

38A:3-59
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2021 **CHAPTER:** 56

NJSA: 38A:3-59 (Requires DMVA assist service members discharged solely due to LGBTQ status with petitions to change discharge designation.)

BILL NO: S2815 (Substituted for A4623)

SPONSOR(S) Gopal, Vin and others

DATE INTRODUCED: 8/13/2020

COMMITTEE: **ASSEMBLY:** ---

SENATE: Military & Veterans' Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 3/1/2021

SENATE: 2/19/2021

DATE OF APPROVAL: 4/19/2021

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

S2815

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

A4623

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: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

RH/CL

P.L. 2021, CHAPTER 56, *approved April 19, 2021*
Senate, No. 2815

1 AN ACT requiring the Department of Military and Veterans Affairs
2 to assist certain service members with petitions to change
3 discharge designations, and supplementing chapter 3 of Title
4 38A of the New Jersey Statutes.

5

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

8

9 1. a. All former service members of the Armed Forces who
10 were separated from the service with a general or other than
11 honorable discharge due solely to their sexual orientation, or gender
12 identity or expression, may request that the New Jersey Department
13 of Military and Veterans Affairs assist them to have the designation
14 of his or her discharge changed and recorded as honorable.

15 b. The Department of Military and Veterans Affairs shall:

16 (1) create, publish, and distribute material to all public agencies
17 of the availability of the assistance; and

18 (2) create a consistent and uniform process to assist a former
19 service member with the appropriate and necessary forms and
20 conditions prescribed by federal law, so that he or she may petition
21 the United States Department of Veterans Affairs, or its successor
22 agency, to change the designation of his or her discharge to
23 honorable.

24 At no time shall a fee be charged to a former service member for
25 seeking assistance to have the designation of his or her discharge
26 changed to honorable.

27 c. A former service member who has the designation of his or
28 her discharge changed to honorable shall be afforded the same
29 rights, privileges, and benefits authorized by State law to service
30 members who were honorably discharged.

31 d. Information related to the change in the designation of a
32 discharge, including, but not limited to, a request for assistance,
33 shall be confidential and not accessible to the public as a
34 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

35 e. The Adjutant General shall, in accordance with the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), adopt any rules and regulations as the Adjutant General
38 deems necessary to carry out the provisions of this act, P.L. ,

39 c. (pending before the Legislature as this bill).

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41 2. This act shall take effect immediately.

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STATEMENT

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This bill requires the New Jersey Department of Military and Veterans Affairs to assist former service members of the Armed Forces who were separated from the service with a general or other than honorable discharge due solely to their LGBTQ status with the appropriate and necessary forms and conditions to petition the United States Department of Veterans Affairs to have the designation of the discharge changed and recorded as honorable. The department will create, publish, and distribute material to all public agencies of the availability of the assistance, and create a uniform process to provide the assistance.

Under the bill, former service members who have the designation of their discharge changed will be eligible for the same rights, privileges, and benefits currently offered to service members who were honorably discharged. No fee will be charged to a former service member for seeking assistance, and information related to the change in the designation of a discharge will be confidential and not accessible to the public as a government record.

An estimated 100,000 LGBTQ service members were discharged from the military under less than honorable conditions. Too many service members have been shamed, and left without the benefits they earned. These service members lost their rights to both state and federal benefits. This bill will help ensure that they get the benefits and respect that they deserve.

Requires DMVA assist service members discharged solely due to LGBTQ status with petitions to change discharge designation.

SENATE, No. 2815

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 13, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Co-Sponsored by:

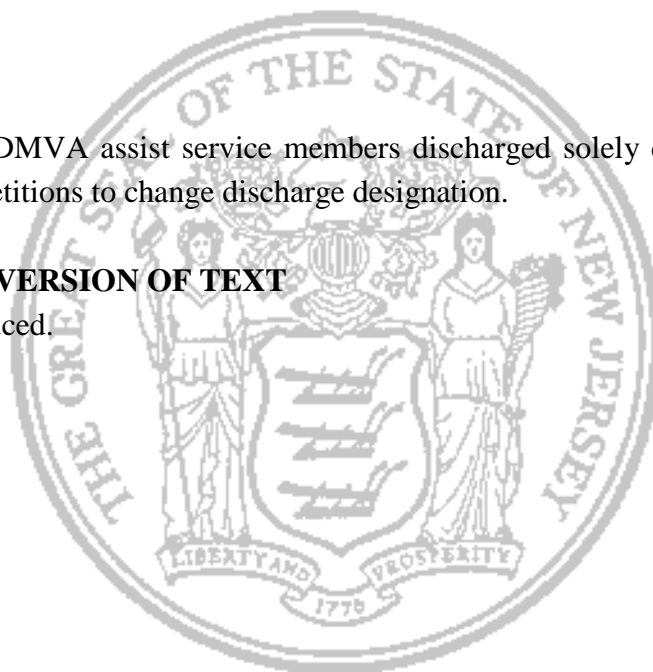
**Senators Brown, O'Scanlon, Addiego, Pou, Scutari, Singleton, Testa,
Assemblyman Peters and Assemblywoman Vainieri Huttie**

SYNOPSIS

Requires DMVA assist service members discharged solely due to LGBTQ status with petitions to change discharge designation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/1/2021)

1 AN ACT requiring the Department of Military and Veterans Affairs
2 to assist certain service members with petitions to change
3 discharge designations, and supplementing chapter 3 of Title
4 38A of the New Jersey Statutes.

