

SENATE: Yes Judiciary

(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

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REPORTS: No

HEARINGS: No

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Title 47.
Chapter 1B.
(New)
Redaction and
Nondisclosure of
Information from
Public Records
§§1-3,15
C.47:1B-1 to
47:1B-4
§4
C.17:46B-1.1
§12
T & E and Note
§13
Repealer
§14
Approp.
§16
Note

P.L. 2021, CHAPTER 371, *approved January 12, 2022*
Assembly, No. 6171 (*Second Reprint*)

1 **AN ACT** concerning disclosure of certain information with respect
2 to certain public officials, creating a new chapter of and
3 supplementing Title 47 of the Revised Statutes, supplementing
4 Title 17 of the Revised Statutes, amending various parts of the
5 statutory law, repealing section 7 of P.L.2020, c.125, and making
6 an appropriation.

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

10
11 1. (New section) a. As used in this this act,
12 P.L. , c. (C.) (pending before the Legislature as this bill):

13 “Authorized person” means a covered person or any of the
14 following persons hereby authorized to submit or revoke a request
15 for the redaction or nondisclosure of a home address on behalf of a
16 covered person:

17 (1) on behalf of any federal judge, a designee of the United
18 States Marshals Service or of the clerk of any United States District
19 Court, provided that the designee submits the affirmation required
20 under subsection d. of section 2 of P.L. , c. (C.) (pending

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted December 13, 2021.

²Senate SJU committee amendments adopted January 6, 2022.

1 before the Legislature as this bill) signed by each federal judge for
2 whom a request or revocation is made;

3 (2) on behalf of any covered person who is deceased or
4 medically or psychologically incapacitated, a person acting on
5 behalf of the covered person as a designated trustee, as an estate
6 executor, or pursuant to a written power of attorney or other legal
7 instrument, provided that the person signs and submits the
8 affirmation required under subsection d. of section 2 of
9 P.L. , c. (C.) (pending before the Legislature as this bill) in
10 the stead of the covered person; and

11 (3) on behalf of any immediate family member who is a minor
12 and who is otherwise entitled to address redaction or nondisclosure
13 pursuant to this act, the parent or legal guardian thereof.

14 “Covered person” means an active, formerly active, or retired
15 judicial officer or law enforcement officer, as those terms are
16 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
17 and any immediate family member residing in the same household
18 as the judicial officer, law enforcement officer, or prosecutor.

19 “Immediate family member” means a spouse, child, or parent of,
20 or any other family member related by blood or by law to, an active,
21 formerly active, or retired judicial officer or law enforcement
22 officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or
23 prosecutor and who resides in the same household as the judicial
24 officer, law enforcement officer, or prosecutor.

25 b. There is established in the Department of Community
26 Affairs an office to be known as the Office of Information Privacy.
27 The office shall be led by a director, who shall be appointed by and
28 serve at the pleasure of the Commissioner of Community Affairs
29 and who may hire staff as necessary.

30 c. The director shall establish:

31 (1) a secure portal through which an authorized person may
32 submit or revoke a request for the redaction or nondisclosure of a
33 covered person’s home address from certain records and Internet
34 postings, as provided in section 2 of P.L. , c. (C.) (pending
35 before the Legislature as this bill); and such requests shall not be
36 subject to disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.);

37 (2) a process by which an authorized person may petition the
38 director for reconsideration of a denial of such request or any
39 revocations thereof;

40 (3) a process by which a person or entity may request receipt of
41 a record that does not contain redactions, or of information that is
42 not disclosable, resulting from subsection a. of section 2 of
43 P.L. , c. (C.) (pending before the Legislature as this bill);
44 and

45 (4) a process for the evaluation of any other exceptions to the
46 requirement for redaction or nondisclosure pursuant to section 2 of
47 P.L. , c. (C.) (pending before the Legislature as this bill),
48 whether categorical or individualized. The director may grant an

1 exception to any person or entity for the receipt of the unredacted
2 records or information pursuant to this process.

3 d. The director shall evaluate and either approve or deny a
4 request submitted pursuant to subsection c. of this section and any
5 revocations thereof.

6 e. (1) The director may enter into any agreement or contract
7 necessary to effectuate the purposes of this act.

8 (2) The director may issue any guidance, guidelines, decisions,
9 or rules and regulations necessary to effectuate the purposes of this
10 act. The rules and regulations shall be effective immediately upon
11 filing with the Office of Administrative Law for a period not to
12 exceed 18 months, and shall, thereafter, be amended, adopted, or
13 readopted in accordance with the provisions of the “Administrative
14 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).
15

16 2. (New section) a. An authorized person seeking the redaction
17 or nondisclosure of the home address of any covered person from
18 certain records and Internet postings consistent with section 2 of
19 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
20 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
21 request in accordance with section 1 of P.L. , c. (C.)
22 (pending before the Legislature as this bill) to the Office of
23 Information Privacy through the secure portal established by the
24 office. The address shall only be subject to redaction or
25 nondisclosure if a request is submitted to and approved by the
26 Director of the Office of Information Privacy.

27 b. A public agency shall redact or cease to disclose, in
28 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
29 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
30 address of a covered person approved by the Office of Information
31 Privacy not later than 30 days following the approval. A public
32 agency shall also discontinue the redaction or nondisclosure of the
33 home address of any covered person for whom a revocation request
34 has been approved not later than 30 days following the approval.

35 c. An immediate family member who has sought and received
36 approval under subsection a. of this section and who no longer
37 resides with the active, formerly active, or retired judicial officer,
38 prosecutor, or law enforcement officer shall submit through the
39 portal a revocation request not later than 30 days from the date on
40 which the immediate family member no longer resided with the
41 judicial officer, prosecutor, or law enforcement officer.

