

40A:14-118.5
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2021 **CHAPTER:** 472

NJSA: 40A:14-118.5 (Allows law enforcement officers to review body worn camera recordings prior to creating initial report.)

BILL NO: A5864 (Substituted for S3939 (1R))

SPONSOR(S) Shanique Speight and others

DATE INTRODUCED: 6/14/2021

COMMITTEE: **ASSEMBLY:** Homeland Security & State Preparedness

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/20/2021

SENATE: 1/10/2022

DATE OF APPROVAL: 1/18/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third Reprint enacted) Yes

A5864

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

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

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S3939 (1R)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2021, CHAPTER 472, *approved January 18, 2022*
Assembly, No. 5864 (*Third Reprint*)

1 AN ACT concerning body worn cameras for law enforcement
2 officers and amending P.L.2020, c.129.

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.2020, c.129 (C.40A:14-118.5) is amended
8 to read as follows:

9 1. a. For the purposes of this section:

10 "Body worn camera" means a mobile audio and video recording
11 system worn by a law enforcement officer, but shall not include a
12 recording device worn by a law enforcement officer while engaging
13 in an undercover assignment or a recording device used during a
14 custodial interrogation conducted in a place of detention in
15 compliance with Rule 3:17 of the Rules Governing the Courts of the
16 State of New Jersey.

17 "Constructive authority" means the use of the law enforcement
18 officer's authority to exert control over a person, directed against a
19 person who is subject to an investigative detention or arrest or
20 against any person if the officer has un-holstered a firearm or a
21 conducted energy device.

22 "Force" shall include physical, mechanical, enhanced
23 mechanical, and deadly force.

24 "Law enforcement officer" means a person whose public duties
25 include the power to act as an officer for the detection,
26 apprehension, arrest, and conviction of offenders against the laws of
27 this State. ²This term shall not include a correctional police officer.²

28 "Mobile video recording system" shall have the same meaning as
29 set forth in section 1 of P.L.2014, c.54 (C.40A:14-118.1).

30 "School" means a public or nonpublic elementary or secondary
31 school within this State offering education in grades kindergarten
32 through 12, or any combination of grades, at which a child may
33 legally fulfill compulsory school attendance requirements.

34 "Subject of the video footage" means any law enforcement
35 officer, suspect, victim, detainee, conversant, injured party, or other
36 similarly situated person who appears on the body worn camera
37 recording, and shall not include a person who only incidentally
38 appears on the recording.

39 "Youth facility" means a facility within this State used to house
40 or provide services to children under P.L.1951, c.138 (C.30:4C-

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 AHS committee amendments adopted June 14, 2021.

²Senate floor amendments adopted June 24, 2021.

³Assembly amendments adopted in accordance with Governor's
recommendations November 8, 2021.

1 1 et seq.), including but not limited to group homes, residential
2 facilities, day care centers, and day treatment centers.

3 b. A body worn camera used by a law enforcement officer shall
4 be placed so that it maximizes the camera's ability to capture video
5 footage of the officer's activities.

6 c. (1) Except as otherwise provided in this subsection or in
7 subsection e. of this section, the video and audio recording
8 functions of a body worn camera shall be activated whenever the
9 officer is responding to a call for service or at the initiation of any
10 other law enforcement or investigative encounter between an officer
11 and a member of the public, in accordance with applicable
12 guidelines or directives promulgated by the Attorney General;
13 provided however, if an immediate threat to the officer's life or
14 safety makes activating the body worn camera impossible or
15 dangerous, the officer shall activate the body worn camera at the
16 first reasonable opportunity to do so. The body worn camera shall
17 remain activated until the encounter has fully concluded and the
18 officer leaves the scene.

19 (2) The video and audio recording functions of a body worn
20 camera may be deactivated, consistent with directives or guidelines
21 promulgated by the Attorney General, under the following
22 circumstances:

23 (a) when a civilian conversing with the officer requests that the
24 device be deactivated where it reasonably appears that the person
25 will not provide information or otherwise cooperate with the officer
26 unless that request is respected;

27 (b) when a person, other than an arrestee, is seeking emergency
28 medical services for themselves or another person and requests that
29 the device be deactivated;

30 (c) while the officer is participating in a discussion pertaining to
31 criminal investigation strategy and planning, provided that the
32 discussion is not conducted in the immediate presence of a civilian
33 and further provided that the officer is not actively engaged in the
34 collection of physical evidence; or

35 (d) when specifically authorized to do so by an assistant
36 prosecutor or an assistant or deputy attorney general for good and
37 sufficient cause as determined by the assistant prosecutor or
38 assistant or deputy attorney general.

39 (3) Unless the officer is actively engaged in investigating the
40 commission of a criminal offense, or is responding to an emergency
41 or call for service, or reasonably believes that he or she will be
42 required to use constructive authority or force, the officer shall not
43 activate the video and audio recording functions of a body worn
44 camera, or shall deactivate a device that has been activated, while
45 the officer:

46 (a) is in a school or youth facility or on school or youth facility
47 property under circumstances where minor children would be in
48 view of the device;

1 (b) is in a patient care area of a healthcare facility, medical
2 office, or substance abuse treatment facility under circumstances
3 where patients would be in view of the device; or

4 (c) is in a place of worship under circumstances where
5 worshippers would be in view of the device.

6 (4) The officer shall not activate the video and audio recording
7 functions of a body worn camera, or shall deactivate a device that
8 has been activated, if the officer knows or reasonably believes that
9 the recording would risk revealing the identity of an individual as
10 an undercover officer or confidential informant or otherwise would
11 pose a risk to the safety of an undercover officer or confidential
12 informant, unless such activation is expressly authorized by a
13 supervisor, or unless the exigency of the situation and danger posed
14 to an officer require that the encounter or incident be recorded, in
15 which event the officer shall inform his or her supervisor that the
16 recording risks revealing the identity of an individual as an
17 undercover officer or confidential informant.

18 (5) An officer shall not activate a body worn camera while in a
19 courtroom during court proceedings, unless the officer is
20 responding to a call for service or is authorized to use constructive
21 force or authority.

22 (6) If the body worn camera model selected by a law
23 enforcement agency produces radio-frequency interference while
24 activated or while in standby mode, the device shall be deactivated
25 while in the area where an electronic alcohol breath testing device
26 is being used, or, as necessary, shall be removed from the area
27 where such device is being used. Nothing herein shall be construed
28 to preclude the use of a body worn camera to record the behavior of
29 a person arrested for driving while intoxicated other than while the
30 person is in the breath-testing area while the electronic breath
31 testing device is being operated. If this provision requires
32 deactivation of a body worn camera, the officer shall narrate the
33 reasons for deactivation, and the device shall be re-activated when
34 safe and practicable to do so following the completion of the breath
35 testing operation.

36 d. A law enforcement officer who is wearing a body worn
37 camera shall notify the subject of the recording that the subject is
38 being recorded by the body worn camera unless it is unsafe or
39 infeasible to provide such notification. Such notification shall be
40 made as close to the inception of the encounter as is reasonably
41 possible. If the officer does not provide the required notification
42 because it is unsafe or infeasible to do so, the officer shall
43 document the reasons for that decision in a report or by narrating
44 the reasons on the body worn camera recording, or both. The
45 failure to verbally notify a person pursuant to this section shall not
46 affect the admissibility of any statement or evidence.

47 e. Notwithstanding the requirements of subsection c. of this
48 section:

1 (1) prior to entering a private residence, a law enforcement
2 officer shall notify the occupant that the occupant is being recorded
3 by the body worn camera and, if the occupant requests the officer to
4 discontinue use of the officer's body worn camera, the officer shall
5 immediately discontinue use of the body worn camera unless the
6 officer is actively engaged in investigating the commission of a
7 criminal offense, or is responding to an emergency, or reasonably
8 believes that the officer will be required to use constructive
9 authority or force;

10 (2) when interacting with an apparent crime victim, a law
11 enforcement officer shall, as soon as practicable, notify the apparent
12 crime victim that he or she is being recorded by the body worn
13 camera and, if the apparent crime victim requests the officer to
14 discontinue use of the body worn camera, the officer shall
15 immediately discontinue use of the body worn camera; and

16 (3) when interacting with a person seeking to anonymously
17 report a crime or assist in an ongoing law enforcement
18 investigation, a law enforcement officer, if the person requests that
19 the officer discontinue use of the body worn camera, shall, evaluate
20 the circumstances and, if appropriate, discontinue use of the body
21 worn camera.

22 f. A request to discontinue the use of a body worn camera
23 made to a law enforcement officer pursuant to subsection e. of this
24 section and the response to the request shall be recorded by the
25 recording system prior to discontinuing use of the recording system.

26 g. A body worn camera shall not be used surreptitiously.

27 h. A body worn camera shall not be used to gather intelligence
28 information based on First Amendment protected speech,
29 associations, or religion, or to record activity that is unrelated to a
30 response to a call for service or a law enforcement or investigative
31 encounter between a law enforcement officer and a member of the
32 public, provided that nothing in this subsection shall be construed to
33 prohibit activation of video and audio recording functions of a body
34 worn camera as authorized under this law and in accordance with
35 any applicable guidelines or directives promulgated by the Attorney
36 General.

37 i. Every law enforcement agency shall promulgate and adhere
38 to a policy, standing operating procedure, directive, or order which
39 meets the requirements of subsection j. of this act and any
40 applicable guideline or directive promulgated by the Attorney
41 General that specifies the period of time during which a body worn
42 camera recording shall be retained.

43 j. A body worn camera recording shall be retained by the law
44 enforcement agency that employs the officer for a retention period
45 consistent with the provisions of this section, after which time the
46 recording shall be permanently deleted. A body worn camera
47 recording shall be retained for not less than 180 days from the date
48 it was recorded, which minimum time frame for retention shall be

1 applicable to all contracts for retention of body worn camera
2 recordings executed by or on behalf of a law enforcement agency
3 on or after the effective date of this act, and shall be subject to the
4 following additional retention periods:

5 (1) a body worn camera recording shall automatically be
6 retained for not less than three years if it captures images involving
7 an encounter about which a complaint has been registered by a
8 subject of the body worn camera recording;

9 (2) subject to any applicable retention periods established in
10 paragraph (3) of this subsection to the extent such retention period
11 is longer, a body worn camera recording shall be retained for not
12 less than three years if voluntarily requested by:

13 (a) the law enforcement officer whose body worn camera made
14 the video recording, if that officer reasonably asserts the recording
15 has evidentiary or exculpatory value;

16 (b) a law enforcement officer who is a subject of the body worn
17 camera recording, if that officer reasonably asserts the recording
18 has evidentiary or exculpatory value;

19 (c) any immediate supervisor of a law enforcement officer
20 whose body worn camera made the recording or who is a subject of
21 the body worn camera recording, if that immediate supervisor
22 reasonably asserts the recording has evidentiary or exculpatory
23 value;

24 (d) any law enforcement officer, if the body worn camera
25 recording is being retained solely and exclusively for police training
26 purposes;

27 (e) any member of the public who is a subject of the body worn
28 camera recording;

29 (f) any parent or legal guardian of a minor who is a subject of
30 the body worn camera recording; or

31 (g) a deceased subject's next of kin or legally authorized
32 designee.

