

(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:	No
LEGISLATIVE FISCAL ESTIMATE:	No
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

Hair discrimination bill inspired by Buena wrestler now law - Gov. Murphy signs hair discrimination bill inspired by Buena wrestler who had his dreadlocks cut
Press of Atlantic City, The (NJ) - December 21, 2019

NJ bans hair discrimination after wrestler forced to cut dreadlocks or forfeit his match
northjersey.com (Published as northjersey.com (NJ)) - December 20, 2019

JERSEY BECOMES LATEST STATE TO BAN HAIR DISCRIMINATION
Record, The (Hackensack, NJ) - December 21, 2019

Hair bias banned year after athlete lost his dreadlocks
Star-Ledger, The (Newark, NJ) - December 21, 2019

Bill signed, ends discrimination on basis of hair
South Jersey Times (NJ) - December 21, 2019

'Crown Act' Now Law in NJ
New Jersey Law Journal, December 19, 2019

RWH/JA

P.L. 2019, CHAPTER 272, approved December 19, 2019
Senate, No. 3945 (*First Reprint*)

1 **AN ACT** concerning discrimination ¹against persons because of
2 traits historically associated with race, particularly focused on
3 discrimination¹ based on hair texture and style ¹, designated as
4 the “Create a Respectful and Open Workspace for Natural Hair
5 Act,”¹ and amending P.L.1945, c.169.

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

9
10 1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
11 as follows:

12 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
13 different meaning clearly appears from the context:

14 a. "Person" includes one or more individuals, partnerships,
15 associations, organizations, labor organizations, corporations, legal
16 representatives, trustees, trustees in bankruptcy, receivers, and
17 fiduciaries.

18 b. "Employment agency" includes any person undertaking to
19 procure employees or opportunities for others to work.

20 c. "Labor organization" includes any organization which exists
21 and is constituted for the purpose, in whole or in part, of collective
22 bargaining, or of dealing with employers concerning grievances,
23 terms or conditions of employment, or of other mutual aid or
24 protection in connection with employment.

25 d. "Unlawful employment practice" and "unlawful
26 discrimination" include only those unlawful practices and acts
27 specified in section 11 of P.L.1945, c.169 (C.10:5-12).

28 e. "Employer" includes all persons as defined in subsection a.
29 of this section unless otherwise specifically exempt under another
30 section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State,
31 any political or civil subdivision thereof, and all public officers,
32 agencies, boards, or bodies.

33 f. "Employee" does not include any individual employed in the
34 domestic service of any person.

35 g. "Liability for service in the Armed Forces of the United
36 States" means subject to being ordered as an individual or member
37 of an organized unit into active service in the Armed Forces of the
38 United States by reason of membership in the National Guard, naval
39 militia or a reserve component of the Armed Forces of the United
40 States, or subject to being inducted into such armed forces through
41 a system of national selective service.

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 SJU committee amendments adopted November 18, 2019.

- 1 h. "Division" means the "Division on Civil Rights" created by
2 P.L.1945, c.169 (C.10:5-1 et seq.).
- 3 i. "Attorney General" means the Attorney General of the State
4 of New Jersey or the Attorney General's representative or designee.
- 5 j. "Commission" means the Commission on Civil Rights
6 created by P.L.1945, c.169 (C.10:5-1 et seq.).
- 7 k. "Director" means the Director of the Division on Civil
8 Rights.
- 9 l. "A place of public accommodation" shall include, but not be
10 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
11 summer camp, day camp, or resort camp, whether for entertainment
12 of transient guests or accommodation of those seeking health,
13 recreation, or rest; any producer, manufacturer, wholesaler,
14 distributor, retail shop, store, establishment, or concession dealing
15 with goods or services of any kind; any restaurant, eating house, or
16 place where food is sold for consumption on the premises; any
17 place maintained for the sale of ice cream, ice and fruit preparations
18 or their derivatives, soda water or confections, or where any
19 beverages of any kind are retailed for consumption on the premises;
20 any garage, any public conveyance operated on land or water or in
21 the air or any stations and terminals thereof; any bathhouse,
22 boardwalk, or seashore accommodation; any auditorium, meeting
23 place, or hall; any theatre, motion-picture house, music hall, roof
24 garden, skating rink, swimming pool, amusement and recreation
25 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
26 pool parlor, or other place of amusement; any comfort station; any
27 dispensary, clinic, or hospital; any public library; and any
28 kindergarten, primary and secondary school, trade or business
29 school, high school, academy, college and university, or any
30 educational institution under the supervision of the State Board of
31 Education or the Commissioner of Education of the State of New
32 Jersey. Nothing herein contained shall be construed to include or to
33 apply to any institution, bona fide club, or place of accommodation,
34 which is in its nature distinctly private; nor shall anything herein
35 contained apply to any educational facility operated or maintained
36 by a bona fide religious or sectarian institution, and the right of a
37 natural parent or one in loco parentis to direct the education and
38 upbringing of a child under his control is hereby affirmed; nor shall
39 anything herein contained be construed to bar any private secondary
40 or post-secondary school from using in good faith criteria other than
41 race, creed, color, national origin, ancestry, gender identity, or
42 expression or affectional or sexual orientation in the admission of
43 students.
- 44 m. "A publicly assisted housing accommodation" shall include
45 all housing built with public funds or public assistance pursuant to
46 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
47 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
48 c.184, and all housing financed in whole or in part by a loan,

1 whether or not secured by a mortgage, the repayment of which is
2 guaranteed or insured by the federal government or any agency
3 thereof.

4 n. The term "real property" includes real estate, lands,
5 tenements and hereditaments, corporeal and incorporeal, and
6 leaseholds, provided, however, that, except as to publicly assisted
7 housing accommodations, the provisions of this act shall not apply
8 to the rental: (1) of a single apartment or flat in a two-family
9 dwelling, the other occupancy unit of which is occupied by the
10 owner as a residence; or (2) of a room or rooms to another person or
11 persons by the owner or occupant of a one-family dwelling
12 occupied by the owner or occupant as a residence at the time of
13 such rental. Nothing herein contained shall be construed to bar any
14 religious or denominational institution or organization, or any
15 organization operated for charitable or educational purposes, which
16 is operated, supervised, or controlled by or in connection with a
17 religious organization, in the sale, lease, or rental of real property,
18 from limiting admission to or giving preference to persons of the
19 same religion or denomination or from making such selection as is
20 calculated by such organization to promote the religious principles
21 for which it is established or maintained. Nor does any provision
22 under this act regarding discrimination on the basis of familial
23 status apply with respect to housing for older persons.

24 o. "Real estate broker" includes a person, firm, or corporation
25 who, for a fee, commission, or other valuable consideration, or by
26 reason of promise or reasonable expectation thereof, lists for sale,
27 sells, exchanges, buys or rents, or offers or attempts to negotiate a
28 sale, exchange, purchase, or rental of real estate or an interest
29 therein, or collects or offers or attempts to collect rent for the use of
30 real estate, or solicits for prospective purchasers or assists or directs
31 in the procuring of prospects or the negotiation or closing of any
32 transaction which does or is contemplated to result in the sale,
33 exchange, leasing, renting, or auctioning of any real estate, or
34 negotiates, or offers or attempts or agrees to negotiate a loan
35 secured or to be secured by mortgage or other encumbrance upon or
36 transfer of any real estate for others; or any person who, for
37 pecuniary gain or expectation of pecuniary gain conducts a public
38 or private competitive sale of lands or any interest in lands. In the
39 sale of lots, the term "real estate broker" shall also include any
40 person, partnership, association, or corporation employed by or on
41 behalf of the owner or owners of lots or other parcels of real estate,
42 at a stated salary, or upon a commission, or upon a salary and
43 commission or otherwise, to sell such real estate, or any parts
44 thereof, in lots or other parcels, and who shall sell or exchange, or
45 offer or attempt or agree to negotiate the sale or exchange, of any
46 such lot or parcel of real estate.

