law enforcement
15 officer ¹ , child protective investigator in the Division of Child
16 Protection and Permanency, or prosecutor¹ .

17 d. A person submitting a request pursuant to subsection a. of this
18 section shall affirm in writing that the person understands that certain
19 rights, duties, and obligations are affected as a result of the request,
20 including:

21 (1) the receipt of certain notices from non-governmental entities as
22 would otherwise be required pursuant to the "Municipal Land Use
23 Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

24 (2) the signing of petitions related to the nomination or election of
25 a candidate to public office or related to any public question;

26 (3) the eligibility or requirements related to seeking or accepting
27 the nomination for election or election to public office, or the
28 appointment to any public position;

29 (4) the sale or purchase of a home or other property, recordation of
30 a judgment, lien or other encumbrance on real or other property, and
31 any relief granted based thereon;

32 (5) the ability to be notified of any class action suit or settlement;
33 and

34 (6) any other legal, promotional, or official notice which would
35 otherwise be provided to the person but for the redaction or
36 nondisclosure of such person's home address pursuant to subsection a.
37 of this section.

38 (cf: P.L.2021, c.371, s.2)

39
40 5. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
41 read as follows:

42 1. a. For the purposes of this section:

43 "Authorized person" means a covered person or any of the
44 following persons hereby authorized to submit or revoke a request for
45 the redaction or nondisclosure of a home address or unpublished
46 telephone number on behalf of a covered person pursuant to subsection
47 c. of this section:

1 (1) on behalf of any federal judge, a designee of the United States
2 Marshals Service or of the clerk of any United States District Court;

3 (2) on behalf of any covered person who is deceased or medically
4 or psychologically incapacitated, a person acting on behalf of the
5 covered person as a designated trustee, as an estate executor, or
6 pursuant to a written power of attorney or other legal instrument; and

7 (3) on behalf of any immediate family member who is a minor and
8 who is otherwise entitled to address redaction or nondisclosure
9 pursuant to this act, P.L.2021, c.371 (C.47:1B-1 et al.), the parent or
10 legal guardian thereof.

11 "Covered person" means an active, formerly active, or retired
12 judicial officer, ¹**[or]**¹ law enforcement officer, or child protective
13 investigator in the Division of Child Protection and Permanency ¹**[in**
14 **the Department of Children and Families]**¹, as those terms are defined
15 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
16 immediate family member residing in the same household as the
17 judicial officer, law enforcement officer, child protective investigator
18 in the Division of Child Protection and Permanency ¹**[in the**
19 **Department of Children and Families]**¹, or prosecutor.

20 ¹"Home telephone number" means any telephone number used
21 primarily for personal communications, including a landline or cellular
22 telephone number.¹

23 "Immediate family member" means a spouse, child, or parent of, or
24 any other family member related by blood or by law to, an active,
25 formerly active, or retired judicial officer, ¹**[or]**¹ law enforcement
26 officer, or child protective investigator in the Division of Child
27 Protection and Permanency ¹**[in the Department of Children and**
28 **Families]**¹, as those terms are defined by section 1 of P.L.1995, c.23
29 (C.47:1A-1.1), or prosecutor ¹,¹ and who resides in the same
30 household as the judicial officer, law enforcement officer, child
31 protective investigator in the Division of Child Protection and
32 Permanency ¹**[in the Department of Children and Families]**¹, or
33 prosecutor.

34 ¹"News media" means newspapers, magazines, press associations,
35 news agencies, wire services, or other similar printed means of
36 disseminating news to the general public.¹

37 "Person" shall not be construed to include in any capacity the
38 custodian of a government record as defined in section 1 of P.L.1995,
39 c.23 (C.47:1A-1.1).

40 b. Upon notification pursuant to subsection c. of this section, and
41 not later than 10 business days after receipt thereof, a person shall not
42 knowingly, with purpose to expose another to harassment or risk of
43 harm to life or property, or in reckless disregard of the probability of
44 such exposure, post, repost, publish, or republish on the Internet, or
45 otherwise make available, the home address or unpublished home
46 telephone number of any covered person, except in compliance with

1 any court order, law enforcement investigation, or request by a
2 government agency or person duly acting on behalf of the agency.

3 c. An authorized person, as defined in subsection a. of this
4 section, seeking to prohibit the disclosure of the home address or
5 unpublished home telephone number of any covered person consistent
6 with subsection b. of this section shall provide written notice to the
7 person from whom ¹~~they are~~ the authorized person is¹ seeking
8 nondisclosure that ¹~~they are~~ the authorized person is¹ an authorized
9 person and requesting that such person cease the disclosure of such
10 information and remove the protected information from the Internet or
11 where otherwise made available.

12 d. A reckless violation of subsection b. of this section is a crime
13 of the fourth degree. A purposeful violation of subsection b. of this
14 section is a crime of the third degree.

15 e. This section shall not be construed to prohibit a person,
16 business, or association ¹~~who~~ that¹ has received information as
17 unredacted pursuant to the provisions of sections 1 through 3 of
18 P.L.2021, c.371 (C.47:1B-1 through C.47:1B-3) from making the
19 information available consistent with the purposes for which the
20 person, business, or association received the information. A person,
21 business, or association that uses or makes available the information in
22 a way that is inconsistent with the purposes for which the person,
23 business, or association received the information shall be liable as
24 provided pursuant to subsection d. of this section.

25 f. Nothing herein shall be construed to impose liability on the
26 news media for failure to remove information from previously printed
27 newspapers ¹~~]. As used in this subsection, "news media" means~~
28 newspapers, magazines, press associations, news agencies, wire
29 services, or other similar printed means of disseminating news to the
30 general public] , and nothing herein shall be construed to impose
31 liability relating to telephone directories or directory assistance unless
32 the covered person has requested to be unpublished in the directory
33 and directory assistance by the applicable publication deadline¹ .
34 (cf: P.L.2021, c.371, s.5)

35
36 6. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to read
37 as follows:

38 3. a. (1) Upon notification pursuant to paragraph (2) of this
39 subsection, and not later than 10 business days following receipt
40 thereof, a person, business, or association shall not disclose or re-
41 disclose on the Internet or otherwise make available, the home address
42 or unpublished home telephone number of any covered person, as
43 defined in subsection d. of this section, who has received approval
44 from the Office of Information Privacy for the redaction or
45 nondisclosure of the covered person's address.

46 (2) An authorized person seeking to prohibit the disclosure of the
47 home address or unpublished home telephone number of any covered

1 person consistent with paragraph (1) of this subsection shall provide
2 written notice to the person from whom ¹~~they are~~ the authorized
3 person is¹ seeking nondisclosure that ¹~~they are~~ the authorized
4 person is¹ an authorized person and requesting that the person cease
5 the disclosure of the information and remove the protected information
6 from the Internet or where otherwise made available.

7 (3) An immediate family member who has provided notice
8 pursuant to paragraph (2) of this subsection and who no longer resides
9 with the judicial officer, ¹~~prosecutor,~~¹ ~~or~~ law enforcement officer,
10 ¹~~or~~¹ child protective investigator in the Division of Child Protection
11 and Permanency ¹~~in the Department of Children and Families~~ , or
12 prosecutor¹ shall provide notice to that effect to the person, business,
13 or association not later than 30 days from the date on which the
14 immediate family member no longer resided with the judicial officer,
15 ¹~~prosecutor,~~ child protective investigator in the Division of Child
16 Protection and Permanency in the Department of Children and
17 Families, or¹ law enforcement officer ¹, child protective investigator
18 in the Division of Child Protection and Permanency, or prosecutor¹ .