33 (3) Notwithstanding the provisions of paragraph (1) or (2) of
34 this subsection, a body worn camera recording shall be subject to
35 the following additional retention requirements:

36 (a) when a body worn camera recording pertains to a criminal
37 investigation or otherwise records information that may be subject
38 to discovery in a prosecution, the recording shall be treated as
39 evidence and shall be kept in accordance with the retention period
40 for evidence in a criminal prosecution;

41 (b) when a body worn camera records an arrest that did not
42 result in an ongoing prosecution, or records the use of police force,
43 the recording shall be kept until the expiration of the statute of
44 limitations for filing a civil complaint against the officer or the
45 employing law enforcement agency;

46 (c) when a body worn camera records an incident that is the
47 subject of an internal affairs complaint, the recording shall be kept

1 pending final resolution of the internal affairs investigation and any
2 resulting administrative action.

3 k. To effectuate subparagraphs (e), (f), and (g) of paragraph (2)
4 of subsection j. of this section, the member of the public, parent or
5 legal guardian, or next of kin or designee shall be permitted to
6 review the body worn camera recording in accordance with the
7 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) to determine
8 whether to request a three-year retention period.

9 l. Notwithstanding that a criminal investigatory record does
10 not constitute a government record under section 1 of P.L.1995,
11 c.23 (C.47:1A-1.1), only the following body worn camera
12 recordings shall be exempt from public inspection:

13 (1) body worn camera recordings not subject to a minimum
14 three-year retention period or additional retention requirements
15 pursuant to subsection j. of this section;

16 (2) body worn camera recordings subject to a minimum three-
17 year retention period solely and exclusively pursuant to paragraph
18 (1) of subsection j. of this section if the subject of the body worn
19 camera recording making the complaint requests the body worn
20 camera recording not be made available to the public;

21 (3) body worn camera recordings subject to a minimum three-
22 year retention period solely and exclusively pursuant to
23 subparagraph (a), (b), (c), or (d) of paragraph (2) of subsection j. of
24 this section; and

25 (4) body worn camera recordings subject to a minimum three-
26 year retention period solely and exclusively pursuant to
27 subparagraph (e), (f), or (g) of paragraph (2) of subsection j. of this
28 section if a member, parent or legal guardian, or next of kin or
29 designee requests the body worn camera recording not be made
30 available to the public.

31 m. Any body worn camera recording retained beyond 180 days
32 solely and exclusively pursuant to subparagraph (d) of paragraph
33 (2) of subsection j. of this section shall not be admissible as
34 evidence in any criminal or civil legal or administrative proceeding.

35 n. ¹[A] (1) ³[Except as provided in paragraph (2) of this
36 subsection, a¹ A³ law enforcement officer shall **[not]** be permitted
37 to review [or] ³[and] or³ receive an accounting of a body worn
38 camera recording ³prior to that officer creating any required
39 substantive initial report, providing a statement, or submitting to an
40 interview³ [that is subject to a minimum three-year retention period
41 pursuant to paragraph (1) or paragraph (3) of subsection j. of this
42 section] ³[²of a routine police stop or house call² prior to creating
43 any required initial reports, statements, and interviews]³ regarding
44 the recorded event ³, except under the following circumstances:³;
45 provided that nothing in this paragraph is intended to prevent the
46 officer from considering, reviewing or receiving an accounting of
47 such a body worn camera recording subsequent to the creation of

1 any required initial reports, statements, and interviews regarding the
2 recorded event].

3 ³[¹(2) A law enforcement officer shall not be permitted to
4 review and receive an accounting of a body worn camera recording
5 prior to creating any required initial reports, statements, and
6 interviews regarding the recorded event if the body worn camera
7 recording contains images involving:

8 (a) an encounter about which a complaint has been ²verbally
9 expressed or formally² registered by a subject of the body worn
10 camera recording;

11 (b)] (a)³ the use of ³[²any² police]³ force ³by the officer
12 where the officer knows or should know that the use of force
13 resulted in significant or serious bodily injury or death³ ²[resulting
14 in death or serious bodily injury]²;

15 ³[(c)] (b)³ the discharge of a firearm ³or any other use of deadly
16 force³ by ³[a] the³ law enforcement officer;

17 ³[(d)] (c)³ the death of a person while in ³[police] law
18 enforcement³ custody; ³[or]

19 (d) the death of a person during an encounter with a law
20 enforcement officer;³

21 (e) an incident that ³[is] that officer knows or has been advised
22 is or will be³ the subject of an internal affairs complaint ²relating to
23 the ³officer's³ use of force, bias, or dishonesty² ³[.]; or

24 (f) an incident the officer knows or has been advised is or will be
25 the subject of a citizen complaint related to the officer's use of
26 force, bias, or dishonesty.³

27 ³[(3) Nothing in paragraph (2) of this subsection is intended to
28 prevent the officer from considering, reviewing, or receiving an
29 accounting of such a body worn camera recording subsequent to the
30 creation of any required initial reports, statements, and interviews
31 regarding the recorded event.¹

32 ²(4) Prior to preparing an initial report or statement, a person
33 who is the subject of a police report created by a law enforcement
34 officer, for which a relevant body worn camera recording exists,
35 shall be permitted to review and receive an accounting of the
36 recording, if the law enforcement officer who created the report also
37 was permitted to review and receive an accounting of the recording
38 pursuant to paragraphs (1) and (2) of this subsection.]

39 (2) In the event a law enforcement officer reviews or receives an
40 accounting of a body worn camera recording prior to the creation of
41 any report, statement, or interview, the law enforcement officer
42 shall be required to acknowledge that prior review or receipt either
43 verbally or in writing within each such report, statement, or
44 interview.

45 (3)³ Nothing in this subsection shall ³be construed to³ require a
46 law enforcement officer to review a body worn camera recording

1 prior to creating any required initial reports, statements, and
2 interviews regarding the recorded event ³, nor to prevent a law
3 enforcement officer from reviewing or receiving an accounting of
4 such a body worn camera recording subsequent to the creation of
5 any required initial report, statement, or interview regarding the
6 recorded event^{3,2}.

7 o. Body worn camera recordings shall not be divulged or used
8 by any law enforcement agency for any commercial or other non-
9 law enforcement purpose.

10 p. If a law enforcement agency authorizes a third-party to act
11 as its agent in maintaining recordings from a body worn camera, the
12 agent shall be prohibited from independently accessing, viewing, or
13 altering any recordings, except to delete recordings as required by
14 law or agency retention policies.

15 q. If a law enforcement officer, employee, or agent fails to
16 adhere to the recording or retention requirements contained in this
17 act, or intentionally interferes with a body worn camera's ability to
18 accurately capture audio or video recordings:

19 (1) the officer, employee, or agent shall be subject to
20 appropriate disciplinary action;

21 (2) there shall be a rebuttable presumption that exculpatory
22 evidence was destroyed or not captured in favor of a criminal
23 defendant who reasonably asserts that exculpatory evidence was
24 destroyed or not captured; and

25 (3) there shall be a rebuttable presumption that evidence
26 supporting the plaintiff's claim was destroyed or not captured in
27 favor of a civil plaintiff suing the government, a law enforcement
28 agency, or a law enforcement officer for damages based on police
29 misconduct if the plaintiff reasonably asserts that evidence
30 supporting the plaintiff's claim was destroyed or not captured.

31 r. Any recordings from a body worn camera recorded in
32 contravention of this or any other applicable law shall be
33 immediately destroyed and shall not be admissible as evidence in
34 any criminal, civil, or administrative proceeding.

35 s. Nothing in this act shall be deemed to contravene any laws
36 governing the maintenance and destruction of evidence in a
37 criminal investigation or prosecution.

38 (cf: P.L.2020, c.129, s.1)

39

40 2. This act shall take effect immediately.

41

42

43

44

45 _____
46 Allows law enforcement officers to review body worn camera
recordings prior to creating initial report.

ASSEMBLY, No. 5864

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 14, 2021

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

SYNOPSIS

Allows law enforcement officers to review body worn camera recordings prior to creating initial report.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/14/2021)

1 AN ACT concerning body worn cameras for law enforcement
2 officers and amending P.L.2020, c.129.

3

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

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7 1. Section 1 of P.L.2020, c.129 (C.40A:14-118.5) is amended
8 to read as follows:

9 1. a. For the purposes of this section:

10 "Body worn camera" means a mobile audio and video recording
11 system worn by a law enforcement officer, but shall not include a
12 recording device worn by a law enforcement officer while engaging
13 in an undercover assignment or a recording device used during a
14 custodial interrogation conducted in a place of detention in
15 compliance with Rule 3:17 of the Rules Governing the Courts of the
16 State of New Jersey.

17 "Constructive authority" means the use of the law enforcement
18 officer's authority to exert control over a person, directed against a
19 person who is subject to an investigative detention or arrest or
20 against any person if the officer has un-holstered a firearm or a
21 conducted energy device.

22 "Force" shall include physical, mechanical, enhanced
23 mechanical, and deadly force.

24 "Law enforcement officer" means a person whose public duties
25 include the power to act as an officer for the detection,
26 apprehension, arrest, and conviction of offenders against the laws of
27 this State.

28 "Mobile video recording system" shall have the same meaning as
29 set forth in section 1 of P.L.2014, c.54 (C.40A:14-118.1).

30 "School" means a public or nonpublic elementary or secondary
31 school within this State offering education in grades kindergarten
32 through 12, or any combination of grades, at which a child may
33 legally fulfill compulsory school attendance requirements.

34 "Subject of the video footage" means any law enforcement
35 officer, suspect, victim, detainee, conversant, injured party, or other
36 similarly situated person who appears on the body worn camera
37 recording, and shall not include a person who only incidentally
38 appears on the recording.

39 "Youth facility" means a facility within this State used to house
40 or provide services to children under P.L.1951, c.138 (C.30:4C-
41 1 et seq.), including but not limited to group homes, residential
42 facilities, day care centers, and day treatment centers.

43 b. A body worn camera used by a law enforcement officer shall
44 be placed so that it maximizes the camera's ability to capture video
45 footage of the officer's activities.

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 c. (1) Except as otherwise provided in this subsection or in
2 subsection e. of this section, the video and audio recording
3 functions of a body worn camera shall be activated whenever the
4 officer is responding to a call for service or at the initiation of any
5 other law enforcement or investigative encounter between an officer
6 and a member of the public, in accordance with applicable
7 guidelines or directives promulgated by the Attorney General;
8 provided however, if an immediate threat to the officer's life or
9 safety makes activating the body worn camera impossible or
10 dangerous, the officer shall activate the body worn camera at the
11 first reasonable opportunity to do so. The body worn camera shall
12 remain activated until the encounter has fully concluded and the
13 officer leaves the scene.