42 d. A person submitting a request pursuant to subsection a. of
43 this section shall affirm in writing that the person understands that
44 certain rights, duties, and obligations are affected as a result of the
45 request, including:

46 (1) the receipt of certain notices from non-governmental entities
47 as would otherwise be required pursuant to the “Municipal Land
48 Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.);

- 1 (2) the signing of petitions related to the nomination or election
2 of a candidate to public office or related to any public question;
3 (3) the eligibility or requirements related to seeking or accepting
4 the nomination for election or election to public office, or the
5 appointment to any public position;
6 (4) the sale or purchase of a home or other property, recordation
7 of a judgment, lien or other encumbrance on real or other property,
8 and any relief granted based thereon;
9 (5) the ability to be notified of any class action suit or
10 settlement; and
11 (6) any other legal, promotional, or official notice which would
12 otherwise be provided to the person but for the redaction or
13 nondisclosure of such person's home address pursuant to subsection
14 a. of this section.

15

16 3. (New section) a. The following exceptions shall apply to
17 the requirement to redact, and the prohibition against the disclosure
18 of, a home address pursuant to section 2 of P.L. , c. (C.)
19 (pending before the Legislature as this bill) in accordance with
20 section 2 of P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995,
21 c.23 (C.47:1A-1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5):

22 (1) Copies of voter registration files maintained in the Statewide
23 voter registration system pursuant to section 2 of P.L.2005, c.145
24 (C.19:31-32) and maintained by the commissioner of registration in
25 each county pursuant to R.S.19:31-3 shall be provided as redacted
26 pursuant to section 2 of P.L. , c. (C.) (pending before the
27 Legislature as this bill), except that copies of the files as unredacted
28 pursuant thereto shall be provided to the following individuals,
29 upon the individual's signing of an affidavit attesting to the
30 individual's qualifying status pursuant hereto:

31 (a) the chairperson of the county or municipal committee of a
32 political party, as appropriate under R.S.19:7-1, or a designee
33 thereof, for distribution to any person authorized to serve as a
34 challenger pursuant to R.S.19:7-1 or section 2 of P.L.2021, c.40
35 (C.19:15A-2), subject to the limitations in section 1 of P.L.1960,
36 c.82 (C.19:7-6.1); and the unredacted copies may only be used for
37 the purpose specified in R.S.19:7-5;

38 (b) a candidate, or a designee thereof, for distribution to a
39 challenger appointed thereby pursuant to section 2 of P.L.2021, c.40
40 (C.19:15A-2) for the person's use in accordance with R.S.19:7-5;

41 (c) a candidate acting as a challenger pursuant to R.S.19:7-2 or
42 the other person appointed thereunder, for use in accordance with
43 R.S.19:7-5;

44 (d) any vendor, contractor, or organization carrying out a
45 function of a county or of the State concerning the administration or
46 conduct of elections; and

47 (e) upon order of a judge of the Superior Court after a finding
48 that the unredacted copy is necessary to determine the merits of a

1 petition filed in accordance with R.S.19:29-3, a person filing such
2 petition or the respondent or both.

3 This paragraph shall apply to registry lists as described in section
4 2 of P.L.1947, c.347 (C.19:31-18.1).

5 (2) Other than as provided in subparagraphs (d) and (e) of
6 paragraph (4) of this subsection, a document affecting the title to
7 real property, as defined by N.J.S.46:26A-2, recorded and indexed
8 by a county recording officer, or as otherwise held or maintained by
9 the Division of Taxation, a county board of taxation, a county tax
10 administrator, or a county or municipal tax assessor, that contains
11 an address subject to redaction or nondisclosure consistent with this
12 act, P.L. , c. (C.) (pending before the Legislature as this
13 bill):

14 may instead or in addition include the redaction and
15 nondisclosure of the names or other information of approved
16 covered persons, as specified by the Director of the Division of
17 Taxation, which redaction and nondisclosure may include masking
18 of such names or other information, and

19 shall be provided as unredacted to the following persons when
20 requested in such person's ordinary course of business:

21 (a) a title insurance company, a title insurance agent, or an
22 approved attorney, as defined in section 1 of P.L.1975, c.106
23 (C.17:46B-1);

24 (b) a mortgage guarantee insurance company, as described in
25 section 4 of P.L.1968, c.248 (C.17:46A-4);

26 (c) a mortgage loan originator, as defined in section 3 of
27 P.L.2009, c.53 (C.17:11C-53);

28 (d) a registered title search business entity, as defined in section
29 4 of P.L. , c. (C.) (pending before the Legislature as this
30 bill);

31 (e) a real estate broker, a real estate salesperson, ²a real estate
32 broker-salesperson,² a real estate salesperson licensed with a real
33 estate referral company, or a real estate referral company, as such
34 terms are defined in R.S.45:15-3; and

35 (f) an individual or business that has made or received an offer
36 for the purchase of real estate and real property, or any portion
37 thereof, to or from a covered person whose address is subject to
38 redaction or nondisclosure pursuant to section 2 of
39 P.L. , c. (C.) (pending before the Legislature as this bill).

40 This act shall not be construed to prohibit a county recording
41 officer from returning a document as unredacted to any person who
42 submitted the document for recordation.

43 (3) A home address as unredacted may be provided by a public
44 agency to the majority representative of such agency's employees.