47 p. "Real estate salesperson" includes any person who, for
48 compensation, valuable consideration or commission, or other thing

1 of value, or by reason of a promise or reasonable expectation
2 thereof, is employed by and operates under the supervision of a
3 licensed real estate broker to sell or offer to sell, buy or offer to buy
4 or negotiate the purchase, sale, or exchange of real estate, or offers
5 or attempts to negotiate a loan secured or to be secured by a
6 mortgage or other encumbrance upon or transfer of real estate, or to
7 lease or rent, or offer to lease or rent any real estate for others, or to
8 collect rents for the use of real estate, or to solicit for prospective
9 purchasers or lessees of real estate, or who is employed by a
10 licensed real estate broker to sell or offer to sell lots or other parcels
11 of real estate, at a stated salary, or upon a commission, or upon a
12 salary and commission, or otherwise to sell real estate, or any parts
13 thereof, in lots or other parcels.

14 q. "Disability" means physical or sensory disability, infirmity,
15 malformation, or disfigurement which is caused by bodily injury,
16 birth defect, or illness including epilepsy and other seizure
17 disorders, and which shall include, but not be limited to, any degree
18 of paralysis, amputation, lack of physical coordination, blindness or
19 visual impairment, deafness or hearing impairment, muteness or
20 speech impairment, or physical reliance on a service or guide dog,
21 wheelchair, or other remedial appliance or device, or any mental,
22 psychological, or developmental disability, including autism
23 spectrum disorders, resulting from anatomical, psychological,
24 physiological, or neurological conditions which prevents the typical
25 exercise of any bodily or mental functions or is demonstrable,
26 medically or psychologically, by accepted clinical or laboratory
27 diagnostic techniques. Disability shall also mean AIDS or HIV
28 infection.

29 r. "Blind person" or "person who is blind" means any
30 individual whose central visual acuity does not exceed 20/200 in the
31 better eye with correcting lens or whose visual acuity is better than
32 20/200 if accompanied by a limit to the field of vision in the better
33 eye to such a degree that its widest diameter subtends an angle of
34 no greater than 20 degrees.

35 s. "Guide dog" means a dog used to assist persons who are
36 deaf, or which is fitted with a special harness so as to be suitable as
37 an aid to the mobility of a person who is blind, and is used by a
38 person who is blind and has satisfactorily completed a specific
39 course of training in the use of such a dog, and has been trained by
40 an organization generally recognized by agencies involved in the
41 rehabilitation of persons with disabilities, including, but not limited
42 to, those persons who are blind or deaf, as reputable and competent
43 to provide dogs with training of this type.

44 t. "Guide or service dog trainer" means any person who is
45 employed by an organization generally recognized by agencies
46 involved in the rehabilitation of persons with disabilities, including,
47 but not limited to, those persons who are blind, have visual
48 impairments, or are deaf or have hearing impairments, as reputable

- 1 and competent to provide dogs with training, as defined in this
2 section, and who is actually involved in the training process.
- 3 u. "Housing accommodation" means any publicly assisted
4 housing accommodation or any real property, or portion thereof,
5 which is used or occupied, or is intended, arranged, or designed to
6 be used or occupied, as the home, residence, or sleeping place of
7 one or more persons, but shall not include any single family
8 residence the occupants of which rent, lease, or furnish for
9 compensation not more than one room therein.
- 10 v. "Public facility" means any place of public accommodation
11 and any street, highway, sidewalk, walkway, public building, and
12 any other place or structure to which the general public is regularly,
13 normally, or customarily permitted or invited.
- 14 w. "Deaf person" or "person who is deaf" means any person
15 whose hearing is so severely impaired that the person is unable to
16 hear and understand conversational speech through the unaided ear
17 alone, and who must depend primarily on an assistive listening
18 device or visual communication such as writing, lip reading, sign
19 language, and gestures.
- 20 x. "Atypical hereditary cellular or blood trait" means sickle cell
21 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
22 fibrosis trait.
- 23 y. "Sickle cell trait" means the condition wherein the major
24 natural hemoglobin components present in the blood of the
25 individual are hemoglobin A (normal) and hemoglobin S (sickle
26 hemoglobin) as defined by standard chemical and physical analytic
27 techniques, including electrophoresis; and the proportion of
28 hemoglobin A is greater than the proportion of hemoglobin S or one
29 natural parent of the individual is shown to have only normal
30 hemoglobin components (hemoglobin A, hemoglobin A2,
31 hemoglobin F) in the normal proportions by standard chemical and
32 physical analytic tests.
- 33 z. "Hemoglobin C trait" means the condition wherein the major
34 natural hemoglobin components present in the blood of the
35 individual are hemoglobin A (normal) and hemoglobin C as defined
36 by standard chemical and physical analytic techniques, including
37 electrophoresis; and the proportion of hemoglobin A is greater than
38 the proportion of hemoglobin C or one natural parent of the
39 individual is shown to have only normal hemoglobin components
40 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
41 proportions by standard chemical and physical analytic tests.
- 42 aa. "Thalassemia trait" means the presence of the thalassemia
43 gene which in combination with another similar gene results in the
44 chronic hereditary disease Cooley's anemia.
- 45 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
46 which in combination with another similar gene results in the
47 chronic hereditary disease Tay-Sachs.

- 1 cc. "Cystic fibrosis trait" means the presence of the cystic
2 fibrosis gene which in combination with another similar gene
3 results in the chronic hereditary disease cystic fibrosis.
- 4 dd. "Service dog" means any dog individually trained to the
5 requirements of a person with a disability including, but not limited
6 to minimal protection work, rescue work, pulling a wheelchair or
7 retrieving dropped items. This term shall include a "seizure dog"
8 trained to alert or otherwise assist persons with epilepsy or other
9 seizure disorders.
- 10 ee. "Qualified Medicaid applicant" means an individual who is a
11 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 12 ff. "AIDS" means acquired immune deficiency syndrome as
13 defined by the Centers for Disease Control and Prevention of the
14 United States Public Health Service.
- 15 gg. "HIV infection" means infection with the human
16 immunodeficiency virus or any other related virus identified as a
17 probable causative agent of AIDS.
- 18 hh. "Affectional or sexual orientation" means male or female
19 heterosexuality, homosexuality, or bisexuality by inclination,
20 practice, identity, or expression, having a history thereof or being
21 perceived, presumed, or identified by others as having such an
22 orientation.
- 23 ii. "Heterosexuality" means affectional, emotional, or physical
24 attraction or behavior which is primarily directed towards persons
25 of the other gender.
- 26 jj. "Homosexuality" means affectional, emotional, or physical
27 attraction or behavior which is primarily directed towards persons
28 of the same gender.
- 29 kk. "Bisexuality" means affectional, emotional, or physical
30 attraction or behavior which is directed towards persons of either
31 gender.
- 32 ll. "Familial status" means being the natural parent of a child,
33 the adoptive parent of a child, the resource family parent of a child,
34 having a "parent and child relationship" with a child as defined by
35 State law, or having sole or joint legal or physical custody, care,
36 guardianship, or visitation with a child, or any person who is
37 pregnant or is in the process of securing legal custody of any
38 individual who has not attained the age of 18 years.
- 39 mm. "Housing for older persons" means housing:
- 40 (1) provided under any State program that the Attorney General
41 determines is specifically designed and operated to assist persons
42 who are elderly (as defined in the State program); or provided under
43 any federal program that the United States Department of Housing
44 and Urban Development determines is specifically designed and
45 operated to assist persons who are elderly (as defined in the federal
46 program); or
- 47 (2) intended for, and solely occupied by, persons 62 years of age
48 or older; or

1 (3) intended and operated for occupancy by at least one person
2 55 years of age or older per unit. In determining whether housing
3 qualifies as housing for older persons under this paragraph, the
4 Attorney General shall adopt regulations which require at least the
5 following factors:

6 (a) the existence of significant facilities and services
7 specifically designed to meet the physical or social needs of older
8 persons, or if the provision of such facilities and services is not
9 practicable, that such housing is necessary to provide important
10 housing opportunities for older persons; and

11 (b) that at least 80 percent of the units are occupied by at least
12 one person 55 years of age or older per unit; and

13 (c) the publication of, and adherence to, policies and procedures
14 which demonstrate an intent by the owner or manager to provide
15 housing for persons 55 years of age or older.

16 Housing shall not fail to meet the requirements for housing for
17 older persons by reason of: persons residing in such housing as of
18 September 13, 1988 not meeting the age requirements of this
19 subsection, provided that new occupants of such housing meet the
20 age requirements of this subsection; or unoccupied units, provided
21 that such units are reserved for occupancy by persons who meet the
22 age requirements of this subsection.

