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FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: Yes

NEWSPAPER ARTICLES: Yes

"Criminal justice bills signed." The Times, (Trenton, NJ), October 22, 2020: 013.

"Statehouse N.J. makes it illegal to post addresses of judges, prosecutors." The Times, (Trenton, NJ), November 22, 2020: 005.

"Daniel's Law, named after North Brunswick man killed by crazed lawyer, protects privacy of judges." Cranbury Press (NJ), November 22, 2020.

"Bill OK'd to protect judges' personal info." The Jersey Journal,(Jersey City, NJ), November 21, 2020: 020.

"DANIEL'S LAW' SIGNED TO PROTECT NJ JUDGES." The Record (Hackensack, NJ), November 21, 2020: A3.

"Bill to protect judges' personal information becomes law." Associated Press State Wire: New Jersey (NJ), November 20, 2020.

"Murphy to sign law named for judge's son," South Jersey Times, November 19, 2020

RWH/CL

§§7,8 -
C.56:8-166.2 &
56:8-166.3
§9 - Note

P.L. 2020, CHAPTER 125, *approved November 20, 2020*
Assembly, No. 1649 (*Third Reprint*)

1 AN ACT prohibiting disclosure of certain information regarding
2 ²**[certain]**² ¹**[judges]** ²**[law enforcement officers,]** active,
3 formerly active, and retired² judicial officers ²**[and]** ²
4 prosecutors ¹, ²**[designated as Daniel's Law]** and law
5 enforcement officers, as well as disclosure of certain information
6 about their family members under certain circumstances² ¹
7 ³designated as "Daniel's Law,"³ and amending ¹P.L.1995, c.23,
8 P.L.2001, c.404, and ²amending² the title and body of¹ ², and
9 supplementing,² P.L.2015, c.226 ²**[**¹, and supplementing Title
10 47 of the Revised Statutes¹².

11

12 **BE IT ENACTED** by the Senate and General Assembly of the State
13 of New Jersey:

14

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

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

19 "Biotechnology" means any technique that uses living
20 organisms, or parts of living organisms, to make or modify
21 products, to improve plants or animals, or to develop micro-
22 organisms for specific uses; including the industrial use of
23 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

29 "Government record" or "record" means any paper, written or
30 printed book, document, drawing, map, plan, photograph,
31 microfilm, data processed or image processed document,
32 information stored or maintained electronically or by sound-
33 recording or in a similar device, or any copy thereof, that has been
34 made, maintained or kept on file in the course of his or its official
35 business by any officer, commission, agency or authority of the
36 State or of any political subdivision thereof, including subordinate

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted September 17, 2020.

²Senate SJU committee amendments adopted October 22, 2020.

³Senate floor amendments adopted October 29, 2020.

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

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

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

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

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

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

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

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

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

39 criminal investigatory records;

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

42 any written request by a crime victim for a record to which the
43 victim is entitled to access as provided in this section, including,
44 but not limited to, any law enforcement agency report, domestic
45 violence offense report, and temporary or permanent restraining
46 order;

47 personal firearms records, except for use by any person
48 authorized by law to have access to these records or for use by any

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

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

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

11 that portion of any document which discloses the social security
12 number, credit card number, unlisted telephone number or driver
13 license number of any person, or that portion of any document
14 which discloses the home address, whether a primary or secondary
15 residence, of any active ², formerly active,² or retired ²judicial
16 officer or prosecutor, and beginning 18 months after the effective
17 date of P.L. , c. (C.) (pending before the Legislature as this
18 bill), any active, formerly active, or retired² law enforcement
19 officer ², active or retired federal, State, or municipal judicial
20 officer, or active or retired federal, State, county or municipal
21 prosecutor]²; except for use by any government agency, including
22 any court or law enforcement agency, in carrying out its functions,
23 or any private person or entity acting on behalf thereof, or any
24 private person or entity seeking to enforce payment of court-ordered
25 child support; except with respect to the disclosure of driver
26 information by the New Jersey Motor Vehicle Commission as
27 permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except
28 that a social security number contained in a record required by law
29 to be made, maintained or kept on file by a public agency shall be
30 disclosed when access to the document or disclosure of that
31 information is not otherwise prohibited by State or federal law,
32 regulation or order or by State statute, resolution of either or both
33 houses of the Legislature, Executive Order of the Governor, rule of
34 court or regulation promulgated under the authority of any statute or
35 executive order of the Governor;

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

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

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

47 pedagogical, scholarly and/or academic research records and/or
48 the specific details of any research project conducted under the

1 auspices of a public higher education institution in New Jersey,
2 including, but not limited to research, development information,
3 testing procedures, or information regarding test participants,
4 related to the development or testing of any pharmaceutical or
5 pharmaceutical delivery system, except that a custodian may not
6 deny inspection of a government record or part thereof that gives
7 the name, title, expenditures, source and amounts of funding and
8 date when the final project summary of any research will be
9 available;

10 test questions, scoring keys and other examination data
11 pertaining to the administration of an examination for employment
12 or academic examination;

13 records of pursuit of charitable contributions or records
14 containing the identity of a donor of a gift if the donor requires non-
15 disclosure of the donor's identity as a condition of making the gift
16 provided that the donor has not received any benefits of or from the
17 institution of higher education in connection with such gift other
18 than a request for memorialization or dedication;

19 valuable or rare collections of books **【and/or】** or documents
20 obtained by gift, grant, bequest or devise conditioned upon limited
21 public access;

22 information contained on individual admission applications; and
23 information concerning student records or grievance or
24 disciplinary proceedings against a student to the extent disclosure
25 would reveal the identity of the student.

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

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

1 political subdivision of the State or combination of political
2 subdivisions, and any division, board, bureau, office, commission or
3 other instrumentality within or created by a political subdivision of
4 the State or combination of political subdivisions, and any
5 independent authority, commission, instrumentality or agency
6 created by a political subdivision or combination of political
7 subdivisions.

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

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

13 "Judicial officer" means ²[the Chief Justice or an Associate
14 Justice of the United States Supreme Court, a judge of the United
15 States Court of Appeals, a judge of a federal district court,
16 including a magistrate judge, a judge of]² any ²[other court
17 established by federal law, the Chief Justice or an Associate Justice
18 of the New Jersey Supreme Court, a] active, formerly active, or
19 retired federal, state, county, or municipal² judge ²[of the Superior
20 Court]² , ²including² a judge of the Tax Court ²[, a judge of a
21 municipal court] and any other court of limited jurisdiction
22 established, altered, or abolished by law² , a judge of the Office of
23 Administrative Law, a judge of the Division of Workers'
24 Compensation, ²[or a] and any other² judge ²[of any other court or
25 who handles proceedings] established by law who serves² in the
26 executive branch ²[of the State government or a local government
27 established by State law]² .

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

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

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

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

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

1 victims of crimes, including victims of sexual assault, domestic
2 violence, violent crime, child endangerment, child abuse or child
3 neglect, and the Victims of Crime Compensation Board, established
4 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
5 the Victims of Crime Compensation Office pursuant to P.L.2007,
6 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.¹
7 (cf: P.L.2019, c.255, s.4)

8
9 ¹2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
10 as follows:

11 6. a. The custodian of a government record shall permit the
12 record to be inspected, examined, and copied by any person during
13 regular business hours; or in the case of a municipality having a
14 population of 5,000 or fewer according to the most recent federal
15 decennial census, a board of education having a total district
16 enrollment of 500 or fewer, or a public authority having less than
17 \$10 million in assets, during not less than six regular business hours
18 over not less than three business days per week or the entity's
19 regularly-scheduled business hours, whichever is less; unless a
20 government record is exempt from public access by: P.L.1963, c.73
21 (C.47:1A-1 et seq.) as amended and supplemented; any other
22 statute; resolution of either or both houses of the Legislature;
23 regulation promulgated under the authority of any statute or
24 Executive Order of the Governor; Executive Order of the Governor;
25 Rules of Court; any federal law; federal regulation; or federal order.
26 Prior to allowing access to any government record, the custodian
27 thereof shall redact from that record any information which
28 discloses the social security number, credit card number, unlisted
29 telephone number, or driver license number of any person, or the
30 home address, whether a primary or secondary residence, of any
31 active ², formerly active,² or retired ²judicial officer or prosecutor,
32 and beginning 18 months after the effective date of P.L. _____,
33 c. (C. _____) (pending before the Legislature as this bill), any active,
34 formerly active, or retired² law enforcement officer ²[, active or
35 retired federal, State, or municipal judicial officer, or active or
36 retired federal, State, county, or municipal prosecutor]²; except for
37 use by any government agency, including any court or law
38 enforcement agency, in carrying out its functions, or any private
39 person or entity acting on behalf thereof, or any private person or
40 entity seeking to enforce payment of court-ordered child support;
41 except with respect to the disclosure of driver information by the
42 New Jersey Motor Vehicle Commission as permitted by section 2 of
43 P.L.1997, c.188 (C.39:2-3.4); and except that a social security
44 number contained in a record required by law to be made,
45 maintained or kept on file by a public agency shall be disclosed
46 when access to the document or disclosure of that information is not
47 otherwise prohibited by State or federal law, regulation or order or

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

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

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

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

46 d. A custodian shall permit access to a government record and
47 provide a copy thereof in the medium requested if the public agency
48 maintains the record in that medium. If the public agency does not

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

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

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

39 g. A request for access to a government record shall be in
40 writing and hand-delivered, mailed, transmitted electronically, or
41 otherwise conveyed to the appropriate custodian. A custodian shall
42 promptly comply with a request to inspect, examine, copy, or
43 provide a copy of a government record. If the custodian is unable
44 to comply with a request for access, the custodian shall indicate the
45 specific basis therefor on the request form and promptly return it to
46 the requestor. The custodian shall sign and date the form and
47 provide the requestor with a copy thereof. If the custodian of a
48 government record asserts that part of a particular record is exempt

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

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

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

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

46 j. A custodian shall post prominently in public view in the part
47 or parts of the office or offices of the custodian that are open to or
48 frequented by the public a statement that sets forth in clear, concise

1 and specific terms the right to appeal a denial of, or failure to
 2 provide, access to a government record by any person for
 3 inspection, examination, or copying or for purchase of copies
 4 thereof and the procedure by which an appeal may be filed.

5 k. The files maintained by the Office of the Public Defender
 6 that relate to the handling of any case shall be considered
 7 confidential and shall not be open to inspection by any person
 8 unless authorized by law, court order, or the State Public Defender.¹
 9 (cf: P.L.2020, c.10, s.1)

10

11 ¹3. The title of P.L.2015, c.226 is amended to read as follows:

12 **AN ACT** concerning certain information regarding **[law**
 13 **enforcement]** certain public officers and supplementing Title 2C
 14 of the New Jersey Statutes and Titles 47 and 56 of the Revised
 15 Statutes.¹

16 (cf: P.L.2015, c.226, title)

17

18 ¹**[2.] 4.**¹ Section 2 of P.L.2015, c.226 (C.47:1-17) is amended
 19 to read as follows:

20 2. A State or local governmental agency shall not knowingly
 21 post or publish on the Internet ², or repost, republish, or otherwise
 22 make available,² the home address or unpublished home telephone
 23 number of any active², formerly active,² or retired² judicial officer,
 24 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor,
 25 or² law enforcement officer **[or law enforcement officer]** ²**[,]**²
 26 ¹**[judge of any court of law of this State, or State, county]** ²**[any**
 27 active or retired federal, State, or municipal judicial officer, as
 28 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1)¹ , or
 29 ¹**[municipal]** any active or retired federal, State, county or
 30 municipal¹ prosecutor]² without first obtaining the written
 31 permission of that **[law enforcement officer or retired law**
 32 **enforcement officer]** ²**[individual]** person².

33 ²The amendatory provisions of this section, enacted by
 34 P.L. , c. (C.) (pending before the Legislature as this bill),
 35 shall not be operative and enforceable with respect to any active,
 36 formerly active, or retired law enforcement officer until 18 months
 37 after the effective date of that act; but the provisions of this section,
 38 prior to being amended, shall remain operative and enforceable with
 39 respect to any active or retired law enforcement officer during that
 40 18-month period.²

41 (cf: P.L.2015, c.226, s.2)

42

43 ¹**[1] 5.**¹ Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is
 44 amended to read as follows:

45 1. A person shall not knowingly, with purpose to expose
 46 another to harassment or risk of harm to life or property, or in

1 reckless disregard of the probability of such exposure, post or
 2 publish on the Internet ², or repost, republish, or otherwise make
 3 available,² the home address or unpublished home telephone
 4 number of any active ², formerly active,² or retired ²judicial officer,
 5 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor,
 6 or² law enforcement officer, ~~law enforcement officer~~ ¹~~judge of~~
 7 ~~any court of law of this State, or~~ ²~~any active or retired federal,~~
 8 ~~State, or municipal judicial officer, as defined by section 1 of~~
 9 ~~P.L.1995, c.23 (C.47:1A-1.1), or any active or retired federal,¹~~
 10 ~~State, county or municipal prosecutor,² or the spouse or child~~ ~~of~~
 11 ~~a law enforcement officer~~ ~~thereof.~~ A reckless violation of this
 12 section is a crime of the fourth degree. A purposeful violation of
 13 this section is a crime of the third degree.

