

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/CL

P.L. 2020, CHAPTER 52, *approved July 1, 2020*
Assembly, No. 744 (*Second Reprint*)

1 AN ACT concerning law enforcement agencies and supplementing
2 Title 52 of the Revised Statutes.

3

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

6

7 1. a. ¹As used in this act, “law enforcement agency” means a
8 State, interstate, municipal, or county law enforcement agency; a
9 law enforcement agency of an educational institution that appoints
10 law enforcement officers pursuant to P.L.1970, c.211 (C.18A:6-4.2
11 et seq.); or any other department, division, bureau, commission,
12 board, or other authority of this State or political subdivision
13 thereof which employs law enforcement officers.

14 b.¹ Prior to appointing an applicant who was previously
15 employed by another law enforcement agency in this State, every
16 ¹**[State, county, and municipal]**¹ law enforcement agency shall
17 request the files, including but not limited to internal affairs and
18 personnel files, of the applicant from each law enforcement agency
19 that employed the applicant. ¹Any confidential internal affairs files
20 received by the law enforcement agency that requested them shall
21 remain confidential and shall not be disclosed to any other party.¹

22 ¹**[b.] c.**¹ Every **[State, county, and municipal]** law enforcement
23 agency that receives a request pursuant to subsection ¹**[a.] b.**¹ of
24 this section shall provide the applicant’s files to the **[State, county,**
25 **or municipal]** law enforcement agency that requested them.

26 ¹**[c.] d.** Any provision of a contract entered into following the
27 effective date of this act that would prohibit a law enforcement
28 agency from providing files, including but not limited to internal
29 affairs and personnel files, to another law enforcement agency
30 pursuant to this section shall be deemed against public policy and
31 unenforceable.

32 e.¹ The Attorney General shall issue ²or amend² guidelines or
33 directives necessary to effectuate the provisions of this act.

34

35 2. This act shall take effect ²**[on the first day of the fourth**
36 **month after enactment, but the Attorney General may take any**

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted February 24, 2020.

²Senate SBA committee amendments adopted June 25, 2020.

1 administrative action in advance of the effective date as may be
2 necessary] immediately².

3

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7 _____

7 Requires law enforcement agencies to provide internal affairs
8 and personnel files of law enforcement officers to other agencies
9 under certain circumstances.

ASSEMBLY, No. 744

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Requires law enforcement agencies to provide internal affairs and personnel files of law enforcement officers to other agencies under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning law enforcement agencies and supplementing
2 Title 52 of the Revised Statutes.

3

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

6

7 1. a. Prior to appointing an applicant who was previously
8 employed by another law enforcement agency in this State, every
9 State, county, and municipal law enforcement agency shall request
10 the files, including but not limited to internal affairs and personnel
11 files, of the applicant from each law enforcement agency that
12 employed the applicant.

13 b. Every State, county, and municipal law enforcement agency
14 that receives a request pursuant to subsection a. of this section shall
15 provide the applicant's files to the State, county, or municipal law
16 enforcement agency that requested them.

17 c. The Attorney General shall issue guidelines or directives
18 necessary to effectuate the provisions of this act.

19

20 2. This act shall take effect on the first day of the fourth month
21 after enactment, but the Attorney General may take any
22 administrative action in advance of the effective date as may be
23 necessary.

24

25

26 STATEMENT

27

28 This bill requires law enforcement agencies to provide internal
29 affairs and personnel files of law enforcement officers to other law
30 enforcement agencies under certain circumstances.

31 Under the provisions of this bill, prior to appointing an applicant
32 who was previously employed by another law enforcement agency
33 in this State, every State, county, and municipal law enforcement
34 agency is required to request the files, which include but are not
35 limited to internal affairs and personnel files, of the applicant from
36 each law enforcement agency that employed the applicant.

37 The bill requires every State, county, and municipal law
38 enforcement agency that receives a request pursuant to the
39 provisions of this bill to provide the applicant's files to the law
40 enforcement agency that requested them.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 744

STATE OF NEW JERSEY

DATED: JANUARY 27, 2020

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 744.

As reported by the committee, Assembly Bill No. 744 requires law enforcement agencies to provide internal affairs and personnel files of law enforcement officers to other law enforcement agencies under certain circumstances.