23 nn. "Genetic characteristic" means any inherited gene or
24 chromosome, or alteration thereof, that is scientifically or medically
25 believed to predispose an individual to a disease, disorder, or
26 syndrome, or to be associated with a statistically significant
27 increased risk of development of a disease, disorder, or syndrome.

28 oo. "Genetic information" means the information about genes,
29 gene products, or inherited characteristics that may derive from an
30 individual or family member.

31 pp. "Genetic test" means a test for determining the presence or
32 absence of an inherited genetic characteristic in an individual,
33 including tests of nucleic acids such as DNA, RNA, and
34 mitochondrial DNA, chromosomes, or proteins in order to identify a
35 predisposing genetic characteristic.

36 qq. "Domestic partnership" means a domestic partnership
37 established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

38 rr. "Gender identity or expression" means having or being
39 perceived as having a gender related identity or expression whether
40 or not stereotypically associated with a person's assigned sex at
41 birth.

42 ss. "Civil Union" means a legally recognized union of two
43 eligible individuals established pursuant to R.S.37:1-1 et seq. and
44 P.L.2006, c.103 (C.37:1-28 et al.).

45 tt. "Premium wages" means additional remuneration for night,
46 weekend, or holiday work, or for standby or irregular duty.

47 uu. "Premium benefit" means an employment benefit, such as
48 seniority, group life insurance, health insurance, disability

1 insurance, sick leave, annual leave, or an educational or pension
2 benefit that is greater than the employment benefit due the
3 employee for an equivalent period of work performed during the
4 regular work schedule of the employee.

5 vv. “Race” is inclusive of traits historically associated with race,
6 including, but not limited to, hair texture, hair type, and protective
7 hairstyles.

8 ww. “Protective hair styles” includes, but is not limited to, such
9 hairstyles as braids, locks, and twists.

10 (cf: P.L.2017, c.131, s.8)

11

12 2. This act shall take effect immediately.

13

14

15

16

17 “Create a Respectful and Open Workspace for Natural Hair Act”
18 –CROWN Act; addresses discrimination under “Law Against
19 Discrimination” based on traits historically associated with race,
20 particularly focused on hair texture and style.

SENATE, No. 3945

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 13, 2019

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Singleton, Rice, Ruiz, Cruz-Perez and Gopal

SYNOPSIS

Prohibits discrimination on basis of hair under “Law Against Discrimination.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning discrimination based on hair texture and style
2 and amending P.L.1945, c.169.

3

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

6

7 1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
8 as follows:

9 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
10 different meaning clearly appears from the context:

11 a. "Person" includes one or more individuals, partnerships,
12 associations, organizations, labor organizations, corporations, legal
13 representatives, trustees, trustees in bankruptcy, receivers, and
14 fiduciaries.

15 b. "Employment agency" includes any person undertaking to
16 procure employees or opportunities for others to work.

17 c. "Labor organization" includes any organization which exists
18 and is constituted for the purpose, in whole or in part, of collective
19 bargaining, or of dealing with employers concerning grievances,
20 terms or conditions of employment, or of other mutual aid or
21 protection in connection with employment.

22 d. "Unlawful employment practice" and "unlawful
23 discrimination" include only those unlawful practices and acts
24 specified in section 11 of P.L.1945, c.169 (C.10:5-12).

25 e. "Employer" includes all persons as defined in subsection a.
26 of this section unless otherwise specifically exempt under another
27 section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State,
28 any political or civil subdivision thereof, and all public officers,
29 agencies, boards, or bodies.

30 f. "Employee" does not include any individual employed in the
31 domestic service of any person.

32 g. "Liability for service in the Armed Forces of the United
33 States" means subject to being ordered as an individual or member
34 of an organized unit into active service in the Armed Forces of the
35 United States by reason of membership in the National Guard, naval
36 militia or a reserve component of the Armed Forces of the United
37 States, or subject to being inducted into such armed forces through
38 a system of national selective service.

39 h. "Division" means the "Division on Civil Rights" created by
40 P.L.1945, c.169 (C.10:5-1 et seq.).

41 i. "Attorney General" means the Attorney General of the State
42 of New Jersey or the Attorney General's representative or designee.

43 j. "Commission" means the Commission on Civil Rights
44 created by P.L.1945, c.169 (C.10:5-1 et seq.).

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 k. "Director" means the Director of the Division on Civil
2 Rights.

3 l. "A place of public accommodation" shall include, but not be
4 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
5 summer camp, day camp, or resort camp, whether for entertainment
6 of transient guests or accommodation of those seeking health,
7 recreation, or rest; any producer, manufacturer, wholesaler,
8 distributor, retail shop, store, establishment, or concession dealing
9 with goods or services of any kind; any restaurant, eating house, or
10 place where food is sold for consumption on the premises; any
11 place maintained for the sale of ice cream, ice and fruit preparations
12 or their derivatives, soda water or confections, or where any
13 beverages of any kind are retailed for consumption on the premises;
14 any garage, any public conveyance operated on land or water or in
15 the air or any stations and terminals thereof; any bathhouse,
16 boardwalk, or seashore accommodation; any auditorium, meeting
17 place, or hall; any theatre, motion-picture house, music hall, roof
18 garden, skating rink, swimming pool, amusement and recreation
19 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
20 pool parlor, or other place of amusement; any comfort station; any
21 dispensary, clinic, or hospital; any public library; and any
22 kindergarten, primary and secondary school, trade or business
23 school, high school, academy, college and university, or any
24 educational institution under the supervision of the State Board of
25 Education or the Commissioner of Education of the State of New
26 Jersey. Nothing herein contained shall be construed to include or to
27 apply to any institution, bona fide club, or place of accommodation,
28 which is in its nature distinctly private; nor shall anything herein
29 contained apply to any educational facility operated or maintained
30 by a bona fide religious or sectarian institution, and the right of a
31 natural parent or one in loco parentis to direct the education and
32 upbringing of a child under his control is hereby affirmed; nor shall
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41 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
42 c.184, and all housing financed in whole or in part by a loan,
43 whether or not secured by a mortgage, the repayment of which is
44 guaranteed or insured by the federal government or any agency
45 thereof.

46 n. The term "real property" includes real estate, lands,
47 tenements and hereditaments, corporeal and incorporeal, and
48 leaseholds, provided, however, that, except as to publicly assisted

1 housing accommodations, the provisions of this act shall not apply
2 to the rental: (1) of a single apartment or flat in a two-family
3 dwelling, the other occupancy unit of which is occupied by the
4 owner as a residence; or (2) of a room or rooms to another person or
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8 religious or denominational institution or organization, or any
9 organization operated for charitable or educational purposes, which
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11 religious organization, in the sale, lease, or rental of real property,
12 from limiting admission to or giving preference to persons of the
13 same religion or denomination or from making such selection as is
14 calculated by such organization to promote the religious principles
15 for which it is established or maintained. Nor does any provision
16 under this act regarding discrimination on the basis of familial
17 status apply with respect to housing for older persons.

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20 reason of promise or reasonable expectation thereof, lists for sale,
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22 sale, exchange, purchase, or rental of real estate or an interest
23 therein, or collects or offers or attempts to collect rent for the use of
24 real estate, or solicits for prospective purchasers or assists or directs
25 in the procuring of prospects or the negotiation or closing of any
26 transaction which does or is contemplated to result in the sale,
27 exchange, leasing, renting, or auctioning of any real estate, or
28 negotiates, or offers or attempts or agrees to negotiate a loan
29 secured or to be secured by mortgage or other encumbrance upon or
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37 commission or otherwise, to sell such real estate, or any parts
38 thereof, in lots or other parcels, and who shall sell or exchange, or
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42 compensation, valuable consideration or commission, or other thing
43 of value, or by reason of a promise or reasonable expectation
44 thereof, is employed by and operates under the supervision of a
45 licensed real estate broker to sell or offer to sell, buy or offer to buy
46 or negotiate the purchase, sale, or exchange of real estate, or offers
47 or attempts to negotiate a loan secured or to be secured by a
48 mortgage or other encumbrance upon or transfer of real estate, or to

1 lease or rent, or offer to lease or rent any real estate for others, or to
2 collect rents for the use of real estate, or to solicit for prospective
3 purchasers or lessees of real estate, or who is employed by a
4 licensed real estate broker to sell or offer to sell lots or other parcels
5 of real estate, at a stated salary, or upon a commission, or upon a
6 salary and commission, or otherwise to sell real estate, or any parts
7 thereof, in lots or other parcels.