14 ²The amendatory provisions of this section, enacted by
 15 P.L. , c. (C.) (pending before the Legislature as this bill),
 16 shall not be operative and enforceable with respect to any active,
 17 formerly active, or retired law enforcement officer, or the spouse or
 18 child thereof, until 18 months after the effective date of that act; but
 19 the provisions of this section, prior to being amended, shall remain
 20 operative and enforceable with respect to any active or retired law
 21 enforcement officer, or the spouse or child of a law enforcement
 22 officer, during that 18-month period.²

23 (cf: P.L.2015, c.226, s.1)

24

25 ¹~~3.~~ ^{6.}¹ Section 3 of P.L.2015, c.226 (C.56:8-166.1) is
 26 amended to read as follows:

27 3. a. A person, business, or association shall not disclose on
 28 the Internet ², or re-disclose or otherwise make available,² the home
 29 address or unpublished home telephone number of ~~a law~~
 30 ~~enforcement officer or~~ ²~~an~~ ~~any~~² active ², formerly active,² or
 31 retired ²judicial officer, as defined by section 1 of P.L.1995, c.23
 32 (C.47:1A-1.1), prosecutor, or² law enforcement officer ²~~],²~~
 33 ¹~~judge of any court of law of this State, or~~ ²~~an active or retired~~
 34 ~~federal, State, or municipal judicial officer, as defined by section 1~~
 35 ~~of P.L.1995, c.23 (C.47:1A-1.1), or an active or retired federal,¹~~
 36 ~~State, county or municipal prosecutor]² under circumstances in
 37 which a reasonable person would believe that providing that
 38 information would expose another to harassment or risk of harm to
 39 life or property.~~

40 ²The amendatory provisions of this section, enacted by
 41 P.L. , c. (C.) (pending before the Legislature as this bill),
 42 shall not be operative and enforceable with respect to any active,
 43 formerly active, or retired law enforcement officer until 18 months
 44 after the effective date of that act; but the provisions of this section,
 45 prior to being amended, shall remain operative and enforceable with

1 respect to any active or retired law enforcement officer during that
 2 18-month period.²

3 b. A person, business, or association that violates subsection a.
 4 of this section shall be liable to the **【law enforcement officer,】**
 5 ¹**【active or retired law enforcement officer, judge of any court of**
 6 **law of this State, or State, county, or municipal prosecutor, or any**
 7 **other person residing at the home address of the 【law enforcement**
 8 **officer】 active or retired law enforcement officer, judge of any**
 9 **court of law of this State, or State, county, or municipal**
 10 **prosecutor,】 aggrieved person¹ ²or any other person residing at the**
 11 **home address of the aggrieved person,²** who may bring a civil
 12 action in the Superior Court.

13 c. The court may award:

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

16 (2) punitive damages upon proof of willful or reckless disregard
 17 of the law;

18 (3) reasonable attorney's fees and other litigation costs
 19 reasonably incurred; and

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

22 d. For the purposes of this section, "disclose" shall mean to
 23 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
 24 transfer, ²post,² publish, distribute, circulate, disseminate, present,
 25 exhibit, advertise or offer.

26 (cf: P.L.2015, c.226, s.3)

27

28 ¹7. (New section) a. ²(1) **【An】 Any² active ², formerly active,²**
 29 **or retired ²【law enforcement officer, an active or retired federal,**
 30 **State, or municipal】² judicial officer, as defined by section 1 of**
 31 **P.L1995, c.23 (C.47:1A-1.1), or ²【active or retired federal, State,**
 32 **county or municipal】² prosecutor ²,² whose home address or**
 33 **unpublished telephone number ²is disclosed on the Internet, or re-**
 34 **disclosed or otherwise made available, by any person, business, or**
 35 **association,² or whose immediate family member's name, home**
 36 **address ²,² or unpublished telephone number is disclosed on the**
 37 **Internet ², or re-disclosed or otherwise made available,² by any**
 38 **person, business, or association ², which in the case of a family**
 39 **member's name or home address may be used, alone or in**
 40 **conjunction with any other information, to identify the person as the**
 41 **family member of a judicial officer or prosecutor,² may request that**
 42 **the person, business, or association that disclosed ², re-disclosed, or**
 43 **otherwise made available² that information refrain from ²【such**
 44 **disclosure】 that action² and remove ²【that】 the² information from**
 45 **the Internet ²or where otherwise made available.**

1 (2) Beginning 18 months after the effective date of
 2 P.L. , c. (C.) (pending before the Legislature as this bill),
 3 any law enforcement officer whose home address or unpublished
 4 home telephone number is disclosed on the Internet, or re-disclosed
 5 or otherwise made available, by any person, business, or
 6 association, or whose immediate family member's name, home
 7 address, or unpublished telephone number is disclosed on the
 8 Internet, or re-disclosed or otherwise made available, by any
 9 person, business, or association, which in the case of a family
 10 member's name or home address may be used, alone or in
 11 conjunction with any other information, to identify the person as the
 12 family member of a law enforcement officer, may request that the
 13 person, business, or association that disclosed, re-disclosed, or
 14 otherwise made available that information refrain from that action
 15 and remove the information from the Internet or where otherwise
 16 made available.

17 For purposes of this section, "immediate family member" shall
 18 include a spouse, child, or parent of an active, formerly active, or
 19 retired judicial officer, as defined by section 1 of P.L.1995, c.23
 20 (C.47:1A-1.1), prosecutor, or law enforcement officer, or any other
 21 family member related by blood or by law to the judicial officer,
 22 prosecutor, or law enforcement officer who lives in the same
 23 residence² .

24 b. ²(1)² A request to refrain ²[from disclosure]² and remove
 25 information ²[from the Internet]² pursuant to subsection a. of this
 26 section shall be made in writing, addressed to the person, business,
 27 or association that disclosed ², re-disclosed, or otherwise made
 28 available² the information, and may be made by the ²[law
 29 enforcement officer, the federal, State, or municipal]² judicial
 30 officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),
 31 ²[or the federal, State, county or municipal]² prosecutor, ²or law
 32 enforcement officer,² as appropriate, or by the ²person's² employer
 33 ²[of the law enforcement officer, judicial officer or prosecutor]²
 34 with the consent of that ²[individual] person² .

35 ²[c.] (2)² Upon receipt of a written request to refrain ²[from
 36 disclosure]² and remove information ²[from the Internet pursuant
 37 to this section]² , the person, business ^{2,2} or association that ²[made
 38 such disclosure] disclosed, re-disclosed, or otherwise made
 39 available the information² shall have 72 hours to remove that
 40 information from the Internet ²or where otherwise made available,²
 41 and shall not disclose ², re-disclose, or otherwise make available²
 42 that information to any other person, business, or association
 43 through any medium.

44 ²[d.] c.² An active ², formerly active,² or retired ²[law
 45 enforcement officer, an active or retired federal, State, or
 46 municipal]² judicial officer, ²[as defined by section 1 of P.L.1995,

1 c.23 (C.47:1A-1.1), or an active or retired federal, State, county, or
 2 municipal]² prosecutor ², or law enforcement officer² whose
 3 ²[home address or unpublished telephone number] own
 4 information,² or ²[whose]² immediate family member's ²[name,
 5 home address or unpublished telephone number] information,² was
 6 not timely removed from the Internet ²[in violation of the
 7 provisions of subsection c. of this section or was disclosed on the
 8 Internet subsequent to] or where otherwise made available within
 9 72 hours by a person, business, or association following² receipt of
 10 a ²written² request ²[pursuant to subsection b. of this section] to
 11 refrain and remove that information, or the person, business, or
 12 association re-discloses on the Internet or otherwise makes
 13 available the same information at any time subsequent to receipt of
 14 the written request,² may bring an action seeking injunctive or
 15 declaratory relief in the Superior Court. If the court grants
 16 injunctive or declaratory relief, the person, business, or association
 17 responsible for the violation shall be required to pay reasonable
 18 attorney's fees and other litigation costs reasonably incurred by the
 19 ²[law enforcement officer,]² judicial officer, ²[or] ,² prosecutor,
 20 ²or law enforcement officer,² as appropriate.

21 ²[e. For purposes of this section, "immediate family member"
 22 shall include a spouse, child or parent of a law enforcement officer,
 23 a judicial officer, as defined by section 1 of P.L.1995, c.23
 24 (C.47:1A-1.1), or a federal, State, county, or municipal prosecutor,
 25 or any blood relative of a law enforcement officer, a judicial officer
 26 or a prosecutor or of that individual's spouse who lives in the same
 27 residence as the law enforcement officer, judicial officer or
 28 prosecutor.¹]²

29
 30 ¹8. (New section) This act shall be liberally construed in order
 31 to accomplish its purpose and the public policy of this State, which
 32 is to enhance the safety and security of certain public officials in the
 33 justice system, including ²[law enforcement officers,]² judicial
 34 officers ²[and] ,² prosecutors ², and law enforcement officers,² who
 35 served or have served the people of New Jersey, and the immediate
 36 family members of these individuals, to foster the ability of these
 37 public servants who perform critical roles in the justice system to
 38 carry out their official duties without fear of personal reprisal from
 39 affected individuals related to the performance of their public
 40 functions.¹

41
 42 ²[¹9. (New section) If any section, subsection, clause, sentence,
 43 paragraph, or part of this act, P.L. , c. (pending before the
 44 Legislature as this bill), or the application thereof to any person or
 45 circumstances, shall, for any reason, be adjudged by a court of
 46 competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder of this act, P.L. , c. (pending
2 before the Legislature as this bill).¹²

3

4 ¹~~[4.]~~ ²~~[10.]~~ ¹ 9. ² This act shall take effect immediately ², but for
5 those provisions of the act which do not become operative and
6 enforceable with respect to law enforcement officers until 18
7 months after the effective date, any anticipatory administrative
8 action may be taken in advance of the operative date that is
9 necessary for the implementation of those provisions².

10

11

12

13

14 “Daniel’s Law”; prohibits disclosure of certain personal
15 information of active, formerly active, and retired judicial officers,
16 prosecutors, and law enforcement officers, and their family
17 members; establishes crime and civil action for disclosing such
18 information.

ASSEMBLY, No. 1649

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Prohibits posting or publishing on Internet home address or telephone number of certain judges and prosecutors.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1649 QUIJANO

2

1 AN ACT prohibiting disclosure of certain information regarding
2 certain judges and prosecutors and amending P.L.2015, c.226.

3

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

6

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

9 1. A person shall not knowingly, with purpose to expose
10 another to harassment or risk of harm to life or property, or in
11 reckless disregard of the probability of such exposure, post or
12 publish on the Internet the home address or unpublished home
13 telephone number of any active or retired law enforcement officer,
14 **【law enforcement officer】** judge of any court of law of this State, or
15 State, county, or municipal prosecutor, or the spouse or child 【of a
16 law enforcement officer】 thereof. A reckless violation of this
17 section is a crime of the fourth degree. A purposeful violation of
18 this section is a crime of the third degree.

19 (cf: P.L.2015, c.226, s.1)

20

21 2. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
22 as follows:

23 2. A State or local governmental agency shall not knowingly
24 post or publish on the Internet the home address or unpublished
25 home telephone number of any active or retired law enforcement
26 officer **【or law enforcement officer】** , judge of any court of law of
27 this State, or State, county, or municipal prosecutor without first
28 obtaining the written permission of that **【law enforcement officer or**
29 **retired law enforcement officer】** individual.

30 (cf: P.L.2015, c.226, s.2)

31

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

34 3. a. A person, business, or association shall not disclose on
35 the Internet the home address or unpublished home telephone
36 number of **【a law enforcement officer or】** an active or retired law
37 enforcement officer, judge of any court of law of this State, or
38 State, county, or municipal prosecutor under circumstances in
39 which a reasonable person would believe that providing that
40 information would expose another to harassment or risk of harm to
41 life or property.