45 (4) The following shall not be subject to redaction or
46 nondisclosure pursuant to subsection 2 of P.L. , c. (C.)
47 (pending before the Legislature as this bill):

1 (a) records and documents, including Uniform Commercial
2 Code filings and financing statements, maintained by the Division
3 of Revenue and Enterprise Services in the Department of the
4 Treasury;

5 (b) petitions naming candidates for office pursuant to R.S.19:13-
6 1 and R.S.19:13-4;

7 (c) petitions signed in accordance with R.S.19:13-6;

8 (d) records evidencing any lien, judgement, or other
9 encumbrance upon real or other property;

10 (e) assessment lists subject to inspection pursuant to R.S.54:4-
11 38 when inspected in person;

12 (f) the index of all recorded documents maintained by a county
13 recording officer as under N.J.S.46:26A-8 when inspected in
14 person; and

15 (g) property that is presumed abandoned under the "Uniform
16 Unclaimed Property Act," P.L.1989, c.58 (C.46:30B-1 et seq.).

17 (5) A public agency may share unredacted information with any
18 vendor, contractor, or organization to carry out the purposes for
19 which the public agency entered into an agreement with the vendor,
20 contractor, or organization. The vendor, contractor, or organization
21 shall not use such information in any manner other than as
22 necessary to carry out the purposes of the agreement.

23 (6) For a record or other document containing a home address
24 required to be redacted pursuant to section 2 of
25 P.L. , c. (C.) (pending before the Legislature as this bill)
26 that, because of the characteristics or properties of the record or
27 document, is only available to be viewed in person, a custodian or
28 other government official shall make every reasonable effort to hide
29 such address when allowing an individual without authority to view
30 such address as unredacted to view the record or document.

31 b. Nothing in this act shall be construed to require redaction or
32 nondisclosure of any information in any document, record,
33 information, or database shared with or otherwise provided to any
34 other government entity.

35 c. Information otherwise subject to redaction or nondisclosure
36 pursuant to section 2 of P.L. , c. (C.) (pending before the
37 Legislature as this bill) may be provided as unredacted upon order
38 of a judge of the Superior Court or of any other court of competent
39 jurisdiction.

40 d. This section shall not be construed to require a record to be
41 made available that is not otherwise required to be made available
42 under any other law or regulation.

43 e. The Director of the Division of Taxation may issue any
44 guidance, guidelines, or rules and regulations necessary to
45 effectuate the purposes of this section. The rules and regulations
46 shall be effective immediately upon filing with the Office of
47 Administrative Law for a period not to exceed 18 months, and shall,
48 thereafter, be amended, adopted, or readopted in accordance with

1 the provisions of the “Administrative Procedure Act,” P.L.1968,
2 c.410 (C.52:14B-1 et seq.).

3

4 4. (New section) a. As used in this section:

5 “Title search business entity” means any person or entity
6 organized under the laws of this State or another state for the
7 primary purpose of determining the existence of any lien, lawsuit,
8 lease, easement, mortgage or other encumbrance or restriction, or
9 ownership interest, on any property and regularly conducts business
10 with any title insurance company or title insurance agent as defined
11 in section 1 of P.L.1975, c.106 (C.17:46B-1).

12 b. A title search business entity conducting business in this
13 State shall register with and be subject to regulation by the
14 Department of Banking and Insurance. The business entities shall
15 also register with the Division of Revenue and Enterprise Services
16 in the Department of the Treasury, or the county clerk, as
17 appropriate.

18 c. The Commissioner of Banking and Insurance may issue
19 rules and regulations necessary to effectuate the purposes of this
20 section. The rules and regulations shall be effective immediately
21 upon filing with the Office of Administrative Law for a period not
22 to exceed 18 months and may, thereafter, be amended, adopted, or
23 readopted in accordance with the “Administrative Procedure Act,”
24 P.L.1968, c.410 (C.52:14B-1 et seq.).

25

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

28 1. **[A]** a. For the purposes of this section:

29 “Authorized person” means a covered person or any of the
30 following persons hereby authorized to submit or revoke a request
31 for the redaction or nondisclosure of a home address or unpublished
32 telephone number on behalf of a covered person pursuant to
33 subsection c. of this section:

34 (1) on behalf of any federal judge, a designee of the United
35 States Marshals Service or of the clerk of any United States District
36 Court;

37 (2) on behalf of any covered person who is deceased or
38 medically or psychologically incapacitated, a person acting on
39 behalf of the covered person as a designated trustee, as an estate
40 executor, or pursuant to a written power of attorney or other legal
41 instrument; and

42 (3) on behalf of any immediate family member who is a minor
43 and who is otherwise entitled to address redaction or nondisclosure
44 pursuant to this act, P.L. , c. (C.) (pending before the
45 Legislature as this bill), the parent or legal guardian thereof.

46 “Covered person” means an active, formerly active, or retired
47 judicial officer or law enforcement officer, as those terms are
48 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor

1 and any immediate family member residing in the same household
2 as the judicial officer, law enforcement officer, or prosecutor.

3 “Immediate family member” means a spouse, child, or parent of,
4 or any other family member related by blood or by law to, an active,
5 formerly active, or retired judicial officer or law enforcement
6 officer, as those terms are defined by section 1 of P.L.1995, c.23
7 (C.47:1A-1.1), or prosecutor and who resides in the same household
8 as the judicial officer, law enforcement officer, or prosecutor.

9 “Person” shall not be construed to include in any capacity the
10 custodian of a government record as defined in section 1 of
11 P.L.1995, c.23 (C.47:1A-1.1).

