

47:1A-1.1
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 116

NJSA: 47:1A-1.1 (Codifies regulation exempting firearms records from State's open public records law)

BILL NO: A3788 (Substituted for S2552)

SPONSOR(S) Rible and others

DATE INTRODUCED: February 7, 2013

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 24, 2013

SENATE: May 30, 2013

DATE OF APPROVAL: August 8, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted) Yes

A3788

SPONSOR'S STATEMENT (Begins on page 7 of introduced bill): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL NOTE: No

S2552

SPONSOR'S STATEMENT: (Begins on page 7 introduced bill): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL NOTE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

OTHER: Yes

The New Jersey SAFE Task Force on Gun Protection, Addiction, Mental Health and Families, and Education Safety: Report to Governor Chris Christie. [Trenton, N.J.] : [Office of the Attorney General], 2013.
Call number 974.90 W362, 2013

<http://dspace.njstatelib.org:8080/xmlui/handle/10929/34559>

"Christie signs extensive package of gun-control bills into law," NJ SPOTLIGHT, 8-9-13

"Christie cautious on guns," The Record, 8-9-13

"Christie signs limits on guns," The Philadelphia Inquirer, 8-9-13

"Christie balks on controversial gun bills," The Star-Ledger, 8-9-13

"Christie signs 10 new gun bills, including local lawmakers' anti-trafficking measure", Burlington County Times, 8-9-13

"Tougher gun measures signed," CourierPostOnline.com, 8-9-13

"Christie signs some gun-control measures into law," The Trentonian, 8-9-13

LAW/RWH

P.L.2013, CHAPTER 116, *approved August 8, 2013*

Assembly, No. 3788 (*Second Reprint*)

1 AN ACT concerning firearms records and amending ²[P.L.1963,
2 c.73]² P.L.1995, c.23 ²[, c.23 and P.L.2001, c.404]².

3

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

6

7 ²[1. Section 1 of P.L.1963, c.73 (C.47:1A-1) is amended to read
8 as follows:

9 1. The Legislature finds and declares it to be the public policy
10 of this State that:

11 government records shall be readily accessible for inspection,
12 copying, or examination by the citizens of this State, with certain
13 exceptions, for the protection of the public interest, and any
14 limitations on the right of access accorded by P.L.1963, c.73
15 (C.47:1A-1 et seq.) as amended and supplemented, shall be
16 construed in favor of the public's right of access;

17 all government records shall be subject to public access unless
18 exempt from such access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as
19 amended and supplemented; any other statute; resolution of either
20 or both houses of the Legislature; regulation promulgated under the
21 authority of any statute or Executive Order of the Governor;
22 Executive Order of the Governor; Rules of Court; any federal law,
23 federal regulation, or federal order;

24 a public agency has a responsibility and an obligation to
25 safeguard from public access a citizen's personal information with
26 which it has been entrusted when disclosure thereof would violate
27 the citizen's reasonable expectation of privacy and to safeguard
28 from public access information when disclosure thereof would
29 jeopardize personal or public safety; and **[nothing contained in]**
30 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented,
31 shall not be construed as affecting in any way the common law right
32 of access to any record, including but not limited to criminal
33 investigatory records of a law enforcement agency , unless
34 otherwise expressly provided.

35 (cf: P.L.2001, c.404, s.1)]²

36

37 ²[**2.]** ^{1,2} Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is
38 amended to read as follows:

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

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 SLP committee amendments adopted May 9, 2013.

²Senate floor amendments adopted May 13, 2013.

1 "Biotechnology" means any technique that uses living
2 organisms, or parts of living organisms, to make or modify
3 products, to improve plants or animals, or to develop micro-
4 organisms for specific uses; including the industrial use of
5 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

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

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

28 information received by a member of the Legislature from a
29 constituent or information held by a member of the Legislature
30 concerning a constituent, including but not limited to information in
31 written form or contained in any e-mail or computer data base, or in
32 any telephone record whatsoever, unless it is information the
33 constituent is required by law to transmit;

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

40 any copy, reproduction or facsimile of any photograph, negative
41 or print, including instant photographs and videotapes of the body,
42 or any portion of the body, of a deceased person, taken by or for the
43 medical examiner at the scene of death or in the course of a post
44 mortem examination or autopsy made by or caused to be made by
45 the medical examiner except:

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

1 for the use as a court of this State permits, by order after good
2 cause has been shown and after written notification of the request
3 for the court order has been served at least five days before the
4 order is made upon the county prosecutor for the county in which
5 the post mortem examination or autopsy occurred,
6 for use in the field of forensic pathology or for use in medical or
7 scientific education or research, or
8 for use by any law enforcement agency in this State or any other
9 state or federal law enforcement agency;
10 criminal investigatory records;
11 victims' records, except that a victim of a crime shall have access
12 to the victim's own records;
13 personal firearms records, except for use by any person
14 authorized by law to have access to these records or for use by any
15 government agency, including any court or law enforcement
16 agency, for purposes of the administration of justice;
17 ¹personal identifying information received by the Division of
18 Fish and Wildlife in the Department of Environmental Protection in
19 connection with the issuance of any license authorizing hunting
20 with a firearm. For the purposes of this paragraph, personal
21 identifying information shall include, but not be limited to, identity,
22 name, address, social security number, telephone number, fax
23 number, driver's license number, email address, or social media
24 address of any applicant or licensee;¹
25 trade secrets and proprietary commercial or financial information
26 obtained from any source. For the purposes of this paragraph, trade
27 secrets shall include data processing software obtained by a public
28 body under a licensing agreement which prohibits its disclosure;
29 any record within the attorney-client privilege. This paragraph
30 shall not be construed as exempting from access attorney or
31 consultant bills or invoices except that such bills or invoices may be
32 redacted to remove any information protected by the attorney-client
33 privilege;
34 administrative or technical information regarding computer
35 hardware, software and networks which, if disclosed, would
36 jeopardize computer security;
37 emergency or security information or procedures for any
38 buildings or facility which, if disclosed, would jeopardize security
39 of the building or facility or persons therein;
40 security measures and surveillance techniques which, if
41 disclosed, would create a risk to the safety of persons, property,
42 electronic data or software;
43 information which, if disclosed, would give an advantage to
44 competitors or bidders;
45 information generated by or on behalf of public employers or
46 public employees in connection with any sexual harassment
47 complaint filed with a public employer or with any grievance filed
48 by or against an individual or in connection with collective

1 negotiations, including documents and statements of strategy or
2 negotiating position;

3 information which is a communication between a public agency
4 and its insurance carrier, administrative service organization or risk
5 management office;

6 information which is to be kept confidential pursuant to court
7 order;

8 any copy of form DD-214, or that form, issued by the United
9 States Government, or any other certificate of honorable discharge,
10 or copy thereof, from active service or the reserves of a branch of
11 the Armed Forces of the United States, or from service in the
12 organized militia of the State, that has been filed by an individual
13 with a public agency, except that a veteran or the veteran's spouse
14 or surviving spouse shall have access to the veteran's own records;
15 and

16 that portion of any document which discloses the social security
17 number, credit card number, unlisted telephone number or driver
18 license number of any person; except for use by any government
19 agency, including any court or law enforcement agency, in carrying
20 out its functions, or any private person or entity acting on behalf
21 thereof, or any private person or entity seeking to enforce payment
22 of court-ordered child support; except with respect to the disclosure
23 of driver information by the New Jersey Motor Vehicle
24 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-
25 3.4); and except that a social security number contained in a record
26 required by law to be made, maintained or kept on file by a public
27 agency shall be disclosed when access to the document or
28 disclosure of that information is not otherwise prohibited by State
29 or federal law, regulation or order or by State statute, resolution of
30 either or both houses of the Legislature, Executive Order of the
31 Governor, rule of court or regulation promulgated under the
32 authority of any statute or executive order of the Governor.

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

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

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

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

10 valuable or rare collections of books and/or documents obtained
11 by gift, grant, bequest or devise conditioned upon limited public
12 access;

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

17 “Personal firearms record” means any ¹information contained in
18 a¹ background investigation conducted by the chief of police, the
19 county prosecutor, or the Superintendent of State Police, of any
20 applicant for a permit to purchase a handgun, firearms identification
21 card license, or firearms registration; any application for a permit to
22 purchase a handgun, firearms identification card license, or firearms
23 registration; any document reflecting the issuance or denial of a
24 permit to purchase a handgun, firearms identification card license,
25 or firearms registration; and any permit to purchase a handgun,
26 firearms identification card license, or any firearms license,
27 certification, certificate, form of register, or registration statement.

28 ¹For the purposes of this paragraph, information contained in a
29 background investigation shall include, but not be limited to,
30 identity, name, address, social security number, phone number, fax
31 number, driver’s license number, email address, social media
32 address of any applicant, licensee, registrant or permit holder.¹

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

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

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

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

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

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

16 "Victim of a crime" means a person who has suffered personal or
17 psychological injury or death or incurs loss of or injury to personal
18 or real property as a result of a crime, or if such a person is
19 deceased or incapacitated, a member of that person's immediate
20 family.

21 "Victims' rights agency" means a public agency, or part thereof,
22 the primary responsibility of which is providing services, including
23 but not limited to food, shelter, or clothing, medical, psychiatric,
24 psychological or legal services or referrals, information and referral
25 services, counseling and support services, or financial services to
26 victims of crimes, including victims of sexual assault, domestic
27 violence, violent crime, child endangerment, child abuse or child
28 neglect, and the Victims of Crime Compensation Board, established
29 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.).