Under the provisions of this bill, prior to appointing an applicant who was previously employed by another law enforcement agency in this State, every State, county, and municipal law enforcement agency is required to request the files, which include but are not limited to internal affairs and personnel files of the applicant from each law enforcement agency that employed the applicant.

The bill requires every State, county, and municipal law enforcement agency that receives a request pursuant to the provisions of this bill to provide the applicant's files to the law enforcement agency that requested them.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 744

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 2020

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 744 (1R), with committee amendments.

As amended and reported by the committee, Assembly Bill No. 744 (1R) requires law enforcement agencies to request the personnel and internal affairs files of applicants from each law enforcement agency for which the applicant previously served as a law enforcement officer. The law enforcement agency receiving the request is required to submit the files to the requesting agency.

The amended bill defines a law enforcement agency as a State, interstate, municipal, or county law enforcement agency; a law enforcement agency of an educational institution that appoints law enforcement officers; or any other department, division, bureau, commission, board, or other authority of this State or political subdivision of any of these entities.

The amended bill provides that confidential internal affairs files received by the requesting law enforcement agency are to remain confidential and not be disclosed to any other party. The amended bill further clarifies that contracts entered into after the bill is enacted that would prohibit a law enforcement agency from providing an officer's files to another law enforcement agency are deemed against public policy and unenforceable.

Finally, the amended bill requires the Attorney General to issue or amend guidelines or directives governing the implementation of the bill's provisions.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1482, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) give the Attorney General the option to amend existing guidelines in addition to promulgating new ones; and

2) change the effective date from the first day of the fourth month after enactment to immediately.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

STATEMENT TO
ASSEMBLY, No. 744

with Assembly Floor Amendments
(Proposed by Assemblyman JOHNSON)

ADOPTED: FEBRUARY 24, 2020

This bill requires a law enforcement agency prior to hiring a law enforcement officer who was previously employed by another law enforcement agency to request the officer's files, including internal affairs and personnel files, from the officer's previous employer. The law enforcement agency that receives the request would be required to submit the files to the agency that requests them.

These Assembly amendments expand the definition of law enforcement agency to also include interstate law enforcement agencies; a law enforcement agency of an educational institution; or any other department, division, bureau, commission, board, or other authority of this State or political subdivision thereof which employs law enforcement officers. Under the Assembly amendments, any confidential internal affairs files received by the law enforcement agency that requested them are to remain confidential and not be disclosed to any other party. The amendments also clarify that contracts entered into after the bill's enactment that would prohibit a law enforcement agency from providing an officer's files to another law enforcement agency are to be deemed against public policy and unenforceable.

SENATE, No. 1482

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Singleton, O'Scanlon, Greenstein and Ruiz

SYNOPSIS

Requires law enforcement agencies to provide internal affairs and personnel files of law enforcement officers to other agencies under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2020)

1 AN ACT concerning law enforcement agencies and supplementing
2 Title 52 of the Revised Statutes.

3

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

6

7 1. a. Prior to appointing an applicant who was previously
8 employed by another law enforcement agency in this State, every
9 State, county, and municipal law enforcement agency shall request
10 the files, including but not limited to internal affairs and personnel
11 files, of the applicant from each law enforcement agency that
12 employed the applicant.

13 b. Every State, county, and municipal law enforcement agency
14 that receives a request pursuant to subsection a. of this section shall
15 provide the applicant's files to the State, county, or municipal law
16 enforcement agency that requested them.

17 c. The Attorney General shall issue guidelines or directives
18 necessary to effectuate the provisions of this act.

19

20 2. This act shall take effect on the first day of the fourth month
21 after enactment, but the Attorney General may take any
22 administrative action in advance of the effective date as may be
23 necessary.

24

25

26

STATEMENT

27

28 This bill requires law enforcement agencies to provide internal
29 affairs and personnel files of law enforcement officers to other law
30 enforcement agencies under certain circumstances.

31 Under the provisions of this bill, prior to appointing an applicant
32 who was previously employed by another law enforcement agency
33 in this State, every State, county, and municipal law enforcement
34 agency is required to request the files, which include but are not
35 limited to internal affairs and personnel files, of the applicant from
36 each law enforcement agency that employed the applicant.

37 The bill requires every State, county, and municipal law
38 enforcement agency that receives a request pursuant to the
39 provisions of this bill to provide the applicant's files to the law
40 enforcement agency that requested them.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1482

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1482, with committee amendments.