42 b. A person, business, or association that violates subsection a.
43 of this section shall be liable to the **【law enforcement officer,】**
44 active or retired law enforcement officer, judge of any court of law
45 of this State, or State, county, or municipal prosecutor, or any other
46 person residing at the home address of the **【law enforcement**

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 officer] active or retired law enforcement officer, judge of any
2 court of law of this State, or State, county, or municipal prosecutor,
3 who may bring a civil action in the Superior Court.

4 c. The court may award:

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

7 (2) punitive damages upon proof of willful or reckless disregard
8 of the law;

9 (3) reasonable attorney's fees and other litigation costs
10 reasonably incurred; and

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

13 d. For the purposes of this section, "disclose" shall mean to
14 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
15 transfer, publish, distribute, circulate, disseminate, present, exhibit,
16 advertise or offer.

17 (cf: P.L.2015, c.226, s.3)

18

19 4. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill prohibits persons, State and local agencies, and
25 businesses from posting or publishing on the Internet the home
26 addresses or unpublished home telephone numbers of judges, or
27 State, county, or municipal prosecutors regardless of whether they
28 are retired or in the workforce. This bill amends current law that
29 already prohibits such disclosure for law enforcement officers.

30 Specifically, the bill makes it a crime for a person to knowingly,
31 with purpose to expose another to harassment or risk of harm to life
32 or property, or in reckless disregard of the probability of this
33 exposure, to post or publish on the Internet the home address or
34 unpublished telephone number of a judge or State, county, or
35 municipal prosecutor, regardless of whether they are retired or in
36 the workforce, or their spouse or child. If the person recklessly
37 violates this prohibition, it is a crime of the fourth degree. A fourth
38 degree crime is punishable by a prison term of up to 18 months, a
39 fine of up to \$10,000, or both. If the person purposefully violates
40 this prohibition, it is a crime of the third degree. A third degree
41 crime is punishable by a prison term of three to five years, a fine of
42 up to \$15,000, or both.

43 The bill also prohibits State or local agencies from posting or
44 publishing on the Internet a home address or telephone number of a
45 judge or State, county, or municipal prosecutor regardless of
46 whether they are retired or in the workforce, without first obtaining
47 written consent.

A1649 QUIJANO

1 Persons, businesses, and associations also are prohibited by the
2 bill from disclosing on the Internet a judge's, or State, county, or
3 municipal prosecutor's home address or unpublished home
4 telephone number, regardless of whether they are retired or in the
5 workforce, under circumstances in which a reasonable person would
6 believe that providing that information would expose another to
7 harassment or risk of harm to life or property.

8 The bill specifies that persons, businesses, or associations may
9 be liable for violating this prohibition of the bill. The bill authorizes
10 a civil action in Superior Court. The court may award: (1) actual
11 damages, but not less than liquidated damages computed at the rate
12 of \$1,000 for each violation; (2) punitive damages upon proof of
13 willful or reckless disregard of the law; (3) reasonable attorney's
14 fees and other litigation costs reasonably incurred; and (4) any other
15 preliminary and equitable relief as the court determines to be
16 appropriate.

17 The bill defines "disclose" as soliciting, selling, manufacturing,
18 giving, providing, lending, trading, mailing, delivering, transferring,
19 publishing, distributing, circulating, disseminating, presenting,
20 exhibiting, advertising or offering.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1649

STATE OF NEW JERSEY

DATED: AUGUST 13, 2020

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 1649.

This bill prohibits persons, State and local agencies, and businesses from posting or publishing on the Internet the home addresses or unpublished home telephone numbers of judges, or State, county, or municipal prosecutors regardless of whether they are retired or in the workforce. This bill amends current law that already prohibits such disclosure for law enforcement officers.

Specifically, the bill makes it a crime for a person to knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of this exposure, to post or publish on the Internet the home address or unpublished telephone number of a judge or State, county, or municipal prosecutor, regardless of whether they are retired or in the workforce, or their spouse or child. If the person recklessly violates this prohibition, it is a crime of the fourth degree. A fourth degree crime is punishable by a prison term of up to 18 months, a fine of up to \$10,000, or both. If the person purposefully violates this prohibition, it is a crime of the third degree. A third degree crime is punishable by a prison term of three to five years, a fine of up to \$15,000, or both.

The bill also prohibits State or local agencies from posting or publishing on the Internet a home address or telephone number of a judge or State, county, or municipal prosecutor regardless of whether they are retired or in the workforce, without first obtaining written consent.

Persons, businesses, and associations also are prohibited by the bill from disclosing on the Internet a judge's, or State, county, or municipal prosecutor's home address or unpublished home telephone number, regardless of whether they are retired or in the workforce, under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

The bill specifies that persons, businesses, or associations may be liable for violating this prohibition of the bill. The bill authorizes a civil action in Superior Court. The court may award: (1) actual damages, but not less than liquidated damages computed at the rate of

\$1,000 for each violation; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other preliminary and equitable relief as the court determines to be appropriate.

The bill defines "disclose" as soliciting, selling, manufacturing, giving, providing, lending, trading, mailing, delivering, transferring, publishing, distributing, circulating, disseminating, presenting, exhibiting, advertising or offering.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1649

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 2020

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 1649.

This bill prohibits persons, State and local agencies, and businesses from posting or publishing on the Internet the home addresses or unpublished home telephone numbers of judicial officers, or State, county, or municipal prosecutors regardless of whether they are retired or in the workforce. This bill amends current law that already prohibits such disclosure for law enforcement officers.

Specifically, the bill makes it a crime for a person to knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of this exposure, to post or publish on the Internet the home address or unpublished telephone number of a judicial officer or State, county, or municipal prosecutor, regardless of whether they are retired or in the workforce, or their spouse or child. If the person recklessly violates this prohibition, it is a crime of the fourth degree. A fourth degree crime is punishable by a prison term of up to 18 months, a fine of up to \$10,000, or both. If the person purposefully violates this prohibition, it is a crime of the third degree. A third degree crime is punishable by a prison term of three to five years, a fine of up to \$15,000, or both.

The bill also prohibits State or local agencies from posting or publishing on the Internet a home address or telephone number of a judicial officer or State, county, or municipal prosecutor regardless of whether they are retired or in the workforce, without first obtaining written consent.

Persons, businesses, and associations also are prohibited by the bill from disclosing on the Internet a judicial officer's, or State, county, or municipal prosecutor's home address or unpublished home telephone number, regardless of whether they are retired or in the workforce, under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

The bill specifies that persons, businesses, or associations may be liable for violating this prohibition of the bill. The bill authorizes a civil action in Superior Court. The court may award: (1) actual damages, but not less than liquidated damages computed at the rate of

\$1,000 for each violation; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other preliminary and equitable relief as the court determines to be appropriate.

The bill defines "disclose" as soliciting, selling, manufacturing, giving, providing, lending, trading, mailing, delivering, transferring, publishing, distributing, circulating, disseminating, presenting, exhibiting, advertising or offering.

COMMITTEE AMENDMENTS

There are proposed committee amendments to the bill, including naming the bill "Daniel's law" in honor of the tragic killing of Daniel Anderl, the son of a U.S. District Court Judge who was shot and killed at the family's home by a person who had a fixation with the judge, and had access to the judge by way of her address being public.

The additional amendments:

add a definition of judicial officer;

add a definition of immediate family member;

make the protections of the bill applicable to federal, State county and municipal prosecutors;

exclude those portions of any document identifying a law enforcement officer's, a judicial officer's or a prosecutor's address from the definition of government record pursuant to the law commonly known as the open public records act;

require custodians of government records to redact a law enforcement officer's, a judicial officer's or prosecutor's address from any record prior to granting access to the record to a member of the public;

permit a law enforcement officer, judicial officer or prosecutor to request that the person, business, or association that disclosed the prohibited information to refrain from such disclosure and remove the information from the Internet;

require the request to refrain from disclosure to be in writing, addressed to the person, business, or association that disclosed the information, and may be made by the law enforcement officer, judicial officer, or prosecutor, or their employer with their consent;

provide that upon receipt of the written request, the person, business or association that made the disclosure will have 72 hours to remove the information from the Internet and must not disclose the information to anyone in any medium; and

provide that if the information is not timely removed or is disclosed on the Internet subsequent to receipt of a request to refrain from disclosure and to remove the information from the Internet, the law enforcement officer, judicial officer, or prosecutor, as appropriate, may bring an action seeking injunctive or declaratory relief in the Superior Court. If the court grants injunctive or declaratory relief, the

person or entity responsible for the violation will be required to pay reasonable attorney's fees and other litigation costs reasonably incurred.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

[Corrected Copy]

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1649

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Senate Judiciary Committee reports favorably and with committee amendments the First Reprint of Assembly Bill No. 1649.

The bill, as amended, would: (1) prohibit the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer (the expansive definition of “judicial officer” includes judges of the Office of Administrative Law and of the Division of Workers’ Compensation); (2) expand an existing crime concerning the disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers to also cover formerly active law enforcement officers, as well as active, formerly active, or retired judicial officers or prosecutors; and (3) would permit criminal prosecutions and statutory civil actions concerning any prohibited disclosure. The bill represents legislative action directly related to, and intended to honor, Daniel Anderl, the son of a federal judge, who was shot and killed in July 2020 at the judge’s family home by a person who had compiled a dossier of personal information about the judge, including the judge’s home address; the bill’s scope, as described above, would expand beyond just protecting federal and State judges, and their families, but would provide protections for a multitude of federal, state (from all states), and local public officials involved with administering public safety and justice.

The bill’s new protections for judicial officers and prosecutors would take effect immediately, and would begin 18 months after the bill’s effective date for law enforcement officers, who under current law are already provided some protections to be expanded by the bill; the bill would allow for executive branch administrative action to be taken in advance of that future date that would be necessary for the implementation of the bill concerning law enforcement officers.

To prohibit the government's disclosure of a home address (all persons' unlisted telephone numbers are already protected from disclosure), the bill would exclude those portions of any document identifying an address, whether a primary or secondary residence, from the definition of "government record" pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the Open Public Records Act, thereby deeming such information confidential. The bill would also require custodians of government records under that act to redact a judicial officer's, prosecutor's, or law enforcement officer's address from any record prior to granting access to the record by a member of the public. However, an address would still be shared if it was sought for use by a governmental agency in carrying out its functions, or a private person or entity seeking to enforce a child support order.

The bill would also prohibit the State or a local governmental agency from posting or publishing on the Internet, or reposting, republishing, or otherwise making available, a home address or unlisted telephone number of an active, formerly active, or retired judicial officer or prosecutor, expanding the scope of section 2 of P.L.2015, c.226 (C.47:1-17) which already prohibits such actions with respect to law enforcement officers.

It would establish the same prohibition for individuals, businesses, and associations, who under current law are prohibited from posting or publishing such information about current and retired law enforcement officers, and would subject a party who violated the law to the same criminal and civil liabilities that apply to violations involving law enforcement officers.

Specifically, it would be a crime to knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of this exposure, to post or publish on the Internet, repost, republish, or otherwise make available, the home address or unpublished telephone number of an active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, or any such person's spouse or child. A reckless violation would be graded a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. A purposeful violation would be a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

As to potential civil liability, individuals, businesses, and associations would be prohibited from disclosing on the Internet, or re-disclosing or otherwise making available, the information about an active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer under any circumstances in which a reasonable person would believe that providing such information would expose another to harassment or risk of harm to life or property. As a result of a violation, a court could award: (1) actual

damages, but not less than liquidated damages computed at the rate of \$1,000 for each violation; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other preliminary and equitable relief as the court determines to be appropriate.

Additionally, the bill would provide a means by which a judicial officer, prosecutor, or law enforcement officer would be able to make a request to cease a disclosure to an individual, business, or association that disclosed that public officer's home address or unpublished phone number, or the name, home address, or unpublished number of an immediate family member of that public officer (someone residing in the same residence); with respect to a family member's name or home address, the basis for ceasing the disclosure would be that the disclosed information, alone or in conjunction with any other information, could be used to identify the person as the family member of the public officer. The request would be required to be made in writing by the public officer, or that public officer's employer with the officer's consent. The recipient of the request would have 72 hours to remove any disclosed information from the Internet or where otherwise made available, and refrain from disclosing the information to any other person or entity through any medium.

If the recipient did not timely remove the information from the Internet or where otherwise made available, or made a subsequent disclosure in any medium after receipt of the request to cease disclosure, the aggrieved public officer could bring an action seeking injunctive or declaratory relief in the Superior Court. The party responsible for the continued disclosure would be required to pay reasonable attorney's fees and other litigation costs reasonably incurred for the action brought.

This bill, as amended and reported by the committee, is identical to the Senate Committee Substitute for Senate Bill Nos. 2797 and 2925, also reported by the committee today.