30 (cf: P.L.2005, c.170, s.1)

31

32 ²[3. Section 9 of P.L.2001, c.404 (C.47:1A-8) is amended to read
33 as follows:

34 9. Nothing contained in P.L.1963, c.73 (C.47:1A-1 et seq.), as
35 amended and supplemented, shall be construed as limiting the
36 common law right of access to a government record, including
37 criminal investigatory records of a law enforcement agency ;
38 provided, however, that any common law right of access to a
39 personal firearms record is abolished.

40 (cf: P.L.2001, c.404, s.9)]²

41

42 ²[4.] 2.² This act shall take effect immediately.

43

44

45

46

47 Codifies regulation exempting firearms records from State's
48 open public records law.

ASSEMBLY, No. 3788

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

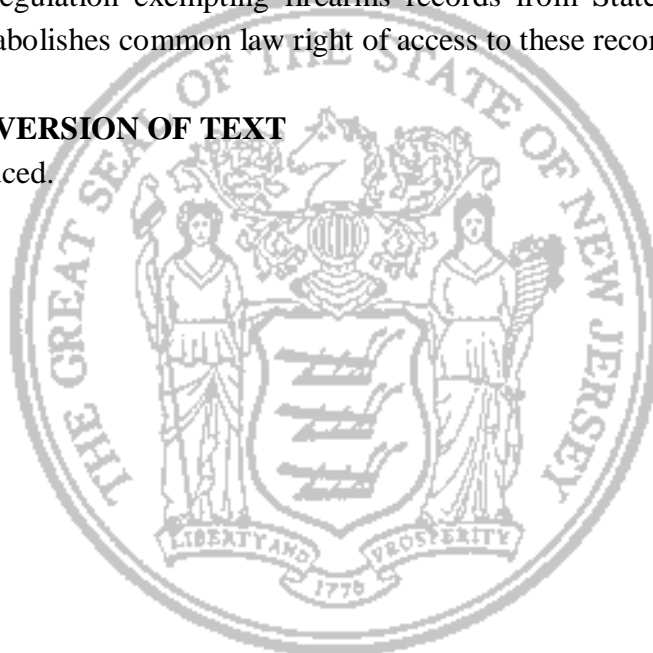
Assemblyman DiMaio, Assemblywomen Angelini, Handlin, Assemblymen Ciattarelli, O'Scanlon, Assemblywoman Simon, Assemblymen Clifton, Rumana, Peterson, Singleton, S.Kean, Carroll and DeAngelo

SYNOPSIS

Codifies regulation exempting firearms records from State's open public records law; abolishes common law right of access to these records.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2013)

1 AN ACT concerning firearms records and amending P.L.1963, c.73,
2 P.L.1995, c.23, and P.L.2001, c.404.

3

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

6

7 1. Section 1 of P.L.1963, c.73 (C.47:1A-1) is amended to read
8 as follows:

9 1. The Legislature finds and declares it to be the public policy
10 of this State that:

11 government records shall be readily accessible for inspection,
12 copying, or examination by the citizens of this State, with certain
13 exceptions, for the protection of the public interest, and any
14 limitations on the right of access accorded by P.L.1963, c.73
15 (C.47:1A-1 et seq.) as amended and supplemented, shall be
16 construed in favor of the public's right of access;

17 all government records shall be subject to public access unless
18 exempt from such access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as
19 amended and supplemented; any other statute; resolution of either
20 or both houses of the Legislature; regulation promulgated under the
21 authority of any statute or Executive Order of the Governor;
22 Executive Order of the Governor; Rules of Court; any federal law,
23 federal regulation, or federal order;

24 a public agency has a responsibility and an obligation to
25 safeguard from public access a citizen's personal information with
26 which it has been entrusted when disclosure thereof would violate
27 the citizen's reasonable expectation of privacy and to safeguard
28 from public access information when disclosure thereof would
29 jeopardize personal or public safety; and **[nothing contained in]**
30 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented,
31 shall not be construed as affecting in any way the common law right
32 of access to any record, including but not limited to criminal
33 investigatory records of a law enforcement agency, unless
34 otherwise expressly provided.