As amended and reported by the committee, Senate Bill No. 1482 requires law enforcement agencies to request the personnel and internal affairs files of applicants from each law enforcement agency for which the applicant previously served as a law enforcement officer. The law enforcement agency receiving the request is required to submit the files to the requesting agency.

The amended bill defines a law enforcement agency as a State, interstate, municipal, or county law enforcement agency; a law enforcement agency of an educational institution that appoints law enforcement officers; or any other department, division, bureau, commission, board, or other authority of this State or political subdivision of any of these entities.

The amended bill also provides that confidential internal affairs files received by the requesting law enforcement agency are to remain confidential and not be disclosed to any other party. The amended bill further clarifies that contracts entered into after the bill is enacted that would prohibit a law enforcement agency from providing an officer's files to another law enforcement agency are deemed against public policy and unenforceable.

Finally, the amended bill requires the Attorney General to issue or amend guidelines or directives governing the implementation of the bill's provisions.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 744 (1R), also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) expand the law enforcement agencies to which the provisions of the bill apply from State, county, and municipal agencies to also include, interstate law enforcement agencies; a law enforcement agency of an educational institution; or any other department, division, bureau, commission, board, or other authority of this State or political subdivision thereof which employs law enforcement officers;

2) provide that confidential internal affairs files received by the requesting law enforcement agency are to remain confidential and not be disclosed to any other party;

3) clarify that contracts entered into after the bill's enactment that would prohibit a law enforcement agency from providing an officer's files to another law enforcement agency are deemed against public policy and unenforceable;

4) give the Attorney General the option to amend existing guidelines in addition to promulgating new ones; and

5) change the effective date from the first day of the fourth month after enactment to immediately.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

Governor Murphy Signs Legislation to Further Reform New Jersey's Criminal Justice System

07/1/2020

TRENTON -- Governor Phil Murphy today signed three pieces of legislation that make various reforms to New Jersey's criminal justice system. The bills will ensure personnel files of law enforcement officers are shared when applying for employment at other agencies, accelerate juvenile justice reforms, and expand critical re-entry benefits.

"I've been clear that New Jersey will be as aggressive as any state in the nation in our efforts to reform a criminal justice system that has largely failed our Black and Brown communities for far too long," said **Governor Murphy**. "Among other important changes, these measures promote a greater degree of professionalism in law enforcement hiring practices and ensure that young people and formerly incarcerated individuals who are re-entering society are provided with a meaningful chance to reach their full potential."

The Governor signed the following bills into law:

1. **A744 (Johnson, Holley, Conaway, Wimberly/Weinberg, Turner)** - Requires law enforcement agencies to provide internal affairs and personnel files of law enforcement officers to other agencies under certain circumstances.
2. **S2511 (Pou, Turner/Wimberly, Reynolds-Jackson)** - Accelerates rescinding of certain juvenile delinquency fines and making discretionary post-incarceration supervision due to COVID-19 pandemic.
3. **S2331 (Sweeney, Cunningham/Pintor Marin, Quijano, Verrelli)** - Assists inmates released from incarceration in obtaining necessary re-entry benefits.

Primary sponsors of A744 include Assemblymembers Gordon Johnson, Jamel Holley, Herb Conaway and Benjie Wimberly, and Senators Loretta Weinberg and Shirley Turner.

"Operating with minimal information does more harm than good when it comes to hiring an officer charged to serve and protect, said **Assemblyman Gordon M. Johnson**. "With this legislation, we intend to give departments and jurisdictions all the information they need to determine if an applicant is the right fit. For us to reform police culture, we must ensure agencies are first aware of any disciplinary history."

"There needs to be more accountability," said **Assemblyman Jamel C. Holley**. "If an officer faces disciplinary action within one agency in one town and can easily move on to another agency in a different town without their record following them, we have an accountability problem. Making sure agencies aren't kept in the dark about the background of candidates – good or bad – is what this legislation does. This is critical in our efforts to rebuild trust in law enforcement."

"Ensuring departments have access to the personnel records they need to bring a new officer on board is about trust and confidence," said **Assemblyman Herb Conaway**. "Law enforcement officers are sent into the community every day and while most adhere to the highest professional standards, others may not. If that's the case, departments need to know."