The committee amendments to the bill:

- apply the bill's protections to active, formerly active, and retired judicial officers, prosecutors, and law enforcement officers, instead of just active and retired officials;
- delay the application of the new bill's protections to law enforcement officers for 18 months after the effective date of the bill; as explained above, law enforcement officers are already provided some protections concerning their personal information that would be expanded by the bill;
- modify the definition of "judicial officer" to more broadly cover any judge in the judicial branch, whether it be at the federal, state (any state), county, or municipal level of government;

- broaden the existing law's criminal and civil liabilities on disclosures of a public official's information by both governmental entities and private parties, as described above, to cover not just acts of posting or publishing on the Internet, but also reposting, republishing, or otherwise making available that information;

- eliminate the severability clause from the bill (section 9), because all of the provisions of the bill are already severable, should the bill become law, and all or parts of it challenged in court, per R.S. 1:1-10;

- remove the designation of the bill as Daniel's Law from the bill's title, and instead, as described above, indicate in the bill's statement that the amended bill represents legislative action directly related to, and is intended to honor, Mr. Anderl, the son of a federal judge who was shot and killed in July 2020 at the judge's home by a person who had collected personal information about the judge; and

- update the bill's title and synopsis to more accurately reflect the changes made by the amendments.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 1649

with Senate Floor Amendments
(Proposed by Senator CRYAN)

ADOPTED: OCTOBER 29, 2020

These floor amendments reinsert the designation of “Daniel’s Law” for the bill, which prohibits the disclosure of certain personal information of various public officials who provide services in the criminal and civil justice systems for this State, for the federal government, and for other governmental entities. The designation is for Daniel Anderl, the son of a federal judge, who was shot and killed in July 2020 at the judge’s family home by a person who had compiled a dossier of personal information about the judge, including the judge’s home address.

SENATE, No. 2797

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 3, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Prohibits disclosure of home address of federal, State, and municipal judicial officers; establishes crime and civil action for disclosing such information or judicial officers' unlisted telephone number.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/18/2020)

1 AN ACT prohibiting the disclosure of certain personal information
2 concerning any federal, State, or municipal judicial officer, and
3 amending P.L.1995, c.23, P.L.2001, c.404, and the title and body
4 of P.L.2015, c.226.

5

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

8

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

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

13 "Biotechnology" means any technique that uses living
14 organisms, or parts of living organisms, to make or modify
15 products, to improve plants or animals, or to develop micro-
16 organisms for specific uses; including the industrial use of
17 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

24 criminal investigatory records;

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

27 any written request by a crime victim for a record to which the
28 victim is entitled to access as provided in this section, including,
29 but not limited to, any law enforcement agency report, domestic
30 violence offense report, and temporary or permanent restraining
31 order;

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

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

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

1 any record within the attorney-client privilege. This paragraph
2 shall not be construed as exempting from access attorney or
3 consultant bills or invoices except that such bills or invoices may be
4 redacted to remove any information protected by the attorney-client
5 privilege;

6 administrative or technical information regarding computer
7 hardware, software and networks which, if disclosed, would
8 jeopardize computer security;

9 emergency or security information or procedures for any
10 buildings or facility which, if disclosed, would jeopardize security
11 of the building or facility or persons therein;

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

15 information which, if disclosed, would give an advantage to
16 competitors or bidders;

17 information generated by or on behalf of public employers or
18 public employees in connection with any sexual harassment
19 complaint filed with a public employer or with any grievance filed
20 by or against an individual or in connection with collective
21 negotiations, including documents and statements of strategy or
22 negotiating position;

23 information which is a communication between a public agency
24 and its insurance carrier, administrative service organization or risk
25 management office;

26 information which is to be kept confidential pursuant to court
27 order;

28 any copy of form DD-214, NGB-22, or that form, issued by the
29 United States Government, or any other certificate of honorable
30 discharge, or copy thereof, from active service or the reserves of a
31 branch of the Armed Forces of the United States, or from service in
32 the organized militia of the State, that has been filed by an
33 individual with a public agency, except that a veteran or the
34 veteran's spouse or surviving spouse shall have access to the
35 veteran's own records;

36 any copy of an oath of allegiance, oath of office or any
37 affirmation taken upon assuming the duties of any public office, or
38 that oath or affirmation, taken by a current or former officer or
39 employee in any public office or position in this State or in any
40 county or municipality of this State, including members of the
41 Legislative Branch, Executive Branch, Judicial Branch, and all law
42 enforcement entities, except that the full name, title, and oath date
43 of that person contained therein shall not be deemed confidential;

44 that portion of any document which discloses the social security
45 number, credit card number, unlisted telephone number or driver
46 license number of any person, or that portion of any document
47 which discloses the home address, whether a primary or secondary
48 residence, of any federal, State, or municipal judicial officer or

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

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

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

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

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

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

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

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

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

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

24 "Public agency" or "agency" means any of the principal
25 departments in the Executive Branch of State Government, and any
26 division, board, bureau, office, commission or other instrumentality
27 within or created by such department; the Legislature of the State
28 and any office, board, bureau or commission within or created by
29 the Legislative Branch; and any independent State authority,
30 commission, instrumentality or agency. The terms also mean any
31 political subdivision of the State or combination of political
32 subdivisions, and any division, board, bureau, office, commission or
33 other instrumentality within or created by a political subdivision of
34 the State or combination of political subdivisions, and any
35 independent authority, commission, instrumentality or agency
36 created by a political subdivision or combination of political
37 subdivisions.

38 "Law enforcement agency" means a public agency, or part
39 thereof, determined by the Attorney General to have law
40 enforcement responsibilities.

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

43 "Judicial officer" means the Chief Justice or an Associate Justice
44 of the United States Supreme Court, a judge of the United States
45 Court of Appeals, a judge of a federal district court, including a
46 magistrate judge, a judge of any other court established by federal
47 law, the Chief Justice or an Associate Justice of the New Jersey
48 Supreme Court, a judge of the Superior Court, a judge of the Tax

1 Court, a judge of a municipal court, a judge of the Office of
2 Administrative Law, a judge of the Division of Workers'
3 Compensation, or a judge of any other court or who handles
4 proceedings in the executive branch of the State government or a
5 local government established by State law.

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

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

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

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

21 "Victims' rights agency" means a public agency, or part thereof,
22 the primary responsibility of which is providing services, including
23 but not limited to food, shelter, or clothing, medical, psychiatric,
24 psychological or legal services or referrals, information and referral
25 services, counseling and support services, or financial services to
26 victims of crimes, including victims of sexual assault, domestic
27 violence, violent crime, child endangerment, child abuse or child
28 neglect, and the Victims of Crime Compensation Board, established
29 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
30 the Victims of Crime Compensation Office pursuant to P.L.2007,
31 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
32 (cf: P.L.2019, c.255, s.4)

33

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

36 6. a. The custodian of a government record shall permit the
37 record to be inspected, examined, and copied by any person during
38 regular business hours; or in the case of a municipality having a
39 population of 5,000 or fewer according to the most recent federal
40 decennial census, a board of education having a total district
41 enrollment of 500 or fewer, or a public authority having less than
42 \$10 million in assets, during not less than six regular business hours
43 over not less than three business days per week or the entity's
44 regularly-scheduled business hours, whichever is less; unless a
45 government record is exempt from public access by: P.L.1963, c.73
46 (C.47:1A-1 et seq.) as amended and supplemented; any other
47 statute; resolution of either or both houses of the Legislature;
48 regulation promulgated under the authority of any statute or

1 Executive Order of the Governor; Executive Order of the Governor;
2 Rules of Court; any federal law; federal regulation; or federal order.
3 Prior to allowing access to any government record, the custodian
4 thereof shall redact from that record any information which
5 discloses the social security number, credit card number, unlisted
6 telephone number, or driver license number of any person, or the
7 home address, whether a primary or secondary residence, of any
8 federal, State, or municipal judicial officer or retired judicial
9 officer; except for use by any government agency, including any
10 court or law enforcement agency, in carrying out its functions, or
11 any private person or entity acting on behalf thereof, or any private
12 person or entity seeking to enforce payment of court-ordered child
13 support; except with respect to the disclosure of driver information
14 by the New Jersey Motor Vehicle Commission as permitted by
15 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social
16 security number contained in a record required by law to be made,
17 maintained or kept on file by a public agency shall be disclosed
18 when access to the document or disclosure of that information is not
19 otherwise prohibited by State or federal law, regulation or order or
20 by State statute, resolution of either or both houses of the
21 Legislature, Executive Order of the Governor, rule of court or
22 regulation promulgated under the authority of any statute or
23 executive order of the Governor. Except where an agency can
24 demonstrate an emergent need, a regulation that limits access to
25 government records shall not be retroactive in effect or applied to
26 deny a request for access to a government record that is pending
27 before the agency, the council or a court at the time of the adoption
28 of the regulation.

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

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

4 c. Whenever the nature, format, manner of collation, or volume
5 of a government record embodied in the form of printed matter to
6 be inspected, examined, or copied pursuant to this section is such
7 that the record cannot be reproduced by ordinary document copying
8 equipment in ordinary business size or involves an extraordinary
9 expenditure of time and effort to accommodate the request, the
10 public agency may charge, in addition to the actual cost of
11 duplicating the record, a special service charge that shall be
12 reasonable and shall be based upon the actual direct cost of
13 providing the copy or copies; provided, however, that in the case of
14 a municipality, rates for the duplication of particular records when
15 the actual cost of copying exceeds the foregoing rates shall be
16 established in advance by ordinance. The requestor shall have the
17 opportunity to review and object to the charge prior to it being
18 incurred.

19 d. A custodian shall permit access to a government record and
20 provide a copy thereof in the medium requested if the public agency
21 maintains the record in that medium. If the public agency does not
22 maintain the record in the medium requested, the custodian shall
23 either convert the record to the medium requested or provide a copy
24 in some other meaningful medium. If a request is for a record: (1)
25 in a medium not routinely used by the agency; (2) not routinely
26 developed or maintained by an agency; or (3) requiring a substantial
27 amount of manipulation or programming of information technology,
28 the agency may charge, in addition to the actual cost of duplication,
29 a special charge that shall be reasonable and shall be based on the
30 cost for any extensive use of information technology, or for the
31 labor cost of personnel providing the service, that is actually
32 incurred by the agency or attributable to the agency for the
33 programming, clerical, and supervisory assistance required, or both.

34 e. Immediate access ordinarily shall be granted to budgets,
35 bills, vouchers, contracts, including collective negotiations
36 agreements and individual employment contracts, and public
37 employee salary and overtime information.

38 f. The custodian of a public agency shall adopt a form for the
39 use of any person who requests access to a government record held
40 or controlled by the public agency. The form shall provide space
41 for the name, address, and phone number of the requestor and a
42 brief description of the government record sought. The form shall
43 include space for the custodian to indicate which record will be
44 made available, when the record will be available, and the fees to be
45 charged. The form shall also include the following: (1) specific
46 directions and procedures for requesting a record; (2) a statement as
47 to whether prepayment of fees or a deposit is required; (3) the time
48 period within which the public agency is required by P.L.1963, c.73

1 (C.47:1A-1 et seq.) as amended and supplemented, to make the
2 record available; (4) a statement of the requestor's right to challenge
3 a decision by the public agency to deny access and the procedure
4 for filing an appeal; (5) space for the custodian to list reasons if a
5 request is denied in whole or in part; (6) space for the requestor to
6 sign and date the form; (7) space for the custodian to sign and date
7 the form if the request is fulfilled or denied. The custodian may
8 require a deposit against costs for reproducing documents sought
9 through an anonymous request whenever the custodian anticipates
10 that the information thus requested will cost in excess of \$5 to
11 reproduce.

12 g. A request for access to a government record shall be in
13 writing and hand-delivered, mailed, transmitted electronically, or
14 otherwise conveyed to the appropriate custodian. A custodian shall
15 promptly comply with a request to inspect, examine, copy, or
16 provide a copy of a government record. If the custodian is unable
17 to comply with a request for access, the custodian shall indicate the
18 specific basis therefor on the request form and promptly return it to
19 the requestor. The custodian shall sign and date the form and
20 provide the requestor with a copy thereof. If the custodian of a
21 government record asserts that part of a particular record is exempt
22 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
23 as amended and supplemented, the custodian shall delete or excise
24 from a copy of the record that portion which the custodian asserts is
25 exempt from access and shall promptly permit access to the
26 remainder of the record. If the government record requested is
27 temporarily unavailable because it is in use or in storage, the
28 custodian shall so advise the requestor and shall make arrangements
29 to promptly make available a copy of the record. If a request for
30 access to a government record would substantially disrupt agency
31 operations, the custodian may deny access to the record after
32 attempting to reach a reasonable solution with the requestor that
33 accommodates the interests of the requestor and the agency.