12 b. Upon notification pursuant to subsection c. of this section,
13 and not later than 10 business days after receipt thereof, a person
14 shall not knowingly, with purpose to expose another to harassment
15 or risk of harm to life or property, or in reckless disregard of the
16 probability of such exposure, post [or] , repost, publish, or
17 republish on the Internet [, or repost, republish], or otherwise make
18 available, the home address or unpublished home telephone number
19 of any [active, formerly active, or retired judicial officer, as defined
20 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
21 enforcement officer, or the spouse or child thereof] covered person,
22 except in compliance with any court order, law enforcement
23 investigation, or request by a government agency or person duly
24 acting on behalf of the agency.

25 c. An authorized person, as defined in subsection a. of this
26 section, seeking to prohibit the disclosure of the home address or
27 unpublished home telephone number of any covered person
28 consistent with subsection b. of this section shall provide written
29 notice to the person from whom they are seeking nondisclosure that
30 they are an authorized person and requesting that such person cease
31 the disclosure of such information and remove the protected
32 information from the Internet or where otherwise made available.

33 d. A reckless violation of subsection b. of this section is a
34 crime of the fourth degree. A purposeful violation of subsection b.
35 of this section is a crime of the third degree.

36 e. This section shall not be construed to prohibit a person,
37 business, or association who has received information as unredacted
38 pursuant to the provisions of sections 1 through 3 of
39 P.L. , c. (C.) (pending before the Legislature as this bill)
40 from making the information available consistent with the purposes
41 for which the person, business, or association received the
42 information. A person, business, or association that uses or makes
43 available the information in a way that is inconsistent with the
44 purposes for which the person, business, or association received the
45 information shall be liable as provided pursuant to subsection d. of
46 this section.

1 ¹f. Nothing herein shall be construed to impose liability on the
2 news media for failure to remove information from previously
3 printed newspapers. As used in this subsection, “news media”
4 means newspapers, magazines, press associations, news agencies,
5 wire services, or other similar printed means of disseminating news
6 to the general public.¹

7 (cf: P.L.2021, c.24, s.4)

8

9 6. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to
10 read as follows:

11 2. a. The county clerk in all counties shall cause copies of the
12 registry lists, certified and transmitted under R.S.19:31-18, to be
13 printed, and shall furnish to any voter applying for the same such
14 copies, charging therefor \$0.25 per copy of the list of voters of each
15 election district. The clerk shall also furnish five printed copies
16 thereof to each district board, which shall within two days post two
17 such registry lists, one in the polling place and one in another
18 conspicuous place within the election district. The county clerk
19 shall also forthwith deliver to the superintendent of elections of the
20 county, if any there be, and to the chairmen of the county
21 committees of each of the several political parties in the county,
22 five copies of the lists of voters of each election district in the
23 county; and to the municipal clerk of each of the municipalities in
24 the county five copies of the lists of voters of each election district
25 in such municipality; and to the county board 10 copies of the lists
26 of voters of each election district in each of such municipalities.
27 The county clerk shall also, upon the request of the chairman of the
28 State committee of any of the several political parties, but not more
29 than once in each calendar year, forthwith deliver a copy of the lists
30 of voters of each election district in each of the municipalities in his
31 county. In no case shall a list of registered voters furnished pursuant
32 to this section include voter signatures or, except as otherwise
33 provided in section 3 of P.L. , c. (C.) (pending before the
34 Legislature as this bill), the home address of a covered person, as
35 defined in section 1 of P.L. , c. (C.) (pending before the
36 Legislature as this bill), who has received approval from the Office
37 of Information Privacy for the redaction or nondisclosure of the
38 covered person’s address. The county clerk shall satisfy the request
39 by delivery of a computer-generated or electronic copy of the list
40 for the county from the Statewide voter registration system.

41 b. The commissioner of registration shall furnish a computer-
42 generated or electronic copy of a list of registered voters in any or
43 all election districts in the county to any voter requesting it, for
44 which copy such commissioner shall make a charge which shall be
45 uniform in any calendar year and which shall reflect only the cost of
46 reproducing the list, but which in any case shall not exceed \$375.

47 c. No person shall use voter registration lists or copies thereof
48 prepared pursuant to this section as a basis for commercial or

1 charitable solicitation of the voters listed thereon. Any person
2 making such use of such lists or copies thereof shall be a disorderly
3 person, and shall be punished by a fine not exceeding \$500.00.

4 (cf: P.L.2005, c.145, s.14)

5

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

8 2. **【A】** Except as otherwise provided pursuant to sections 1
9 through 3 of P.L. , c. (C.) (pending before the Legislature
10 as this bill), a State or local governmental agency shall not
11 knowingly post **【or】** , repost, publish , or republish on the Internet
12 **【, or repost, republish, or otherwise make available,】** the home
13 **address **【or unpublished home telephone number】** of any **【active,****
14 **formerly active, or retired judicial officer, as defined by section 1 of**
15 **P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement**
16 **officer without first obtaining】 covered person approved by the**
17 **Office of Information Privacy pursuant to section 2 of**
18 **P.L. , c. (C.) (pending before the Legislature as this bill),**
19 **31 days or more following such approval, unless the agency obtains**
20 **the written permission of that person.**

21 (cf: P.L.2021, c.24, s.3)

22

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

25 3. a. **【A】** (1) Upon notification pursuant to paragraph (2) of
26 this subsection, and not later than 10 business days following
27 receipt thereof, a person, business, or association shall not disclose
28 or re-disclose on the Internet **【, or re-disclose】** or otherwise make
29 available, the home address or unpublished home telephone number
30 of any **【active, formerly active, or retired judicial officer, as defined**
31 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
32 enforcement officer under circumstances in which a reasonable
33 person would believe that providing that information would expose
34 another to harassment or risk of harm to life or property **】** covered
35 person, as defined in subsection d. of this section, who has received
36 approval from the Office of Information Privacy for the redaction or
37 nondisclosure of the covered person's address.

