18A: 73-43.)

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:73-43.1			(Library recordsconfidentiality)		
LAWS OF: 1985			CHAPTER: 172		
Bill No: S1008					
Sponsor(s): Feldman					
Date Introduced: Pre-filed					
Committee: Assembly: Education					
	Sena	ate: E	ducation		
Amended during passage: Yes			Amendments during passage denoted by asterisks.		
Date of Passag	ze:		Assembly	: February 14,	1985 0
			Senate: S	September 20, 198	34
Date of Approval: May 31, 1985					
Following statements are attached if available:Sponsor statement:YesCommittee statement:AssemblyYes					
Sponsor staten	nent:			Yes	And the second second
Committee sta	atement: Ass	embly		Yes	C. S. Sand
			Senate	Yes	and the second
Fiscal Note:				No	
Veto Message:				No	and the state of t
Message on Signing:				No	
Following were printed:					
Reports:				No	ан санан санан Селан санан сан
Hearings:				No	
States having passed similar legislation, as of 5-85:					
Alabama Alaska California	Colorado Connecticut Delaware	Florid Illinoi: Indian	s	Iowa Lousiana Maine	Maryland Massachusetts Michigan

(OVER)

 Regulations in New Jersey, not promulgated as of 12-85.

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[OFFICIAL COPY REPRINT] SENATE, No. 1008

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STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator FELDMAN

An Act concerning library records and supplementing chapter 73 of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State 1 2 of New Jersey:

1. For the purposes of this act: 1

....

 $\mathbf{2}$ a. "Library" means a library maintained by any State or local governmental agency, school, college, or industrial, commercial or 3 other special group, association or agency, whether public or pri-4 5 vate.

b. "Library record" means any document or record, however 6 maintained, the primary purpose of which is to provide for control 7 8 of the circulation or other public use of library materials.

2. Library records which contain the names or other personally 1 identifying details regarding the users of libraries are confidential $\mathbf{2}$ shall not be disclosed except in the following circumstances: 3

4 a. The records are necessary for the proper operation of the $\mathbf{5}$ library;

b. Disclosure is requested by the user; or 6

c. Disclosure is required pursuant to a^* subpena *issued by a* 7 court* or court order. 8

1 3. The State Librarian shall adopt pursuant to section 18 of

P. L. 1969, c. 158 (C. 18A:73-33) and the "Administrative Pro- $\mathbf{2}$

cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) rules and regu-3

lations necessary to effectuate the purposes of this act. 4

1 4. This act shall take effect immediately.

Matter printed in italics thus is new matter. Matter enclosed in asterisks or stars has been adopted as follows: *—Assembly committee amendment adopted November 19, 1984.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1008

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1984

This bill as amended provides that records of public or private libraries which contain an individual's name or other personally identifying details are confidential and may not be disclosed except (1) insofar as it is necessary to operate the library, (2) the user requests disclosure, or (3) the records are under subpena or court order.

Sixteen states have passed legislation protecting the confidentiality of library records.

Committee Amendment:

The amendment further specifies the type of subpena that must be issued to gain access to confidential material.

The committee favorably reports this bill as amended.

SENATE EDUCATION COMMITTEE STATEMENT TO SENATE, No. 1008

STATE OF NEW JERSEY

DATED: MAY 21, 1984

This bill provides that records of public or private libraries which contain an individual's name or other personally identifying details are confidential and may not be disclosed except (1) insofar as it is necessary to operate the library, (2) the user requests disclosure, or (3) the records are under subpena or court order.

Sixteen states have passed legislation protecting the confidentiality of library records.

STATEMENT

This bill provides that library records, which are used primarily for the control of library materials, are confidential and may only be disclosed at the request of the user, by court order or subpena or as necessary for the operation of the library.

The confidentiality of library records has become a national concern. To date, 16 states have enacted privacy laws for library users.

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