14 (2) The video and audio recording functions of a body worn
15 camera may be deactivated, consistent with directives or guidelines
16 promulgated by the Attorney General, under the following
17 circumstances:

18 (a) when a civilian conversing with the officer requests that the
19 device be deactivated where it reasonably appears that the person
20 will not provide information or otherwise cooperate with the officer
21 unless that request is respected;

22 (b) when a person, other than an arrestee, is seeking emergency
23 medical services for themselves or another person and requests that
24 the device be deactivated;

25 (c) while the officer is participating in a discussion pertaining to
26 criminal investigation strategy and planning, provided that the
27 discussion is not conducted in the immediate presence of a civilian
28 and further provided that the officer is not actively engaged in the
29 collection of physical evidence; or

30 (d) when specifically authorized to do so by an assistant
31 prosecutor or an assistant or deputy attorney general for good and
32 sufficient cause as determined by the assistant prosecutor or
33 assistant or deputy attorney general.

34 (3) Unless the officer is actively engaged in investigating the
35 commission of a criminal offense, or is responding to an emergency
36 or call for service, or reasonably believes that he or she will be
37 required to use constructive authority or force, the officer shall not
38 activate the video and audio recording functions of a body worn
39 camera, or shall deactivate a device that has been activated, while
40 the officer:

41 (a) is in a school or youth facility or on school or youth facility
42 property under circumstances where minor children would be in
43 view of the device;

44 (b) is in a patient care area of a healthcare facility, medical
45 office, or substance abuse treatment facility under circumstances
46 where patients would be in view of the device; or

47 (c) is in a place of worship under circumstances where
48 worshippers would be in view of the device.

1 (4) The officer shall not activate the video and audio recording
2 functions of a body worn camera, or shall deactivate a device that
3 has been activated, if the officer knows or reasonably believes that
4 the recording would risk revealing the identity of an individual as
5 an undercover officer or confidential informant or otherwise would
6 pose a risk to the safety of an undercover officer or confidential
7 informant, unless such activation is expressly authorized by a
8 supervisor, or unless the exigency of the situation and danger posed
9 to an officer require that the encounter or incident be recorded, in
10 which event the officer shall inform his or her supervisor that the
11 recording risks revealing the identity of an individual as an
12 undercover officer or confidential informant.

13 (5) An officer shall not activate a body worn camera while in a
14 courtroom during court proceedings, unless the officer is
15 responding to a call for service or is authorized to use constructive
16 force or authority.

17 (6) If the body worn camera model selected by a law
18 enforcement agency produces radio-frequency interference while
19 activated or while in standby mode, the device shall be deactivated
20 while in the area where an electronic alcohol breath testing device
21 is being used, or, as necessary, shall be removed from the area
22 where such device is being used. Nothing herein shall be construed
23 to preclude the use of a body worn camera to record the behavior of
24 a person arrested for driving while intoxicated other than while the
25 person is in the breath-testing area while the electronic breath
26 testing device is being operated. If this provision requires
27 deactivation of a body worn camera, the officer shall narrate the
28 reasons for deactivation, and the device shall be re-activated when
29 safe and practicable to do so following the completion of the breath
30 testing operation.

31 d. A law enforcement officer who is wearing a body worn
32 camera shall notify the subject of the recording that the subject is
33 being recorded by the body worn camera unless it is unsafe or
34 infeasible to provide such notification. Such notification shall be
35 made as close to the inception of the encounter as is reasonably
36 possible. If the officer does not provide the required notification
37 because it is unsafe or infeasible to do so, the officer shall
38 document the reasons for that decision in a report or by narrating
39 the reasons on the body worn camera recording, or both. The
40 failure to verbally notify a person pursuant to this section shall not
41 affect the admissibility of any statement or evidence.

42 e. Notwithstanding the requirements of subsection c. of this
43 section:

44 (1) prior to entering a private residence, a law enforcement
45 officer shall notify the occupant that the occupant is being recorded
46 by the body worn camera and, if the occupant requests the officer to
47 discontinue use of the officer's body worn camera, the officer shall
48 immediately discontinue use of the body worn camera unless the

1 officer is actively engaged in investigating the commission of a
2 criminal offense, or is responding to an emergency, or reasonably
3 believes that the officer will be required to use constructive
4 authority or force;

5 (2) when interacting with an apparent crime victim, a law
6 enforcement officer shall, as soon as practicable, notify the apparent
7 crime victim that he or she is being recorded by the body worn
8 camera and, if the apparent crime victim requests the officer to
9 discontinue use of the body worn camera, the officer shall
10 immediately discontinue use of the body worn camera; and

11 (3) when interacting with a person seeking to anonymously
12 report a crime or assist in an ongoing law enforcement
13 investigation, a law enforcement officer, if the person requests that
14 the officer discontinue use of the body worn camera, shall, evaluate
15 the circumstances and, if appropriate, discontinue use of the body
16 worn camera.

17 f. A request to discontinue the use of a body worn camera
18 made to a law enforcement officer pursuant to subsection e. of this
19 section and the response to the request shall be recorded by the
20 recording system prior to discontinuing use of the recording system.

21 g. A body worn camera shall not be used surreptitiously.

22 h. A body worn camera shall not be used to gather intelligence
23 information based on First Amendment protected speech,
24 associations, or religion, or to record activity that is unrelated to a
25 response to a call for service or a law enforcement or investigative
26 encounter between a law enforcement officer and a member of the
27 public, provided that nothing in this subsection shall be construed to
28 prohibit activation of video and audio recording functions of a body
29 worn camera as authorized under this law and in accordance with
30 any applicable guidelines or directives promulgated by the Attorney
31 General.

32 i. Every law enforcement agency shall promulgate and adhere
33 to a policy, standing operating procedure, directive, or order which
34 meets the requirements of subsection j. of this act and any
35 applicable guideline or directive promulgated by the Attorney
36 General that specifies the period of time during which a body worn
37 camera recording shall be retained.

38 j. A body worn camera recording shall be retained by the law
39 enforcement agency that employs the officer for a retention period
40 consistent with the provisions of this section, after which time the
41 recording shall be permanently deleted. A body worn camera
42 recording shall be retained for not less than 180 days from the date
43 it was recorded, which minimum time frame for retention shall be
44 applicable to all contracts for retention of body worn camera
45 recordings executed by or on behalf of a law enforcement agency
46 on or after the effective date of this act, and shall be subject to the
47 following additional retention periods:

1 (1) a body worn camera recording shall automatically be
2 retained for not less than three years if it captures images involving
3 an encounter about which a complaint has been registered by a
4 subject of the body worn camera recording;

5 (2) subject to any applicable retention periods established in
6 paragraph (3) of this subsection to the extent such retention period
7 is longer, a body worn camera recording shall be retained for not
8 less than three years if voluntarily requested by:

9 (a) the law enforcement officer whose body worn camera made
10 the video recording, if that officer reasonably asserts the recording
11 has evidentiary or exculpatory value;

12 (b) a law enforcement officer who is a subject of the body worn
13 camera recording, if that officer reasonably asserts the recording
14 has evidentiary or exculpatory value;

15 (c) any immediate supervisor of a law enforcement officer
16 whose body worn camera made the recording or who is a subject of
17 the body worn camera recording, if that immediate supervisor
18 reasonably asserts the recording has evidentiary or exculpatory
19 value;

20 (d) any law enforcement officer, if the body worn camera
21 recording is being retained solely and exclusively for police training
22 purposes;

23 (e) any member of the public who is a subject of the body worn
24 camera recording;

25 (f) any parent or legal guardian of a minor who is a subject of
26 the body worn camera recording; or

27 (g) a deceased subject's next of kin or legally authorized
28 designee.

29 (3) Notwithstanding the provisions of paragraph (1) or (2) of
30 this subsection, a body worn camera recording shall be subject to
31 the following additional retention requirements:

32 (a) when a body worn camera recording pertains to a criminal
33 investigation or otherwise records information that may be subject
34 to discovery in a prosecution, the recording shall be treated as
35 evidence and shall be kept in accordance with the retention period
36 for evidence in a criminal prosecution;

37 (b) when a body worn camera records an arrest that did not
38 result in an ongoing prosecution, or records the use of police force,
39 the recording shall be kept until the expiration of the statute of
40 limitations for filing a civil complaint against the officer or the
41 employing law enforcement agency;

42 (c) when a body worn camera records an incident that is the
43 subject of an internal affairs complaint, the recording shall be kept
44 pending final resolution of the internal affairs investigation and any
45 resulting administrative action.

46 k. To effectuate subparagraphs (e), (f), and (g) of paragraph (2)
47 of subsection j. of this section, the member of the public, parent or
48 legal guardian, or next of kin or designee shall be permitted to

1 review the body worn camera recording in accordance with the
2 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) to determine
3 whether to request a three-year retention period.

4 l. Notwithstanding that a criminal investigatory record does
5 not constitute a government record under section 1 of P.L.1995,
6 c.23 (C.47:1A-1.1), only the following body worn camera
7 recordings shall be exempt from public inspection:

8 (1) body worn camera recordings not subject to a minimum
9 three-year retention period or additional retention requirements
10 pursuant to subsection j. of this section;

11 (2) body worn camera recordings subject to a minimum three-
12 year retention period solely and exclusively pursuant to paragraph
13 (1) of subsection j. of this section if the subject of the body worn
14 camera recording making the complaint requests the body worn
15 camera recording not be made available to the public;

16 (3) body worn camera recordings subject to a minimum three-
17 year retention period solely and exclusively pursuant to
18 subparagraph (a), (b), (c), or (d) of paragraph (2) of subsection j. of
19 this section; and

20 (4) body worn camera recordings subject to a minimum three-
21 year retention period solely and exclusively pursuant to
22 subparagraph (e), (f), or (g) of paragraph (2) of subsection j. of this
23 section if a member, parent or legal guardian, or next of kin or
24 designee requests the body worn camera recording not be made
25 available to the public.

26 m. Any body worn camera recording retained beyond 180 days
27 solely and exclusively pursuant to subparagraph (d) of paragraph
28 (2) of subsection j. of this section shall not be admissible as
29 evidence in any criminal or civil legal or administrative proceeding.

30 n. A law enforcement officer shall **【not】** be permitted to
31 review **【or】** and receive an accounting of a body worn camera
32 recording **【that is subject to a minimum three-year retention period**
33 **pursuant to paragraph (1) or paragraph (3) of subsection j. of**
34 **this section】** prior to creating any required initial reports,
35 statements, and interviews regarding the recorded event**【**; provided
36 that nothing in this paragraph is intended to prevent the officer from
37 considering, reviewing or receiving an accounting of such a body
38 worn camera recording subsequent to the creation of any required
39 initial reports, statements, and interviews regarding the recorded
40 event**】**.