19 b. A person, business, or association that violates subsection a. of
20 this section shall be liable to the ¹~~aggrieved~~ covered¹ person ¹~~or the~~
21 covered person's assignee¹ , who may bring a civil action in the
22 Superior Court.

23 c. The court ¹~~may~~ shall¹ award:

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

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

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

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

32 d. For the purposes of this section:

33 ¹"Assignee" means a person or entity to whom or which an
34 authorized person has assigned, in writing, a covered person's right to
35 bring a civil action for a violation of subsection a. of this section.¹

36 "Authorized person" means a covered person or any of the
37 following persons hereby authorized to submit or revoke a request for
38 the redaction or nondisclosure of a home address on behalf of a
39 covered person:

40 (1) on behalf of any federal judge, a designee of the United States
41 Marshals Service or of the clerk of any United States District Court;

42 (2) on behalf of any covered person who is deceased or medically
43 or psychologically incapacitated, a person acting on behalf of the
44 covered person as a designated trustee, as an estate executor, or
45 pursuant to a written power of attorney or other legal instrument; and

1 (3) on behalf of any immediate family member who is a minor and
2 who is otherwise entitled to address redaction or nondisclosure
3 pursuant to this act, the parent or legal guardian thereof.

4 "Covered person" means an active, formerly active, or retired
5 judicial officer, ¹**[or]**¹ law enforcement officer, or child protective
6 investigator in the Division of Child Protection and Permanency ¹**[in**
7 the Department of Children and Families]¹, as those terms are defined
8 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor ¹,¹ and any
9 immediate family member residing in the same household as such
10 judicial officer, law enforcement officer, child protective investigator
11 in the Division of Child Protection and Permanency ¹**[in the**
12 Department of Children and Families]¹, or prosecutor.

13 "Disclose" shall mean to solicit, sell, manufacture, give, provide,
14 lend, trade, mail, deliver, transfer, post, publish, distribute, circulate,
15 disseminate, present, exhibit, advertise or offer ¹, and shall include
16 making available or viewable within a searchable list or database,
17 regardless of whether a search of such list or database is actually
18 performed.

19 "Home telephone number" means any telephone number used
20 primarily for personal communications, including a landline or cellular
21 telephone number¹.

22 "Immediate family member" means a spouse, child, or parent of, or
23 any other family member related by blood or by law to, an active,
24 formerly active, or retired judicial officer, ¹**[or]**¹ law enforcement
25 officer, or child protective investigator in the Division of Child
26 Protection and Permanency ¹**[in the Department of Children and**
27 Families]¹, as those terms are defined by section 1 of P.L.1995, c.23
28 (C.47:1A-1.1), or prosecutor ¹,¹ and who resides in the same
29 household as such judicial officer, ¹**[prosecutor, child protective**
30 investigator in the Division of Child Protection and Permanency in the
31 Department of Children and Families, or]¹ law enforcement officer ¹,
32 child protective investigator in the Division of Child Protection and
33 Permanency, or prosecutor¹.

34 ¹"News media" means newspapers, magazines, press associations,
35 news agencies, wire services, or other similar printed means of
36 disseminating news to the general public.¹

37 "Person" shall not be construed to include in any capacity the
38 custodian of a government record as defined in section 1 of P.L.1995,
39 c.23 (C.47:1A-1.1).

40 e. This section shall not be construed to prohibit a person,
41 business, or association ¹**[who]** that¹ has received information as
42 unredacted pursuant to the provisions of sections 1 through 3 of
43 P.L.2021, c.371 (C.47:1B-1 through C.47:1B-3) from making the
44 information available consistent with the purposes for which the
45 person, business, or association received the information. A person,
46 business, or association that uses or makes available the information in

1 a way that is inconsistent with the purposes for which the person,
2 business, or association received the information shall be liable as
3 provided pursuant to subsection c. of this section.

4 f. Nothing herein shall be construed to impose liability on the
5 news media for failure to remove information from previously printed
6 newspapers ¹【. As used in this subsection, "news media" means
7 newspapers, magazines, press associations, news agencies, wire
8 services, or other similar printed means of disseminating news to the
9 general public】 , and nothing herein shall be construed to impose
10 liability relating to telephone directories or directory assistance unless
11 the covered person has requested to be unpublished in the directory
12 and directory assistance by the applicable publication deadline¹ .

13 (cf: P.L.2021, c.371, s.8)

14

15 7. Section 8 of P.L.2020, c.125 (C.56:8-166.3) is amended to read
16 as follows:

17 8. This act shall be liberally construed in order to accomplish its
18 purpose and the public policy of this State, which is to enhance the
19 safety and security of certain public officials in the justice system,
20 including judicial officers, ¹【prosecutors,】¹ 【and】 law enforcement
21 officers, ¹【and】¹ child protective ¹【investigator】 investigators¹ in the
22 Division of Child Protection and Permanency ¹【in the Department of
23 Children and Families】 , and prosecutors¹ , who served or have served
24 the people of New Jersey, and the immediate family members of these
25 individuals, to foster the ability of these public servants who perform
26 critical roles in the justice system to carry out their official duties
27 without fear of personal reprisal from affected individuals related to
28 the performance of their public functions. ¹For the purposes of this
29 section, "child protective investigator in the Division of Child
30 Protection and Permanency" has the same meaning as is provided in
31 section 1 of P.L.1995, c.23 (C.47:1A-1.1).¹

32 (cf: P.L.2020, c.125, s.8)

33

34 8. This act shall take effect ²【immediately】 on the first day of
35 the 13th month following the date of enactment, except that the
36 Department of Community Affairs may take any anticipatory
37 administrative action as shall be necessary for the implementation
38 of this act² .

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint] **SENATE, No. 3125**

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3125 (2R).

As amended, this bill expands “Daniel’s Law,” P.L.2020, c.125 (C.56:8-166.2 et al.), to prohibit the disclosure of personal information of child protective investigators in the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families.

Currently, various public officials who provide services in the criminal and civil justice systems for this State, for the federal government, and for other governmental entities are covered under Daniel’s Law which: (1) prohibits the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer (the expansive definition of “judicial officer” includes judges of the Office of Administrative Law and of the Division of Workers’ Compensation); (2) expands an existing crime concerning the disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers to also cover formerly active law enforcement officers, as well as active, formerly active, or retired judicial officers or prosecutors; and (3) permits criminal prosecutions and statutory civil actions concerning any prohibited disclosure.

This bill expands the scope of Daniel’s Law beyond protecting judicial and law enforcement officers to also include DCPP child protective investigators and employees of the Department of Children and Families that engage in investigative activities in response to allegations of child abuse or neglect.