"To strengthen the view of police as a force for good in the community, policies requiring disciplinary histories to be shared must be status quo," said **Assemblyman Benjie E. Wimberly**. "Most officers spend their entire career acting honorably, but to maintain accountability, policy has to acknowledge the potential for bad actors to exist."

"Police officers are given an immense amount of power and responsibility and the vast majority serve with honor and deference to the position," said **Senate Majority Leader Loretta Weinberg**. "In cases where incidents do occur, however, it should be reviewable by any agency being asked to hire that person in the future. How can we expect agencies to weed out bad actors if they can't review an applicant's full history? When the public's trust is on the line, no stone should be left unturned and I am glad the Governor has taken such swift action on this bill."

"Police officers, quite literally at times, have the lives of our state's most vulnerable in their hands," **said Senator Shirley Turner**. "It is incredibly important we are thoroughly vetting any individual bestowed with that badge, and in turn, the power that comes with it. This legislation will create greater oversight, transparency and accountability to prevent departments from hiring bad actors."

Primary sponsors of S2511 include Senators Nellie Pou and Shirley Turner, and Assemblymembers Benjie Wimberly and Verlina Reynolds-Jackson.

"The juvenile justice reform bill we signed into law earlier this year was written before we had ever heard of the coronavirus," **said Senator Nellie Pou**. "The pandemic, however, has made the implementation of this law that much more crucial as it will help lower populations in certain juvenile facilities and create greater opportunity for proper social distancing. I am glad the Governor has recognized the urgency of signing this legislation today and discarded any further delay."

"Right now, those going through our justice system face particular vulnerability and risk of contracting COVID-19," **said Assemblyman Benjie Wimberly**. "This fact is no different for our youth who are in custody or under supervision, and often in detention for minor, non-violent infractions. To put the safety of our children first it is therefore critical to speed up the implementation of policies intending to protect against harsh juvenile sentencing, and to ensure greater priority for community-based rehabilitation and reintegration exists. Not only is it about health and safety, but it's also about justice."

"We have to do everything in our power to curb the spread of COVID-19, especially among our youth in the juvenile system who are at greater risk because of their physical circumstances," **said Assemblywoman Verlina Reynolds-Jackson**. "Thankfully, the mechanisms to keep children out of detention facilities and prioritize community-based programming were already in motion. Under this legislation, these reforms will now only be implemented much faster."

Primary sponsors of S2331 include Senators Sweeney and Cunningham, and Assemblymembers Pintor Marin, Quijano, and Verrelli.

"The legislation will require that prisons begin to prepare persons for life outside the wall," **said former Governor & New Jersey Reentry Corporation Chairman Jim McGreevey**. "Qualifying folks for Food Stamps, General Assistance, and Medicaid ensures persons will have the essential building blocks to survive. Food, housing, and healthcare are the Required first steps to a Second Chance at a healthy productive life."

"This will offer former offenders a fair opportunity at a second chance by addressing the obstacles to their successful reentry into society," **said Senate President Steve Sweeney**. "The barriers they encounter are even greater during the public health crisis we are now experiencing. Providing basic services can make a real difference in the lives of men and women who are returning to their families and communities as productive members of society."

"This law will help to address the significant obstacles faced by state and county inmates in obtaining what can be life-sustaining benefits when they are released from incarceration, particularly during the COVID-19 pandemic," **said Senator Sandra Cunningham**. "One of the biggest barriers facing the reentry community upon release is lack of photo identification, which is needed to apply for general assistance, housing, or employment."

"After release, many offenders face a lack of access to resources, and many won't have support from their families," **said Assemblywoman Eliana Pintor Marin**. "By facilitating enrollment in Medicaid, as well as enrollment assistance in programs that provide food and housing security, this legislation helps the reentry process in the time of the coronavirus to be less challenging."

"A non-driver ID card is one of the most important tools for securing reentry benefits and assistance from social services," **said Assemblywoman Annette Quijano**. "Prioritizing access to this proof of identity following release from prison or jail is essential for self-sufficiency and to help individuals rebuild their lives, especially while we navigate this public health emergency."

"Removing obstacles to emergency housing for the duration of this state of emergency is critical to preserving our public health objectives," **said Assemblyman Anthony Verrelli**. "Individuals reentering society need a place to self-isolate or quarantine. Enabling organizations with the space, but who currently lack the licensing, to provide temporary shelter is key to making sure that need is met."