41 o. Body worn camera recordings shall not be divulged or used
42 by any law enforcement agency for any commercial or other non-
43 law enforcement purpose.

44 p. If a law enforcement agency authorizes a third-party to act
45 as its agent in maintaining recordings from a body worn camera, the
46 agent shall be prohibited from independently accessing, viewing, or

1 altering any recordings, except to delete recordings as required by
2 law or agency retention policies.

3 q. If a law enforcement officer, employee, or agent fails to
4 adhere to the recording or retention requirements contained in this
5 act, or intentionally interferes with a body worn camera's ability to
6 accurately capture audio or video recordings:

7 (1) the officer, employee, or agent shall be subject to
8 appropriate disciplinary action;

9 (2) there shall be a rebuttable presumption that exculpatory
10 evidence was destroyed or not captured in favor of a criminal
11 defendant who reasonably asserts that exculpatory evidence was
12 destroyed or not captured; and

13 (3) there shall be a rebuttable presumption that evidence
14 supporting the plaintiff's claim was destroyed or not captured in
15 favor of a civil plaintiff suing the government, a law enforcement
16 agency, or a law enforcement officer for damages based on police
17 misconduct if the plaintiff reasonably asserts that evidence
18 supporting the plaintiff's claim was destroyed or not captured.

19 r. Any recordings from a body worn camera recorded in
20 contravention of this or any other applicable law shall be
21 immediately destroyed and shall not be admissible as evidence in
22 any criminal, civil, or administrative proceeding.

23 s. Nothing in this act shall be deemed to contravene any laws
24 governing the maintenance and destruction of evidence in a
25 criminal investigation or prosecution.

26 (cf: P.L.2020, c.129, s.1)

27

28 2. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 This bill allows law enforcement officers to review body worn
34 camera recordings prior to creating an initial report.

35 Under current law, a law enforcement officer is prohibited from
36 reviewing or receiving an accounting of certain body worn camera
37 recordings prior to creating any required initial reports, statements,
38 and interviews regarding the recorded event; however, this is not
39 intended to prevent the officer from considering, reviewing, or
40 receiving an accounting of the body worn camera recording
41 subsequent to the creation of any required initial reports,
42 statements, and interviews regarding the recorded event.

43 The body worn camera recordings subject to this prohibition
44 under current law include: 1) a recording that captures images
45 involving an encounter about which a complaint has been registered
46 by a subject of the body worn camera recording; 2) a recording that
47 pertains to a criminal investigation or otherwise records information
48 that may be subject to discovery in a prosecution; 3) a recording of

1 an arrest that did not result in an ongoing prosecution, or a
2 recording of the use of police force; or 4) a recording of an incident
3 that is the subject of an internal affairs complaint.

4 Under the provisions of this bill, a law enforcement officer is to
5 be permitted to review and receive an accounting of a body worn
6 camera recording prior to creating any required initial reports,
7 statements, and interviews regarding the recorded event.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5864

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2021

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 5864.

As amended and reported by the committee, Assembly Bill No. 5864 allows law enforcement officers to review body worn camera recordings prior to creating an initial report, with certain exceptions.

Current law prohibits a law enforcement officer from reviewing or receiving an accounting of certain body worn camera recordings prior to creating any required initial reports, statements, and interviews regarding the recorded event. The recordings that a law enforcement officer are prohibited from reviewing include: 1) a recording that captures images involving an encounter about which a complaint has been registered by a subject of the body worn camera recording; 2) a recording that pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution; 3) a recording of an arrest that did not result in an ongoing prosecution; 4) a recording of the use of police force; or 5) a recording of an incident that is the subject of an internal affairs complaint.

This bill, as amended, provides law enforcement officers with an affirmative right to review or receive an accounting of certain body worn camera recordings prior to creating any required initial reports, statements, and interviews regarding the recorded event, except if the body worn camera recording contains images involving:

- (1) an encounter about which a complaint has been registered by a subject of the body worn camera recording;
- (2) the use of police force resulting in death or serious bodily injury;
- (3) the discharge of a firearm by a law enforcement officer;
- (4) the death of a person while in police custody; or
- (5) an incident that is the subject of an internal affairs complaint.

The amended bill also clarifies that it is not intended to prevent the officer from considering, reviewing or receiving an accounting of a body worn camera recording after the creation of an initial report, statement, and interview regarding the recorded event.

COMMITTEE AMENDMENTS

The committee amendments provide law enforcement officers with an affirmative right to review or receive an accounting of certain body worn camera recordings prior to creating any required initial reports, statements, and interviews regarding the recorded event, except if the body worn camera recording contains images involving:

- (1) an encounter about which a complaint has been registered by a subject of the body worn camera recording;
- (2) the use of police force resulting in death or serious bodily injury;
- (3) the discharge of a firearm by a law enforcement officer;
- (4) the death of a person while in police custody; or
- (5) an incident that is the subject of an internal affairs complaint.

The amendments also clarify that the bill is not intended to prevent the officer from considering, reviewing or receiving an accounting of a body worn camera recording after the creation of an initial report, statement, and interview regarding the recorded event.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 5864

with Senate Floor Amendments
(Proposed by Senator GOPAL)

ADOPTED: JUNE 24, 2021

Assembly Bill No. 5864 (1R) allows law enforcement officers to review body worn camera recordings prior to creating an initial report, with certain exceptions.

These Senate amendments provide that the term “law enforcement officer” does not include a correctional police officer. Additionally, the amendments specify that, prior to creating an initial report, a law enforcement officer only would be permitted to review body worn camera recordings of a routine police stop or house call. The amendments also provide that a law enforcement officer would not be permitted to review a body worn camera recording prior to creating an initial report if the recording contains images involving: (1) the use of any police force; or (2) an incident that is the subject of an internal affairs complaint relating to the use of force, bias, or dishonesty. The amendments further clarify that a law enforcement officer is not required to review a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event.

The amendments also provide that a person who is the subject of a report created by a law enforcement officer, for which a relevant body worn camera recording exists, would be permitted to review and receive an accounting of the recording, if the law enforcement officer who created the report also was permitted to review and receive an accounting of the recording pursuant to the provisions of the amended bill.

SENATE, No. 3939

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 10, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Senators Schepisi, Stack, A.M.Bucco and Greenstein

SYNOPSIS

Allows law enforcement officers to review body worn camera recordings prior to creating initial report.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2021)

1 AN ACT concerning body worn cameras for law enforcement
2 officers and amending P.L.2020, c.129.

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.2020, c.129 (C.40A:14-118.5) is amended to
8 read as follows:

9 1. a. For the purposes of this section:

10 "Body worn camera" means a mobile audio and video recording
11 system worn by a law enforcement officer, but shall not include a
12 recording device worn by a law enforcement officer while engaging
13 in an undercover assignment or a recording device used during a
14 custodial interrogation conducted in a place of detention in
15 compliance with Rule 3:17 of the Rules Governing the Courts of the
16 State of New Jersey.

17 "Constructive authority" means the use of the law enforcement
18 officer's authority to exert control over a person, directed against a
19 person who is subject to an investigative detention or arrest or
20 against any person if the officer has un-holstered a firearm or a
21 conducted energy device.

22 "Force" shall include physical, mechanical, enhanced
23 mechanical, and deadly force.

24 "Law enforcement officer" means a person whose public duties
25 include the power to act as an officer for the detection,
26 apprehension, arrest, and conviction of offenders against the laws of
27 this State.

28 "Mobile video recording system" shall have the same meaning as
29 set forth in section 1 of P.L.2014, c.54 (C.40A:14-118.1).

30 "School" means a public or nonpublic elementary or secondary
31 school within this State offering education in grades kindergarten
32 through 12, or any combination of grades, at which a child may
33 legally fulfill compulsory school attendance requirements.

34 "Subject of the video footage" means any law enforcement
35 officer, suspect, victim, detainee, conversant, injured party, or other
36 similarly situated person who appears on the body worn camera
37 recording, and shall not include a person who only incidentally
38 appears on the recording.

39 "Youth facility" means a facility within this State used to house
40 or provide services to children under P.L.1951, c.138 (C.30:4C-1 et
41 seq.), including but not limited to group homes, residential
42 facilities, day care centers, and day treatment centers.

43 b. A body worn camera used by a law enforcement officer shall
44 be placed so that it maximizes the camera's ability to capture video
45 footage of the officer's activities.

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 c. (1) Except as otherwise provided in this subsection or in
2 subsection e. of this section, the video and audio recording
3 functions of a body worn camera shall be activated whenever the
4 officer is responding to a call for service or at the initiation of any
5 other law enforcement or investigative encounter between an officer
6 and a member of the public, in accordance with applicable
7 guidelines or directives promulgated by the Attorney General;
8 provided however, if an immediate threat to the officer's life or
9 safety makes activating the body worn camera impossible or
10 dangerous, the officer shall activate the body worn camera at the
11 first reasonable opportunity to do so. The body worn camera shall
12 remain activated until the encounter has fully concluded and the
13 officer leaves the scene.

14 (2) The video and audio recording functions of a body worn
15 camera may be deactivated, consistent with directives or guidelines
16 promulgated by the Attorney General, under the following
17 circumstances:

18 (a) when a civilian conversing with the officer requests that the
19 device be deactivated where it reasonably appears that the person
20 will not provide information or otherwise cooperate with the officer
21 unless that request is respected;

22 (b) when a person, other than an arrestee, is seeking emergency
23 medical services for themselves or another person and requests that
24 the device be deactivated;

25 (c) while the officer is participating in a discussion pertaining to
26 criminal investigation strategy and planning, provided that the
27 discussion is not conducted in the immediate presence of a civilian
28 and further provided that the officer is not actively engaged in the
29 collection of physical evidence; or

30 (d) when specifically authorized to do so by an assistant
31 prosecutor or an assistant or deputy attorney general for good and
32 sufficient cause as determined by the assistant prosecutor or
33 assistant or deputy attorney general.

34 (3) Unless the officer is actively engaged in investigating the
35 commission of a criminal offense, or is responding to an emergency
36 or call for service, or reasonably believes that he or she will be
37 required to use constructive authority or force, the officer shall not
38 activate the video and audio recording functions of a body worn
39 camera, or shall deactivate a device that has been activated, while
40 the officer:

41 (a) is in a school or youth facility or on school or youth facility
42 property under circumstances where minor children would be in
43 view of the device;

44 (b) is in a patient care area of a healthcare facility, medical
45 office, or substance abuse treatment facility under circumstances
46 where patients would be in view of the device; or

47 (c) is in a place of worship under circumstances where
48 worshippers would be in view of the device.

1 (4) The officer shall not activate the video and audio recording
2 functions of a body worn camera, or shall deactivate a device that
3 has been activated, if the officer knows or reasonably believes that
4 the recording would risk revealing the identity of an individual as
5 an undercover officer or confidential informant or otherwise would
6 pose a risk to the safety of an undercover officer or confidential
7 informant, unless such activation is expressly authorized by a
8 supervisor, or unless the exigency of the situation and danger posed
9 to an officer require that the encounter or incident be recorded, in
10 which event the officer shall inform his or her supervisor that the
11 recording risks revealing the identity of an individual as an
12 undercover officer or confidential informant.