8 q. "Disability" means physical or sensory disability, infirmity,
9 malformation, or disfigurement which is caused by bodily injury,
10 birth defect, or illness including epilepsy and other seizure
11 disorders, and which shall include, but not be limited to, any degree
12 of paralysis, amputation, lack of physical coordination, blindness or
13 visual impairment, deafness or hearing impairment, muteness or
14 speech impairment, or physical reliance on a service or guide dog,
15 wheelchair, or other remedial appliance or device, or any mental,
16 psychological, or developmental disability, including autism
17 spectrum disorders, resulting from anatomical, psychological,
18 physiological, or neurological conditions which prevents the typical
19 exercise of any bodily or mental functions or is demonstrable,
20 medically or psychologically, by accepted clinical or laboratory
21 diagnostic techniques. Disability shall also mean AIDS or HIV
22 infection.

23 r. "Blind person" or "person who is blind" means any
24 individual whose central visual acuity does not exceed 20/200 in the
25 better eye with correcting lens or whose visual acuity is better than
26 20/200 if accompanied by a limit to the field of vision in the better
27 eye to such a degree that its widest diameter subtends an angle of
28 no greater than 20 degrees.

29 s. "Guide dog" means a dog used to assist persons who are
30 deaf, or which is fitted with a special harness so as to be suitable as
31 an aid to the mobility of a person who is blind, and is used by a
32 person who is blind and has satisfactorily completed a specific
33 course of training in the use of such a dog, and has been trained by
34 an organization generally recognized by agencies involved in the
35 rehabilitation of persons with disabilities, including, but not limited
36 to, those persons who are blind or deaf, as reputable and competent
37 to provide dogs with training of this type.

38 t. "Guide or service dog trainer" means any person who is
39 employed by an organization generally recognized by agencies
40 involved in the rehabilitation of persons with disabilities, including,
41 but not limited to, those persons who are blind, have visual
42 impairments, or are deaf or have hearing impairments, as reputable
43 and competent to provide dogs with training, as defined in this
44 section, and who is actually involved in the training process.

45 u. "Housing accommodation" means any publicly assisted
46 housing accommodation or any real property, or portion thereof,
47 which is used or occupied, or is intended, arranged, or designed to
48 be used or occupied, as the home, residence, or sleeping place of

1 one or more persons, but shall not include any single family
2 residence the occupants of which rent, lease, or furnish for
3 compensation not more than one room therein.

4 v. "Public facility" means any place of public accommodation
5 and any street, highway, sidewalk, walkway, public building, and
6 any other place or structure to which the general public is regularly,
7 normally, or customarily permitted or invited.

8 w. "Deaf person" or "person who is deaf" means any person
9 whose hearing is so severely impaired that the person is unable to
10 hear and understand conversational speech through the unaided ear
11 alone, and who must depend primarily on an assistive listening
12 device or visual communication such as writing, lip reading, sign
13 language, and gestures.

14 x. "Atypical hereditary cellular or blood trait" means sickle cell
15 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
16 fibrosis trait.

17 y. "Sickle cell trait" means the condition wherein the major
18 natural hemoglobin components present in the blood of the
19 individual are hemoglobin A (normal) and hemoglobin S (sickle
20 hemoglobin) as defined by standard chemical and physical analytic
21 techniques, including electrophoresis; and the proportion of
22 hemoglobin A is greater than the proportion of hemoglobin S or one
23 natural parent of the individual is shown to have only normal
24 hemoglobin components (hemoglobin A, hemoglobin A2,
25 hemoglobin F) in the normal proportions by standard chemical and
26 physical analytic tests.

27 z. "Hemoglobin C trait" means the condition wherein the major
28 natural hemoglobin components present in the blood of the
29 individual are hemoglobin A (normal) and hemoglobin C as defined
30 by standard chemical and physical analytic techniques, including
31 electrophoresis; and the proportion of hemoglobin A is greater than
32 the proportion of hemoglobin C or one natural parent of the
33 individual is shown to have only normal hemoglobin components
34 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
35 proportions by standard chemical and physical analytic tests.

36 aa. "Thalassemia trait" means the presence of the thalassemia
37 gene which in combination with another similar gene results in the
38 chronic hereditary disease Cooley's anemia.

39 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
40 which in combination with another similar gene results in the
41 chronic hereditary disease Tay-Sachs.

42 cc. "Cystic fibrosis trait" means the presence of the cystic
43 fibrosis gene which in combination with another similar gene
44 results in the chronic hereditary disease cystic fibrosis.

45 dd. "Service dog" means any dog individually trained to the
46 requirements of a person with a disability including, but not limited
47 to minimal protection work, rescue work, pulling a wheelchair or
48 retrieving dropped items. This term shall include a "seizure dog"

1 trained to alert or otherwise assist persons with epilepsy or other
2 seizure disorders.

3 ee. "Qualified Medicaid applicant" means an individual who is a
4 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

5 ff. "AIDS" means acquired immune deficiency syndrome as
6 defined by the Centers for Disease Control and Prevention of the
7 United States Public Health Service.

8 gg. "HIV infection" means infection with the human
9 immunodeficiency virus or any other related virus identified as a
10 probable causative agent of AIDS.

11 hh. "Affectional or sexual orientation" means male or female
12 heterosexuality, homosexuality, or bisexuality by inclination,
13 practice, identity, or expression, having a history thereof or being
14 perceived, presumed, or identified by others as having such an
15 orientation.

16 ii. "Heterosexuality" means affectional, emotional, or physical
17 attraction or behavior which is primarily directed towards persons
18 of the other gender.

19 jj. "Homosexuality" means affectional, emotional, or physical
20 attraction or behavior which is primarily directed towards persons
21 of the same gender.

22 kk. "Bisexuality" means affectional, emotional, or physical
23 attraction or behavior which is directed towards persons of either
24 gender.

25 ll. "Familial status" means being the natural parent of a child,
26 the adoptive parent of a child, the resource family parent of a child,
27 having a "parent and child relationship" with a child as defined by
28 State law, or having sole or joint legal or physical custody, care,
29 guardianship, or visitation with a child, or any person who is
30 pregnant or is in the process of securing legal custody of any
31 individual who has not attained the age of 18 years.

32 mm. "Housing for older persons" means housing:

33 (1) provided under any State program that the Attorney General
34 determines is specifically designed and operated to assist persons
35 who are elderly (as defined in the State program); or provided under
36 any federal program that the United States Department of Housing
37 and Urban Development determines is specifically designed and
38 operated to assist persons who are elderly (as defined in the federal
39 program); or

40 (2) intended for, and solely occupied by, persons 62 years of age
41 or older; or

42 (3) intended and operated for occupancy by at least one person
43 55 years of age or older per unit. In determining whether housing
44 qualifies as housing for older persons under this paragraph, the
45 Attorney General shall adopt regulations which require at least the
46 following factors:

47 (a) the existence of significant facilities and services
48 specifically designed to meet the physical or social needs of older

1 persons, or if the provision of such facilities and services is not
2 practicable, that such housing is necessary to provide important
3 housing opportunities for older persons; and

4 (b) that at least 80 percent of the units are occupied by at least
5 one person 55 years of age or older per unit; and

6 (c) the publication of, and adherence to, policies and procedures
7 which demonstrate an intent by the owner or manager to provide
8 housing for persons 55 years of age or older.

9 Housing shall not fail to meet the requirements for housing for
10 older persons by reason of: persons residing in such housing as of
11 September 13, 1988 not meeting the age requirements of this
12 subsection, provided that new occupants of such housing meet the
13 age requirements of this subsection; or unoccupied units, provided
14 that such units are reserved for occupancy by persons who meet the
15 age requirements of this subsection.

16 nn. "Genetic characteristic" means any inherited gene or
17 chromosome, or alteration thereof, that is scientifically or medically
18 believed to predispose an individual to a disease, disorder, or
19 syndrome, or to be associated with a statistically significant
20 increased risk of development of a disease, disorder, or syndrome.