In addition, as amended, the bill adds a definition of “home telephone number” to clarify that the term may include either a landline or a cellular telephone number that is primarily used for personal communication. The bill further revises the current definition of “disclose” to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

The bill, as amended, removes the requirement that a covered person first receives approval from the Office of Information Privacy prior to providing written notice to a person, business, or association to cease disclosing their information. If the person, business, or association does not cease, the covered person may bring a civil suit against them. As amended, the bill allows a covered person under the bill to assign, in writing, a covered person's right to bring a civil action for the continued disclosure of their information, and they may do so immediately upon enactment. The bill as amended also requires courts to impose certain penalties for a violation of Daniel's Law; whereas under current law, each of the authorized penalties is discretionary. As amended, the bill additionally replaces the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

Current law provides that news media are not liable for violations of Daniel's Law for failing to remove information from previously printed newspapers. This bill revises this exemption to additionally provide an exemption from liability for telephone directories and directory assistance, unless a covered person has requested to be unpublished in the directory and directory assistance by the applicable publication deadline.

COMMITTEE AMENDMENTS

The committee amended the bill to remove the requirement that a covered person receives approval from the Office of Information Privacy prior to providing written notice to a person, business, or association of their obligation to cease disclosing the covered person's home address or unpublished telephone number. The amendments also provide that the covered person or their assignee may bring a civil suit against a person, business, or association who has disclosed the covered person's home address or unpublished telephone number immediately upon enactment.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.

STATEMENT TO
[Third Reprint]
SENATE, No. 3125

with Assembly Floor Amendments
(Proposed by Assemblywoman LOPEZ)

ADOPTED: MARCH 30, 2023

These amendments provide that the bill will take effect immediately, but sections 1 through 5 and section 7 will remain inoperative for one year following the date of enactment. The Department of Community Affairs may still take anticipatory action as needed to prepare for the implementation of the bill's provisions.

ASSEMBLY, No. 4947

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 8, 2022

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Co-Sponsored by:

Assemblyman Stanley

SYNOPSIS

Expands “Daniel’s Law” to prohibit disclosure of personal information concerning child protective investigators.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/15/2022)

1 AN ACT prohibiting disclosure of personal information with respect
2 to child protective investigators and amending various parts of
3 the statutory 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
9 read 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
13 organisms, or parts of living organisms, to make or modify
14 products, to improve plants or animals, or to develop micro-
15 organisms for specific uses; including the industrial use of
16 recombinant DNA, cell fusion, and 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
20 action of that agency's director or governing body, as the case may
21 be.

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

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

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

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 any memorandum, correspondence, notes, report or other
2 communication prepared by, or for, the specific use of a member of
3 the Legislature in the course of the member's official duties, except
4 that this provision shall not apply to an otherwise publicly-
5 accessible report which is required by law to be submitted to the
6 Legislature or its members;

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

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

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

20 for use in the field of forensic pathology or for use in medical or
21 scientific education or research, or

22 for use by any law enforcement agency in this State or any other
23 state or federal law enforcement agency;

24 criminal investigatory records;

25 the portion of any criminal record concerning a person's
26 detection, apprehension, arrest, detention, trial or disposition for
27 unlawful manufacturing, distributing, or dispensing, or possessing
28 or having under control with intent to manufacture, distribute, or
29 dispense, marijuana or hashish in violation of paragraph (11) of
30 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
31 hashish in violation of paragraph (12) of subsection b. of that
32 section, or a violation of either of those paragraphs and a violation
33 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
34 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
35 distributing, dispensing, or possessing, or having under control with
36 intent to distribute or dispense, on or within 1,000 feet of any
37 school property, or on or within 500 feet of the real property
38 comprising a public housing facility, public park, or public
39 building, or for obtaining, possessing, using, being under the
40 influence of, or failing to make lawful disposition of marijuana or
41 hashish in violation of paragraph (3) or (4) of subsection a., or
42 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
43 of any of those provisions and a violation of N.J.S.2C:36-2 for
44 using or possessing with intent to use drug paraphernalia with that
45 marijuana or hashish;

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

- 1 any written request by a crime victim for a record to which the
- 2 victim is entitled to access as provided in this section, including,
- 3 but not limited to, any law enforcement agency report, domestic
- 4 violence offense report, and temporary or permanent restraining
- 5 order;
- 6 personal firearms records, except for use by any person
- 7 authorized by law to have access to these records or for use by any
- 8 government agency, including any court or law enforcement
- 9 agency, for purposes of the administration of justice;
- 10 personal identifying information received by the Division of Fish
- 11 and Wildlife in the Department of Environmental Protection in
- 12 connection with the issuance of any license authorizing hunting
- 13 with a firearm. For the purposes of this paragraph, personal
- 14 identifying information shall include, but not be limited to, identity,
- 15 name, address, social security number, telephone number, fax
- 16 number, driver's license number, email address, or social media
- 17 address of any applicant or licensee;
- 18 trade secrets and proprietary commercial or financial information
- 19 obtained from any source. For the purposes of this paragraph, trade
- 20 secrets shall include data processing software obtained by a public
- 21 body under a licensing agreement which prohibits its disclosure;
- 22 any record within the attorney-client privilege. This paragraph
- 23 shall not be construed as exempting from access attorney or
- 24 consultant bills or invoices except that such bills or invoices may be
- 25 redacted to remove any information protected by the attorney-client
- 26 privilege;
- 27 administrative or technical information regarding computer
- 28 hardware, software and networks which, if disclosed, would
- 29 jeopardize computer security;
- 30 emergency or security information or procedures for any
- 31 buildings or facility which, if disclosed, would jeopardize security
- 32 of the building or facility or persons therein;
- 33 security measures and surveillance techniques which, if
- 34 disclosed, would create a risk to the safety of persons, property,
- 35 electronic data or software;
- 36 information which, if disclosed, would give an advantage to
- 37 competitors or bidders;
- 38 information generated by or on behalf of public employers or
- 39 public employees in connection with any sexual harassment
- 40 complaint filed with a public employer or with any grievance filed
- 41 by or against an individual or in connection with collective
- 42 negotiations, including documents and statements of strategy or
- 43 negotiating position;
- 44 information which is a communication between a public agency
- 45 and its insurance carrier, administrative service organization or risk
- 46 management office;
- 47 information which is to be kept confidential pursuant to court
- 48 order;

1 any copy of form DD-214, NGB-22, or that form, issued by the
2 United States Government, or any other certificate of honorable
3 discharge, or copy thereof, from active service or the reserves of a
4 branch of the Armed Forces of the United States, or from service in
5 the organized militia of the State, that has been filed by an
6 individual with a public agency, except that a veteran or the
7 veteran's spouse or surviving spouse shall have access to the
8 veteran's own records;

9 any copy of an oath of allegiance, oath of office or any
10 affirmation taken upon assuming the duties of any public office, or
11 that oath or affirmation, taken by a current or former officer or
12 employee in any public office or position in this State or in any
13 county or municipality of this State, including members of the
14 Legislative Branch, Executive Branch, Judicial Branch, and all law
15 enforcement entities, except that the full name, title, and oath date
16 of that person contained therein shall not be deemed confidential;