13 (5) An officer shall not activate a body worn camera while in a
14 courtroom during court proceedings, unless the officer is
15 responding to a call for service or is authorized to use constructive
16 force or authority.

17 (6) If the body worn camera model selected by a law
18 enforcement agency produces radio-frequency interference while
19 activated or while in standby mode, the device shall be deactivated
20 while in the area where an electronic alcohol breath testing device
21 is being used, or, as necessary, shall be removed from the area
22 where such device is being used. Nothing herein shall be construed
23 to preclude the use of a body worn camera to record the behavior of
24 a person arrested for driving while intoxicated other than while the
25 person is in the breath-testing area while the electronic breath
26 testing device is being operated. If this provision requires
27 deactivation of a body worn camera, the officer shall narrate the
28 reasons for deactivation, and the device shall be re-activated when
29 safe and practicable to do so following the completion of the breath
30 testing operation.

31 d. A law enforcement officer who is wearing a body worn
32 camera shall notify the subject of the recording that the subject is
33 being recorded by the body worn camera unless it is unsafe or
34 infeasible to provide such notification. Such notification shall be
35 made as close to the inception of the encounter as is reasonably
36 possible. If the officer does not provide the required notification
37 because it is unsafe or infeasible to do so, the officer shall
38 document the reasons for that decision in a report or by narrating
39 the reasons on the body worn camera recording, or both. The
40 failure to verbally notify a person pursuant to this section shall not
41 affect the admissibility of any statement or evidence.

42 e. Notwithstanding the requirements of subsection c. of this
43 section:

44 (1) prior to entering a private residence, a law enforcement
45 officer shall notify the occupant that the occupant is being recorded
46 by the body worn camera and, if the occupant requests the officer to
47 discontinue use of the officer's body worn camera, the officer shall
48 immediately discontinue use of the body worn camera unless the

1 officer is actively engaged in investigating the commission of a
2 criminal offense, or is responding to an emergency, or reasonably
3 believes that the officer will be required to use constructive
4 authority or force;

5 (2) when interacting with an apparent crime victim, a law
6 enforcement officer shall, as soon as practicable, notify the apparent
7 crime victim that he or she is being recorded by the body worn
8 camera and, if the apparent crime victim requests the officer to
9 discontinue use of the body worn camera, the officer shall
10 immediately discontinue use of the body worn camera; and

11 (3) when interacting with a person seeking to anonymously
12 report a crime or assist in an ongoing law enforcement
13 investigation, a law enforcement officer, if the person requests that
14 the officer discontinue use of the body worn camera, shall, evaluate
15 the circumstances and, if appropriate, discontinue use of the body
16 worn camera.

17 f. A request to discontinue the use of a body worn camera
18 made to a law enforcement officer pursuant to subsection e. of this
19 section and the response to the request shall be recorded by the
20 recording system prior to discontinuing use of the recording system.

21 g. A body worn camera shall not be used surreptitiously.

22 h. A body worn camera shall not be used to gather intelligence
23 information based on First Amendment protected speech,
24 associations, or religion, or to record activity that is unrelated to a
25 response to a call for service or a law enforcement or investigative
26 encounter between a law enforcement officer and a member of the
27 public, provided that nothing in this subsection shall be construed to
28 prohibit activation of video and audio recording functions of a body
29 worn camera as authorized under this law and in accordance with
30 any applicable guidelines or directives promulgated by the Attorney
31 General.

32 i. Every law enforcement agency shall promulgate and adhere
33 to a policy, standing operating procedure, directive, or order which
34 meets the requirements of subsection j. of this act and any
35 applicable guideline or directive promulgated by the Attorney
36 General that specifies the period of time during which a body worn
37 camera recording shall be retained.

38 j. A body worn camera recording shall be retained by the law
39 enforcement agency that employs the officer for a retention period
40 consistent with the provisions of this section, after which time the
41 recording shall be permanently deleted. A body worn camera
42 recording shall be retained for not less than 180 days from the date
43 it was recorded, which minimum time frame for retention shall be
44 applicable to all contracts for retention of body worn camera
45 recordings executed by or on behalf of a law enforcement agency
46 on or after the effective date of this act, and shall be subject to the
47 following additional retention periods:

1 (1) a body worn camera recording shall automatically be
2 retained for not less than three years if it captures images involving
3 an encounter about which a complaint has been registered by a
4 subject of the body worn camera recording;

5 (2) subject to any applicable retention periods established in
6 paragraph (3) of this subsection to the extent such retention period
7 is longer, a body worn camera recording shall be retained for not
8 less than three years if voluntarily requested by:

9 (a) the law enforcement officer whose body worn camera made
10 the video recording, if that officer reasonably asserts the recording
11 has evidentiary or exculpatory value;

12 (b) a law enforcement officer who is a subject of the body worn
13 camera recording, if that officer reasonably asserts the recording
14 has evidentiary or exculpatory value;

15 (c) any immediate supervisor of a law enforcement officer
16 whose body worn camera made the recording or who is a subject of
17 the body worn camera recording, if that immediate supervisor
18 reasonably asserts the recording has evidentiary or exculpatory
19 value;

20 (d) any law enforcement officer, if the body worn camera
21 recording is being retained solely and exclusively for police training
22 purposes;

23 (e) any member of the public who is a subject of the body worn
24 camera recording;

25 (f) any parent or legal guardian of a minor who is a subject of
26 the body worn camera recording; or

27 (g) a deceased subject's next of kin or legally authorized
28 designee.

29 (3) Notwithstanding the provisions of paragraph (1) or (2) of
30 this subsection, a body worn camera recording shall be subject to
31 the following additional retention requirements:

32 (a) when a body worn camera recording pertains to a criminal
33 investigation or otherwise records information that may be subject
34 to discovery in a prosecution, the recording shall be treated as
35 evidence and shall be kept in accordance with the retention period
36 for evidence in a criminal prosecution;

37 (b) when a body worn camera records an arrest that did not
38 result in an ongoing prosecution, or records the use of police force,
39 the recording shall be kept until the expiration of the statute of
40 limitations for filing a civil complaint against the officer or the
41 employing law enforcement agency;

42 (c) when a body worn camera records an incident that is the
43 subject of an internal affairs complaint, the recording shall be kept
44 pending final resolution of the internal affairs investigation and any
45 resulting administrative action.

46 k. To effectuate subparagraphs (e), (f), and (g) of paragraph (2)
47 of subsection j. of this section, the member of the public, parent or
48 legal guardian, or next of kin or designee shall be permitted to

1 review the body worn camera recording in accordance with the
2 provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) to determine
3 whether to request a three-year retention period.

4 l. Notwithstanding that a criminal investigatory record does
5 not constitute a government record under section 1 of P.L.1995,
6 c.23 (C.47:1A-1.1), only the following body worn camera
7 recordings shall be exempt from public inspection:

8 (1) body worn camera recordings not subject to a minimum
9 three-year retention period or additional retention requirements
10 pursuant to subsection j. of this section;

11 (2) body worn camera recordings subject to a minimum three-
12 year retention period solely and exclusively pursuant to paragraph
13 (1) of subsection j. of this section if the subject of the body worn
14 camera recording making the complaint requests the body worn
15 camera recording not be made available to the public;

16 (3) body worn camera recordings subject to a minimum three-
17 year retention period solely and exclusively pursuant to
18 subparagraph (a), (b), (c), or (d) of paragraph (2) of subsection j. of
19 this section; and

20 (4) body worn camera recordings subject to a minimum three-
21 year retention period solely and exclusively pursuant to
22 subparagraph (e), (f), or (g) of paragraph (2) of subsection j. of this
23 section if a member, parent or legal guardian, or next of kin or
24 designee requests the body worn camera recording not be made
25 available to the public.

26 m. Any body worn camera recording retained beyond 180 days
27 solely and exclusively pursuant to subparagraph (d) of paragraph
28 (2) of subsection j. of this section shall not be admissible as
29 evidence in any criminal or civil legal or administrative proceeding.

30 n. A law enforcement officer shall **【not】** be permitted to
31 review **【or】** and receive an accounting of a body worn camera
32 recording **【that is subject to a minimum three-year retention period**
33 **pursuant to paragraph (1) or paragraph (3) of subsection j. of**
34 **this section】** prior to creating any required initial reports,
35 statements, and interviews regarding the recorded event**【;** provided
36 that nothing in this paragraph is intended to prevent the officer from
37 considering, reviewing or receiving an accounting of such a body
38 worn camera recording subsequent to the creation of any required
39 initial reports, statements, and interviews regarding the recorded
40 event**】**.

41 o. Body worn camera recordings shall not be divulged or used
42 by any law enforcement agency for any commercial or other non-
43 law enforcement purpose.

44 p. If a law enforcement agency authorizes a third-party to act
45 as its agent in maintaining recordings from a body worn camera, the
46 agent shall be prohibited from independently accessing, viewing, or

1 altering any recordings, except to delete recordings as required by
2 law or agency retention policies.

3 q. If a law enforcement officer, employee, or agent fails to
4 adhere to the recording or retention requirements contained in this
5 act, or intentionally interferes with a body worn camera's ability to
6 accurately capture audio or video recordings:

7 (1) the officer, employee, or agent shall be subject to
8 appropriate disciplinary action;

9 (2) there shall be a rebuttable presumption that exculpatory
10 evidence was destroyed or not captured in favor of a criminal
11 defendant who reasonably asserts that exculpatory evidence was
12 destroyed or not captured; and

13 (3) there shall be a rebuttable presumption that evidence
14 supporting the plaintiff's claim was destroyed or not captured in
15 favor of a civil plaintiff suing the government, a law enforcement
16 agency, or a law enforcement officer for damages based on police
17 misconduct if the plaintiff reasonably asserts that evidence
18 supporting the plaintiff's claim was destroyed or not captured.

19 r. Any recordings from a body worn camera recorded in
20 contravention of this or any other applicable law shall be
21 immediately destroyed and shall not be admissible as evidence in
22 any criminal, civil, or administrative proceeding.

23 s. Nothing in this act shall be deemed to contravene any laws
24 governing the maintenance and destruction of evidence in a
25 criminal investigation or prosecution.

26 (cf: P.L.2020, c.129, s.1)

27

28 2. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 This bill allows law enforcement officers to review body worn
34 camera recordings prior to creating an initial report.

35 Under current law, a law enforcement officer is prohibited from
36 reviewing or receiving an accounting of certain body worn camera
37 recordings prior to creating any required initial reports, statements,
38 and interviews regarding the recorded event; however, this is not
39 intended to prevent the officer from considering, reviewing, or
40 receiving an accounting of the body worn camera recording
41 subsequent to the creation of any required initial reports,
42 statements, and interviews regarding the recorded event.