21 oo. "Genetic information" means the information about genes,
22 gene products, or inherited characteristics that may derive from an
23 individual or family member.

24 pp. "Genetic test" means a test for determining the presence or
25 absence of an inherited genetic characteristic in an individual,
26 including tests of nucleic acids such as DNA, RNA, and
27 mitochondrial DNA, chromosomes, or proteins in order to identify a
28 predisposing genetic characteristic.

29 qq. "Domestic partnership" means a domestic partnership
30 established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

31 rr. "Gender identity or expression" means having or being
32 perceived as having a gender related identity or expression whether
33 or not stereotypically associated with a person's assigned sex at
34 birth.

35 ss. "Civil Union" means a legally recognized union of two
36 eligible individuals established pursuant to R.S.37:1-1 et seq. and
37 P.L.2006, c.103 (C.37:1-28 et al.).

38 tt. "Premium wages" means additional remuneration for night,
39 weekend, or holiday work, or for standby or irregular duty.

40 uu. "Premium benefit" means an employment benefit, such as
41 seniority, group life insurance, health insurance, disability
42 insurance, sick leave, annual leave, or an educational or pension
43 benefit that is greater than the employment benefit due the
44 employee for an equivalent period of work performed during the
45 regular work schedule of the employee.

46 vv. "Race" is inclusive of traits historically associated with race,
47 including, but not limited to, hair texture, hair type, and protective
48 hairstyles.

1 ww. “Protective hair styles” includes, but is not limited to, such
2 hairstyles as braids, locks, and twists.

3 (cf: P.L.2017, c.131, s.8)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill prohibits discrimination on the basis of hair style, type,
11 or texture under the “Law Against Discrimination” (LAD),
12 P.L.1945, c.169 (C.10:5-1 et seq.).

13 Specifically, the bill amends the LAD so that the term “race”
14 includes “traits historically associated with race, including, but not
15 limited to, hair texture, hair type, and protective hairstyles.” Under
16 the bill, the term “protective hair styles” includes, but is not limited
17 to, hairstyles such as braids, locks, and twists.

18 This bill is modeled after pending California Bill SB No. 188,
19 which, if enacted, would amend the California Fair Employment
20 and Housing Act by making the term “race” inclusive of hair
21 texture and protective hair styles historically associated with race.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3945

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 2019

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3945.

This bill, as amended, updates the “Law Against Discrimination” (LAD), P.L.1945, c.169 (C.10:5-1 et seq.), to clarify and confirm that prohibited race discrimination includes discrimination on the basis of “traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles.” As defined in the bill, the term “protective hairstyles” includes, but is not limited to, “such hairstyles as braids, locks, and twists.” This change is intended to remove any confusion or ambiguity over the scope of the LAD and its applicability to race discrimination predicated on such traits.

Emphasizing the bill’s focus on hair-based discrimination, the bill is designated the “Create a Respectful and Open Workplace for Natural Hair Act,” or CROWN Act.

The bill is modeled after California Senate Bill No. 188, which was signed into law as 2019 Cal. Stat. ch. 58 on July 3, 2019, and New York Senate Bill No. 6209, signed into law as 2019 N.Y. Ch. 95 on July 12, 2019. The new California law takes effect on January 1, 2020, while the New York law took effect immediately upon enactment.

If this bill is enacted into law, it will take effect immediately.

The committee amendments to the bill:

- revise the bill’s title and synopsis to more accurately convey the scope of the bill’s text in addressing all forms of discrimination based on traits historically associated with race, and emphasize that its focus remains on hair-based discrimination by designating the bill the “Create a Respectful and Open Workplace for Natural Hair Act,” or CROWN Act.

ASSEMBLY, No. 5564

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 13, 2019

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Co-Sponsored by:

**Assemblywomen Quijano, Carter, Tucker, Assemblyman Holley and
Assemblywoman Sumter**

SYNOPSIS

Prohibits discrimination on basis of hair under “Law Against
Discrimination.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/10/2019)

1 AN ACT concerning discrimination based on hair texture and style
2 and amending P.L.1945, c.169.

3

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

6

7 1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
8 as follows:

9 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
10 different meaning clearly appears from the context:

11 a. "Person" includes one or more individuals, partnerships,
12 associations, organizations, labor organizations, corporations, legal
13 representatives, trustees, trustees in bankruptcy, receivers, and
14 fiduciaries.

15 b. "Employment agency" includes any person undertaking to
16 procure employees or opportunities for others to work.

17 c. "Labor organization" includes any organization which exists
18 and is constituted for the purpose, in whole or in part, of collective
19 bargaining, or of dealing with employers concerning grievances,
20 terms or conditions of employment, or of other mutual aid or
21 protection in connection with employment.

22 d. "Unlawful employment practice" and "unlawful
23 discrimination" include only those unlawful practices and acts
24 specified in section 11 of P.L.1945, c.169 (C.10:5-12).

25 e. "Employer" includes all persons as defined in subsection a.
26 of this section unless otherwise specifically exempt under another
27 section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State,
28 any political or civil subdivision thereof, and all public officers,
29 agencies, boards, or bodies.

30 f. "Employee" does not include any individual employed in the
31 domestic service of any person.

32 g. "Liability for service in the Armed Forces of the United
33 States" means subject to being ordered as an individual or member
34 of an organized unit into active service in the Armed Forces of the
35 United States by reason of membership in the National Guard, naval
36 militia or a reserve component of the Armed Forces of the United
37 States, or subject to being inducted into such armed forces through
38 a system of national selective service.

39 h. "Division" means the "Division on Civil Rights" created by
40 P.L.1945, c.169 (C.10:5-1 et seq.).

41 i. "Attorney General" means the Attorney General of the State
42 of New Jersey or the Attorney General's representative or designee.

43 j. "Commission" means the Commission on Civil Rights
44 created by P.L.1945, c.169 (C.10:5-1 et seq.).

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 k. "Director" means the Director of the Division on Civil
2 Rights.

3 l. "A place of public accommodation" shall include, but not be
4 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
5 summer camp, day camp, or resort camp, whether for entertainment
6 of transient guests or accommodation of those seeking health,
7 recreation, or rest; any producer, manufacturer, wholesaler,
8 distributor, retail shop, store, establishment, or concession dealing
9 with goods or services of any kind; any restaurant, eating house, or
10 place where food is sold for consumption on the premises; any
11 place maintained for the sale of ice cream, ice and fruit preparations
12 or their derivatives, soda water or confections, or where any
13 beverages of any kind are retailed for consumption on the premises;
14 any garage, any public conveyance operated on land or water or in
15 the air or any stations and terminals thereof; any bathhouse,
16 boardwalk, or seashore accommodation; any auditorium, meeting
17 place, or hall; any theatre, motion-picture house, music hall, roof
18 garden, skating rink, swimming pool, amusement and recreation
19 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
20 pool parlor, or other place of amusement; any comfort station; any
21 dispensary, clinic, or hospital; any public library; and any
22 kindergarten, primary and secondary school, trade or business
23 school, high school, academy, college and university, or any
24 educational institution under the supervision of the State Board of
25 Education or the Commissioner of Education of the State of New
26 Jersey. Nothing herein contained shall be construed to include or to
27 apply to any institution, bona fide club, or place of accommodation,
28 which is in its nature distinctly private; nor shall anything herein
29 contained apply to any educational facility operated or maintained
30 by a bona fide religious or sectarian institution, and the right of a
31 natural parent or one in loco parentis to direct the education and
32 upbringing of a child under his control is hereby affirmed; nor shall
33 anything herein contained be construed to bar any private secondary
34 or post-secondary school from using in good faith criteria other than
35 race, creed, color, national origin, ancestry, gender identity, or
36 expression or affectional or sexual orientation in the admission of
37 students.

38 m. "A publicly assisted housing accommodation" shall include
39 all housing built with public funds or public assistance pursuant to
40 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
41 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
42 c.184, and all housing financed in whole or in part by a loan,
43 whether or not secured by a mortgage, the repayment of which is
44 guaranteed or insured by the federal government or any agency
45 thereof.