35 (cf: P.L.2001, c.404, s.1)

36

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

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

41 "Biotechnology" means any technique that uses living
42 organisms, or parts of living organisms, to make or modify
43 products, to improve plants or animals, or to develop micro-
44 organisms for specific uses; including the industrial use of
45 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

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

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

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

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

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

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

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

1 for use in the field of forensic pathology or for use in medical or
2 scientific education or research, or
3 for use by any law enforcement agency in this State or any other
4 state or federal law enforcement agency;
5 criminal investigatory records;
6 victims' records, except that a victim of a crime shall have access
7 to the victim's own records;
8 personal firearms records, except for use by any person
9 authorized by law to have access to these records or for use by any
10 government agency, including any court or law enforcement
11 agency, for purposes of the administration of justice;
12 trade secrets and proprietary commercial or financial information
13 obtained from any source. For the purposes of this paragraph, trade
14 secrets shall include data processing software obtained by a public
15 body under a licensing agreement which prohibits its disclosure;
16 any record within the attorney-client privilege. This paragraph
17 shall not be construed as exempting from access attorney or
18 consultant bills or invoices except that such bills or invoices may be
19 redacted to remove any information protected by the attorney-client
20 privilege;
21 administrative or technical information regarding computer
22 hardware, software and networks which, if disclosed, would
23 jeopardize computer security;
24 emergency or security information or procedures for any
25 buildings or facility which, if disclosed, would jeopardize security
26 of the building or facility or persons therein;
27 security measures and surveillance techniques which, if
28 disclosed, would create a risk to the safety of persons, property,
29 electronic data or software;
30 information which, if disclosed, would give an advantage to
31 competitors or bidders;
32 information generated by or on behalf of public employers or
33 public employees in connection with any sexual harassment
34 complaint filed with a public employer or with any grievance filed
35 by or against an individual or in connection with collective
36 negotiations, including documents and statements of strategy or
37 negotiating position;
38 information which is a communication between a public agency
39 and its insurance carrier, administrative service organization or risk
40 management office;
41 information which is to be kept confidential pursuant to court
42 order;
43 any copy of form DD-214, or that form, issued by the United
44 States Government, or any other certificate of honorable discharge,
45 or copy thereof, from active service or the reserves of a branch of
46 the Armed Forces of the United States, or from service in the
47 organized militia of the State, that has been filed by an individual
48 with a public agency, except that a veteran or the veteran's spouse

1 or surviving spouse shall have access to the veteran's own records;
2 and

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

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

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

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

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

43 valuable or rare collections of books and/or documents obtained
44 by gift, grant, bequest or devise conditioned upon limited public
45 access;

46 information contained on individual admission applications; and

1 information concerning student records or grievance or
2 disciplinary proceedings against a student to the extent disclosure
3 would reveal the identity of the student.

4 “Personal firearms record” means any background investigation
5 conducted by the chief of police, the county prosecutor, or the
6 Superintendent of State Police, of any applicant for a permit to
7 purchase a handgun, firearms identification card license, or firearms
8 registration; any application for a permit to purchase a handgun,
9 firearms identification card license, or firearms registration; any
10 document reflecting the issuance or denial of a permit to purchase a
11 handgun, firearms identification card license, or firearms
12 registration; and any permit to purchase a handgun, firearms
13 identification card license, or any firearms license, certification,
14 certificate, form of register, or registration statement.

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

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

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

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

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

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

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

1 "Victims' rights agency" means a public agency, or part thereof,
2 the primary responsibility of which is providing services, including
3 but not limited to food, shelter, or clothing, medical, psychiatric,
4 psychological or legal services or referrals, information and referral
5 services, counseling and support services, or financial services to
6 victims of crimes, including victims of sexual assault, domestic
7 violence, violent crime, child endangerment, child abuse or child
8 neglect, and the Victims of Crime Compensation Board, established
9 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.).
10 (cf: P.L.2005, c.170, s.1)

11
12 3. Section 9 of P.L.2001, c.404 (C.47:1A-8) is amended to read
13 as follows:

14 9. Nothing contained in P.L.1963, c.73 (C.47:1A-1 et seq.), as
15 amended and supplemented, shall be construed as limiting the
16 common law right of access to a government record, including
17 criminal investigatory records of a law enforcement agency ;
18 provided, however, that any common law right of access to a
19 personal firearms record is abolished.
20 (cf: P.L.2001, c.404, s.9)

21
22 4. This act shall take effect immediately.

23 24 25 STATEMENT

26
27 This bill would codify the exemption to the State's open public
28 records law for records relating to the acquisition of firearms by
29 individuals established by regulation, pursuant to N.J.A.C.13:54-
30 1.15. The bill would also resolve the ambiguity in case law as to
31 the accessibility of these records under the common law right of
32 access by abolishing any such right. The bill would protect the
33 privacy of individuals with New Jersey firearms permits, licenses,
34 and registrations, and would protect public safety.