43 The body worn camera recordings subject to this prohibition
44 under current law include: 1) a recording that captures images
45 involving an encounter about which a complaint has been registered
46 by a subject of the body worn camera recording; 2) a recording that
47 pertains to a criminal investigation or otherwise records information
48 that may be subject to discovery in a prosecution; 3) a recording of

1 an arrest that did not result in an ongoing prosecution, or a
2 recording of the use of police force; or 4) a recording of an incident
3 that is the subject of an internal affairs complaint.

4 Under the provisions of this bill, a law enforcement officer is to
5 be permitted to review and receive an accounting of a body worn
6 camera recording prior to creating any required initial reports,
7 statements, and interviews regarding the recorded event.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3939

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 2021

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3939.

As amended and reported by the committee, this bill allows law enforcement officers to review body worn camera recordings of a routine police stop or house call prior to creating an initial report, with certain exceptions.

The amended bill provides that the term law enforcement officer does not include a correctional police officer.

Under current law, a law enforcement officer is prohibited from reviewing or receiving an accounting of certain body worn camera recordings prior to creating any required initial reports, statements, and interviews regarding the recorded event; however, this is not intended to prevent the officer from considering, reviewing, or receiving an accounting of the body worn camera recording subsequent to the creation of any required initial reports, statements, and interviews regarding the recorded event.

The body worn camera recordings subject to this prohibition under current law include: 1) a recording that captures images involving an encounter about which a complaint has been registered by a subject of the body worn camera recording; 2) a recording that pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution; 3) a recording of an arrest that did not result in an ongoing prosecution, or a recording of the use of police force; or 4) a recording of an incident that is the subject of an internal affairs complaint.

This bill, as amended, provides law enforcement officers with an affirmative right to review or receive an accounting of a body worn camera recording of a routine police stop or house call prior to creating any required initial reports, statements, and interviews regarding the recorded event, except if the body worn camera recording contains images involving:

(1) an encounter about which a complaint has been verbally expressed or formally registered by a subject of the body worn camera recording;

(2) the use of any police force;

(3) the discharge of a firearm by a law enforcement officer;

(4) the death of a person while in police custody; or

(5) an incident that is the subject of an internal affairs complaint relating to the use of force, bias, or dishonesty.

The amended bill also clarifies that it is not intended to prevent the officer from considering, reviewing or receiving an accounting of a body worn camera recording after the creation of an initial report, statement, and interview regarding the recorded event.

Finally, the bill, as amended, provides that a law enforcement officer is not required to review a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that the term “law enforcement officer” does not include a correctional police officer;

2) provide that that a law enforcement officer is permitted to review and receive an accounting of a body worn camera recording of a routine police stop or house call prior to creating any required initial reports, statements, and interviews regarding the recorded event; except if the body worn camera recording contains images involving:

(a) an encounter about which a complaint has been verbally expressed or formally registered by a subject of the body worn camera recording;

(b) the use of any police force;

(c) the discharge of a firearm by a law enforcement officer;

(d) the death of a person while in police custody; or

(e) an incident that is the subject of an internal affairs complaint relating to the use of force, bias, or dishonesty; as introduced the bill provided that a law enforcement officer is permitted to review and receive an accounting of a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event;

3) clarify that the bill is not intended to prevent the officer from considering, reviewing or receiving an accounting of a body worn camera recording after the creation of an initial report, statement, and interview regarding the recorded event; and

4) provide that a law enforcement officer is not required to review a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event.

ASSEMBLY BILL NO. 5864
(Second Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 5864 (Second Reprint) with my recommendations for reconsideration.

Assembly Bill No. 5864 (Second Reprint) amends the current law governing the use of Body Worn Cameras ("BWCs") and addresses the ability for law enforcement officers to review BWC footage prior to making a required initial report, statement, or interview. Under current law, there is a blanket prohibition restricting law enforcement officers from reviewing or receiving an accounting of certain BWC recordings prior to creating any required initial reports, statements, and interviews regarding a recorded event. Assembly Bill No. 5864 (Second Reprint) would remove this limitation in the case of a "routine police stop or house call," and would continue the restriction in five enumerated instances: an encounter about which a complaint has been verbally expressed or formally registered; the use of any police force; the discharge of a firearm by a law enforcement officer; the death of a person while in police custody; and an incident that is the subject of an internal affairs complaint relating to the use of force, bias, or dishonesty. The bill also would allow "a person who is the subject of a police report created by a law enforcement officer, for which a relevant body worn camera recording exists. . . to review and receive an accounting of the recording if the law enforcement officer who created the report also was permitted to review and receive an accounting of the recording."

I commend the bill's sponsors for recognizing the value of BWCs in assisting law enforcement officers in the performance of their duties and agree that we should revise the law to permit officers to view BWC footage in certain instances. BWC recordings

are objective accountings of an incident or encounter and can serve as tools to enhance trust between law enforcement and the communities that they serve. Last November, when I signed legislation establishing uniform ground rules for the use of BWCs by law enforcement officers, I noted the importance of BWCs in promoting transparency and accountability in policing in our communities, as well as the tremendous value these recordings have as a potential source of crucial evidence for use in investigations and court proceedings.

To maximize the benefits of BWCs, it is important to have a process that appropriately balances the utility of BWCs in facilitating law enforcement's performance of their duties and their utility in ensuring the law enforcement function is performed properly. Although the bill takes an approach that sensibly recognizes the importance of this balance, I am recommending amendments to refine the circumstances delineated in the bill as exceptions to the general rule of initial access. My recommendations modify the bill's enumerated circumstances under which initial access to BWC recordings is restricted to include: (1) the use of force by an officer; (2) the discharge of a firearm or any other use of deadly force by a law enforcement officer; (3) the death of a person while in law enforcement custody or during an encounter with a law enforcement officer; or (4) incidents that the officer knows will be the subject of a citizen complaint or an internal affairs complaint relating to the officer's use of force, bias, or dishonesty. I believe that these changes strike the proper balance, providing appropriate exceptions to the general rule of affording law enforcement officers immediate access to BWC recordings.

I am also recommending the inclusion of a provision requiring that an officer who exercises the authority afforded in this general rule to acknowledge, either verbally or in writing within

each report, statement, or interview, that the officer had prior access to the BWC recording. This requirement makes any subsequent reader or viewer aware of this information to consider when reading or reviewing that officer's investigation documents.

Finally, I suggest removing provisions that are either ambiguous or untenable. First, I suggest the deletion of the term "routine police stop or house call." Rather than propose a definition of this term, I would simply delete it, as the concept is not necessary to identify those situations where an officer should be afforded or denied initial access to a BWC recording.

I also suggest amending the bill to remove the provision authorizing the subject of a BWC recording to review or receive an accounting of the recording if the law enforcement officer has accessed it prior to providing any required initial report, statement, or interview. I share the concerns of my partners in law enforcement, who have noted that this provision would result in a prolonged and cumbersome change to the investigation process, with little to no justification or logic for such an outcome.

Therefore, I herewith return Assembly Bill No. 5864 (Second Reprint) and recommend that it be amended as follows:

- | | |
|--|---|
| <u>Page 7, Section 1, Lines 30-31:</u> | Delete "Except as provided in paragraph (2) of this subsection, a" and insert "A" |
| <u>Page 7, Section 1, Line 32:</u> | Delete "and" and insert "or" |
| <u>Page 7, Section 1, Line 33:</u> | After "recording" insert "prior to that officer creating any required substantive initial report, providing a statement, or submitting to an interview" |
| <u>Page 7, Section 1, Line 35:</u> | Delete in its entirety |
| <u>Page 7, Section 1, Line 36:</u> | Delete "any required initial reports, statements, and interviews" |
| <u>Page 7, Section 1, Line 37:</u> | After "event" insert ", except under the following circumstances:" |
| <u>Page 7, Section 1, Lines 42-46:</u> | Delete in their entirety |
| <u>Page 8, Section 1, Lines 1-3:</u> | Delete in their entirety |

Page 8, Section 1, Line 4: Delete "(b)" and insert "(a)"

Page 8, Section 1, Line 4: Delete "any police"

Page 8, Section 1, Line 4: After "force" insert "by the officer where the officer knows or should know that the use of force resulted in significant or serious bodily injury or death"

Page 8, Section 1, Line 6: Delete "(c)" and insert "(b)"

Page 8, Section 1, Line 6: After "firearm" insert "or any other use of deadly force"

Page 8, Section 1, Line 6: Before "law" delete "a" and insert "the"

Page 8, Section 1, Line 7: Delete "(d)" and insert "(c)"

Page 8, Section 1, Line 7: Delete "police" and insert "law enforcement"

Page 8, Section 1, Line 7: Delete "or" insert "(d) the death of a person during an encounter with a law enforcement officer;"

Page 8, Section 1, Line 8: Delete "is" and insert "that officer knows or has been advised is or will be"

Page 8, Section 1, Line 9: After "the" insert "officer's"

Page 8, Section 1, Line 9: Delete "." and insert "; or (f) an incident the officer knows or has been advised is or will be the subject of a citizen complaint related to the officer's use of force, bias, or dishonesty."

Page 8, Section 1, Lines 10-21: Delete in their entirety and insert "(2) In the event a law enforcement officer reviews or receives an accounting of a body worn camera recording prior to the creation of any report, statement, or interview, the law enforcement officer shall be required to acknowledge that prior review or receipt either verbally or in writing within each such report, statement, or interview."