46 n. The term "real property" includes real estate, lands,
47 tenements and hereditaments, corporeal and incorporeal, and
48 leaseholds, provided, however, that, except as to publicly assisted

1 housing accommodations, the provisions of this act shall not apply
2 to the rental: (1) of a single apartment or flat in a two-family
3 dwelling, the other occupancy unit of which is occupied by the
4 owner as a residence; or (2) of a room or rooms to another person or
5 persons by the owner or occupant of a one-family dwelling
6 occupied by the owner or occupant as a residence at the time of
7 such rental. Nothing herein contained shall be construed to bar any
8 religious or denominational institution or organization, or any
9 organization operated for charitable or educational purposes, which
10 is operated, supervised, or controlled by or in connection with a
11 religious organization, in the sale, lease, or rental of real property,
12 from limiting admission to or giving preference to persons of the
13 same religion or denomination or from making such selection as is
14 calculated by such organization to promote the religious principles
15 for which it is established or maintained. Nor does any provision
16 under this act regarding discrimination on the basis of familial
17 status apply with respect to housing for older persons.

18 o. "Real estate broker" includes a person, firm, or corporation
19 who, for a fee, commission, or other valuable consideration, or by
20 reason of promise or reasonable expectation thereof, lists for sale,
21 sells, exchanges, buys or rents, or offers or attempts to negotiate a
22 sale, exchange, purchase, or rental of real estate or an interest
23 therein, or collects or offers or attempts to collect rent for the use of
24 real estate, or solicits for prospective purchasers or assists or directs
25 in the procuring of prospects or the negotiation or closing of any
26 transaction which does or is contemplated to result in the sale,
27 exchange, leasing, renting, or auctioning of any real estate, or
28 negotiates, or offers or attempts or agrees to negotiate a loan
29 secured or to be secured by mortgage or other encumbrance upon or
30 transfer of any real estate for others; or any person who, for
31 pecuniary gain or expectation of pecuniary gain conducts a public
32 or private competitive sale of lands or any interest in lands. In the
33 sale of lots, the term "real estate broker" shall also include any
34 person, partnership, association, or corporation employed by or on
35 behalf of the owner or owners of lots or other parcels of real estate,
36 at a stated salary, or upon a commission, or upon a salary and
37 commission or otherwise, to sell such real estate, or any parts
38 thereof, in lots or other parcels, and who shall sell or exchange, or
39 offer or attempt or agree to negotiate the sale or exchange, of any
40 such lot or parcel of real estate.

41 p. "Real estate salesperson" includes any person who, for
42 compensation, valuable consideration or commission, or other thing
43 of value, or by reason of a promise or reasonable expectation
44 thereof, is employed by and operates under the supervision of a
45 licensed real estate broker to sell or offer to sell, buy or offer to buy
46 or negotiate the purchase, sale, or exchange of real estate, or offers
47 or attempts to negotiate a loan secured or to be secured by a
48 mortgage or other encumbrance upon or transfer of real estate, or to

1 lease or rent, or offer to lease or rent any real estate for others, or to
2 collect rents for the use of real estate, or to solicit for prospective
3 purchasers or lessees of real estate, or who is employed by a
4 licensed real estate broker to sell or offer to sell lots or other parcels
5 of real estate, at a stated salary, or upon a commission, or upon a
6 salary and commission, or otherwise to sell real estate, or any parts
7 thereof, in lots or other parcels.

8 q. "Disability" means physical or sensory disability, infirmity,
9 malformation, or disfigurement which is caused by bodily injury,
10 birth defect, or illness including epilepsy and other seizure
11 disorders, and which shall include, but not be limited to, any degree
12 of paralysis, amputation, lack of physical coordination, blindness or
13 visual impairment, deafness or hearing impairment, muteness or
14 speech impairment, or physical reliance on a service or guide dog,
15 wheelchair, or other remedial appliance or device, or any mental,
16 psychological, or developmental disability, including autism
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24 individual whose central visual acuity does not exceed 20/200 in the
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26 20/200 if accompanied by a limit to the field of vision in the better
27 eye to such a degree that its widest diameter subtends an angle of
28 no greater than 20 degrees.

29 s. "Guide dog" means a dog used to assist persons who are
30 deaf, or which is fitted with a special harness so as to be suitable as
31 an aid to the mobility of a person who is blind, and is used by a
32 person who is blind and has satisfactorily completed a specific
33 course of training in the use of such a dog, and has been trained by
34 an organization generally recognized by agencies involved in the
35 rehabilitation of persons with disabilities, including, but not limited
36 to, those persons who are blind or deaf, as reputable and competent
37 to provide dogs with training of this type.

38 t. "Guide or service dog trainer" means any person who is
39 employed by an organization generally recognized by agencies
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43 and competent to provide dogs with training, as defined in this
44 section, and who is actually involved in the training process.

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48 be used or occupied, as the home, residence, or sleeping place of

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3 compensation not more than one room therein.

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6 any other place or structure to which the general public is regularly,
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25 hemoglobin F) in the normal proportions by standard chemical and
26 physical analytic tests.

27 z. "Hemoglobin C trait" means the condition wherein the major
28 natural hemoglobin components present in the blood of the
29 individual are hemoglobin A (normal) and hemoglobin C as defined
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31 electrophoresis; and the proportion of hemoglobin A is greater than
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43 fibrosis gene which in combination with another similar gene
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15 orientation.

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21 of the same gender.

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23 attraction or behavior which is directed towards persons of either
24 gender.

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26 the adoptive parent of a child, the resource family parent of a child,
27 having a "parent and child relationship" with a child as defined by
28 State law, or having sole or joint legal or physical custody, care,
29 guardianship, or visitation with a child, or any person who is
30 pregnant or is in the process of securing legal custody of any
31 individual who has not attained the age of 18 years.

32 mm. "Housing for older persons" means housing:

33 (1) provided under any State program that the Attorney General
34 determines is specifically designed and operated to assist persons
35 who are elderly (as defined in the State program); or provided under
36 any federal program that the United States Department of Housing
37 and Urban Development determines is specifically designed and
38 operated to assist persons who are elderly (as defined in the federal
39 program); or

40 (2) intended for, and solely occupied by, persons 62 years of age
41 or older; or

42 (3) intended and operated for occupancy by at least one person
43 55 years of age or older per unit. In determining whether housing
44 qualifies as housing for older persons under this paragraph, the
45 Attorney General shall adopt regulations which require at least the
46 following factors:

47 (a) the existence of significant facilities and services
48 specifically designed to meet the physical or social needs of older

1 persons, or if the provision of such facilities and services is not
2 practicable, that such housing is necessary to provide important
3 housing opportunities for older persons; and

4 (b) that at least 80 percent of the units are occupied by at least
5 one person 55 years of age or older per unit; and

6 (c) the publication of, and adherence to, policies and procedures
7 which demonstrate an intent by the owner or manager to provide
8 housing for persons 55 years of age or older.

9 Housing shall not fail to meet the requirements for housing for
10 older persons by reason of: persons residing in such housing as of
11 September 13, 1988 not meeting the age requirements of this
12 subsection, provided that new occupants of such housing meet the
13 age requirements of this subsection; or unoccupied units, provided
14 that such units are reserved for occupancy by persons who meet the
15 age requirements of this subsection.

16 nn. "Genetic characteristic" means any inherited gene or
17 chromosome, or alteration thereof, that is scientifically or medically
18 believed to predispose an individual to a disease, disorder, or
19 syndrome, or to be associated with a statistically significant
20 increased risk of development of a disease, disorder, or syndrome.

21 oo. "Genetic information" means the information about genes,
22 gene products, or inherited characteristics that may derive from an
23 individual or family member.

24 pp. "Genetic test" means a test for determining the presence or
25 absence of an inherited genetic characteristic in an individual,
26 including tests of nucleic acids such as DNA, RNA, and
27 mitochondrial DNA, chromosomes, or proteins in order to identify a
28 predisposing genetic characteristic.

29 qq. "Domestic partnership" means a domestic partnership
30 established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

31 rr. "Gender identity or expression" means having or being
32 perceived as having a gender related identity or expression whether
33 or not stereotypically associated with a person's assigned sex at
34 birth.

35 ss. "Civil Union" means a legally recognized union of two
36 eligible individuals established pursuant to R.S.37:1-1 et seq. and
37 P.L.2006, c.103 (C.37:1-28 et al.).