35 Recently, a newspaper in New York published an online map of
36 certain firearms permit holders in that state. The newspaper was
37 able to create the map through public records requests for the names
38 and addresses of these permit holders, which information is public
39 record under New York law. The publication of this information
40 has raised serious privacy and public safety concerns. The map has
41 put all individuals and their homes at risk, allowing them to be
42 targeted for theft or burglaries based on firearms ownership status.
43 The map has also put the safety of law enforcement officers and
44 their families at risk as inmates have used it to learn the home
45 addresses of sheriff's officers and have made threats involving their
46 homes. It has also put victims of domestic violence at risk by
47 providing their assailants with a means of finding them. This bill
48 would help prevent such publication from happening in New Jersey.

1 Under current law, personal firearms records are exempt from
2 the State's open public records law by the administrative regulation,
3 but they may be accessible under the common law right of access to
4 government records. In Southern New Jersey Newspapers v. Twp.
5 of Mt. Laurel, 141 N.J. 56, 75-76 (1995), the Supreme Court of
6 New Jersey held that these records could potentially be accessible
7 under the common law, but remanded the issue for a more complete
8 review of the competing interests to be balanced in a common law
9 right of access analysis. No subsequent published case law has
10 definitively resolved this issue. This bill would incorporate the
11 specific administrative regulation exemption language into the open
12 public records statute to give greater permanence to the exemption
13 and would abolish any common law right of access to these
14 firearms records to foreclose any potential public access through
15 that doctrine.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3788

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2013

The Assembly Law and Public Safety Committee reports favorably on Assembly Bill No. 3788.

Assembly Bill No. 3788 codifies the exemption to the State's open public records law for records relating to the acquisition of firearms by individuals established by regulation, pursuant to N.J.A.C.13:54-1.15. The bill would also resolve the ambiguity in case law as to the accessibility of these records under the common law right of access by abolishing any such right. The bill protects the privacy of individuals with New Jersey firearms permits, licenses, and registrations, and would protect public safety.

Recently, a newspaper in New York published an online map of certain firearms permit holders in that state. The newspaper was able to create the map through public records requests for the names and addresses of these permit holders, which information is public record under New York law. The publication of this information has raised serious privacy and public safety concerns. The map has put all individuals and their homes at risk, allowing them to be targeted for theft or burglaries based on firearms ownership status. The map has also put the safety of law enforcement officers and their families at risk as inmates have used it to learn the home addresses of sheriff's officers and have made threats involving their homes. It has also put victims of domestic violence at risk by providing their assailants with a means of finding them. This bill helps to prevent such publication from happening in New Jersey.

Under current law, personal firearms records are exempt from the State's open public records law by the administrative regulation, but they may be accessible under the common law right of access to government records. In Southern New Jersey Newspapers v. Twp. of Mt. Laurel, 141 N.J. 56, 75-76 (1995), the Supreme Court of New Jersey held that these records could potentially be accessible under the common law, but remanded the issue for a more complete review of the competing interests to be balanced in a common law right of access analysis. No subsequent published case law has definitively resolved

this issue. This bill incorporates the specific administrative regulation exemption language into the open public records statute to give greater permanence to the exemption and would abolish any common law right of access to these firearms records to foreclose any potential public access through that doctrine.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3788

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 2, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3788.

As amended, this bill creates an exemption to the State's open public records law for personal firearms records and personal identifying information obtained in connection with the issuance of a license to hunt with a firearm.

Under current law, a background investigation is conducted when a person applies for a firearms permit or identification card. The information obtained during that investigation is confidential under a regulation (N.J.A.C.13:54-1.15) of the Department of Law and Public Safety. This bill provides that the public would not have access to this information under the open public records law.

The bill also provides that the public also would not have access to personal identifying information submitted to the Division of Fish and Wildlife by any person who applies for a license to hunt with a firearm.

According to the sponsor, a newspaper in New York published an online map of certain firearms permit holders in that state. The newspaper was able to create the map through public records requests for the names and addresses of these permit holders. The publication of this information has raised serious privacy and public safety concerns. The map has put all individuals and their homes at risk, allowing them to be targeted for theft or burglaries because they own firearms. The map has also put the safety of law enforcement officers and their families at risk, because inmates have used it to learn the home addresses of sheriff's officers and have made threats involving their homes. In addition, it has put victims of domestic violence at risk by enabling their assailants to find them. This bill would help prevent such publication from happening in New Jersey.

Under current law, personal firearms records are exempt from the State's open public records law by administrative regulation, but they may be accessible under the common law right of access to government records. No court, however, has resolved this issue. The

language in this bill regarding personal firearms records is modeled on the Department of Law and Public Safety administrative regulation.