38 (2) An authorized person, seeking to prohibit the disclosure of
39 the home address or unpublished home telephone number of any
40 covered person consistent with paragraph (1) of this subsection
41 shall provide written notice to the person from whom they are
42 seeking nondisclosure that they are an authorized person and
43 requesting that the person cease the disclosure of the information
44 and remove the protected information from the Internet or where
45 otherwise made available.

1 (3) An immediate family member who has provided notice
2 pursuant to paragraph (2) of this subsection and who no longer
3 resides with the judicial officer, prosecutor, or law enforcement
4 officer shall provide notice to that effect to the person, business, or
5 association not later than 30 days from the date on which the
6 immediate family member no longer resided with the judicial
7 officer, prosecutor, or law enforcement officer.

8 b. A person, business, or association that violates subsection a.
9 of this section shall be liable to the aggrieved person **【**or any other
10 person residing at the home address of the aggrieved person**】**, who
11 may bring a civil action in the Superior Court.

12 c. The court may award:

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

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

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

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

21 d. For the purposes of this section **【**, "disclose"**】** :

22 "Authorized person" means a covered person or any of the
23 following persons hereby authorized to submit or revoke a request
24 for the redaction or nondisclosure of a home address on behalf of a
25 covered person:

26 (1) on behalf of any federal judge, a designee of the United
27 States Marshals Service or of the clerk of any United States District
28 Court;

29 (2) on behalf of any covered person who is deceased or
30 medically or psychologically incapacitated, a person acting on
31 behalf of the covered person as a designated trustee, as an estate
32 executor, or pursuant to a written power of attorney or other legal
33 instrument; and

34 (3) on behalf of any immediate family member who is a minor
35 and who is otherwise entitled to address redaction or nondisclosure
36 pursuant to this act, the parent or legal guardian thereof.

37 "Covered person" means an active, formerly active, or retired
38 judicial officer or law enforcement officer, as those terms are
39 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
40 and any immediate family member residing in the same household
41 as such judicial officer, law enforcement officer, or prosecutor.

42 "Disclose" shall mean to solicit, sell, manufacture, give, provide,
43 lend, trade, mail, deliver, transfer, post, publish, distribute,
44 circulate, disseminate, present, exhibit, advertise or offer.

45 "Immediate family member" means a spouse, child, or parent of,
46 or any other family member related by blood or by law to, an active,
47 formerly active, or retired judicial officer or law enforcement
48 officer, as those terms are defined by section 1 of P.L.1995, c.23

1 (C.47:1A-1.1), or prosecutor and who resides in the same household
2 as such judicial officer, prosecutor, or law enforcement officer.

3 “Person” shall not be construed to include in any capacity the
4 custodian of a government record as defined in section 1 of
5 P.L.1995, c.23 (C.47:1A-1.1).

6 e. This section shall not be construed to prohibit a person,
7 business, or association who has received information as unredacted
8 pursuant to the provisions of sections 1 through 3 of
9 P.L. , c. (C.) (pending before the Legislature as this bill)
10 from making the information available consistent with the purposes
11 for which the person, business, or association received the
12 information. A person, business, or association that uses or makes
13 available the information in a way that is inconsistent with the
14 purposes for which the person, business, or association received the
15 information shall be liable as provided pursuant to subsection c. of
16 this section.

17 ¹f. Nothing herein shall be construed to impose liability on the
18 news media for failure to remove information from previously
19 printed newspapers. As used in this subsection, “news media”
20 means newspapers, magazines, press associations, news agencies,
21 wire services, or other similar printed means of disseminating news
22 to the general public.¹

23 (cf: P.L.2021, c.24, s.5)

24

25 9. N.J.S.46:26A-12 is amended to read as follows:

26 46:26A-12 a. **【Any】** Notwithstanding the provisions of
27 P.L. , c. (C.) (pending before the Legislature as this bill),
28 any recorded document affecting the title to real property is, from
29 the time of recording, notice to all subsequent purchasers,
30 mortgagees and judgment creditors of the execution of the
31 document recorded and its contents.

32 b. A claim under a recorded document affecting the title to real
33 property shall not be subject to the effect of a document that was
34 later recorded or was not recorded unless the claimant was on notice
35 of the later recorded or unrecorded document.

36 c. A deed or other conveyance of an interest in real property shall
37 be of no effect against subsequent judgment creditors without
38 notice, and against subsequent bona fide purchasers and mortgagees
39 for valuable consideration without notice and whose conveyance or
40 mortgage is recorded, unless that conveyance is evidenced by a
41 document that is first recorded.

42 (cf: N.J.S.46:26A-12)

43

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

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

1 "Biotechnology" means any technique that uses living
2 organisms, or parts of living organisms, to make or modify
3 products, to improve plants or animals, or to develop micro-
4 organisms for specific uses; including the industrial use of
5 recombinant DNA, cell fusion, and novel bioprocessing techniques.

6 "Custodian of a government record" or "custodian" means in the
7 case of a municipality, the municipal clerk and in the case of any
8 other public agency, the officer officially designated by formal
9 action of that agency's director or governing body, as the case may
10 be.