17 that portion of any document which discloses the social security
18 number, credit card number, unlisted telephone number or driver
19 license number of any person, or, in accordance with section 2 of
20 P.L.2021, c.371 (C.47:1B-2), that portion of any document which
21 discloses the home address, whether a primary or secondary
22 residence, of any active, formerly active, or retired judicial officer,
23 prosecutor, **[or]** law enforcement officer, or employee of the
24 Division of Child Protection and Permanency in the Department of
25 Children and Families, or, as defined in section 1 of P.L.2021,
26 c.371 (C.47:1B-1), any immediate family member thereof; except
27 for use by any government agency, including any court or law
28 enforcement agency, in carrying out its functions, or any private
29 person or entity acting on behalf thereof, or any private person or
30 entity seeking to enforce payment of court-ordered child support;
31 except with respect to the disclosure of driver information by the
32 New Jersey Motor Vehicle Commission as permitted by section 2 of
33 P.L.1997, c.188 (C.39:2-3.4); and except that a social security
34 number contained in a record required by law to be made,
35 maintained or kept on file by a public agency shall be disclosed
36 when access to the document or disclosure of that information is not
37 otherwise prohibited by State or federal law, regulation or order or
38 by State statute, resolution of either or both houses of the
39 Legislature, Executive Order of the Governor, rule of court or
40 regulation promulgated under the authority of any statute or
41 executive order of the Governor;

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

46 a list of persons identifying themselves as being in need of
47 special assistance in the event of an emergency maintained by a

1 county for public safety purposes pursuant to section 6 of P.L.2011,
2 c.178 (C.App.A:9-43.13).

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

6 pedagogical, scholarly and/or academic research records and/or
7 the specific details of any research project conducted under the
8 auspices of a public higher education institution in New Jersey,
9 including, but not limited to, research, development information,
10 testing procedures, or information regarding test participants,
11 related to the development or testing of any pharmaceutical or
12 pharmaceutical delivery system, except that a custodian may not
13 deny inspection of a government record or part thereof that gives
14 the name, title, expenditures, source and amounts of funding and
15 date when the final project summary of any research will be
16 available;

17 test questions, scoring keys and other examination data
18 pertaining to the administration of an examination for employment
19 or academic examination;

20 records of pursuit of charitable contributions or records
21 containing the identity of a donor of a gift if the donor requires non-
22 disclosure of the donor's identity as a condition of making the gift
23 provided that the donor has not received any benefits of or from the
24 institution of higher education in connection with such gift other
25 than a request for memorialization or dedication;

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

29 information contained on individual admission applications; and
30 information concerning student records or grievance or
31 disciplinary proceedings against a student to the extent disclosure
32 would reveal the identity of the student.

33 "Personal firearms record" means any information contained in a
34 background investigation conducted by the chief of police, the
35 county prosecutor, or the Superintendent of State Police, of any
36 applicant for a permit to purchase a handgun, firearms identification
37 card license, or firearms registration; any application for a permit to
38 purchase a handgun, firearms identification card license, or firearms
39 registration; any document reflecting the issuance or denial of a
40 permit to purchase a handgun, firearms identification card license,
41 or firearms registration; and any permit to purchase a handgun,
42 firearms identification card license, or any firearms license,
43 certification, certificate, form of register, or registration statement.
44 For the purposes of this paragraph, information contained in a
45 background investigation shall include, but not be limited to,
46 identity, name, address, social security number, phone number, fax
47 number, driver's license number, email address, social media
48 address of any applicant, licensee, registrant or permit holder.

1 "Public agency" or "agency" means any of the principal
2 departments in the Executive Branch of State Government, and any
3 division, board, bureau, office, commission or other instrumentality
4 within or created by such department; the Legislature of the State
5 and any office, board, bureau or commission within or created by
6 the Legislative Branch; and any independent State authority,
7 commission, instrumentality or agency. The terms also mean any
8 political subdivision of the State or combination of political
9 subdivisions, and any division, board, bureau, office, commission or
10 other instrumentality within or created by a political subdivision of
11 the State or combination of political subdivisions, and any
12 independent authority, commission, instrumentality or agency
13 created by a political subdivision or combination of political
14 subdivisions.

15 "Law enforcement agency" means a public agency, or part
16 thereof, determined by the Attorney General to have law
17 enforcement responsibilities.

18 "Law enforcement officer" means a person whose public duties
19 include the power to act as an officer for the detection,
20 apprehension, arrest and conviction of offenders against the laws of
21 this State.

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

24 "Judicial officer" means any active, formerly active, or retired
25 federal, state, county, or municipal judge, including a judge of the
26 Tax Court and any other court of limited jurisdiction established,
27 altered, or abolished by law, a judge of the Office of Administrative
28 Law, a judge of the Division of Workers' Compensation, and any
29 other judge established by law who serves in the executive branch.

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

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

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

40 "Victim of a crime" means a person who has suffered personal or
41 psychological injury or death or incurs loss of or injury to personal
42 or real property as a result of a crime, or if such a person is
43 deceased or incapacitated, a member of that person's immediate
44 family.

45 "Victims' rights agency" means a public agency, or part thereof,
46 the primary responsibility of which is providing services, including,
47 but not limited to, food, shelter, or clothing, medical, psychiatric,
48 psychological or legal services or referrals, information and referral

1 services, counseling and support services, or financial services to
2 victims of crimes, including victims of sexual assault, domestic
3 violence, violent crime, child endangerment, child abuse or child
4 neglect, and the Victims of Crime Compensation Board, established
5 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
6 the Victims of Crime Compensation Office pursuant to P.L.2007,
7 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

8 “Division” means the Division of Child Protection and
9 Permanency in the Department of Children and Families.

10 “Child protective investigator in the Division of Child Protection
11 and Permanency” means an employee at the division whose primary
12 duty is to investigate reports of child abuse and neglect; the term
13 shall include a representative of the Office of the Public Defender
14 acting as the division’s agent.

15 (cf: P.L.2021, c.371, s.10)

16
17 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
18 as follows:

19 6. a. The custodian of a government record shall permit the
20 record to be inspected, examined, and copied by any person during
21 regular business hours; or in the case of a municipality having a
22 population of 5,000 or fewer according to the most recent federal
23 decennial census, a board of education having a total district
24 enrollment of 500 or fewer, or a public authority having less than
25 \$10 million in assets, during not less than six regular business hours
26 over not less than three business days per week or the entity's
27 regularly-scheduled business hours, whichever is less; unless a
28 government record is exempt from public access by: P.L.1963, c.73
29 (C.47:1A-1 et seq.) as amended and supplemented; any other
30 statute; resolution of either or both houses of the Legislature;
31 regulation promulgated under the authority of any statute or
32 Executive Order of the Governor; Executive Order of the Governor;
33 Rules of Court; any federal law; federal regulation; or federal order.
34 Prior to allowing access to any government record, the custodian
35 thereof shall redact from that record any information which
36 discloses the social security number, credit card number, unlisted
37 telephone number, or driver license number of any person, or, in
38 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the home
39 address, whether a primary or secondary residence, of any active,
40 formerly active, or retired judicial officer, prosecutor, [or] law
41 enforcement officer, or child protective investigator in the Division
42 of Child Protection and Permanency in the Department of Children
43 and Families, or, as defined in section 1 of P.L.2021, c.371
44 (C.47:1B-1), any immediate family member thereof; except for use
45 by any government agency, including any court or law enforcement
46 agency, in carrying out its functions, or any private person or entity
47 acting on behalf thereof, or any private person or entity seeking to
48 enforce payment of court-ordered child support; except with respect

1 to the disclosure of driver information by the New Jersey Motor
2 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
3 (C.39:2-3.4); and except that a social security number contained in
4 a record required by law to be made, maintained or kept on file by a
5 public agency shall be disclosed when access to the document or
6 disclosure of that information is not otherwise prohibited by State
7 or federal law, regulation or order or by State statute, resolution of
8 either or both houses of the Legislature, Executive Order of the
9 Governor, rule of court or regulation promulgated under the
10 authority of any statute or executive order of the Governor. Except
11 where an agency can demonstrate an emergent need, a regulation
12 that limits access to government records shall not be retroactive in
13 effect or applied to deny a request for access to a government
14 record that is pending before the agency, the council or a court at
15 the time of the adoption of the regulation.