The committee amended the bill to state more specifically the information that would be confidential with respect to personal firearms records, such as a person's name, address, and social security number. The committee also amended the bill to include in its provisions personal identifying information submitted to obtain a license to hunt with a firearm.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2552 which was also amended and reported by the committee on this date.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3788

with Senate Floor Amendments
(Proposed by Senator WEINBERG)

ADOPTED: MAY 13, 2013

Assembly Bill No. 3788 (1R) creates an exemption to the State's open public records law for personal firearms records and personal identifying information obtained in connection with the issuance of a license to hunt with a firearm.

These Senate amendments delete the legislative findings from the bill, as well as a provision that abolished the common law right of access to a personal firearms record.

Under these Senate amendments, this bill is identical to Senate Bill No. 2552 (1R), also amended by the Senate on this some date.

SENATE, No. 2552

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senators Beck and Doherty

SYNOPSIS

Codifies regulation exempting firearms records from State's open public records law; abolishes common law right of access to these records.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/2013)

1 AN ACT concerning firearms records and amending P.L.1963, c.73,
2 P.L.1995, c.23, and P.L.2001, c.404.

3

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

6

7 1. Section 1 of P.L.1963, c.73 (C.47:1A-1) is amended to read
8 as follows:

9 1. The Legislature finds and declares it to be the public policy
10 of this State that:

11 government records shall be readily accessible for inspection,
12 copying, or examination by the citizens of this State, with certain
13 exceptions, for the protection of the public interest, and any
14 limitations on the right of access accorded by P.L.1963, c.73
15 (C.47:1A-1 et seq.) as amended and supplemented, shall be
16 construed in favor of the public's right of access;

17 all government records shall be subject to public access unless
18 exempt from such access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as
19 amended and supplemented; any other statute; resolution of either
20 or both houses of the Legislature; regulation promulgated under the
21 authority of any statute or Executive Order of the Governor;
22 Executive Order of the Governor; Rules of Court; any federal law,
23 federal regulation, or federal order;

24 a public agency has a responsibility and an obligation to
25 safeguard from public access a citizen's personal information with
26 which it has been entrusted when disclosure thereof would violate
27 the citizen's reasonable expectation of privacy and to safeguard
28 from public access information when disclosure thereof would
29 jeopardize personal or public safety; and **[nothing contained in]**
30 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented,
31 shall not be construed as affecting in any way the common law right
32 of access to any record, including but not limited to criminal
33 investigatory records of a law enforcement agency , unless
34 otherwise expressly provided.

35 (cf: P.L.2001, c.404, s.1)

36

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

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

41 "Biotechnology" means any technique that uses living
42 organisms, or parts of living organisms, to make or modify
43 products, to improve plants or animals, or to develop micro-
44 organisms for specific uses; including the industrial use of
45 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

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

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

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

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

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

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

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

1 for use in the field of forensic pathology or for use in medical or
2 scientific education or research, or
3 for use by any law enforcement agency in this State or any other
4 state or federal law enforcement agency;
5 criminal investigatory records;
6 victims' records, except that a victim of a crime shall have access
7 to the victim's own records;
8 personal firearms records, except for use by any person
9 authorized by law to have access to these records or for use by any
10 government agency, including any court or law enforcement
11 agency, for purposes of the administration of justice;
12 trade secrets and proprietary commercial or financial information
13 obtained from any source. For the purposes of this paragraph, trade
14 secrets shall include data processing software obtained by a public
15 body under a licensing agreement which prohibits its disclosure;
16 any record within the attorney-client privilege. This paragraph
17 shall not be construed as exempting from access attorney or
18 consultant bills or invoices except that such bills or invoices may be
19 redacted to remove any information protected by the attorney-client
20 privilege;
21 administrative or technical information regarding computer
22 hardware, software and networks which, if disclosed, would
23 jeopardize computer security;
24 emergency or security information or procedures for any
25 buildings or facility which, if disclosed, would jeopardize security
26 of the building or facility or persons therein;
27 security measures and surveillance techniques which, if
28 disclosed, would create a risk to the safety of persons, property,
29 electronic data or software;
30 information which, if disclosed, would give an advantage to
31 competitors or bidders;
32 information generated by or on behalf of public employers or
33 public employees in connection with any sexual harassment
34 complaint filed with a public employer or with any grievance filed
35 by or against an individual or in connection with collective
36 negotiations, including documents and statements of strategy or
37 negotiating position;
38 information which is a communication between a public agency
39 and its insurance carrier, administrative service organization or risk
40 management office;
41 information which is to be kept confidential pursuant to court
42 order;
43 any copy of form DD-214, or that form, issued by the United
44 States Government, or any other certificate of honorable discharge,
45 or copy thereof, from active service or the reserves of a branch of
46 the Armed Forces of the United States, or from service in the
47 organized militia of the State, that has been filed by an individual
48 with a public agency, except that a veteran or the veteran's spouse

1 or surviving spouse shall have access to the veteran's own records;
2 and

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

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

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

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

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

43 valuable or rare collections of books and/or documents obtained
44 by gift, grant, bequest or devise conditioned upon limited public
45 access;

46 information contained on individual admission applications; and

1 information concerning student records or grievance or
2 disciplinary proceedings against a student to the extent disclosure
3 would reveal the identity of the student.