34 h. Any officer or employee of a public agency who receives a
35 request for access to a government record shall forward the request
36 to the custodian of the record or direct the requestor to the
37 custodian of the record.

38 i. (1) Unless a shorter time period is otherwise provided by
39 statute, regulation, or executive order, a custodian of a government
40 record shall grant access to a government record or deny a request
41 for access to a government record as soon as possible, but not later
42 than seven business days after receiving the request, provided that
43 the record is currently available and not in storage or archived. In
44 the event a custodian fails to respond within seven business days
45 after receiving a request, the failure to respond shall be deemed a
46 denial of the request, unless the requestor has elected not to provide
47 a name, address or telephone number, or other means of contacting
48 the requestor. If the requestor has elected not to provide a name,

1 address, or telephone number, or other means of contacting the
2 requestor, the custodian shall not be required to respond until the
3 requestor reappears before the custodian seeking a response to the
4 original request. If the government record is in storage or archived,
5 the requestor shall be so advised within seven business days after
6 the custodian receives the request. The requestor shall be advised
7 by the custodian when the record can be made available. If the
8 record is not made available by that time, access shall be deemed
9 denied.

10 (2) During a period declared pursuant to the laws of this State as
11 a state of emergency, public health emergency, or state of local
12 disaster emergency, the deadlines by which to respond to a request
13 for, or grant or deny access to, a government record under
14 paragraph (1) of this subsection or subsection e. of this section shall
15 not apply, provided, however, that the custodian of a government
16 record shall make a reasonable effort, as the circumstances permit,
17 to respond to a request for access to a government record within
18 seven business days or as soon as possible thereafter.

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

26 k. The files maintained by the Office of the Public Defender
27 that relate to the handling of any case shall be considered
28 confidential and shall not be open to inspection by any person
29 unless authorized by law, court order, or the State Public Defender.
30 (cf: P.L.2020, c.10, s.1)

31

32 3. The title of P.L.2015, c.226 is amended to read as follows:
33 **AN ACT** concerning certain information regarding **law**
34 **enforcement】** certain public officers and supplementing Title 2C
35 of the New Jersey Statutes and Titles 47 and 56 of the Revised
36 Statutes.

37 (cf: P.L.2015, c.226, title)

38

39 4. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
40 as follows:

41 2. A State or local governmental agency shall not knowingly
42 post or publish on the Internet the home address or unpublished
43 home telephone number of any **retired】** law enforcement officer or
44 retired law enforcement officer, or any federal, State, or municipal
45 judicial officer as defined by section 1 of P.L.1995, c.23 (C.47:1A-
46 1.1) or retired judicial officer, without first obtaining the written

1 permission of that **l**aw enforcement officer or retired law
2 enforcement officer**l** person.

3 (cf: P.L.2015, c.226, s.2)

4

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

7 1. A person shall not knowingly, with purpose to expose
8 another to harassment or risk of harm to life or property, or in
9 reckless disregard of the probability of such exposure, post or
10 publish on the Internet the home address or unpublished home
11 telephone number of any **l**retired**l** law enforcement officer **l**,**l** or
12 retired law enforcement officer, or any federal, State, or municipal
13 judicial officer as defined by section 1 of P.L.1995, c.23 (C.47:1A-
14 1.1) or retired judicial officer, or the spouse or child lof a law
15 enforcement officer**l** thereof. A reckless violation of this section is
16 a crime of the fourth degree. A purposeful violation of this section
17 is a crime of the third degree.

18 (cf: P.L.2015, c.226, s.1)

19

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

22 3. a. A person, business, or association shall not disclose on
23 the Internet the home address or unpublished home telephone
24 number of **l**a**l** any law enforcement officer or retired law
25 enforcement officer, or any federal, State, or municipal judicial
26 officer as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1) or
27 retired judicial officer, under circumstances in which a reasonable
28 person would believe that providing that information would expose
29 another to harassment or risk of harm to life or property.

30 b. A person, business, or association that violates subsection a.
31 of this section shall be liable to the **l**law enforcement officer,
32 retired law enforcement officer, or any other**l** aggrieved person
33 **l**residing at the home address of the law enforcement officer or
34 retired law enforcement officer**l**, who may bring a civil action in
35 the Superior Court.

36 c. The court may award:

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

39 (2) punitive damages upon proof of willful or reckless disregard
40 of the law;

41 (3) reasonable attorney's fees and other litigation costs
42 reasonably incurred; and

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

45 d. For the purposes of this section, "disclose" shall mean to
46 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,

1 transfer, publish, distribute, circulate, disseminate, present, exhibit,
2 advertise or offer.

3 (cf: P.L.2015, c.226, s.3)

4

5 7. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill prohibits the disclosure of the home addresses of
11 federal, State, and municipal judicial officers and retired judicial
12 officers, and would expand an existing crime and statutory civil
13 action concerning the disclosure of home addresses and unlisted
14 telephone numbers for active and retired law enforcement officers
15 to also cover active and retired judicial officers. The bill defines a
16 “judicial officer” as “the Chief Justice or an Associate Justice of the
17 United States Supreme Court, a judge of the United States Court of
18 Appeals, a judge of a federal district court, including a magistrate
19 judge, a judge of any other court established by federal law, the
20 Chief Justice or an Associate Justice of the New Jersey Supreme
21 Court, a judge of the Superior Court, a judge of the Tax Court, a
22 judge of a municipal court, a judge of the Office of Administrative
23 Law, a judge of the Division of Workers' Compensation, or a judge
24 of any other court or who handles proceedings in the executive
25 branch of the State government or a local government established
26 by State law.”

27 To prohibit the disclosure of a judicial officer’s address (all
28 persons’ unlisted telephone numbers are already protected from
29 disclosure), the bill would exclude those portions of any document
30 identifying an address from the definition of “government record”
31 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as
32 the Open Public Records Act, thereby deeming such information
33 confidential. The bill would also require custodians of government
34 records under that act to redact a judicial officer’s address from any
35 record prior to granting access to the record by a member of the
36 public. However, an address would still be shared if it was sought
37 for use by a governmental agency in carrying out its functions, or a
38 private person or entity seeking to enforce a child support order.

39 The bill would also prohibit the State or a local governmental
40 agency from posting or publishing on the Internet a home address or
41 unlisted telephone number of an active or retired judicial officer,
42 expanding the scope of section 2 of P.L.2015, c.226 (C.47:1-17)
43 which already prohibits such actions with respect to active and
44 retired law enforcement officers.

45 It would establish the same prohibition for individuals,
46 businesses, and associations, who under current law are prohibited
47 from posting or publishing such information about active and
48 retired law enforcement officers, and would subject a party who

1 violated the law to the same criminal and civil liabilities that apply
2 to violations involving law enforcement officers.

3 Specifically, it would be a crime to knowingly, with purpose to
4 expose another to harassment or risk of harm to life or property, or
5 in reckless disregard of the probability of this exposure, to post or
6 publish on the Internet the home address or unpublished telephone
7 number of an active or retired judicial officer, or the judicial
8 officer's spouse or child. A reckless violation would be graded a
9 crime of the fourth degree, punishable by a term of imprisonment of
10 up to 18 months, a fine of up to \$10,000, or both. A purposeful
11 violation would be a crime of the third degree, punishable by a term
12 of imprisonment of three to five years, a fine of up to \$15,000, or
13 both.

14 As to potential civil liability, individuals, businesses, and
15 associations would be prohibited from disclosing on the Internet the
16 information about an active or retired judicial officer under any
17 circumstances in which a reasonable person would believe that
18 providing such information would expose another to harassment or
19 risk of harm to life or property. As a result of a violation, a court
20 could award: (1) actual damages, but not less than liquidated
21 damages computed at the rate of \$1,000 for each violation; (2)
22 punitive damages upon proof of willful or reckless disregard of the
23 law; (3) reasonable attorney's fees and other litigation costs
24 reasonably incurred; and (4) any other preliminary and equitable
25 relief as the court determines to be appropriate.

SENATE, No. 2925

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Senators Diegnan and Lagana

SYNOPSIS

Prohibits posting or publishing on Internet home address or telephone number of certain judges and prosecutors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/22/2020)

1 AN ACT prohibiting disclosure of certain information regarding
2 certain judges and prosecutors and amending P.L.2015, c.226.

3

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

6

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

9 1. A person shall not knowingly, with purpose to expose
10 another to harassment or risk of harm to life or property, or in
11 reckless disregard of the probability of such exposure, post or
12 publish on the Internet the home address or unpublished home
13 telephone number of any active or retired law enforcement officer,
14 **【law enforcement officer】** judge of any court of law of this State, or
15 State, county, or municipal prosecutor, or the spouse or child 【of a
16 law enforcement officer】 thereof. A reckless violation of this
17 section is a crime of the fourth degree. A purposeful violation of
18 this section is a crime of the third degree.

19 (cf: P.L.2015, c.226, s.1)

20

21 2. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
22 as follows:

23 2. A State or local governmental agency shall not knowingly
24 post or publish on the Internet the home address or unpublished
25 home telephone number of any active or retired law enforcement
26 officer 【or law enforcement officer】 , judge of any court of law of
27 this State, or State, county, or municipal prosecutor without first
28 obtaining the written permission of that **【law enforcement officer or**
29 **retired law enforcement officer】** individual.

30 (cf: P.L.2015, c.226, s.2)

31

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

34 3. a. A person, business, or association shall not disclose on
35 the Internet the home address or unpublished home telephone
36 number of **【a law enforcement officer or】** an active or retired law
37 enforcement officer, judge of any court of law of this State, or
38 State, county, or municipal prosecutor under circumstances in
39 which a reasonable person would believe that providing that
40 information would expose another to harassment or risk of harm to
41 life or property.

42 b. A person, business, or association that violates subsection a.
43 of this section shall be liable to the **【law enforcement officer,】**
44 active or retired law enforcement officer, judge of any court of law
45 of this State, or State, county, or municipal prosecutor, or any other

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 person residing at the home address of the [law enforcement
2 officer] active or retired law enforcement officer, judge of any
3 court of law of this State, or State, county, or municipal prosecutor,
4 who may bring a civil action in the Superior Court.

5 c. The court may award:

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

8 (2) punitive damages upon proof of willful or reckless disregard
9 of the law;

10 (3) reasonable attorney's fees and other litigation costs
11 reasonably incurred; and

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

14 d. For the purposes of this section, "disclose" shall mean to
15 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
16 transfer, publish, distribute, circulate, disseminate, present, exhibit,
17 advertise or offer.

18 (cf: P.L.2015, c.226, s.3)

19

20 4. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill prohibits persons, State and local agencies, and businesses
26 from posting or publishing on the Internet the home addresses or
27 unpublished home telephone numbers of judges, or State, county, or
28 municipal prosecutors regardless of whether they are retired or in the
29 workforce. This bill amends current law that already prohibits such
30 disclosure for law enforcement officers.

31 Specifically, the bill makes it a crime for a person to knowingly,
32 with purpose to expose another to harassment or risk of harm to life or
33 property, or in reckless disregard of the probability of this exposure, to
34 post or publish on the Internet the home address or unpublished
35 telephone number of a judge or State, county, or municipal prosecutor,
36 regardless of whether they are retired or in the workforce, or their
37 spouse or child. If the person recklessly violates this prohibition, it is a
38 crime of the fourth degree. A fourth degree crime is punishable by a
39 prison term of up to 18 months, a fine of up to \$10,000, or both. If the
40 person purposefully violates this prohibition, it is a crime of the third
41 degree. A third degree crime is punishable by a prison term of three to
42 five years, a fine of up to \$15,000, or both.

43 The bill also prohibits State or local agencies from posting or
44 publishing on the Internet a home address or telephone number of a
45 judge or State, county, or municipal prosecutor regardless of whether
46 they are retired or in the workforce, without first obtaining written
47 consent.

S2925 POU, B.SMITH

1 Persons, businesses, and associations also are prohibited by the bill
2 from disclosing on the Internet a judge's, or State, county, or
3 municipal prosecutor's home address or unpublished home telephone
4 number, regardless of whether they are retired or in the workforce,
5 under circumstances in which a reasonable person would believe that
6 providing that information would expose another to harassment or risk
7 of harm to life or property.

8 The bill specifies that persons, businesses, or associations may be
9 liable for violating this prohibition of the bill. The bill authorizes a
10 civil action in Superior Court. The court may award: (1) actual
11 damages, but not less than liquidated damages computed at the rate of
12 \$1,000 for each violation; (2) punitive damages upon proof of willful
13 or reckless disregard of the law; (3) reasonable attorney's fees and
14 other litigation costs reasonably incurred; and (4) any other
15 preliminary and equitable relief as the court determines to be
16 appropriate.