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

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9 1. a. All former service members of the Armed Forces who
10 were separated from the service with a general or other than
11 honorable discharge due solely to their sexual orientation, or gender
12 identity or expression, may request that the New Jersey Department
13 of Military and Veterans Affairs assist them to have the designation
14 of his or her discharge changed and recorded as honorable.

15 b. The Department of Military and Veterans Affairs shall:

16 (1) create, publish, and distribute material to all public agencies
17 of the availability of the assistance; and

18 (2) create a consistent and uniform process to assist a former
19 service member with the appropriate and necessary forms and
20 conditions prescribed by federal law, so that he or she may petition
21 the United States Department of Veterans Affairs, or its successor
22 agency, to change the designation of his or her discharge to
23 honorable.

24 At no time shall a fee be charged to a former service member for
25 seeking assistance to have the designation of his or her discharge
26 changed to honorable.

27 c. A former service member who has the designation of his or
28 her discharge changed to honorable shall be afforded the same
29 rights, privileges, and benefits authorized by State law to service
30 members who were honorably discharged.

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46 This bill requires the New Jersey Department of Military and
47 Veterans Affairs to assist former service members of the Armed
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1 than honorable discharge due solely to their LGBTQ status with the
2 appropriate and necessary forms and conditions to petition the
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4 designation of the discharge changed and recorded as honorable.
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6 public agencies of the availability of the assistance, and create a
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8 Under the bill, former service members who have the designation
9 of their discharge changed will be eligible for the same rights,
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15 An estimated 100,000 LGBTQ service members were discharged
16 from the military under less than honorable conditions. Too many
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18 they earned. These service members lost their rights to both state
19 and federal benefits. This bill will help ensure that they get the
20 benefits and respect that they deserve.

SENATE MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 2815

STATE OF NEW JERSEY

DATED: AUGUST 20, 2020

The Senate Military and Veterans Affairs Committee reports favorably Senate Bill No. 2815.

This bill requires the New Jersey Department of Military and Veterans Affairs to assist former service members of the Armed Forces who were separated from the service with a general or other than honorable discharge due solely to their LGBTQ status with the appropriate and necessary forms and conditions to petition the United States Department of Veterans Affairs to have the designation of the discharge changed and recorded as honorable. The department will create, publish, and distribute material to all public agencies of the availability of the assistance, and create a uniform process to provide the assistance.

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An estimated 100,000 LGBTQ service members were discharged from the military under less than honorable conditions. Too many service members have been shamed, and left without the benefits they earned. These service members lost their rights to both state and federal benefits. This bill will help ensure that they get the benefits and respect that they deserve.

ASSEMBLY, No. 4623

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Co-Sponsored by:

Assemblyman Peters and Assemblywoman Vainieri Huttle

SYNOPSIS

Requires DMVA assist service members discharged solely due to LGBTQ status with petitions to change discharge designation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/1/2021)

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20 benefits and respect that they deserve.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4623

STATE OF NEW JERSEY

DATED: JANUARY 25, 2021

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly Bill No. 4623.

This bill requires the New Jersey Department of Military and Veterans Affairs to assist former service members of the Armed Forces who were separated from the service with a general or other than honorable discharge due solely to their LGBTQ status with the appropriate and necessary forms and conditions to petition the United States Department of Veterans Affairs to have the designation of the discharge changed and recorded as honorable. The department will create, publish, and distribute material to all public agencies of the availability of the assistance, and create a uniform process to provide the assistance.

Under the bill, former service members who have the designation of their discharge changed will be eligible for the same rights, privileges, and benefits currently offered to service members who were honorably discharged. No fee will be charged to a former service member for seeking assistance, and information related to the change in the designation of a discharge will be confidential and not accessible to the public as a government record.

An estimated 100,000 LGBTQ service members were discharged from the military under less than honorable conditions. Too many service members have been shamed, and left without the benefits they earned. These service members lost their rights to both state and federal benefits. This bill will help ensure that they get the benefits and respect that they deserve.

Governor Murphy Signs Legislation to Assist LGBTQ+ Veterans

04/19/2021

TRENTON – Today, Governor Phil Murphy signed S2815, which directs the New Jersey Department of Military and Veterans' Affairs (DMAVA) to assist former Armed Forces service members who were denied an honorable discharge due to their sexual orientation or gender identity. DMAVA will assist veterans with completing and submitting the appropriate forms to petition the United States Department of Veterans Affairs to change their discharge designation to instead reflect an honorable discharge. DMAVA will also be tasked with creating, publishing, and distributing material to all public agencies regarding the availability of the assistance, as well as creating a uniform and consistent process for providing such assistance.