11 "Government record" or "record" means any paper, written or
12 printed book, document, drawing, map, plan, photograph,
13 microfilm, data processed or image processed document,
14 information stored or maintained electronically or by sound-
15 recording or in a similar device, or any copy thereof, that has been
16 made, maintained or kept on file in the course of his or its official
17 business by any officer, commission, agency or authority of the
18 State or of any political subdivision thereof, including subordinate
19 boards thereof, or that has been received in the course of his or its
20 official business by any such officer, commission, agency, or
21 authority of the State or of any political subdivision thereof,
22 including subordinate boards thereof. The terms shall not include
23 inter-agency or intra-agency advisory, consultative, or deliberative
24 material.

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

28 information received by a member of the Legislature from a
29 constituent or information held by a member of the Legislature
30 concerning a constituent, including but not limited to information in
31 written form or contained in any e-mail or computer data base, or in
32 any telephone record whatsoever, unless it is information the
33 constituent is required by law to transmit;

34 any memorandum, correspondence, notes, report or other
35 communication prepared by, or for, the specific use of a member of
36 the Legislature in the course of the member's official duties, except
37 that this provision shall not apply to an otherwise publicly-
38 accessible report which is required by law to be submitted to the
39 Legislature or its members;

40 any copy, reproduction or facsimile of any photograph, negative
41 or print, including instant photographs and videotapes of the body,
42 or any portion of the body, of a deceased person, taken by or for the
43 medical examiner at the scene of death or in the course of a post
44 mortem examination or autopsy made by or caused to be made by
45 the medical examiner except:

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

1 for the use as a court of this State permits, by order after good
2 cause has been shown and after written notification of the request
3 for the court order has been served at least five days before the
4 order is made upon the county prosecutor for the county in which
5 the post mortem examination or autopsy occurred,
6 for use in the field of forensic pathology or for use in medical or
7 scientific education or research, or
8 for use by any law enforcement agency in this State or any other
9 state or federal law enforcement agency;
10 criminal investigatory records;
11 victims' records, except that a victim of a crime shall have access
12 to the victim's own records;
13 any written request by a crime victim for a record to which the
14 victim is entitled to access as provided in this section, including,
15 but not limited to, any law enforcement agency report, domestic
16 violence offense report, and temporary or permanent restraining
17 order;
18 personal firearms records, except for use by any person
19 authorized by law to have access to these records or for use by any
20 government agency, including any court or law enforcement
21 agency, for purposes of the administration of justice;
22 personal identifying information received by the Division of Fish
23 and Wildlife in the Department of Environmental Protection in
24 connection with the issuance of any license authorizing hunting
25 with a firearm. For the purposes of this paragraph, personal
26 identifying information shall include, but not be limited to, identity,
27 name, address, social security number, telephone number, fax
28 number, driver's license number, email address, or social media
29 address of any applicant or licensee;
30 trade secrets and proprietary commercial or financial information
31 obtained from any source. For the purposes of this paragraph, trade
32 secrets shall include data processing software obtained by a public
33 body under a licensing agreement which prohibits its disclosure;
34 any record within the attorney-client privilege. This paragraph
35 shall not be construed as exempting from access attorney or
36 consultant bills or invoices except that such bills or invoices may be
37 redacted to remove any information protected by the attorney-client
38 privilege;
39 administrative or technical information regarding computer
40 hardware, software and networks which, if disclosed, would
41 jeopardize computer security;
42 emergency or security information or procedures for any
43 buildings or facility which, if disclosed, would jeopardize security
44 of the building or facility or persons therein;
45 security measures and surveillance techniques which, if
46 disclosed, would create a risk to the safety of persons, property,
47 electronic data or software;

1 information which, if disclosed, would give an advantage to
2 competitors or bidders;

3 information generated by or on behalf of public employers or
4 public employees in connection with any sexual harassment
5 complaint filed with a public employer or with any grievance filed
6 by or against an individual or in connection with collective
7 negotiations, including documents and statements of strategy or
8 negotiating position;

9 information which is a communication between a public agency
10 and its insurance carrier, administrative service organization or risk
11 management office;

12 information which is to be kept confidential pursuant to court
13 order;

14 any copy of form DD-214, NGB-22, or that form, issued by the
15 United States Government, or any other certificate of honorable
16 discharge, or copy thereof, from active service or the reserves of a
17 branch of the Armed Forces of the United States, or from service in
18 the organized militia of the State, that has been filed by an
19 individual with a public agency, except that a veteran or the
20 veteran's spouse or surviving spouse shall have access to the
21 veteran's own records;

22 any copy of an oath of allegiance, oath of office or any
23 affirmation taken upon assuming the duties of any public office, or
24 that oath or affirmation, taken by a current or former officer or
25 employee in any public office or position in this State or in any
26 county or municipality of this State, including members of the
27 Legislative Branch, Executive Branch, Judicial Branch, and all law
28 enforcement entities, except that the full name, title, and oath date
29 of that person contained therein shall not be deemed confidential;

30 that portion of any document which discloses the social security
31 number, credit card number, unlisted telephone number or driver
32 license number of any person, or in accordance with section 2 of
33 P.L. , c. (C.) (pending before the Legislature as this bill),
34 that portion of any document which discloses the home address,
35 whether a primary or secondary residence, of any active, formerly
36 active, or retired judicial officer **[or]** , prosecutor, **[and any active,**
37 **formerly active, or retired]** or law enforcement officer, or, as
38 defined in section 1 of P.L. , c. (C.) (pending before the
39 Legislature as this bill), any immediate family member thereof;
40 except for use by any government agency, including any court or
41 law enforcement agency, in carrying out its functions, or any
42 private person or entity acting on behalf thereof, or any private
43 person or entity seeking to enforce payment of court-ordered child
44 support; except with respect to the disclosure of driver information
45 by the New Jersey Motor Vehicle Commission as permitted by
46 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social
47 security number contained in a record required by law to be made,
48 maintained or kept on file by a public agency shall be disclosed