38 tt. "Premium wages" means additional remuneration for night,
39 weekend, or holiday work, or for standby or irregular duty.

40 uu. "Premium benefit" means an employment benefit, such as
41 seniority, group life insurance, health insurance, disability
42 insurance, sick leave, annual leave, or an educational or pension
43 benefit that is greater than the employment benefit due the
44 employee for an equivalent period of work performed during the
45 regular work schedule of the employee.

46 vv. "Race" is inclusive of traits historically associated with race,
47 including, but not limited to, hair texture, hair type, and protective
48 hairstyles.

1 ww. “Protective hair styles” includes, but is not limited to, such
2 hairstyles as braids, locks, and twists.

3 (cf: P.L.2017, c.131, s.8)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill prohibits discrimination on the basis of hair style, type,
11 or texture under the “Law Against Discrimination” (LAD),
12 P.L.1945, c.169 (C.10:5-1 et seq.).

13 Specifically, the bill amends the LAD so that the term “race”
14 includes “traits historically associated with race, including, but not
15 limited to, hair texture, hair type, and protective hairstyles.” Under
16 the bill, the term “protective hair styles” includes, but is not limited
17 to, hairstyles such as braids, locks, and twists.

18 This bill is modeled after pending California Bill SB No. 188,
19 which, if enacted, would amend the California Fair Employment
20 and Housing Act by making the term “race” inclusive of hair
21 texture and protective hair styles historically associated with race.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5564

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2019

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 5564.

This bill, as amended, updates the “Law Against Discrimination” (LAD), P.L.1945, c.169 (C.10:5-1 et seq.), to clarify and confirm that prohibited race discrimination includes discrimination on the basis of “traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles.” As defined in the bill, the term “protective hairstyles” includes, but is not limited to, “such hairstyles as braids, locks, and twists.” This change is intended to remove any confusion or ambiguity over the scope of the LAD and its applicability to race discrimination predicated on such traits.

Emphasizing the bill’s focus on hair-based discrimination, the bill is designated the “Create a Respectful and Open Workplace for Natural Hair Act,” or CROWN Act.

The bill is modeled after California Senate Bill No. 188, which was signed into law as 2019 Cal. Stat. ch. 58 on July 3, 2019, and New York Senate Bill No. 6209, signed into law as 2019 N.Y. Ch. 95 on July 12, 2019. The new California law takes effect on January 1, 2020, while the New York law took effect immediately upon enactment.

If this bill is enacted into law, it will take effect immediately.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

Revise the bill’s title and synopsis to more accurately convey the scope of the bill’s text in addressing all forms of discrimination based on traits historically associated with race, and emphasize that its focus remains on hair-based discrimination by designating the bill the “Create a Respectful and Open Workplace for Natural Hair Act,” or CROWN Act.

These amendments make this bill identical to Senate Bill No. 3945 (1R) of the 2018-2019 session.

Governor Murphy Signs Major Criminal Justice Reform Legislation

12/18/2019

Murphy Signs One of the Most Progressive Expungement Reforms in the Nation and Restores Voting Rights to Over 80,000 Residents on Probation or Parole

NEWARK – Governor Phil Murphy today signed two major pieces of legislation to reform New Jersey’s criminal justice system as part of his Second Chance Agenda. The bills, which will reform New Jersey’s expungement process to be one of the most progressive in the nation and restore voting rights to those on probation or parole, will help give individuals entangled in the criminal justice system the opportunity to fully participate in our society and democracy.

“Our Administration is deeply committed to transforming our criminal justice system, and today we are taking a historic step to give residents impacted by that system a second chance,” **said Governor Murphy**. “I am proud to sign one of the most progressive expungement laws in the nation, which will allow more New Jerseyans the opportunity to fully engage in our society. I am also proud to enact legislation that will restore voting rights to over 80,000 residents on probation or parole, allowing them to fully participate in our democracy.”

“Fixing our broken criminal justice system remains one of the most challenging issues plaguing our nation. Formerly incarcerated individuals continue to face overwhelming obstacles as they rejoin their communities,” **said U.S. Senator Cory Booker**. “It’s often difficult to obtain jobs and housing and many have lost their right to vote. These measures signed today by Governor Murphy will help restore fairness to the criminal justice system and remove some of the fundamental barriers to re-entry. I’m grateful to the State Legislators who sponsored these measures and to Governor Murphy for helping make New Jersey a nationwide leader in bold criminal justice reform.”

“I am proud to stand with the Governor today for a monumental bill signing that will positively impact the City of Newark and its residents,” **said Newark Mayor Ras Baraka**. “Our state’s democracy will be further strengthened by legislation that will allow the right to vote for those that are on parole and/or probation and improve the process for expungements in our state. Historically, the failure to do so has held back too many individuals from having access to their basic freedoms and liberties. I look forward to continuing to work with the Governor and our legislators on policy efforts that will advance civil rights in our state.”

S4154 creates a petition process for “clean slate” expungement for residents who have not committed an offense in ten years and who have not been convicted of the most serious crimes. The bill also requires the State to implement an automated clean slate expungement system, which will be developed by a task force charged with studying the technological, fiscal, and practical issues and challenges associated with such a system. Further, the bill requires that low-level marijuana convictions be sealed upon the disposition of a case, preventing those convictions from being used against those individuals in the future. It also makes numerous other changes to existing expungement procedures, including the creation of an e-filing system that would eliminate filing fees to petition for an expungement.

The bill was sponsored by Senator Sandra Cunningham, Senate President Steve Sweeney, and Senator Teresa Ruiz, and Assemblymembers Jamel Holley, Annette Quijano, Angela McKnight, Benjie Wimberly, and Verlina Reynolds-Jackson.

A5823 restores voting rights to New Jersey residents on probation or parole, a category that currently comprises over 80,000 individuals. 16 other states, including Indiana, Montana, and Utah, currently restore voting rights to individuals on probations or parole, and Governor Murphy has called for New Jersey to join this group of states for several years. The bill will take effect 90 days after signature.

The bill was sponsored by Assemblymembers Shavonda Sumter, Cleopatra Tucker, Jamel Holley, and Britnee Timberlake, and Senators Ronald Rice and Sandra Cunningham.

“There is no more fundamental right or duty in society than the right to vote. The bills Governor Murphy is signing today will help us to correct racial and social inequities by restoring the right to vote for individuals on probation or parole and making the expungement process easier, allowing people to move forward with their lives,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. “For centuries, the Black community has been disproportionately affected by this voting prohibition and onerous expungement process. I am relieved that these discriminatory barriers are finally being eliminated in New Jersey.”

"This Administration is committed to encouraging and assisting former convicted offenders in their efforts to successfully reintegrate into society as full, productive citizens," **said Attorney General Gurbir Grewal**. "The laws signed by the Governor today will help advance that important goal."

"These historic pieces of legislation represent more than Governor Murphy's enduring vision and the legislature's dedication—they are rooted in reintegration through redemption," **said New Jersey State Parole Board Chairman Samuel J. Plumeri, Jr.** "The more offenders assimilate into society, the greater chance they feel less marginalized and more empowered to contribute in positive ways."

"The Department of Corrections is committed to providing resources that can assist with ensuring a positive trajectory for those exiting our system," **said New Jersey Department of Corrections Acting Commissioner Marcus O. Hicks, Esq.** "As such, we stand with our partners in criminal justice reform and legislators on sound policies that remove barriers to successful reentry."

"The impact of mass incarceration stretches far beyond the prison walls. When someone is released, the stigma of their conviction can hinder their ability to find a job or even a place to live and their status as a parolee or probationer can revoke their most basic rights," **said Senator Cunningham**. "Expanding expungement, allowing more individuals to shed the weight of their record and more fully reenter society, is nothing short of life changing. There is still a lot of work to do, but today is a momentous day for all those who have spent years fighting for this legislation. I am grateful Governor Murphy sees the value in this issue and I look forward to continuing to work together to reform our criminal justice system."

"Expanding the expungement program is an important part of our ongoing effort to bring meaningful reforms to the criminal justice system," **said Senate President Sweeney, who has advocated for a series of other reforms**. "If we are to truly give former offenders a fair opportunity to succeed, they need to have the ability for a clean slate. Removing the stigma of past convictions will allow them to get jobs so they can support themselves and their families as productive members of society. Everyone deserves a second chance, this is a way of actually giving people that opportunity."