Page 8, Section 1, Line 22: Before "Nothing" insert "(3)"

Page 8, Section 1, Line 22: After "shall" insert "be construed to"

Page 8, Section 1, Line 25: After "event" insert ", nor to prevent a law enforcement officer from reviewing or receiving an accounting of such a body worn camera recording subsequent to the creation of any required initial report, statement, or

interview regarding the
recorded event"

Respectfully,

/s/ Philip D. Murphy

Governor

[seal]

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

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| <u>Page 7, Section 1, Line 33:</u> | After "recording" insert "prior to that officer creating any required substantive initial report, providing a statement, or submitting to an interview" |
| <u>Page 7, Section 1, Line 35:</u> | Delete in its entirety |

- Page 7, Section 1, Line 36: Delete "any required initial reports, statements, and interviews"
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recorded event"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor

Governor Murphy Takes Action on Legislation

11/8/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

S-249/A-1259 (Singleton, Turner/Schaer, DeCroce, Vainieri Huttle) – Requires pharmacy benefits manager providing services within Medicaid program to disclose certain information to DHS

S-324/A-3533 (Diegnan, A.M. Bucco/Benson, Freiman, DeCroce) – Authorizes operators of motor vehicles to display electronic proof of registration; requires MVC to send application for registration renewal to lessee of leased vehicle

SCS for S-399 and 1645/ACS for A-869 and 1380 (Lagana, Weinberg, Stack, Turner, Cunningham/Chiaravalloti, Holley) – Requires residential landlords to install covers on steam radiators upon request of tenant

S-537/A-3110 (Codey/McKeon, Verrelli, Vainieri Huttle) – Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities

S-550/A-1616 (Codey, Pennacchio/Lampitt, Conaway, Vainieri Huttle) – Requires certain student identification cards to contain telephone number for suicide prevention hotline

SCS for S-647/A-4825 (Greenstein, Singleton/McKeon, Karabinchak, Stanley) – Revises cybersecurity, asset management, and related reporting requirements in “Water Quality Accountability Act”

S-828/A-2101 (Lagana, Greenstein/Swain, Tully, Verrelli) – Requires public utilities and local units to provide notice prior to initiating certain infrastructure projects

S-829/A-2135 (Lagana, Singleton/Tully, Swain, Murphy) – Requires property condition disclosure statement to indicate presence of lead plumbing in residential property

S-830/A-2134 (Lagana, Greenstein/Tully, Swain, Conaway) – Requires public water systems to offer drinking water tests to customers in certain circumstances

S-894/A-3874 (Pou, Greenstein/Lopez, Vainieri Huttle) – Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use

S-1010/A-2103 (Lagana, Turner/Swain, Tully, Johnson) – Permits counties and municipalities to bond for alternative fuel vehicles

S-1047/A-1712 (Cryan, Pou/Burzichelli, Karabinchak, Giblin) – Concerns disclosure of certain information prior to sale of real estate

S-1148/A-1221 (Ruiz, Pou/Chaparro, Speight, Wimberly) – Requires emergency contact information and access instructions for social services hotline to be provided to tenants of multiple dwellings

S-1239/A-5131 (Codey/McKeon, Danielsen, Jasey) – Authorizes imposition of fee for connection to municipal electric distribution system

S-1259/A-2628 (Singleton/Murphy) – Concerns labor contractors

S-1726/A-795 (Lagana, Pou/Verrelli, Swain, Zwicker) – Prohibits sale of cosmetic products that have been tested on animals

- S-2727/A-4775 (Pennacchio, Pou/Vainieri Huttle, Jasey, McKnight)** – Establishes Multigenerational Family Housing Continuity Commission; provides municipal guidance to periodically analyze local advancement of commission’s senior citizen housing recommendations
- S-2861/A-5390 (Singleton, Addiego/Quijano, McKnight, Speight)** – Concerns certain restrictive covenants on real property
- S-2996/A-5019 (Testa, Sweeney/McClellan, Taliaferro, Johnson)** – Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services
- S-3000/A-4688 (Weinberg, Greenstein/Benson, Verrelli, Vainieri Huttle)** – Codifies and establishes certain network adequacy standards for pediatric primary and specialty care in Medicaid program
- S-3032/A-4855 (Sweeney, Vitale/Benson, Vainieri Huttle, Chiaravalloti)** – Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes
- S-3091/A-4933 (Addiego, Bateman/Burzichelli, Benson, Mukherji)** – Requires builders to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint-reducing technology
- S-3253/A-2619 (Singleton, Ruiz/Murphy, Speight, Mukherji)** – Establishes alternate route to expedite certification of teachers at early college high school programs
- S-3318/A-5893 (Sweeney, Pou/Vainieri Huttle, Caputo, Karabinchak)** – Provides for voluntary contributions by taxpayers on gross income tax returns for Special Olympics New Jersey
- S-3590/A-5536 (Diegnan, Turner/Burzichelli, Giblin)** – Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions
- S-3811/A-5769 (Sweeney, Scutari/Reynolds-Jackson, Quijano, Carter)** – Establishes Kean University as public urban research university
- S-3948/A-5896 (Addiego, Gopal/Houghtaling, Downey)** – Authorizes supplemental State aid to school districts receiving certain federal Impact Aid; makes appropriation
- SJR-41/AJR-33 (Cruz-Perez, Addiego/Lopez, McKnight)** – Designates June 2 of each year as “Gun Violence Awareness Day”
- SJR-109/AJR-208 (Weinberg, Pou/McKnight, Benson, Vainieri Huttle)** – Condemns hate and violent extremism and commits to defense of safe and just democracy
- A-637/S-2670 (Caputo, Dancer, Houghtaling/Beach)** – Revises permit and license processes for sports pools operators and online sports pool operators; revises definitions of certain sports events; allows for transactional waiver for sports wagering lounge
- A-853/S-797 (Chiaravalloti, Karabinchak, McKnight/Cunningham, Doherty)** – Prohibits municipal licensure of children operating temporary businesses
- A-2311/S-356 (Calabrese, Jasey/Cryan, Codey)** – Establishes study commission to examine development of mutually beneficial relationships between institutions of higher education and municipalities
- A-3027/S-793 (Lampitt, Jasey, Houghtaling/Cunningham, Singleton)** – Commits \$3 million from Supplemental Workforce Fund for Basic Skill to NJ Community College Consortium for Workforce and Economic Development
- ACS for A-3352/S-3504 (Kennedy, Stanley, Calabrese/Smith)** – Requires certain newly constructed warehouses to be solar-ready buildings

A-3897/S-3263 (Armato, Mazzeo, DiMaso/Beach, Gopal) – Increases fee for New Jersey Waterfowl Stamps

A-4138/S-2701 (Vainieri Huttle, Benson, Giblin/Gopal, Codey) – Requires Department of Human Services to develop public emergency response plan for licensed providers of services to individuals with developmental disabilities

A-4367/S-2794 (Mukherji, Sumter, Taliaferro/Pou, Scutari) – Provides that AOC shall administer program for municipal courts allowing defendants to engage in online plea negotiations, entry of guilty plea, and payment of fine or penalty

A-4484/S-3153 (McKnight, Kennedy, Mukherji, Gove/Pou, Vitale) – Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program

A-4538/S-3131 (Lampitt, Quijano/Pou, A.M. Bucco) – Requires dental insurers to provide credits for reduced usage during coronavirus disease 2019 pandemic

A-4544/S-3150 (Caputo, Jasey, Murphy/Pou, Codey) – Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF

A-4633/S-2856 (Giblin, DeCroce/Pou) – Permits certain nonresident Certified Public Accountants to provide attest services

A-4831/S-3953 (Chaparro, Kennedy, Murphy/Scutari) – Clarifies classification in this State of criminal offenses committed in other states or under federal law

A-4836/S-3313 (Giblin, Benson, Downey/Pou, Turner) – Establishes task force to evaluate quality, efficacy, costs, and educational outcomes of online courses offered by public and independent institutions of higher education and degree-granting proprietary institutions during COVID-19 pandemic

A-4861/S-3041 (Vainieri Huttle, Armato, Verrelli/Vitale, Gopal) – Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities

A-4869/S-2414 (Wirths, Verrelli, Space/Singleton, Madden) – Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid

A-5059/S-3031 (Conaway, Vainieri Huttle, Benson/Sweeney, Vitale) – Requires DOH to establish certain nursing education and professional advancement programs

A-5212/S-3638 (Conaway, Verrelli, Karabinchak/Turner, Diegnan) – Permits dentists to administer vaccines under certain circumstances

A-5751/S-3823 (Swain, Timberlake, Carter, Johnson/Weinberg, Gopal) – Expands State corrections officers training to include topics contributing to their core mission of treating inmates with dignity, fairness, and respect

A-5817/S-3852 (Tully, Swain, Benson/Lagana, Diegnan) – Revises violation and fines for approving or assigning unauthorized individuals as school bus drivers

A-5818/S-3849 (Tully, Swain, Benson/Lagana, Diegnan) – Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid

AJR-204/SJR-105 (Jasey, Benson, Reynolds-Jackson/Cunningham, T. Kean) – Designates April of each year as “Educational Opportunity Fund (EOF) Month” in New Jersey

AJR-238/SJR-123 (Burzichelli/Sweeney, Singleton) – Urges U.S. President and EPA to take appropriate action, through waivers and other reforms, to allow blending of renewable fuels under the federal “Clean Air Act”

Governor Murphy conditionally vetoed the following bills:

S-108/A-169 (Gill, Turner/Caputo, Wirths) – **CONDITIONAL** - Concerns speech rights of student journalists at public schools and public institutions of higher education

[Copy of Statement](#)

S-2078/A-5008 (Weinberg, Addiego/Lampitt, Benson, Vainieri Huttle) – CONDITIONAL - Establishes “Stillbirth Resource Center” and regional Fetal and Infant Mortality Review Committee, and programs for the prevention and reduction of incidences of stillbirth; expands list of professionals authorized to provide stillbirth-related care

[Copy of Statement](#)

S-2160/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – CONDITIONAL - Creates special education unit within the Office of Administrative Law; requires annual report

[Copy of Statement](#)

S-2525/A-4274 (Rice, Singleton, Turner/Conaway, Sumter, Stanley) – CONDITIONAL - Expands powers and duties of State Chief Diversity Officer to promote diversity in State government and public contracting

[Copy of Statement](#)

S-2559/ACS for A-4179 and 4200 (Gopal, Gill/Downey, Conaway, Benson, Houghtaling, Karabinchak) – CONDITIONAL - Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million

[Copy of Statement](#)

S-2834/A-5312 (Ruiz, Cunningham/Quijano, Lampitt, McKnight) – CONDITIONAL - Mandates training on culturally responsive teaching for all candidates for teaching certification

[Copy of Statement](#)

S-2953/A-4785 (Sweeney, Cunningham/Quijano, Verrelli, Mukherji) – CONDITIONAL - Expands scope of inmate reentry assistance and benefits

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S-3238/A-5213 (Ruiz, Pou/Verrelli, McKnight, McKeon) – CONDITIONAL - Establishes New Jersey Easy Enrollment Health Insurance Program

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S-3488/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – CONDITIONAL - Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

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S-3867/A-5868 (Addiego, Singleton/Benson, Verrelli, Vainieri Huttle) – CONDITIONAL - Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs

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S-3955/A-5905 (Ruiz/Timberlake, Speight, Spearman) – CONDITIONAL - Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation

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A-1533/S-3321 (Spearman, Reynolds-Jackson, Schaer/Stack, Turner) – CONDITIONAL - Requires reservation of portion of tenant-based vouchers under State rental assistance program for persons displaced due to redevelopment of an affordable housing development; provides displaced persons with affordable housing priority status

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A-2455/S-2204 (Benson, Vainieri Huttle, DeAngelo/Greenstein, Oroho) – CONDITIONAL - Establishes pilot program in DOE to support FIRST Robotics Programs in school districts

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A-3062/S-1196 (Pintor Marin, Moen, Reynolds-Jackson/Pou, Cruz-Perez) – CONDITIONAL - Establishes three year Financial Empowerment Pilot Program

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A-4002/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – CONDITIONAL - Allows deduction of promotional gaming credit from gross revenue on sports wagering

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A-4433/S-2715 (Greenwald, Mukherji, Lampitt/Beach, Corrado) – CONDITIONAL - Creates grant program to encourage school districts to partner with institutions of higher education in training school-based mental health services providers