17 The bill defines "disclose" as soliciting, selling, manufacturing,
18 giving, providing, lending, trading, mailing, delivering, transferring,
19 publishing, distributing, circulating, disseminating, presenting,
20 exhibiting, advertising or offering.

[Corrected Copy]

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2797 and 2925

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Senate Judiciary Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2797 and 2925.

This substitute bill would: (1) prohibit the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer (the expansive definition of “judicial officer” includes judges of the Office of Administrative Law and of the Division of Workers’ Compensation); (2) expand an existing crime concerning the disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers to also cover formerly active law enforcement officers, as well as active, formerly active, or retired judicial officers or prosecutors; and (3) would permit criminal prosecutions and statutory civil actions concerning any prohibited disclosure. The bill represents legislative action directly related to, and intended to honor, Daniel Anderl, the son of a federal judge, who was shot and killed in July 2020 at the judge’s family home by a person who had compiled a dossier of personal information about the judge, including the judge’s home address; the bill’s scope, as described above, would expand beyond just protecting federal and State judges, and their families, but would provide protections for a multitude of federal, state (from all states), and local public officials involved with administering public safety and justice.

The bill’s new protections for judicial officers and prosecutors would take effect immediately, and would begin 18 months after the bill’s effective date for law enforcement officers, who under current law are already provided some protections to be expanded by the bill; the bill would allow for executive branch administrative action to be taken in advance of that future date that would be necessary for the implementation of the bill concerning law enforcement officers.

To prohibit the government's disclosure of a home address (all persons' unlisted telephone numbers are already protected from disclosure), the bill would exclude those portions of any document identifying an address, whether a primary or secondary residence, from the definition of "government record" pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the Open Public Records Act, thereby deeming such information confidential. The bill would also require custodians of government records under that act to redact a judicial officer's, prosecutor's, or law enforcement officer's address from any record prior to granting access to the record by a member of the public. However, an address would still be shared if it was sought for use by a governmental agency in carrying out its functions, or a private person or entity seeking to enforce a child support order.

The bill would also prohibit the State or a local governmental agency from posting or publishing on the Internet, or reposting, republishing, or otherwise making available, a home address or unlisted telephone number of an active, formerly active, or retired judicial officer or prosecutor, expanding the scope of section 2 of P.L.2015, c.226 (C.47:1-17) which already prohibits such actions with respect to law enforcement officers.

It would establish the same prohibition for individuals, businesses, and associations, who under current law are prohibited from posting or publishing such information about current and retired law enforcement officers, and would subject a party who violated the law to the same criminal and civil liabilities that apply to violations involving law enforcement officers.

Specifically, it would be a crime to knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of this exposure, to post or publish on the Internet, repost, republish, or otherwise make available, the home address or unpublished telephone number of an active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, or any such person's spouse or child. A reckless violation would be graded a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. A purposeful violation would be a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

As to potential civil liability, individuals, businesses, and associations would be prohibited from disclosing on the Internet, or re-disclosing or otherwise making available, the information about an active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer under any circumstances in which a reasonable person would believe that providing such information would expose another to harassment or risk of harm to life or

property. As a result of a violation, a court could award: (1) actual damages, but not less than liquidated damages computed at the rate of \$1,000 for each violation; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other preliminary and equitable relief as the court determines to be appropriate.

Additionally, the bill would provide a means by which a judicial officer, prosecutor, or law enforcement officer would be able to make a request to cease a disclosure to an individual, business, or association that disclosed that public officer's home address or unpublished phone number, or the name, home address, or unpublished number of an immediate family member of that public officer (someone residing in the same residence); with respect to a family member's name or home address, the basis for ceasing the disclosure would be that the disclosed information, alone or in conjunction with any other information, could be used to identify the person as the family member of the public officer. The request would be required to be made in writing by the public officer, or that public officer's employer with the officer's consent. The recipient of the request would have 72 hours to remove any disclosed information from the Internet or where otherwise made available, and refrain from disclosing the information to any other person or entity through any medium.

If the recipient did not timely remove the information from the Internet or where otherwise made available, or made a subsequent disclosure in any medium after receipt of the request to cease disclosure, the aggrieved public officer could bring an action seeking injunctive or declaratory relief in the Superior Court. The party responsible for the continued disclosure would be required to pay reasonable attorney's fees and other litigation costs reasonably incurred for the action brought.

The substitute bill, as reported by the committee, is identical to the First Reprint of Assembly Bill No. 1649, as amended and also reported by the committee today.

Governor Murphy Signs "Daniel's Law"

11/20/2020

TRENTON – Governor Phil Murphy today signed legislation (A1649), which protects the home addresses and telephone numbers of judges, prosecutors, and law enforcement officers from public disclosure. The bill, known as "Daniel's Law," is named in honor of Daniel Anderl, the late son of U.S. District Court Judge Esther Salas. Daniel fell victim to a senseless act of gun violence committed by an individual who had compiled a dossier of personal information about Judge Salas, including the judge's home address.

"This is a renewed commitment to ensure our judiciary, prosecutors, and members of law enforcement who answer the call of justice can do so without fear for their personal safety, or that of their loved ones," **said Governor Murphy**. "By shielding the home addresses and private contact information for those who serve on the bench and enforce our laws, we are demonstrating that in the face of unspeakable tragedy, New Jersey responds not with thoughts and prayers, but with concrete action."

"My husband, Mark, and I would like to thank Governor Murphy and all the men and women of the New Jersey State Legislature for enacting this trailblazing legislation," **said U.S. District Court Judge Esther Salas**. "We hope this law can be a steppingstone to improving the security of my sisters and brothers who serve as federal judges throughout the country. Nobody should be forced to endure the kind of pain my family has experienced ever again. Together we can work to ensure that all members of the judiciary (federal, state, and municipal courts) can perform their duties without fear of retribution or harm. Daniel used to say, 'Mom, I love talking with you.' I know Daniel is listening now, and he is smiling down on us today because he knows that with this bill signing, we are doing our part to ensure that his death will not be in vain."

The bill amends the Open Public Records Act ("OPRA") to exclude from the definition of a government (i.e., public) record the portion of any document which discloses the home address of any active or retired 1) judge, 2) prosecutor or 3) law enforcement officer.

Further, the bill prohibits government agencies, individuals and businesses from knowingly publishing on the internet, or otherwise making available, the home address or unpublished home telephone number of any active or retired judge or any active or retired prosecutor.

The bill also enables any active or retired judge, prosecutor, or law enforcement officer whose home address or unpublished telephone number is disclosed on the internet or otherwise made available to the public, or whose immediate family member's name, home address, or unpublished phone number is disclosed on the internet or otherwise made available to the public, to request that the information be removed. The government agency, individual or business would be required to remove the information within 72 hours of receiving such a request in writing.

"Daniel Anderl's tragic death reminds us that the disclosure of personal information can leave judges and family members vulnerable to threats and violence," **said Chief Justice Stuart Rabner**. "We are grateful to the Governor and the Legislature for taking this important step to provide common sense protections for active and retired judges and their families, along with others in the justice system, in the hope that a future tragedy can be prevented."

"Judges, prosecutors, and law enforcement officers all play vital roles in keeping the public safe, but in doing so, they often jeopardize their own safety, becoming targets of vengeful criminals or litigants," **said Attorney General Gurbir S. Grewal**. "We need to protect them as they protect all of us. This commonsense law will go a long way to ensure the privacy and security of these public servants and their families."

"To everyone who played a role in getting this done, I thank you. However, our work does not end here. We must extend these privacy protections nationwide, so that no one lives through what Judge Salas and her husband lived through," **said U.S. Senator Bob Menendez**. "We are living in a time of endless vitriol, rising hate crimes, and increased personal attacks. And while we may not be able to eliminate hatred from someone's heart, we can take action to better protect the men and women of our federal bench. That's why I am proud to see Governor Murphy sign Daniel's Law here in New Jersey— and why I remain committed to the passage of the Daniel Anderl Judicial Security and Privacy Act in Washington."

"No person who takes on the responsibility of serving as a federal judge should ever have to live in fear that they or their family could be targeted by someone who is able to easily access their personal information," **said U.S. Senator Cory Booker**. "Judge Salas and her husband, Mark, have gone through something that no parent should ever have to endure. I am grateful for the leadership of Governor Murphy, Senator Cryan, and Assemblywoman Quijano as we honor the memory of Daniel with a commitment that this should never happen again."

Primary sponsors of A1649 include Assemblymembers Annette Quijano, Yvonne Lopez, Craig Coughlin, and Ralph Caputo, and Senators Joe Cryan, Nicholas Scutari, Nellie Pou, and Bob Smith.

"Making tough decisions is part of the job for judges and prosecutors. Sometimes these decisions aren't popular, and they become a target. It's frightening to think that disgruntled individuals may be able to find their home addresses and personal phone numbers readily available at the touch of a button." **said Assemblymembers Quijano, Lopez, Coughlin and Caputo in a joint statement**. "Our hearts continue to break for Judge Salas and her family. The goal of this bill is to better protect the privacy of judges and prosecutors by prohibiting their personal addresses and contact information from being shared online without their consent."

"This law will honor the legacy of Daniel Anderl and respect the loving memories of his family," **said Senator Joe Cryan, a former Union County Sheriff who oversaw courthouse security in Union County**. "This was a tragic act of violence targeted at a respected judge and her family because the gunman was able to locate their home address. It was also an attack on the justice system that was felt by everyone who serves or has served in law enforcement. They devote their lives to the safety of the public – they should be kept safe as well."

"We must act to protect our public officials and their families from potential attacks," **said Senator Nicholas Scutari, Chairman of the Senate Judiciary Committee**. "The targeting of Judge Salas at her private residence by a gunman, resulting in the tragic death of her son and the serious wounding of her husband, underscores the need for us to do more to protect our judges and their families. Domestic terrorism is a very real threat in today's society. Not long ago, a gunman attempted to take the life of then-Congresswoman Gabby Giffords, another gunman opened fire at a congressional softball game and, most recently, there was the foiled plot to kidnap and murder the governor of Michigan. This is a vital first step in ensuring the safety of our public officials in New Jersey."

"Judges and other court officers who serve our legal system deserve to be protected from any possible attack or retaliation for merely performing their sworn duties. What happened to Judge Esther Salas, and her family, and in particular the fatal shooting of her son, Daniel, in his own home, must never happen again," **said Senator Nellie Pou**. "This law, restricting access to home addresses of judges and others who work in our court system will add a needed layer of protection for these public servants."

"As a representative and resident from Middlesex County, I was shocked, heartbroken and angered by the home attack on Judge Salas and her family, which left her husband critically wounded and ended in the death of her son, Daniel," **said Senator Bob Smith**. "The Salas family are among my constituents, so it is important for me that I am a part of any action we take in response to this horrific incident. We have to do more to protect our judges, prosecutors and law enforcement officers from violent retaliation, especially in a time when people are actually planning physical violence against civil servants."

"This measure takes the steps necessary to obscure details about judges that could put them and their families at risk," **said Senator Robert Singer**. "There is so much information exchanged online, and a reckless post or an innocuous comment can, in the wrong hands, be dangerous. Enacting this law will help increase security for judges our legal system relies on."

This Week in New Jersey: November 20th, 2020

11/20/2020



Governor Murphy Signs "Daniel's Law"

Governor Phil Murphy signed legislation (A1649), which protects the home addresses and telephone numbers of judges, prosecutors, and law enforcement officers from public disclosure. The bill, known as “Daniel’s Law,” is named in honor of Daniel Anderl, the late son of U.S. District Court Judge Esther Salas. Daniel fell victim to a senseless act of gun violence committed by an individual who had compiled a dossier of personal information about Judge Salas, including the judge’s home address.

“This is a renewed commitment to ensure our judiciary, prosecutors, and members of law enforcement who answer the call of justice can do so without fear for their personal safety, or that of their loved ones,” **said Governor Murphy**. “By shielding the home addresses and private contact information for those who serve on the bench and enforce our laws, we are demonstrating that in the face of unspeakable tragedy, New Jersey responds not with thoughts and prayers, but with concrete action.”