1 when access to the document or disclosure of that information is not
2 otherwise prohibited by State or federal law, regulation or order or
3 by State statute, resolution of either or both houses of the
4 Legislature, Executive Order of the Governor, rule of court or
5 regulation promulgated under the authority of any statute or
6 executive order of the Governor;

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

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

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

18 pedagogical, scholarly and/or academic research records and/or
19 the specific details of any research project conducted under the
20 auspices of a public higher education institution in New Jersey,
21 including, but not limited to research, development information,
22 testing procedures, or information regarding test participants,
23 related to the development or testing of any pharmaceutical or
24 pharmaceutical delivery system, except that a custodian may not
25 deny inspection of a government record or part thereof that gives
26 the name, title, expenditures, source and amounts of funding and
27 date when the final project summary of any research will be
28 available;

29 test questions, scoring keys and other examination data
30 pertaining to the administration of an examination for employment
31 or academic examination;

32 records of pursuit of charitable contributions or records
33 containing the identity of a donor of a gift if the donor requires non-
34 disclosure of the donor's identity as a condition of making the gift
35 provided that the donor has not received any benefits of or from the
36 institution of higher education in connection with such gift other
37 than a request for memorialization or dedication;

38 valuable or rare collections of books or documents obtained by
39 gift, grant, bequest or devise conditioned upon limited public
40 access;

41 information contained on individual admission applications; and
42 information concerning student records or grievance or
43 disciplinary proceedings against a student to the extent disclosure
44 would reveal the identity of the student.

45 "Personal firearms record" means any information contained in a
46 background investigation conducted by the chief of police, the
47 county prosecutor, or the Superintendent of State Police, of any
48 applicant for a permit to purchase a handgun, firearms identification

1 card license, or firearms registration; any application for a permit to
2 purchase a handgun, firearms identification card license, or firearms
3 registration; any document reflecting the issuance or denial of a
4 permit to purchase a handgun, firearms identification card license,
5 or firearms registration; and any permit to purchase a handgun,
6 firearms identification card license, or any firearms license,
7 certification, certificate, form of register, or registration
8 statement. For the purposes of this paragraph, information
9 contained in a background investigation shall include, but not be
10 limited to, identity, name, address, social security number, phone
11 number, fax number, driver's license number, email address, social
12 media address of any applicant, licensee, registrant or permit
13 holder.

14 "Public agency" or "agency" means any of the principal
15 departments in the Executive Branch of State Government, and any
16 division, board, bureau, office, commission or other instrumentality
17 within or created by such department; the Legislature of the State
18 and any office, board, bureau or commission within or created by
19 the Legislative Branch; and any independent State authority,
20 commission, instrumentality or agency. The terms also mean any
21 political subdivision of the State or combination of political
22 subdivisions, and any division, board, bureau, office, commission or
23 other instrumentality within or created by a political subdivision of
24 the State or combination of political subdivisions, and any
25 independent authority, commission, instrumentality or agency
26 created by a political subdivision or combination of political
27 subdivisions.

28 "Law enforcement agency" means a public agency, or part
29 thereof, determined by the Attorney General to have law
30 enforcement responsibilities.

31 "Law enforcement officer" means a person whose public duties
32 include the power to act as an officer for the detection,
33 apprehension, arrest and conviction of offenders against the laws of
34 this State.

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

37 "Judicial officer" means any active, formerly active, or retired
38 federal, state, county, or municipal judge, including a judge of the
39 Tax Court and any other court of limited jurisdiction established,
40 altered, or abolished by law, a judge of the Office of Administrative
41 Law, a judge of the Division of Workers' Compensation, and any
42 other judge established by law who serves in the executive branch.

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

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

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

5 "Victim of a crime" means a person who has suffered personal or
6 psychological injury or death or incurs loss of or injury to personal
7 or real property as a result of a crime, or if such a person is
8 deceased or incapacitated, a member of that person's immediate
9 family.

10 "Victims' rights agency" means a public agency, or part thereof,
11 the primary responsibility of which is providing services, including
12 but not limited to food, shelter, or clothing, medical, psychiatric,
13 psychological or legal services or referrals, information and referral
14 services, counseling and support services, or financial services to
15 victims of crimes, including victims of sexual assault, domestic
16 violence, violent crime, child endangerment, child abuse or child
17 neglect, and the Victims of Crime Compensation Board, established
18 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
19 the Victims of Crime Compensation Office pursuant to P.L.2007,
20 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
21 (cf: P.L.2021, c.24, s.1)

22
23 11. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
24 as follows:

25 6. a. The custodian of a government record shall permit the
26 record to be inspected, examined, and copied by any person during
27 regular business hours; or in the case of a municipality having a
28 population of 5,000 or fewer according to the most recent federal
29 decennial census, a board of education having a total district
30 enrollment of 500 or fewer, or a public authority having less than
31 \$10 million in assets, during not less than six regular business hours
32 over not less than three business days per week or the entity's
33 regularly-scheduled business hours, whichever is less; unless a
34 government record is exempt from public access by: P.L.1963, c.73
35 (C.47:1A-1 et seq.) as amended and supplemented; any other
36 statute; resolution of either or both houses of the Legislature;
37 regulation promulgated under the authority of any statute or
38 Executive Order of the Governor; Executive Order of the Governor;
39 Rules of Court; any federal law; federal regulation; or federal order.
40 Prior to allowing access to any government record, the custodian
41 thereof shall redact from that record any information which
42 discloses the social security number, credit card number, unlisted
43 telephone number, or driver license number of any person, or , in
44 accordance with section 2 of P.L. , c. (C.) (pending before
45 the Legislature as this bill), the home address, whether a primary or
46 secondary residence, of any active, formerly active, or retired
47 judicial officer **[or]** , prosecutor, **[and any active, formerly active,**
48 **or retired]** or law enforcement officer, or, as defined in section 1 of