4 “Personal firearms record” means any background investigation
5 conducted by the chief of police, the county prosecutor, or the
6 Superintendent of State Police, of any applicant for a permit to
7 purchase a handgun, firearms identification card license, or firearms
8 registration; any application for a permit to purchase a handgun,
9 firearms identification card license, or firearms registration; any
10 document reflecting the issuance or denial of a permit to purchase a
11 handgun, firearms identification card license, or firearms
12 registration; and any permit to purchase a handgun, firearms
13 identification card license, or any firearms license, certification,
14 certificate, form of register, or registration statement.

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

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

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

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

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

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

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

1 "Victims' rights agency" means a public agency, or part thereof,
2 the primary responsibility of which is providing services, including
3 but not limited to food, shelter, or clothing, medical, psychiatric,
4 psychological or legal services or referrals, information and referral
5 services, counseling and support services, or financial services to
6 victims of crimes, including victims of sexual assault, domestic
7 violence, violent crime, child endangerment, child abuse or child
8 neglect, and the Victims of Crime Compensation Board, established
9 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.).
10 (cf: P.L.2005, c.170, s.1)

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12 3. Section 9 of P.L.2001, c.404 (C.47:1A-8) is amended to read
13 as follows:

14 9. Nothing contained in P.L.1963, c.73 (C.47:1A-1 et seq.), as
15 amended and supplemented, shall be construed as limiting the
16 common law right of access to a government record, including
17 criminal investigatory records of a law enforcement agency ;
18 provided, however, that any common law right of access to a
19 personal firearms record is abolished.
20 (cf: P.L.2001, c.404, s.9)

21
22 4. This act shall take effect immediately.
23
24

25 STATEMENT
26

27 This bill would codify the exemption to the State's open public
28 records law for records relating to the acquisition of firearms by
29 individuals established by regulation, pursuant to N.J.A.C.13:54-
30 1.15. The bill would also resolve the ambiguity in case law as to
31 the accessibility of these records under the common law right of
32 access by abolishing any such right. The bill would protect the
33 privacy of individuals with New Jersey firearms permits, licenses,
34 and registrations, and would protect public safety.

35 Recently, a newspaper in New York published an online map of
36 certain firearms permit holders in that state. The newspaper was
37 able to create the map through public records requests for the names
38 and addresses of these permit holders, which information is public
39 record under New York law. The publication of this information
40 has raised serious privacy and public safety concerns. The map has
41 put all individuals and their homes at risk, allowing them to be
42 targeted for theft or burglaries based on firearms ownership status.
43 The map has also put the safety of law enforcement officers and
44 their families at risk as inmates have used it to learn the home
45 addresses of sheriff's officers and have made threats involving their
46 homes. It has also put victims of domestic violence at risk by
47 providing their assailants with a means of finding them. This bill
48 would help prevent such publication from happening in New Jersey.

1 Under current law, personal firearms records are exempt from
2 the State's open public records law by the administrative regulation,
3 but they may be accessible under the common law right of access to
4 government records. In Southern New Jersey Newspapers v. Twp.
5 of Mt. Laurel, 141 N.J. 56, 75-76 (1995), the Supreme Court of
6 New Jersey held that these records could potentially be accessible
7 under the common law, but remanded the issue for a more complete
8 review of the competing interests to be balanced in a common law
9 right of access analysis. No subsequent published case law has
10 definitively resolved this issue. This bill would incorporate the
11 specific administrative regulation exemption language into the open
12 public records statute to give greater permanence to the exemption
13 and would abolish any common law right of access to these
14 firearms records to foreclose any potential public access through
15 that doctrine.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2552

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 2, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2552.

As amended, this bill creates an exemption to the State's open public records law for personal firearms records and personal identifying information obtained in connection with the issuance of a license to hunt with a firearm.

Under current law, a background investigation is conducted when a person applies for a firearms permit or identification card. The information obtained during that investigation is confidential under a regulation (N.J.A.C.13:54-1.15) of the Department of Law and Public Safety. This bill provides that the public would not have access to this information under the open public records law.

The bill also provides that the public also would not have access to personal identifying information submitted to the Division of Fish and Wildlife by any person who applies for a license to hunt with a firearm.