“My husband, Mark, and I would like to thank Governor Murphy and all the men and women of the New Jersey State Legislature for enacting this trailblazing legislation,” **said U.S. District Court Judge Esther Salas**. “We hope this law can be a steppingstone to improving the security of my sisters and brothers who serve as federal judges throughout the country. Nobody should be forced to endure the kind of pain my family has experienced ever again. Together we can work to ensure that all members of the judiciary (federal, state, and municipal courts) can perform their duties without

fear of retribution or harm. Daniel used to say, 'Mom, I love talking with you.' I know Daniel is listening now, and he is smiling down on us today because he knows that with this bill signing, we are doing our part to ensure that his death will not be in vain."

"To everyone who played a role in getting this done, I thank you. However, our work does not end here. We must extend these privacy protections nationwide, so that no one lives through what Judge Salas and her husband lived through," **said U.S. Senator Bob Menendez**. "We are living in a time of endless vitriol, rising hate crimes, and increased personal attacks. And while we may not be able to eliminate hatred from someone's heart, we can take action to better protect the men and women of our federal bench. That's why I am proud to see Governor Murphy sign Daniel's Law here in New Jersey— and why I remain committed to the passage of the Daniel Anderl Judicial Security and Privacy Act in Washington."

"No person who takes on the responsibility of serving as a federal judge should ever have to live in fear that they or their family could be targeted by someone who is able to easily access their personal information," **said U.S. Senator Cory Booker**. "Judge Salas and her husband, Mark, have gone through something that no parent should ever have to endure. I am grateful for the leadership of Governor Murphy, Senator Cryan, and Assemblywoman Quijano as we honor the memory of Daniel with a commitment that this should never happen again."

[READ MORE](#)

Governor Murphy Signs Executive Order Lowering Limits On Indoor And Outdoor Gatherings

Governor Phil Murphy signed Executive Order No. 196, which lowers indoor and outdoor gathering limits. Effective Tuesday, November 17 at 6:00 a.m., the indoor gathering limit has decreased from 25 to 10 people. The outdoor gathering limit has decreased from 500 people to 150 people, effective Monday, November 23 at 6:00 a.m.



"As we have been saying for weeks, this will not be a normal a holiday season, and it's incumbent on all of us to avoid the type of gatherings that have proven to be particularly dangerous places for COVID-19 to spread," **said Governor Murphy**. "With the alarming numbers we are seeing right now, we have to take these steps today to preserve and protect public health and to slow the spread of this virus."

[READ MORE](#)

Governor Murphy Highlights Investments In Critical Infrastructure Projects To Enhance Regional Port Operations

Governor Phil Murphy, joined by Department of Transportation Commissioner Diane Gutierrez-Scaccetti, officials from the Port Authority of New York and New Jersey, Mayor Ras Baraka, Mayor Jimmy Davis, Senator Joseph Cryan, and labor officials, announced a series of

infrastructure projects that will enhance safety and vehicle movement, including on routes serving the broader regional port operations. The Port of New York and New Jersey is comprised of facilities in both states, serving more than 134 million people regionally. Roughly 500,000 jobs are supported by Port activities, which generate billions of dollars in economic activity each year. The Port is an economic driver not only for New Jersey, but the entire region. Based on record-breaking total cargo volumes in 2019, it is now the busiest port on the East Coast and second busiest port in the nation.

“For decades, New Jersey and our ports have been the corridor through which much of our nation’s economic activity has flowed,” **said Governor Murphy**. “I’m thrilled that these critical projects will further enhance regional operations and contribute to a stronger, more modern infrastructure that will both deliver safer roads and bridges as well as fuel our state’s economic recovery — not just as we work toward the end of the pandemic, but for decades to come. In doing so, the jobs here at the Port, and the jobs created by the infrastructure projects around us will help ensure a stronger, fairer, and more resilient post-COVID economy.”

“The New Jersey Department of Transportation has invested hundreds of millions of dollars in advancing projects in the port district that directly and indirectly support the efficient movement of goods,” **said Transportation Commissioner Diane Gutierrez-Scaccetti**. “The investment in these Portway projects today ensures our road and bridge network will be able to handle the intermodal freight needs of the future in a safe and efficient manner.”

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Governor Phil Murphy Announces First Tenants Of The Hub In New Brunswick

Governor Phil Murphy announced Princeton University, Rutgers University, Hackensack Meridian Health and RWJBarnabas Health will be the first tenants of The Hub, a new collaborative site in downtown New Brunswick designed to foster research, entrepreneurship, innovation, and start-up incubation in New Jersey.

“This project is a major step in helping New Jersey reclaim its spot at the top of the innovation economy,” **said Governor Murphy.** “With its three core partners and first institutional tenant, The Hub will allow us to

harness the collective experience of two of the country’s most prestigious research universities and two of its largest healthcare systems, which will serve to revolutionize research and development in our state.”

The New Jersey Economic Development Authority will also serve to drive activity at The Hub.

The primary mission of The Hub, scheduled to open in New Brunswick in 2024, will be to nurture the growth of start-up companies and new technologies in a range of industries and to support the rapid translation and real-world application of innovation so that those new ventures grow and expand the New Jersey economy.

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Regional Coalition Of Northeast Governors Announce Colleges Will Be Encouraged To Provide Testing For Students Before Leaving For Thanksgiving Break, Recommend Expanded Remote Instruction To End Fall Semester Safely

New Jersey Governor Phil Murphy, New York Governor Andrew M. Cuomo, Connecticut Governor Ned Lamont, Delaware Governor John Carney, Pennsylvania Governor Tom Wolf, Rhode Island Governor Gina Raimondo, and Massachusetts Governor Charlie Baker announced they will encourage residential colleges and universities in their

respective states to provide testing for all students traveling home for Thanksgiving break to the maximum extent possible before they leave campus. Any student who tests positive will be encouraged to isolate on campus before they can travel or detail arrangements of their safe travel home with the local department of health.

These efforts will help mitigate the threat of

college students returning home for the holidays importing COVID-19 into their communities. In addition, colleges should inform students and their families of relevant quarantine policies in their home state.

“With Thanksgiving and the broader holiday season fast approaching, we have to recognize that any large family gathering — particularly among different age groups — runs the risk of turning the dinner table into a COVID hotspot,” **said Governor Murphy**. “To reduce the risk of transmission across our region, we are encouraging colleges and universities to ramp up testing for students returning home, and for anyone who tests positive to adhere to their state’s quarantine restrictions. If we collectively recommit ourselves to the commonsense mitigation practices that got us through the first wave of this pandemic, we can save lives before a vaccine becomes broadly available.”

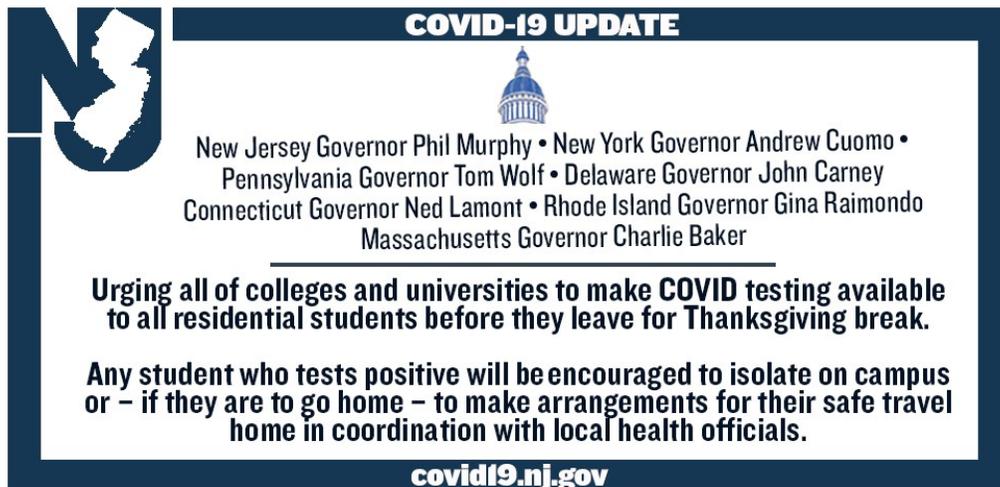
“As everyone predicted, cases are rising as temperatures drop, and New York is not immune. With the holidays approaching, we are fighting ‘living room spread’ from small gatherings in private homes -- and adding college students’ interstate travel will be like pouring gasoline on a fire,” **said New York Governor Cuomo**. “We know this virus does not respect borders, which is why governors from across the region are working together to stop the spread. Colleges and universities have to do their part by testing all students before they leave, informing them about quarantine rules, and keeping classes online between Thanksgiving and Winter Break. We beat back the COVID beast in the spring, and by working together we can do it once again this winter.”

“College students returning from highly infected states could accelerate the spread of COVID in Connecticut,” **said Connecticut Governor Ned Lamont**. “I appreciate the joint effort of all our regional governors to clearly state the testing/quarantine rules for returning home from college.”

“There’s no sugarcoating it: this will be a difficult winter,” **said Delaware Governor John Carney**. “We are seeing rising cases, hospitalizations and deaths from COVID-19 in our region and across the country as we enter the colder months. The holidays present a significant challenge. I’m thankful for the cooperation in our region, and will continue to urge Delawareans to do what works. Wear a mask. Don’t gather with anyone outside your household. Stay vigilant.”

“It is our collective responsibility to protect our communities and our most vulnerable from COVID-19 and to continue to work together to get through this pandemic,” **said Pennsylvania Governor Tom Wolf**. “These targeted mitigation efforts, combined with existing ones, are paramount to decreasing the spread of COVID-19. We need everyone to be united in wearing a mask, practicing social distancing, and washing our hands in order to save lives and help protect our economies.”

“As our COVID cases and hospitalizations continue to rise, it’s critical that we come together as a region to slow the spread and keep our constituents safe,” **said Rhode Island Governor Gina M. Raimondo**. “We all need to be more vigilant about keeping our circles small and our masks on, while at the same time we’re continuing to ramp up



COVID-19 UPDATE

New Jersey Governor Phil Murphy • New York Governor Andrew Cuomo •
 Pennsylvania Governor Tom Wolf • Delaware Governor John Carney
 Connecticut Governor Ned Lamont • Rhode Island Governor Gina Raimondo
 Massachusetts Governor Charlie Baker

Urging all of colleges and universities to make COVID testing available to all residential students before they leave for Thanksgiving break.

Any student who tests positive will be encouraged to isolate on campus or – if they are to go home – to make arrangements for their safe travel home in coordination with local health officials.

covid19.nj.gov

asymptomatic testing across-the-board. This collaborative approach among Northeastern states will help us flatten the curve and contain spread over the Thanksgiving holiday.”

“The region is experiencing a surge in COVID cases and a surge in the serious health impacts this disease brings with it. Working together on travel and higher education policies like these, states can have a bigger impact on COVID spread as students travel for the holidays,” **said Massachusetts Governor Charlie Baker**. “Gathering with friends and family significantly increases the risk of spreading the virus and while testing and isolation guidelines can help slow the spread, it is up to everyone to wear a mask and avoid gathering indoors with people outside of your household.”

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Committee Meeting

of

SENATE JUDICIARY COMMITTEE

The following nomination(s) will be interviewed:

To be reappointed as an Associate Justice of the Supreme Court

“Honorable Faustino J. Fernandez-Vina, of Barrington, for the term prescribed by law”

LOCATION: Committee Room 6
State House Annex
Trenton, New Jersey

DATE: October 22, 2020
12:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Nellie Pou, Vice Chair
Senator Linda R. Greenstein
Senator Paul A. Sarlo
Senator Bob Smith
Senator Brian P. Stack
Senator Stephen M. Sweeney
Senator Loretta Weinberg
Senator Christopher “Kip” Bateman
Senator Gerald Cardinale
Senator Kristin M. Corrado
Senator Michael J. Doherty



ALSO PRESENT:

David J. Lorette
Office of Legislative Services
Committee Aide

Alison Accettola
Senate Majority
Committee Aide

Michael Molimock
Senate Republican
Committee Aide

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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SENATOR NELLIE POU (Vice Chair): Good morning everyone. We are now going to start our Senate Judiciary Committee.

At this moment, I am going to ask Mr. Lorette to please take roll call.

MR. LORETTE (Committee Aide): Committee roll call.

Senator Doherty.

SENATOR DOHERTY: Yes.

MR. LORETTE: Senator Corrado.

SENATOR CORRADO: Here.

MR. LORETTE: Senator Cardinale.

SENATOR CARDINALE: Here.

MR. LORETTE: Senator Bateman.

SENATOR BATEMAN: Here.

MR. LORETTE: Senator Weinberg.

SENATOR WEINBERG: Here.

MR. LORETTE: Senator Stack.

SENATOR STACK: Here.

MR. LORETTE: Senator Smith.

SENATOR SMITH: Here.

MR. LORETTE: Senator Sweeney is subbing in for Senator Singleton, he is marked in as present.

Senator Pou.

SENATOR POU: Here.

MR. LORETTE: Vice Chair, you have a quorum.

SENATOR POU: Thank you for that.

I'd like to begin first by welcoming Chief Justice Stuart Rabner, who has joined us here today for this Senate Judiciary Committee.

And I am going to-- Before I ask our Associate Justice to come up and come before us to take his hearing, I am going to ask you to just hold on for just a moment, Fernandez-Vina. And let me just say how privileged and honored I am to welcome you to these hearings, Associate Justice Fernandez-Vina, who has been nominated -- re-nominated, I should say -- to serve on the State Supreme Court.

Justice Fernandez-Vina was appointed to the State's highest court by Governor Christie in 2013, and he has served there with distinction these past seven years, offering measured, well-argued opinions whether writing for the majority or writing in dissent.

Prior to his service on the bench, Justice Fernandez-Vina was in private practice from 1982 to 2004. He described his former practice as exclusively devoted to civil litigation. He was appointed to the bench by Governor McGreevey in 2004 and was the first Latino nominee to the Superior Court in Camden County.

Upon appointing him Assignment Judge, Chief Justice Rabner stated that Fernandez-Vina brings to the position of Assignment Judge a wealth of experience, a proven and practical approach to addressing issues, superb judgement, and respect of the bench and bar.

Justice Fernandez-Vina has shown a clear eye, common-sense view of the law as it affects all residents of New Jersey. He also brings an important voice to the court, and adds diversity to a panel that seeks to serve the legal needs of the entire state.

I made it a point of providing these particular introductory notes because I've had the pleasure-- I was here serving as a member of the Senate Judiciary Committee when, in fact, he was first appointed, and that was my first interaction with him, back seven years ago. And I had a very good opportunity to have a long dialogue at the time when he was being nominated.

So it's my honor to ask you again, Associate Justice Vina, if you can please come forward so that we can administer the oath.

J U S T I C E F A U S T I N O J . F E R N A N D E Z - V I N A :
Thank you so much Senator Pou.

SENATOR POU: Please, David.

MR. LORETTE: Yes, the administration of the oath.

Do you swear or affirm that the testimony you are about to give here today is true, correct, and complete to the best of your knowledge, information, and belief?

JUSTICE FERNANDEZ-VINA: I do.

MR. LORETTE: Thank you.

JUSTICE FERNANDEZ-VINA: If I may?

SENATOR POU: Yes, please.

JUSTICE FERNANDEZ-VINA: Thank you, Senator.

I would like to thank Governor Murphy for nominating me for tenure on the New Jersey Supreme Court, as well as the State for their thoughtful efforts.

I would also like to thank Senate Judiciary Committee Chairperson Senator Pou, as well as the other honorable Senators and

members of the Judiciary Committee, and the rest of the members here, for taking the time to consider my nomination, especially in these trying times.

It has been an honor and a privilege to serve the citizens of our great state as a member of our Judiciary for the past seven years -- the last seven in our Supreme Court. I would be honored to continue serving our State and our citizens in that capacity.

As I said during my confirmation hearing seven years ago: I truly believe in the rule of law. It is what makes our country and our State a beacon for freedom and democracy in the world. I have personally seen as a child -- and relived through my mother, and father, and their friends' stories about their travels, fears, and destroyed dreams -- what can happen when democracy fails and totalitarian regimes come into power with no regard for individual freedoms, or liberty, or democracy.

As a judge -- and now as a justice -- I have kept those lessons at the forefront. I have always based my analysis and decision on the premise that our court's constitutional mandate is to effect the will of the Legislature; to apply the laws as written; and to always be faithful to the rule of law and the separation of powers.

It would be an honor to continue our Supreme Court's legacy and help to uphold the rule of law.

Thank you. I would be pleased to try and answer any of your questions.

SENATOR POU: Thank you so much for your opening remarks.

I'm going to open it up now for anyone who has any questions for our Justice Vina. Questions from any of our members or comments that anyone would wish to make?

Senator Cardinale.

JUSTICE FERNANDEZ-VINA: Good morning, Senator.

SENATOR CARDINALE: Good morning, good morning.

It is almost like yesterday that we heard you say that you will apply the facts to the law. You will apply the law to the facts.

MR. FERNANDEZ-VINA: Yes.

SENATOR CARDINALE: And as I have reviewed your record in recent days, that seems to have been something that you have just characteristically done automatically.

And it is refreshing, almost, that we have people on our Supreme Court who have tended in that direction -- which has not always been the case. We have had our court at times act as a super legislature and create some problems for New Jersey, which we are trying to cope with and trying to overcome for the benefit of the people.

But you have shown yourself to be really true to the law, and it is my great pleasure to be able to support you for tenure.

JUSTICE FERNANDEZ-VINA: Thank you so much, Senator. I truly appreciate your comments.

SENATOR POU: Thank you Senator Cardinale.

And other comments from any of our other members?

Senator Doherty, did I see your hand up?

SENATOR DOHERTY: Yes, is this the time to ask questions?

SENATOR POU: If you have a question, I am happy to recognize you.

SENATOR DOHERTY: Okay.

We have redistricting coming up next year, possibly. And I have a question-- I've always been troubled by this.

The New Jersey Constitution states that when it comes to redistricting and drawing the 40 districts, that you are not supposed to cut up a county in New Jersey unless that county is more than 1/40 of the State population.

And I'm amazed-- This was voted upon by the people of New Jersey back in the 1960's and, you know, we would never think of doing away with the 11th tie-breaking member that's appointed by the Chief Justice to decide these disputes on the map. However, I think that, in fact, the people of New Jersey voted on this. They didn't want counties broken up -- unless you had to -- to make the legislative districts.

And I think this was done because they wanted to make sure that smaller counties had a voice and that they weren't diluted. And so we've seen this trend recently in New Jersey where the map has been approved and given constitutional approval where some of our counties like Somerset, divided into six; and Hunterdon divided into three; my home county divided into two. And I am just amazed that we have a Constitution that seems to be ignored. And then when the Supreme Court takes a look at it, they just ignore these provisions.

And I often ask people, "can you imagine a world where the Chief Justice didn't appoint an 11th tie-breaking member just because he didn't feel like doing it?" And people say, "Well, no, because it's in the

Constitution.” While in the next paragraph, it says you can’t break up a county unless you have to, and somehow that doesn’t matter.

So I just wanted to get your opinion on that, or your thoughts. Does the Constitution matter in New Jersey? And when it says that you shouldn’t break counties up unless you have to, how can a court just approve that decade after decade, when that is clearly not doing what the people of New Jersey wanted?

The people of New Jersey voted on this. They went to the polls and they said, “We don’t want counties divided.” Now how the heck are we in 2020 -- next year 2021 -- and that’s going to be totally disregarded, what the people of New Jersey voted upon?

And sorry for being passionate, but I like supporting the Constitution. I think we should look at the Constitution and dust it off every once in a while, and I just wanted to get your comments on that.

JUSTICE FERNANDEZ-VINA: Well, Senator, as I’ve indicated seven years ago and echoed to Senator Cardinale: I always review the Constitution, I apply it to the facts as I determine the facts to be.

With respect to the statements that you’ve made, I haven’t reviewed that. Perhaps it’ll come before the court, and if that’s the case, as you know, I can’t give you an advisory opinion. I can’t tell you how I would rule on something like that because that would be inappropriate.

All I can tell you is that I will uphold my oath, review the Constitution, review the statute and apply the law to the facts. That is all I can promise you.

SENATOR DOHERTY: Okay. Thank you, thank you sir.

SENATOR POU: Senator Smith.

SENATOR SMITH: So, free legal advice in a statement.

When you do the review, I think you're going to find that those portions of our Constitution have been overruled at the Federal level as not being consistent with "one-person, one-vote."

At one time in New Jersey, we used to have a State senator for every county, which made counties with 3 people in it as powerful as counties with 300,000 people in it. So I think when somebody does the research, in answer to Senator Doherty, it's a matter that the Federal constitution has been interpreted to overrule the provision that he's talking about. Best guess.

But while I have you and the Chief Justice in the room, one of the things we're going to do today is to release a bill -- hopefully -- to provide more safety and security for the judges and prosecutors in New Jersey. And I don't expect you to have any opinion at this point, but before we pass the bill, it would be great if the AOC or the appropriate parties in the judicial branch would let us know whether, number one: Have we gone far enough; and number two: Have we gone too far?

There were multiple opinions in here, including one from the New Jersey Land Title Association, which said we may be creating some problems for judges, especially on the transfer of property, don't expect you to have an answer. But it would be great if the Judiciary would weigh in before we pass the bill.

SENATOR POU: Any other questions?

SENATOR DOHERTY: Yes, this is a very important point, and thank you Senator Smith for bringing it up, because that's common-- This whole thing about redistricting.

I agree. It was back in the 60's, they said, under "one-man, one-vote" you can't-- We had a system in New Jersey where every county had one Senator, right, and they said under one man, one vote, that violates it.

And so, actually, we had to scrap what we had. And we came up with a new system of 40 districts, right, and so nobody is saying that a smaller county should have the same amount of power in the Legislature as a larger county like we did in the past.

But what happened in New Jersey is the people went to the polls and they voted to change the Constitution. And so after that decision where you couldn't have one senator for each county, they decided to come up with a system where we had 40 legislative districts, each district represented by one senator and two members of the assembly.

And the people decided that you couldn't divide a county up for an assembly district unless you had to. So right now we have about 225,000 people per legislative district. So if you have a county that's less than 225,000 people, you cannot divide that up to make an assembly district.

And that is not saying that every county should have a Senator and go back to before 1965. That's saying that the people of New Jersey voted to come up with a new way of making our districts, and that you shouldn't divide up the small counties.

SENATOR POU: Senator--

SENATOR DOHERTY: I'm just clarifying because this is a very important point that he brought up.

SENATOR POU: Okay, Senator, hold on. Through the Chair, first of all.

SENATOR DOHERTY: Okay.

SENATOR POU: I appreciate-- In fact, I'm enjoying the conversation, the legal debate that's going on right now.

But we have, today, the re-nomination of our Justice Vina in front of us. That's what is at hand at the moment.

I was giving you some latitude-- I understand how passionate you are, and I certainly recognize it and know how you are. I am happy to allow that discussion.

But right now our focus should be right on what we're doing here at hand, not the debate or dispute about the legal proceedings and terms of something that may or may not come before the Supreme Court, for this discussion.

So I'm going to ask you-- Thank you very much for your comments. I'm going to ask for us to return back to the vote at hand and the point of what we're doing.

With that being said, I am going to ask any members if they have any questions or comments directly towards the re-nomination of Justice Fernandez-Vina. And if not, I am going to ask for a motion. It's been moved by Senator Sweeney, and it's been seconded by so many of our members -- Senator Brian Stack, Senator Bateman, and Senator Cardinale.

I am going to give you all the opportunity to be acknowledged in terms of that support and that motion.

With that, a roll call please.

MR. LORETTE: Committee roll call.

Senator Doherty.

SENATOR DOHERTY: Yes.

MR. LORETTE: Thank you.

MR. LORETTE: Senator Corrado.

SENATOR CORRADO: Yes.

MR. LORETTE: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. LORETTE: Senator Bateman.

SENATOR BATEMAN: Yes.

MR. LORETTE: Senator Weinberg.

SENATOR WEINBERG: I am certainly going to vote yes.

I'm sorry that we didn't reach out and have an opportunity to have a person-to-person meeting. I read the opinions that you've written that were submitted to the committee, and I look forward to voting yes.

JUSTICE FERNANDEZ-VINA: Thank you Senator Weinberg.

MR. LORETTE: Senator Stack.

SENATOR STACK: Yes.

MR. LORETTE: Senator Smith.

SENATOR SMITH: Yes.

MR. LORETTE: Senator Sweeney.

SENATOR SWEENEY: Yes.

MR. LORETE: Senator Pou.

SENATOR POU: Yes.

MR. LORETTE: The nomination is released.

SENATOR POU: Thank you so very much.

Congratulations to you, Justice.

JUSTICE FERNANDEZ-VINA: Thank you very much.

It's an honor to serve the State and to appear before this legislative body.

SENATOR POU: Thank you so very much.

JUSTICE FERNANDEZ-VINA: Thank you so much.

SENATOR POU: Chief Justice Rabner, before you leave I don't want to ignore the fact that if you wanted to make any comments before we conclude this, we're happy-- If not, we welcome and we thank you for being here.

CHIEF JUSTICE STUART RABNER: Thank you, I'm delighted that you have passed on this extraordinary candidate.

SENATOR POU: Thank you. Thank you so very much.

(MEETING CONCLUDED)