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A-4435/S-2717 (Verrelli, Greenwald, Speight, Lampitt/Beach, Corrado) – CONDITIONAL - Requires DCF to give priority to certain school districts with student mental health counseling centers in awarding grants under School Based Youth Services Program

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A-4630/S-577 (Burzichelli/Madden, Singleton) – CONDITIONAL - Concerns labor harmony agreements in retail and distribution center projects

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A-4746/S-3947 (Mosquera, Lopez, Chaparro, Dunn/Vitale, Turner) – CONDITIONAL - Requires that certain provider subsidy payments for child care services be based on enrollment

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A-4834/S-3474 (Mazzeo, Quijano, Downey/Pou, Turner) – CONDITIONAL - Requires disclosure letter be included with mail falsely implying State government connection

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A-4850/S-3095 (Karabinchak, Freiman, Calabrese, Greenwald/Diegnan) – CONDITIONAL - Establishes expedited construction inspection program

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A-5033/S-3279 (Benson, Dancer, Verrelli/Gopal) – CONDITIONAL - Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

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A-5353/S-3421 (Conaway, Vainieri Huttle, Benson/Madden, Turner) – CONDITIONAL - Provides for certification of temporary nurse aides

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A-5599/S-3916 (Chiaravalloti, Vainieri Huttle, McKnight/Scutari, Gill) – CONDITIONAL - Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered

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A-5864/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – CONDITIONAL - Allows law enforcement officers to review body worn camera recordings prior to creating initial report

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Governor Murphy absolute vetoed the following bills:

S-415/A-4685 (Turner/Quijano, Verrelli) – ABSOLUTE - Requires reentry assistance to be provided to certain inmates who have served their maximum sentence

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S-969/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – CONDITIONAL - Establishes loan redemption program for teachers in certain fields to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain low performing schools

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S-2261/A-4265 (Singleton/Conaway) – ABSOLUTE - Revises law relating to common interest communities

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S-2347/A-4030 (Sweeney, Greenstein, T. Kean/Mukherji, Benson, Murphy) – ABSOLUTE - Establishes Employment and Business-Related Tax Deferral Assistance Program in EDA to allow small businesses to defer the payment and remittance of certain employment and business-related taxes during COVID-19 public health emergency

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S-3093/A-4910 (Gopal, Sweeney, Singleton/Burzichelli, Johnson, Danielsen) – ABSOLUTE - Establishes county-based mitigation plan to allow businesses to operate during pandemic

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S-3505/A-5371 (Scutari, Weinberg/Mukherji, Johnson, Quijano) – ABSOLUTE - Requires assignment of unemployment claims handlers to legislative districts and partisan offices during COVID-19 pandemic state of emergency; appropriates \$1.8 million

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S-3868/A-5895 (Sarlo/Giblin) – ABSOLUTE - Concerns construction code enforcing agency fee revenue

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A-2722/S-1862 (Mukherji/Gopal, Oroho) – ABSOLUTE - Requires Commissioner of Corrections to institute 30-minute shift overlap in State correctional facilities

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A-4297/S-2631 (Houghtaling, Downey, Space/Gopal, Oroho) – ABSOLUTE - Permits conduct of bingos and raffles remotely; permits online sale of tickets for all bingos and raffles

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A-5231/S-3806 (Lopez, Coughlin, Freiman/Vitale) – ABSOLUTE - Allows county or municipal governing body to enter into revenue sharing agreement for alcoholic beverage sales by concessionaire permit holder

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Governor Murphy Takes Action on Legislation

01/18/2022

TRENTON – Governor Murphy today signed the following bills:

S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttie, Wimberly, Mosquera, Downey, Chiaravalloti) – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttie, Downey, Mosquera, Lampitt, Benson) - Establishes mandatory domestic violence training for municipal prosecutors

S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji) – Adjusts statute of limitations on damage claim for construction defect in common interest communities

S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttie, Downey) – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez) – Revises reporting requirements for charitable organizations and non-profit corporations

S-867/A-2316 (Pou/Jimenez, Giblin, Johnson) – Permits physical therapists to perform dry needling under certain circumstances

S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy) – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

S-969WGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of \$1 million

S-994/A-6248 (Sweeney, Singleton/Lopez) – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson) – Restricts use of neonicotinoid pesticides

S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo) – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer) – “New Jersey Insurance Fair Conduct Act”

S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttie) – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – Creates special education unit within the Office of Administrative Law; requires annual report

SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon) – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake) – “21st Century Integrated Digital Experience Act”

S-2830/A-5291 (Ruiz, Singleton/Quijano) – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey) – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji) – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttle, Quijano, Verrelli) – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

S-3081/A-5219 (Singleton/McKeon, Dunn) – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttle, Giblin) – Creates NJ Legislative Youth Council

S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji) – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake) – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates \$90,000

S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space) – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates \$125,000

S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

S-3493/A-5458 (Vitale, Gill/Vainieri Huttle, Mukherji, McKnight) – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

S-3539/A5409 (T. Kean, Gopal/Houghtaling) – Directs DEP to establish grant program for local governments to support development of community gardens

S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli) – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight) – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

S-3673/A-6219 (Gopal, Greenstein/Burzichelli) – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji) – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttle, Downey, Zwicker) – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak) – Establishes Commission on Asian American Heritage in DOE

S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano) – "Responsible Collective Negotiations Act"

S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak) – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttle, DeAngelo) – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson) – Establishes database of certain appointed positions and elected offices

S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter) – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley) – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

S-4043/A-6005 (Cunningham/Jasey, Greenwald) – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

S-4063/A-6220 (Sweeney/Giblin, Egan) – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick) – Revises elective pass-through entity business alternative income tax

S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter) – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker) – Establishes Direct Support Professional Career Development Program; appropriates \$1,000,000

S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer) – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin) – Concerns apprenticeship programs of public works contractors

S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji) – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker) – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of \$4.5 million

S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji) – Appropriates \$2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez) – Limits fees charged to patients and authorized third parties for copies of medical and billing records

S-4252/A-6182 (Madden/Murphy, Chaparro) – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio) – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

A-798/S-52 (Verrelli, Vainieri Huttel, Armato/Singer, Greenstein) – Establishes local drug overdose fatality review teams

A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou) – Requires certain retailers to train employees on gift card fraud

A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou) – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

A-953/S-4031 (Karabinchak, Houghtaling/Pou) – Requires architects disclose insurance coverage

ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttel/Ruiz, Beach, Singleton) – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio) – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

A-1219wGR/S-1054 (Chaparro, McKnight/Stack) – Requires owner notification of rabies testing protocol prior to testing of owner’s animal for rabies

A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttle, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton) – Requires DCA to make information on homeless prevention programs and services available on its Internet website

A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal) – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

A-1663/S-1842 (Quijano, Vainieri Huttle, Karabinchak/Cryan, Scutari) – Establishes “New Jersey Nonprofit Security Grant Program”

A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou) – Establishes Statewide database of beds in shelters for the homeless

A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack) – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack) – Concerns information on property condition disclosure statement

A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal) – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

A-2877/S-1149 (Dancer, Vainieri Huttle, Reynolds-Jackson/Ruiz) – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal) – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach) – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco) – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou) – “Defense Against Porch Pirates Act”; amends theft statute

A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner) – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – Allows deduction of promotional gaming credit from gross revenue on sports wagering

A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith) – Creates program in Department of Agriculture for deer fencing on certain farmland

A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer) – Establishes minimum Medicaid reimbursement rate for adult medical day care services

A-4241/S-2894 (Downey, Vainieri Huttle, Murphy/Pou) – Requires DHS to conduct biennial survey of SNAP experience

ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan) – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein) – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz) – Establishes Student Wellness Grant Program in DOE

A-4478/S2759 (Vainieri Huttle, Speight, Schepisi, DeCroce/Vitale, Madden) – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner) – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner) – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton) – Expands offenses eligible for expungement upon successful discharge from drug court

A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach) – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal) – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco) – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes \$200,000 supplemental appropriation

A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman) – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

A-5294/S-3418 (Speight, Vainieri Huttle, Verrelli/Gopal, Madden) – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

A-5296/S-3426 (Speight, Vainieri Huttle, McKnight/T. Kean, Schepisi) – Provides for employment by State of certain persons with disabilities

A-5322/S-3433 (Mosquera, Vainieri Huttle, DePhillips/Cruz-Perez, T. Kean) – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttie/Diegnan, Madden) – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach) – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden) – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan) – Creates Office of School Bus Safety in Department of Education; appropriates \$200,000

A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon) – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal) – Appropriates \$500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttie/Codey) – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham) – Makes supplemental appropriation of \$8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

A-6073/S-4140 (Verrelli/Vitale) – Temporarily waives certain basic life support services crewmember requirements

A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal) – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden) – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal) – Permits volunteer paramedics to operate within mobile intensive care units

A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari) – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou) – Revises penalties for transfer of certain professional and occupational licenses

A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz) – Revises and renames Office of Food Insecurity Advocate

A-6162/S-4246 (Benson, Stanley/Gopal) – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

A-6205/S-4270 (Coughlin, McKeon/Pou) – Amends certain requirements concerning insurance holding companies

A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho) – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney) – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez) – Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho) – Appropriates \$18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein) – Appropriates \$4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein) – Appropriates \$440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado) – Appropriates \$54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith) – Appropriates \$49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith) – Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein) – Appropriates \$14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

A-6246/S-4295 (Karabinchak/Sweeney) – Concerns changes in control of hotels and disruptions of hotel services

A-6257/S-4311 (McKnight/Sweeney, Singleton) – Imposes surcharge on casino hotel occupancies to fund public safety services

A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances

A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Appropriates \$2 million to Legislative Services Commission

Governor Murphy pocket vetoed the following bills:

S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight) – Establishes requirements for sale of cottage food products

S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight) – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy) – Authorizes use of disability benefits for transportation provided by transportation network companies

S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy) – Requires paint producers to implement or participate in paint stewardship program

S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter) – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji) – Revises out-of-network arbitration process

S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn) – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

S-3715/A-5804 (Cryan/Quijano, Mukherji) – Modifies certain definitions related to transient accommodation taxes and fees

S-4189/A-6112 (Vitale, Cruz-Perez/Lopez) – Permits PERS retiree to return to elective public office after retirement under certain circumstances

A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon) – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach) – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of \$1 million

A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho) – Provides temporary exemption under sales and use tax for winterizing certain small business operations

A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean) – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana) – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

A-6033/S-4194 (Bramnick/Sweeney, T. Kean) – Classifies golf caddies as independent contractors for purposes of State employment laws

A-6157/S-4202 (Speight, Moen/Ruiz, Beach) – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances