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

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

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

1 established in advance by ordinance. The requestor shall have the
2 opportunity to review and object to the charge prior to it being
3 incurred.

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

19 e. Immediate access ordinarily shall be granted to budgets,
20 bills, vouchers, contracts, including collective negotiations
21 agreements and individual employment contracts, and public
22 employee salary and overtime information.

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

45 g. A request for access to a government record shall be in
46 writing and hand-delivered, mailed, transmitted electronically, or
47 otherwise conveyed to the appropriate custodian. A custodian shall
48 promptly comply with a request to inspect, examine, copy, or

1 provide a copy of a government record. If the custodian is unable
2 to comply with a request for access, the custodian shall indicate the
3 specific basis therefor on the request form and promptly return it to
4 the requestor. The custodian shall sign and date the form and
5 provide the requestor with a copy thereof. If the custodian of a
6 government record asserts that part of a particular record is exempt
7 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
8 as amended and supplemented, the custodian shall delete or excise
9 from a copy of the record that portion which the custodian asserts is
10 exempt from access and shall promptly permit access to the
11 remainder of the record. If the government record requested is
12 temporarily unavailable because it is in use or in storage, the
13 custodian shall so advise the requestor and shall make arrangements
14 to promptly make available a copy of the record. If a request for
15 access to a government record would substantially disrupt agency
16 operations, the custodian may deny access to the record after
17 attempting to reach a reasonable solution with the requestor that
18 accommodates the interests of the requestor and the agency.

19 h. Any officer or employee of a public agency who receives a
20 request for access to a government record shall forward the request
21 to the custodian of the record or direct the requestor to the
22 custodian of the record.

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

43 (2) During a period declared pursuant to the laws of this State as
44 a state of emergency, public health emergency, or state of local
45 disaster emergency, the deadlines by which to respond to a request
46 for, or grant or deny access to, a government record under
47 paragraph (1) of this subsection or subsection e. of this section shall
48 not apply, provided, however, that the custodian of a government

1 record shall make a reasonable effort, as the circumstances permit,
2 to respond to a request for access to a government record within
3 seven business days or as soon as possible thereafter.

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

11 k. The files maintained by the Office of the Public Defender that
12 relate to the handling of any case shall be considered confidential
13 and shall not be open to inspection by any person unless authorized
14 by law, court order, or the State Public Defender.
15 (cf: P.L.2021, c.371, s.11)

16

17 3. Section 1 of P.L.2021, c.371 (C.47:1B-1) is amended to read
18 as follows:

19 1. a. As used in this act, P.L.2021, c.371 (C.47:1B-1 et al.):

20 "Authorized person" means a covered person or any of the
21 following persons hereby authorized to submit or revoke a request
22 for the redaction or nondisclosure of a home address on behalf of a
23 covered person:

24 (1) on behalf of any federal judge, a designee of the United
25 States Marshals Service or of the clerk of any United States District
26 Court, provided that the designee submits the affirmation required
27 under subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2)
28 signed by each federal judge for whom a request or revocation is
29 made;

30 (2) on behalf of any covered person who is deceased or
31 medically or psychologically incapacitated, a person acting on
32 behalf of the covered person as a designated trustee, as an estate
33 executor, or pursuant to a written power of attorney or other legal
34 instrument, provided that the person signs and submits the
35 affirmation required under subsection d. of section 2 of P.L.2021,
36 c.371 (C.47:1B-2) in the stead of the covered person; and

37 (3) on behalf of any immediate family member who is a minor
38 and who is otherwise entitled to address redaction or nondisclosure
39 pursuant to this act, the parent or legal guardian thereof.

40 "Covered person" means an active, formerly active, or retired
41 judicial officer, or law enforcement officer, or child protective
42 investigator in the Division of Child Protection and Permanency in
43 the Department of Children and Families, as those terms are defined
44 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
45 immediate family member residing in the same household as the
46 judicial officer, law enforcement officer, child protective
47 investigator in the Division of Child Protection and Permanency in
48 the Department of Children and Families, or prosecutor.

1 "Immediate family member" means a spouse, child, or parent of,
2 or any other family member related by blood or by law to, an active,
3 formerly active, or retired judicial officer, or law enforcement
4 officer, or child protective investigator in the Division of Child
5 Protection and Permanency in the Department of Children and
6 Families, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),
7 or prosecutor and who resides in the same household as the judicial
8 officer, law enforcement officer, child protective investigator in the
9 Division of Child Protection and Permanency in the Department of
10 Children and Families, or prosecutor.

11 b. There is established in the Department of Community
12 Affairs an office to be known as the Office of Information Privacy.
13 The office shall be led by a director, who shall be appointed by and
14 serve at the pleasure of the Commissioner of Community Affairs
15 and who may hire staff as necessary.

16 c. The director shall establish:

17 (1) a secure portal through which an authorized person may
18 submit or revoke a request for the redaction or nondisclosure of a
19 covered person's home address from certain records and Internet
20 postings, as provided in section 2 of P.L.2021, c.371 (C.47:1B-2);
21 and such requests shall not be subject to disclosure under P.L.1963,
22 c.73 (C.47:1A-1 et seq.);

23 (2) a process by which an authorized person may petition the
24 director for reconsideration of a denial of such request or any
25 revocations thereof;

26 (3) a process by which a person or entity may request receipt of
27 a record that does not contain redactions, or of information that is
28 not disclosable, resulting from subsection a. of section 2 of
29 P.L.2021, c.371 (C.47:1B-2); and

30 (4) a process for the evaluation of any other exceptions to the
31 requirement for redaction or nondisclosure pursuant to section 2 of
32 P.L.2021, c.371 (C.47:1B-2), whether categorical or individualized.
33 The director may grant an exception to any person or entity for the
34 receipt of the unredacted records or information pursuant to this
35 process.

36 d. The director shall evaluate and either approve or deny a
37 request submitted pursuant to subsection c. of this section and any
38 revocations thereof.

39 e. (1) The director may enter into any agreement or contract
40 necessary to effectuate the purposes of this act.

41 (2) The director may issue any guidance, guidelines, decisions,
42 or rules and regulations necessary to effectuate the purposes of this
43 act. The rules and regulations shall be effective immediately upon
44 filing with the Office of Administrative Law for a period not to
45 exceed 18 months, and shall, thereafter, be amended, adopted, or
46 readopted in accordance with the provisions of the "Administrative
47 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

48 (cf: P.L.2021, c.371, s.1)

1 4. Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended to read
2 as follows:

3 2. a. An authorized person seeking the redaction or
4 nondisclosure of the home address of any covered person from
5 certain records and Internet postings consistent with section 2 of
6 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
7 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
8 request in accordance with section 1 of P.L.2021, c.371 (C.47:1B-1)
9 to the Office of Information Privacy through the secure portal
10 established by the office. The address shall only be subject to
11 redaction or nondisclosure if a request is submitted to and approved
12 by the Director of the Office of Information Privacy.