According to the sponsor, a newspaper in New York published an online map of certain firearms permit holders in that state. The newspaper was able to create the map through public records requests for the names and addresses of these permit holders. The publication of this information has raised serious privacy and public safety concerns. The map has put all individuals and their homes at risk, allowing them to be targeted for theft or burglaries because they own firearms. The map has also put the safety of law enforcement officers and their families at risk, because inmates have used it to learn the home addresses of sheriff's officers and have made threats involving their homes. In addition, it has put victims of domestic violence at risk by enabling their assailants to find them. This bill would help prevent such publication from happening in New Jersey.

Under current law, personal firearms records are exempt from the State's open public records law by administrative regulation, but they may be accessible under the common law right of access to government records. No court, however, has resolved this issue. The

language in this bill regarding personal firearms records is modeled on the Department of Law and Public Safety administrative regulation.

The committee amended the bill to state more specifically the information that would be confidential with respect to personal firearms records, such as a person's name, address, and social security number. The committee also amended the bill to include in its provisions personal identifying information submitted to obtain a license to hunt with a firearm.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3788 which was also amended and reported by the committee on this date.

STATEMENT TO
[First Reprint]
SENATE, No. 2552

with Senate Floor Amendments
(Proposed by Senator WEINBERG)

ADOPTED: MAY 13, 2013

Senate Bill No. 2552 (1R) creates an exemption to the State's open public records law for personal firearms records and personal identifying information obtained in connection with the issuance of a license to hunt with a firearm.

These Senate amendments delete the legislative findings from the bill, as well as a provision that abolished the common law right of access to a personal firearms record.

Under these Senate amendments, this bill is identical to Assembly Bill No. 3788 (1R), also amended by the Senate on this same date.

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Governor Chris Christie Builds On Comprehensive Plan To Address Gun Violence, Takes Action On Gun Legislation

Thursday, August 08, 2013 Tags: [Bill Action](#)

Trenton, NJ – Responsibly addressing gun violence in a comprehensive manner, Governor Christie today signed into law 10 pieces of gun violence and firearm-related legislation recently passed by the Legislature. These bills build on the plan Governor Christie introduced in April, as well as New Jersey's already strict gun laws, currently the second toughest in the nation.

"These commonsense measures will both strengthen New Jersey's already tough gun laws and upgrade penalties for those who commit gun crimes and violate gun trafficking laws," said Governor Christie. "As elected leaders, our first duty is to maintain public safety, and these new laws will help reduce gun violence and keep our streets and communities safer."

Governor Christie included a signing statement with Assembly Bill No. 3687, which prevents individuals on the federal Terrorist Watchlist from obtaining a firearms identification card or permit to purchase handgun. The Governor noted that the bill represents his "commitment to keeping the citizens of New Jersey safe," but also noted the federal government's obligation to protect law-abiding citizens against "improper scrutiny." In carrying out that balance, Governor Christie said, "the government must be circumspect in its application of the law. There is little room for mistakes since they may harm the innocent and law abiding."

BILLS SIGNED:

S-1279/A-4179 (Turner, Norcross/Mainor, Singleton, Johnson) - Upgrades penalty for unlawfully transferring a firearm to an underage person; permits transfer for instruction and training

SCS for S-2430/ACS for A-3690 (Lesniak, Turner/Cryan, Coutinho, Gusclora, Tucker, Mainor, Quijano, Sumter) - Declares violence a public health crisis and establish "Study Commission on Violence"

S-2468/A-4180 (Norcross, Bateman/Wilson) – Authorizes impoundment of motor vehicles for certain crimes and offenses

S-2719/ACS for A-3953, 3854 (Norcross, Gill, Allen/Singleton, Oliver, Eustace, Spencer, Sumter, Caride) – Enhances penalties for certain firearms offenses; designated as Anti-Gun Trafficking Act of 2013

S-2720/A-4181 (Weinberg/Johnson) - Clarifies that information concerning the total number of firearms purchaser identification cards and permits to purchase a handgun issued in a municipality are public records

S-2804/A-4152 (Turner, Sweeney/Wilson, Johnson) - Upgrades certain unlawful possession of firearms to first degree crime; revises certain penalties under the "Grave Act"

A-3687/S-2485 (Stender, Fuentes, Quijano/Scutari, Gill) – W/STATEMENT - Disqualifies person named on federal Terrorist Watchlist from obtaining firearms identification card or permit to purchase handgun

A -3717/SCS for S-2492 (Lampitt, Singleton, Eustace, Gusclora, Johnson/Buono, Gill) - Requires submission of certain mental health records to National Instant Criminal Background Check System

A -3788/S-2552 (Rible, Dancer, A.M. Bucco, McHose, Webber/Van Drew, Oroho) - Codifies regulation exempting firearms records from State's open public records law

A -3796/S-2722 (Mainor/Norcross) - Provides 180-day window for persons to dispose of certain unlawfully possessed firearms

A copy of the Governor's signing statement A-3687 [pdf 27kB]

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