"After fighting for so long, those on parole or probation will finally regain the right to vote, and have the opportunity to participate in our democracy," **said Senator Rice**. "The right to vote is our most important right, one that was fought for by our predecessors. We cannot take these new opportunities for granted, and need to continue to work to make sure no one in New Jersey and this country loses the right to vote."

"The collateral consequences that come with a criminal conviction have been devastating communities of color, perpetuating the cycle of poverty and fracturing families for much too long. Whenever there is a conversation about the racial disparities among our state's incarceration rates, we cannot forget that those convictions follow people for the rest of their lives," **said Senator Ruiz**. "Expungement can begin to address the inequalities that exist in our criminal justice system. There is more work that needs to be done, but this legislation is a significant step in the right direction."

"Taking New Jersey's expungement process from antiquated and onerous to one that can actually be navigated by a resident with success is major step toward justice for all," **said Assemblywoman Quijano**. "This move will make it possible for thousands of residents now and in the future to truly be able to turn the corner and not have long forgotten mistakes marking them like a 'scarlet letter' for the rest of their lives. After meeting all of their obligations, the ability to expunge these incidents from their record mean the difference in the type of job they can apply for and how much money they can make for their families. Most importantly, it will allow people to simply move on."

"Making it possible for residents to clear their record and clean the slate will create employment opportunities, advancement and economic growth for those affected," **said Assemblywoman McKnight**. "Creating an avenue for residents to clear their name and their record moves New Jersey closer to equity and justice in the expungement process."

"Changing the expungement system ensures fairness in implementation for all residents of all socio-economic backgrounds," **said Assemblyman Wimberly**. "Minor convictions that could have well been removed from a person's record with an easier process in place could change the lives and the direction of many youth in our communities. An opportunity to expunge a criminal record could mean the difference between working and not working."

"A more advanced and manageable expungement process will bring us a step closer to social equity and social justice for offenders who have not committed a law violation in years," **said Assemblywoman Reynolds-Jackson**. "Removing barriers to work opportunities and housing will help to raise the status of many African American and Latino American residents, providing them with the ability to move up in the workplace and climb the economic ladder. We needed to get this done for all of those who have been held back because of their record."

"New Jersey will now lead the nation as a model of racial justice and inclusive democracy," **said Assemblywoman Sumter**. "The privilege to participate in the election process is a constitutional right afforded every American regardless of background, race or status. Every person of voting age should have the ability to cast their ballot without interference and without judgement of their personal history."

"Voting is an opportunity for all residents to have their say in who leads their communities and state," **said Assemblywoman Tucker**. "No one population should be disproportionately denied their right to vote. These are outdated laws that have no place in a modern democracy."

"The story of mass incarceration and disproportionate disenfranchisement in America can no longer be the narrative for New Jersey," **said Assemblywoman Timberlake**. "People with criminal records face enough trials post-incarceration in searching for employment, paying down debt and reconnecting with their families. Ending the prohibition on voting for probationers and parolees gives them a chance to move forward, to have their voices heard."

"I don't know of many families, if I know any, that does not have someone in their family who rightfully or wrongly have been involved in some way with the criminal justice system. All of them need a way to be redeemed, returned, or restored," **said Reverend Al Sharpton, President and Founder of the National Action Network (NAN)**. "As we look at this and as we deal with so much rancor and division, as we are going into the holiday season, this is a way that families can come together and feel that there is hope for even those that may have had a misstep in life."

"I've been open about my colorful past, but my life has changed, and today I am the pastor of a major church and the Northeast Regional Director for one of the country's biggest civil rights organizations, National Action Network," **said Pastor Steffie Bartley, Senior Pastor of New Hope Baptist Church and Northeast Regional Director of the National Action Network (NAN)**. "I fundamentally believe that voting is not only a constitutional right but essential to improving the lives of Black and Brown boys and girls in New Jersey. I applaud Governor Murphy's commitment to social justice and his administration's efforts to correct historic wrongs inflicted on our communities by a criminal justice system that has disproportionately punished communities of color, Rev. Sharpton, NAN, and I have been at the forefront of keeping the criminal justice reform a priority for lawmakers. I believe this bill can go further for the cause of justice, and I am hopeful that we can move forward collectively with a bill that provides a path to expungement and allows for relief for those convicted of low-level and non-violent offenses to participate in our democracy and exercise their right to vote."

"On this historic day, New Jersey has lifted my colleague Ron Pierce – a veteran, husband and college graduate – and 83,000 ghosts of democracy out of the shadows so that they can finally be seen, heard, and represented," **said Ryan P. Haygood, President & CEO of the New Jersey Institute for Social Justice**. "Two years after we and our partners launched the 1844 No More campaign—named for the year New Jersey denied the vote to people with convictions and restricted voting to white men in its Constitution—New Jersey has taken an important step in becoming 1844 no more. This is what it looks like to build an inclusive democracy, from the ground up, in this difficult national moment. We thank the Legislature and Governor Murphy for taking this bold action."

"With the Governor's signature, people who have been disenfranchised in every sense of the word regained the most fundamental power an individual can have in a democracy," **said ACLU-NJ Executive Director Amol Sinha**. "Some rights are too important to lose, and voting is one of them. Because this country's history of disenfranchisement has always been rooted in racial oppression, and because the effects of disenfranchisement today produce the same ends, this legislation is a critical, monumental step for racial justice and civil rights – one that advocates have worked for decades to achieve. We need to continue that progress by striving to include all people completing sentences, including those who are incarcerated. New Jersey makes history by becoming the 15th state to restore the right to vote to people on probation and parole. Today, we have shown that New Jersey stands for the ideals of justice, democracy, and having a voice."

"Today, thousands of New Jersey's returning citizens are being enfranchised and given a clean slate," **said Reverend Charles Boyer**. "That's what justice looks like. I salute the impacted, the advocates, the faith community, Governor Murphy and the Legislature for embracing the humanity of our sisters and brothers coming home."

"For those of us who have taken advantage of second chances, who have reformed our lives, not being able to vote was a particularly dehumanizing indignity in a life full of indignities," **said Daamin Durden, a facilitator at the Newark Community Street Team**. "We know that when people are unable to work, they are more likely to get into the dangers of the hustle. I thank Governor Murphy for signing this bill and showing the world that he believes in forgiveness and second chances."

"People who over the long haul of the years have been deemed invisible and marginalized have been made visible again by way of the work done by civil rights advocates and social justice minded legislators," **said Safeer Quraishi, Administrative Director of the NAACP New Jersey State Conference**. "With the passage of Assembly Bill 5823 we are able to restore the right to vote for those who have paid their debt to society and are serving their probation or parole periods. This particular piece of legislation will add approximately 83,000 people to our voting rolls, not only

making these individuals feel like they are a part of the community once more, but giving them a voice and the ability to choose representatives consistent with their values. Those who have been silenced and disenfranchised for far too long are beginning to get their voices back, and we look forward to the Governor signing this bill and playing his part in this movement. The right to vote is just that - a right, and we commend all of those who helped us throughout this fight.

"I am elated that the Governor is signing both of these bills into law today, these are much needed reforms in our criminal justice system. Again, it will put New Jersey with those states that are leaders in the nation in the effort of criminal justice reform," **said Lawrence Hamm, Chairman of the People's Organization for Progress.** "With regard to the voting rights bill, this is a very important bill. It is a much-needed reform, a reform that people have been calling for many years. I want especially to thank those activist organizations and individuals that have been pushing for this reform for years. This bill will expand the franchise for literally thousands of people from New Jersey for the period they are on parole and probation. This is important because when we ensure the voting rights for one segment of the population, it strengthens voting rights for the rest of the population."

The expungement is extremely important, it is important for people to have their record expunged, because heretofore, when they have these records, it locks them out from employment, for housing and other opportunities in society. I am glad that Governor Murphy is signing both of these bills and I thank Governor Murphy for his leadership."

"Today New Jersey joins the ranks of state that recognize that a robust and participatory democracy makes our country stronger. By welcoming people back into our democracy, we are saying that every American counts," **said Myrna Pérez, Director of the Voting Rights and Elections Program at the Brennan Center for Justice.**"