13 b. A public agency shall redact or cease to disclose, in
14 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
15 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
16 address of a covered person approved by the Office of Information
17 Privacy not later than 30 days following the approval. A public
18 agency shall also discontinue the redaction or nondisclosure of the
19 home address of any covered person for whom a revocation request
20 has been approved not later than 30 days following the approval.

21 c. An immediate family member who has sought and received
22 approval under subsection a. of this section and who no longer
23 resides with the active, formerly active, or retired judicial officer,
24 prosecutor, **[or]** law enforcement officer, or child protective
25 investigator in the Division of Child Protection and Permanency in
26 the Department of Children and Families, shall submit through the
27 portal a revocation request not later than 30 days from the date on
28 which the immediate family member no longer resided with the
29 judicial officer, prosecutor, or law enforcement officer.

30 d. A person submitting a request pursuant to subsection a. of
31 this section shall affirm in writing that the person understands that
32 certain rights, duties, and obligations are affected as a result of the
33 request, including:

34 (1) the receipt of certain notices from non-governmental entities
35 as would otherwise be required pursuant to the "Municipal Land
36 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

37 (2) the signing of petitions related to the nomination or election
38 of a candidate to public office or related to any public question;

39 (3) the eligibility or requirements related to seeking or accepting
40 the nomination for election or election to public office, or the
41 appointment to any public position;

42 (4) the sale or purchase of a home or other property, recordation
43 of a judgment, lien or other encumbrance on real or other property,
44 and any relief granted based thereon;

45 (5) the ability to be notified of any class action suit or
46 settlement; and

47 (6) any other legal, promotional, or official notice which would
48 otherwise be provided to the person but for the redaction or

1 nondisclosure of such person's home address pursuant to subsection
2 a. of this section.

3 (cf: P.L.2021, c.371, s.2)

4

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

7 1. a. For the purposes of this section:

8 "Authorized person" means a covered person or any of the
9 following persons hereby authorized to submit or revoke a request
10 for the redaction or nondisclosure of a home address or unpublished
11 telephone number on behalf of a covered person pursuant to
12 subsection c. of this section:

13 (1) on behalf of any federal judge, a designee of the United
14 States Marshals Service or of the clerk of any United States District
15 Court;

16 (2) on behalf of any covered person who is deceased or
17 medically or psychologically incapacitated, a person acting on
18 behalf of the covered person as a designated trustee, as an estate
19 executor, or pursuant to a written power of attorney or other legal
20 instrument; and

21 (3) on behalf of any immediate family member who is a minor
22 and who is otherwise entitled to address redaction or nondisclosure
23 pursuant to this act, P.L.2021, c.371 (C.47:1B-1 et al.), the parent or
24 legal guardian thereof.

25 "Covered person" means an active, formerly active, or retired
26 judicial officer, or law enforcement officer, or child protective
27 investigator in the Division of Child Protection and Permanency in
28 the Department of Children and Families, as those terms are defined
29 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
30 immediate family member residing in the same household as the
31 judicial officer, law enforcement officer, child protective
32 investigator in the Division of Child Protection and Permanency in
33 the Department of Children and Families, or prosecutor.

34 "Immediate family member" means a spouse, child, or parent of,
35 or any other family member related by blood or by law to, an active,
36 formerly active, or retired judicial officer, or law enforcement
37 officer, or child protective investigator in the Division of Child
38 Protection and Permanency in the Department of Children and
39 Families, as those terms are defined by section 1 of P.L.1995, c.23
40 (C.47:1A-1.1), or prosecutor and who resides in the same household
41 as the judicial officer, law enforcement officer, child protective
42 investigator in the Division of Child Protection and Permanency in
43 the Department of Children and Families, or prosecutor.

44 "Person" shall not be construed to include in any capacity the
45 custodian of a government record as defined in section 1 of
46 P.L.1995, c.23 (C.47:1A-1.1).

47 b. Upon notification pursuant to subsection c. of this section,
48 and not later than 10 business days after receipt thereof, a person

1 shall not knowingly, with purpose to expose another to harassment
2 or risk of harm to life or property, or in reckless disregard of the
3 probability of such exposure, post, repost, publish, or republish on
4 the Internet, or otherwise make available, the home address or
5 unpublished home telephone number of any covered person, except
6 in compliance with any court order, law enforcement investigation,
7 or request by a government agency or person duly acting on behalf
8 of the agency.

9 c. An authorized person, as defined in subsection a. of this
10 section, seeking to prohibit the disclosure of the home address or
11 unpublished home telephone number of any covered person
12 consistent with subsection b. of this section shall provide written
13 notice to the person from whom they are seeking nondisclosure that
14 they are an authorized person and requesting that such person cease
15 the disclosure of such information and remove the protected
16 information from the Internet or where otherwise made available.

17 d. A reckless violation of subsection b. of this section is a crime
18 of the fourth degree. A purposeful violation of subsection b. of this
19 section is a crime of the third degree.

20 e. This section shall not be construed to prohibit a person,
21 business, or association who has received information as unredacted
22 pursuant to the provisions of sections 1 through 3 of P.L.2021,
23 c.371 (C.47:1B-1 through C. 47:1B-3) from making the information
24 available consistent with the purposes for which the person,
25 business, or association received the information. A person,
26 business, or association that uses or makes available the information
27 in a way that is inconsistent with the purposes for which the person,
28 business, or association received the information shall be liable as
29 provided pursuant to subsection d. of this section.

30 f. Nothing herein shall be construed to impose liability on the
31 news media for failure to remove information from previously
32 printed newspapers. As used in this subsection, "news media"
33 means newspapers, magazines, press associations, news agencies,
34 wire services, or other similar printed means of disseminating news
35 to the general public.

36 (cf: P.L.2021, c.371, s.5)

37

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

40 3. a. (1) Upon notification pursuant to paragraph (2) of this
41 subsection, and not later than 10 business days following receipt
42 thereof, a person, business, or association shall not disclose or re-
43 disclose on the Internet or otherwise make available, the home
44 address or unpublished home telephone number of any covered
45 person, as defined in subsection d. of this section, who has received
46 approval from the Office of Information Privacy for the redaction or
47 nondisclosure of the covered person's address.

1 (2) An authorized person seeking to prohibit the disclosure of
2 the home address or unpublished home telephone number of any
3 covered person consistent with paragraph (1) of this subsection
4 shall provide written notice to the person from whom they are
5 seeking nondisclosure that they are an authorized person and
6 requesting that the person cease the disclosure of the information
7 and remove the protected information from the Internet or where
8 otherwise made available.

9 (3) An immediate family member who has provided notice
10 pursuant to paragraph (2) of this subsection and who no longer
11 resides with the judicial officer, prosecutor, **[or]** law enforcement
12 officer, or child protective investigator in the Division of Child
13 Protection and Permanency in the Department of Children and
14 Families shall provide notice to that effect to the person, business,
15 or association not later than 30 days from the date on which the
16 immediate family member no longer resided with the judicial
17 officer, prosecutor, child protective investigator in the Division of
18 Child Protection and Permanency in the Department of Children
19 and Families, or law enforcement officer.