“Our LGBTQ+ servicemembers made countless sacrifices to serve this nation, yet were discharged and denied the services and benefits they deserved simply because of who they were and whom they loved,” **said Governor Murphy**. “With today’s bill signing, we are streamlining the process to provide direct assistance to these brave men and women in their efforts to revise their discharge status and attain the benefits they earned and deserve for their service.”

Nearly 100,000 LGBTQ+ servicemembers were denied honorable discharge prior to the repeal of the discriminatory “Don’t Ask, Don’t Tell” policy. As a result, these servicemembers are ineligible for both state and federal veterans' benefits. Under this legislation, former servicemembers who have the designation of their discharge changed will be eligible for the same rights, privileges, and benefits that are offered to servicemembers who were honorably discharged.

“Members of the LGBTQ+ community who bravely served our country and who were discharged on the basis of their gender identity and/or sexual orientation were done a grievous injustice,” **said Senator Vin Gopal**. “This law won’t right that wrong completely, but it is a step toward ensuring that former service members are afforded the respect and benefits they deserve.” “Over 100,000 LGBTQ+ vets have been shamefully denied the benefits and support they have earned protecting this country, due to discriminatory discharges over their sexual orientation,” said Senator Nia Gill. “With this law, the DMVA will be tasked with assisting our service members in obtaining the benefits they are entitled to for their service.”

“Although our country has made significant strides in equality for LGBTQ Americans, our shameful history of discrimination is still affecting veterans to this day,” **said Assemblymembers Joann Downey, Joe Daniels, Eric Houghtaling, and John Armato**. “It is incumbent on us to do everything we can to rectify the injustice many service members have faced for decades. Anyone who was ‘dishonorably’ discharged solely because of their identity or orientation deserves to have official records indicate an honorable discharge status instead. Not only is it a matter of principle, but it would afford these veterans the same benefits and privileges as their fellow service members. Assistance from DMAVA is how New Jersey can show our support and make it easier for LGBTQ veterans to navigate the process of requesting updated records. It is only right we help them achieve a designation that accurately reflects their honorable service. Anyone who served honorably in defense of our great nation is honorable and must be recognized as such.”

“This new law rights a historic wrong and treats all New Jerseyans who have served with dignity and respect,” **said Colonel Lisa J. Hou, D.O., Interim Adjutant General and Commissioner of the New Jersey Department of Military and Veterans Affairs**. “The Department of Military and Veterans Affairs employs Veterans Service Officers in each county, and we stand ready to assist LGBTQ Veterans upgrade their discharges.”

"I served under the military's ban on gay and lesbian service members, and I know the heartbreak of so many who served with honor only to be pursued and kicked out," **said Sue Fulton, Chief Administrator of the New Jersey Motor Vehicle Commission.** "For those who were dismissed with anything less than an honorable discharge, this restores the dignity of their service. As a practical matter, it also enables them to take advantage of the benefits they rightly earned. This is a proud day for New Jersey military veterans!"

"With the enactment of this legislation, Governor Murphy is once again standing up for the LGBTQ+ community, ensuring that LGBTQ+ people who served our country in uniform can access the benefits they deserve," **said Shawn M. LaTourette, New Jersey Department of Environmental Protection Commissioner-designate and the Immediate Past Chair of the LGBTQ Rights Section of the New Jersey State Bar Association.** "This legislation brings us one step closer to the promise of lived equality for all LGBTQ+ people in the Garden State."

"By signing this law, Governor Murphy ends a great injustice against LGBTQ+ service members," **said David Mixner, LGBTQ+ rights activist.** "The Governor has restored dignity and honor to the thousands who have served and protected America. His actions resonates not only in New Jersey, but around our country. Governor and Ms. Murphy shall forever have a special place in our hearts."

"It is critical that we stand behind and uplift all those who have the courage to serve in our armed forces," **said Christian Fuscarino, Executive Director of Garden State Equality.** "The discriminatory "Don't Ask, Don't Tell" policy is thankfully a thing of the past, but the impact on those who courageously served—only to have been dishonorably discharged because of who they love—is still very much an issue today. This new bill ensures that every New Jersey veteran, who was ready and willing to fight for the United States and defend our freedoms across the globe, will be assisted in the process of getting the benefits that they are entitled to. As a military spouse, married to a U.S. Marine, I know first-hand how helpful these benefits will be to military families all over our state."

"The brave men and women who put their lives on the line to protect our nation should be provided with the respect and support they deserve when they return home," **said Reed Gusciora, Mayor of Trenton.** "Sadly, for many LGBTQ+ veterans, they were denied benefits and services due to their sexual orientation, gender identity or gender expression. I want to thank Governor Murphy for addressing this injustice and honoring these veterans."