20 b. A person, business, or association that violates subsection a.
21 of this section shall be liable to the aggrieved person, who may
22 bring a civil action in the Superior Court.

23 c. The court may award:

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

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

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

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

32 d. For the purposes of this section:

33 "Authorized person" means a covered person or any of the
34 following persons hereby authorized to submit or revoke a request
35 for the redaction or nondisclosure of a home address on behalf of a
36 covered person:

37 (1) on behalf of any federal judge, a designee of the United
38 States Marshals Service or of the clerk of any United States District
39 Court;

40 (2) on behalf of any covered person who is deceased or
41 medically or psychologically incapacitated, a person acting on
42 behalf of the covered person as a designated trustee, as an estate
43 executor, or pursuant to a written power of attorney or other legal
44 instrument; and

45 (3) on behalf of any immediate family member who is a minor
46 and who is otherwise entitled to address redaction or nondisclosure
47 pursuant to this act, the parent or legal guardian thereof.

1 "Covered person" means an active, formerly active, or retired
2 judicial officer, or law enforcement officer, or child protective
3 investigator in the Division of Child Protection and Permanency in
4 the Department of Children and Families as those terms are defined
5 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
6 immediate family member residing in the same household as such
7 judicial officer, law enforcement officer, child protective
8 investigator in the Division of Child Protection and Permanency in
9 the Department of Children and Families, or prosecutor.

10 "Disclose" shall mean to solicit, sell, manufacture, give, provide,
11 lend, trade, mail, deliver, transfer, post, publish, distribute,
12 circulate, disseminate, present, exhibit, advertise or offer.

13 "Immediate family member" means a spouse, child, or parent of,
14 or any other family member related by blood or by law to, an active,
15 formerly active, or retired judicial officer, or law enforcement
16 officer, or child protective investigator in the Division of Child
17 Protection and Permanency in the Department of Children and
18 Families, as those terms are defined by section 1 of P.L.1995, c.23
19 (C.47:1A-1.1), or prosecutor and who resides in the same household
20 as such judicial officer, prosecutor, child protective investigator in
21 the Division of Child Protection and Permanency in the Department
22 of Children and Families, or law enforcement officer.

23 "Person" shall not be construed to include in any capacity the
24 custodian of a government record as defined in section 1 of
25 P.L.1995, c.23 (C.47:1A-1.1).

26 e. This section shall not be construed to prohibit a person,
27 business, or association who has received information as unredacted
28 pursuant to the provisions of sections 1 through 3 of P.L.2021,
29 c.371 (C.47:1B-1 through C.47:1B-3) from making the information
30 available consistent with the purposes for which the person,
31 business, or association received the information. A person,
32 business, or association that uses or makes available the information
33 in a way that is inconsistent with the purposes for which the person,
34 business, or association received the information shall be liable as
35 provided pursuant to subsection c. of this section.

36 f. Nothing herein shall be construed to impose liability on the
37 news media for failure to remove information from previously
38 printed newspapers. As used in this subsection, "news media"
39 means newspapers, magazines, press associations, news agencies,
40 wire services, or other similar printed means of disseminating news
41 to the general public.

42 (cf: P.L.2021, c.371, s.8)

43
44 7. Section 8 of P.L.2020, c.125 (C.56:8-166.3) is amended to
45 read as follows:

46 8. This act shall be liberally construed in order to accomplish
47 its purpose and the public policy of this State, which is to enhance
48 the safety and security of certain public officials in the justice

1 system, including judicial officers, prosecutors, **[and]** law
2 enforcement officers, and child protective investigator in the
3 Division of Child Protection and Permanency in the Department of
4 Children and Families, who served or have served the people of
5 New Jersey, and the immediate family members of these
6 individuals, to foster the ability of these public servants who
7 perform critical roles in the justice system to carry out their official
8 duties without fear of personal reprisal from affected individuals
9 related to the performance of their public functions.

10 (cf: P.L.2020, c.125, s.8)

11
12 8. This act shall take effect immediately.

13
14
15 STATEMENT

16
17 This bill expands “Daniel’s Law” to prohibit the disclosure
18 concerning personal information of child protective investigators in
19 the Division of Child Protection and Permanency (DCPP) in the
20 Department of Children and Families.

21 Currently, various public officials who provide services in the
22 criminal and civil justice systems for this State, for the federal
23 government, and for other governmental entities are covered under
24 Daniel’s Law which: (1) prohibits the disclosure, by both
25 governmental entities and private parties, of the home addresses of
26 any active, formerly active, or retired federal, State, county, or
27 municipal judicial officer, prosecutor, or law enforcement officer
28 (the expansive definition of “judicial officer” includes judges of the
29 Office of Administrative Law and of the Division of Workers’
30 Compensation); (2) expands an existing crime concerning the
31 disclosure of home addresses and unlisted telephone numbers for
32 active or retired law enforcement officers to also cover formerly
33 active law enforcement officers, as well as active, formerly active,
34 or retired judicial officers or prosecutors; and (3) permits criminal
35 prosecutions and statutory civil actions concerning any prohibited
36 disclosure. Daniel’s Law represents legislative action directly
37 related to, and intended to honor, Daniel Anderl, the son of a
38 federal judge, who was shot and killed in July 2020 at the judge’s
39 family home by a person who had compiled a dossier of personal
40 information about the judge, including the judge’s home address.

41 This bill expands the scope of Daniel’s Law beyond protecting
42 judicial and law enforcement officers to also include DCPP child
43 protective investigators.

44 In the sponsor’s view, DCPP child protective investigators have
45 an important job protecting and ensuring the safety and well-being
46 of our State’s most vulnerable population. DCPP investigators are
47 often unwelcome visitors who respond to the home of a family
48 during a crisis. Child protective investigators sometimes have to

1 remove children from their caregiver's home due to neglect and
2 abuse. Removing a child from a parent or guardian's home, makes
3 DCPD investigators a target for retaliation sometimes resulting in
4 threats of violence. DCPD child protective investigators live in the
5 same communities that they serve which makes it important to
6 protect their personal information so as to not jeopardize their
7 safety.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4947

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4947 with committee amendments.

As amended, this bill expands “Daniel’s Law,” P.L.2020, c.125 (C.56:8-166.2 et al.), to prohibit the disclosure concerning personal information of child protective investigators in the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families.

Currently, various public officials who provide services in the criminal and civil justice systems for this State, for the federal government, and for other governmental entities are covered under Daniel’s Law which: (1) prohibits the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer (the expansive definition of “judicial officer” includes judges of the Office of Administrative Law and of the Division of Workers’ Compensation); (2) expands an existing crime concerning the disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers to also cover formerly active law enforcement officers, as well as active, formerly active, or retired judicial officers or prosecutors; and (3) permits criminal prosecutions and statutory civil actions concerning any prohibited disclosure.

This bill expands the scope of Daniel’s Law beyond protecting judicial and law enforcement officers to also include DCPP child protective investigators and employees of the Department of Children and Families that engage in investigative activities in response to allegations of child abuse or neglect.

In addition, as amended, the bill adds a definition of “home telephone number” to clarify that the term may include either a landline or a cellular telephone number that is primarily used for personal communication. The bill further revises the current definition of “disclose” to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

As amended, the bill allows an authorized person under the bill to assign, in writing, a covered person’s right to bring a civil action for a

violation of Daniel's Law. The bill as amended also requires courts to impose certain penalties for a violation of Daniel's Law; under current law, each of the authorized penalties is discretionary. As amended, the bill additionally replaces the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

Current law provides that news media are not liable for violations of Daniel's Law for failing to remove information from previously printed newspapers. This bill revises this exemption to additionally provide an exemption from liability for telephone directories and directory assistance, unless a covered person has requested to be unpublished in the directory and directory assistance by the applicable publication deadline.

COMMITTEE AMENDMENTS

The committee amendments add a definition of "home telephone number" that provides that the term may include both landline and cellular telephone numbers used primarily for personal communication.

The committee amendments expand the definition of child protective investigators in the Division of Child Protection and Permanency in the Department of Children and Families to include employees in the department who engage in the same or similar investigatory work in response to allegations of child abuse or neglect.

The committee amendments revise the definition of "disclose" to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

The committee amendments add a provision allowing an authorized person under the bill to assign, in writing, a covered person's right to bring a civil action for a violation of Daniel's Law.

The committee amendments replace the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

The committee amendments revise current law to require courts to impose certain penalties for a violation of Daniel's Law; under current law, each of the authorized penalties is discretionary.

The committee amendments revise an exemption from liability under State non-disclosure laws that applies to news media to additionally include telephone directories and directory assistance, under certain circumstances.

The committee amendments make various technical changes to current law to place definitions in alphabetical order, to ensure terminology is used consistently throughout, and to make certain corrections involving grammar.

The committee amendments delay the effective date of the bill to be one year following the date of enactment, except that the

Department of Consumer Affairs can take steps necessary to prepare for the implementation of this act.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4947

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 4947 (1R).

As amended, this bill expands “Daniel’s Law,” P.L.2020, c.125 (C.56:8-166.2 et al.), to prohibit the disclosure of personal information of child protective investigators in the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families.

Currently, various public officials who provide services in the criminal and civil justice systems for this State, for the federal government, and for other governmental entities are covered under Daniel’s Law which: (1) prohibits the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer (the expansive definition of “judicial officer” includes judges of the Office of Administrative Law and of the Division of Workers’ Compensation); (2) expands an existing crime concerning the disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers to also cover formerly active law enforcement officers, as well as active, formerly active, or retired judicial officers or prosecutors; and (3) permits criminal prosecutions and statutory civil actions concerning any prohibited disclosure.

This bill expands the scope of Daniel’s Law beyond protecting judicial and law enforcement officers to also include DCPP child protective investigators and employees of the Department of Children and Families that engage in investigative activities in response to allegations of child abuse or neglect.

In addition, as amended, the bill adds a definition of “home telephone number” to clarify that the term may include either a landline or a cellular telephone number that is primarily used for personal communication. The bill further revises the current definition of “disclose” to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

The bill, as amended, removes the requirement that a covered person first receives approval from the Office of Information Privacy prior to providing written notice to a person, business, or association to cease disclosing their information. If the person, business, or association does not cease, the covered person may bring a civil suit against them. As amended, the bill allows a covered person under the bill to assign, in writing, a covered person's right to bring a civil action for the continued disclosure of their information, and they may do so immediately upon enactment. The bill as amended also requires courts to impose certain penalties for a violation of Daniel's Law; whereas under current law, each of the authorized penalties is discretionary. As amended, the bill additionally replaces the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

Current law provides that news media are not liable for violations of Daniel's Law for failing to remove information from previously printed newspapers. This bill revises this exemption to additionally provide an exemption from liability for telephone directories and directory assistance, unless a covered person has requested to be unpublished in the directory and directory assistance by the applicable publication deadline.

COMMITTEE AMENDMENTS

The committee amended the bill to remove the requirement that a covered person receives approval from the Office of Information Privacy prior to providing written notice to a person, business, or association of their obligation to cease disclosing the covered person's home address or unpublished telephone number. The amendments also provide that the covered person or their assignee may bring a civil suit against a person, business, or association who has disclosed the covered person's home address or unpublished telephone number immediately upon enactment.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 4947

with Assembly Floor Amendments
(Proposed by Assemblywoman LOPEZ)

ADOPTED: MARCH 30, 2023

These amendments provide that the bill will take effect immediately, but sections 1 through 5 and section 7 will remain inoperative for one year following the date of enactment. The Department of Community Affairs may still take anticipatory action as needed to prepare for the implementation of the bill's provisions.

Governor Murphy Takes Action on Legislation

07/20/2023

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-528/A-2815 (Ruiz, Pou/Murphy, Wimberly, McKnight) - Requires certain additional school district personnel to complete training program on suicide prevention

S-3089/A-4722 (Gopal, A.M. Bucco/McKeon) - Permits certain school districts to establish State military impact aid reserve account

S-3125/A-4947 (Cryan, Gopal/Lopez, Quijano, Atkins) - Expands "Daniel's Law" to prohibit disclosure of personal information concerning child protective investigators

S-3309/A-4832 (Stack, Scutari/Mukherji, Speight) - Raises maximum workers' compensation fees for evaluating physicians; expands circumstances for which physician legal fee permitted

S3406/A-4970 (Gopal, Cryan/Jasey, Carter, McKeon) - Requires public institutions of higher education to submit annual fiscal monitoring report; authorizes Secretary of Higher Education to appoint State monitor of certain institutions; requires higher education chief financial officers complete training; annually appropriates \$100,000

S-3444/A-5211 (Schepisi, Lagana/Karabinchak, Stanley) - Allows certain municipal water systems, under certain circumstances, to use lands preserved for recreation and conservation for drinking water wells and associated treatment equipment or facilities

S-3753/A-5299 (Madden, Turner/Murphy) - Designates State Office of Emergency Management as State Agency for Surplus Property

S-3783/A-5541 (Zwicker, Cruz-Perez/Quijano) - Modifies certain provisions of "New Jersey Innovation Evergreen Act" and "Food Desert Relief Act"

S-3796/A-5559 (Greenstein, Stanfield/Mejia, Reynolds-Jackson, Atkins) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY 2024

S-3797/A-5558 (Codey, Greenstein/Lampitt, Swain, Stanley) - Appropriates funds to DEP for environmental infrastructure projects for FY 2024

S-3798/A-5422 (Ruiz, Corrado, Turner/Jasey, Lampitt, Mukherji) - Permits teacher, and professional staff member who provides special services, who retired from TPAF to return employment for up to two years without reenrollment in TPAF if employment commences during the 2023-2024 school year

S-3873/A-5507 (Zwicker, Johnson/Benson, Pintor Marin) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for transportation infrastructure projects for FY2024; makes appropriation

A-4864/S-3795 (Mosquera, Sampson, Quijano/Lagana, Burgess) - Expands scope of Foreclosure Mediation Assistance Program during State of Emergency to allow use of program funds for payment to counselors who help disaster victims process applications for assistance

A-5175/SCS for S-3519 and 3593 (Verrelli, McKnight, Moen/Beach, Turner, Zwicker) - Changes certain General Election deadlines