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

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

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

43 c. Whenever the nature, format, manner of collation, or volume
44 of a government record embodied in the form of printed matter to
45 be inspected, examined, or copied pursuant to this section is such
46 that the record cannot be reproduced by ordinary document copying
47 equipment in ordinary business size or involves an extraordinary
48 expenditure of time and effort to accommodate the request, the

1 public agency may charge, in addition to the actual cost of
2 duplicating the record, a special service charge that shall be
3 reasonable and shall be based upon the actual direct cost of
4 providing the copy or copies; provided, however, that in the case of
5 a municipality, rates for the duplication of particular records when
6 the actual cost of copying exceeds the foregoing rates shall be
7 established in advance by ordinance. The requestor shall have the
8 opportunity to review and object to the charge prior to it being
9 incurred.

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

25 e. Immediate access ordinarily shall be granted to budgets,
26 bills, vouchers, contracts, including collective negotiations
27 agreements and individual employment contracts, and public
28 employee salary and overtime information.

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

1 that the information thus requested will cost in excess of \$5 to
2 reproduce.

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

25 h. Any officer or employee of a public agency who receives a
26 request for access to a government record shall forward the request
27 to the custodian of the record or direct the requestor to the
28 custodian of the record.

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

1 (2) During a period declared pursuant to the laws of this State as
2 a state of emergency, public health emergency, or state of local
3 disaster emergency, the deadlines by which to respond to a request
4 for, or grant or deny access to, a government record under
5 paragraph (1) of this subsection or subsection e. of this section shall
6 not apply, provided, however, that the custodian of a government
7 record shall make a reasonable effort, as the circumstances permit,
8 to respond to a request for access to a government record within
9 seven business days or as soon as possible thereafter.

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

17 k. The files maintained by the Office of the Public Defender that
18 relate to the handling of any case shall be considered confidential
19 and shall not be open to inspection by any person unless authorized
20 by law, court order, or the State Public Defender.

21 (cf: P.L.2021, c.24, s.2)

22
23 12. a. The Office of Information Privacy shall establish the
24 portal required under subsection c. of section 1 of this act,
25 P.L. , c. (C.) (pending before the Legislature as this bill)
26 not later than the 181st day next following the date of enactment.

27 b. Compliance with the provisions of this act,
28 P.L. , c. (C.) (pending before the Legislature as this bill)
29 shall not be required until the 366th day next following the date of
30 enactment, except that a public agency, person, business, or
31 association may honor a request for redaction or nondisclosure, or
32 revocation thereof, submitted by an authorized person prior thereto.

33
34 13. Section 7 of P.L.2020, c.125 (C.56:8-166.2) is repealed.

35
36 14. There shall be appropriated from the General Fund the sum
37 of \$3,000,000 to the Department of Community Affairs and such
38 other sums as are necessary, subject to the approval of the Director
39 of the Division of Budget and Accounting in the Department of the
40 Treasury, to effectuate the purposes of this act.

41
42 15. (New section) If any provision of this act or its application
43 to any person or circumstances is held invalid, the invalidity shall
44 not affect other provisions or applications of this act which can be
45 given effect without the invalid provision or application, and to this
46 end the provisions of this act are severable.

1 16. This act shall take effect immediately and shall be
2 retroactive to December 10, 2021.

3

4

5

6

7 _____
8 Creates Office of Information Privacy; requires, upon request,
9 redaction and nondisclosure of home address of judicial officers,
10 prosecutors, law enforcement officers, and immediate family
members thereof residing in same household; makes appropriation.

ASSEMBLY, No. 6171

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Creates Office of Information Privacy; requires, upon request, redaction and nondisclosure of home address of judicial officers, prosecutors, law enforcement officers, and immediate family members thereof residing in same household; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning disclosure of certain information with respect
2 to certain public officials, creating a new chapter of and
3 supplementing Title 47 of the Revised Statutes, supplementing
4 Title 17 of the Revised Statutes, amending various parts of the
5 statutory law, repealing section 7 of P.L.2020, c.125, and making
6 an appropriation.
7

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

10
11 1. (New section) a. As used in this this act, P.L. , c.
12 (C.) (pending before the Legislature as this bill):

13 “Authorized person” means a covered person or any of the
14 following persons hereby authorized to submit or revoke a request
15 for the redaction or nondisclosure of a home address on behalf of a
16 covered person:

17 (1) on behalf of any federal judge, a designee of the United
18 States Marshals Service or of the clerk of any United States District
19 Court, provided that the designee submits the affirmation required
20 under subsection d. of section 2 of P.L. , c. (C.) (pending
21 before the Legislature as this bill) signed by each federal judge for
22 whom a request or revocation is made;

23 (2) on behalf of any covered person who is deceased or
24 medically or psychologically incapacitated, a person acting on
25 behalf of the covered person as a designated trustee, as an estate
26 executor, or pursuant to a written power of attorney or other legal
27 instrument, provided that the person signs and submits the
28 affirmation required under subsection d. of section 2 of P.L. , c.
29 (C.) (pending before the Legislature as this bill) in the stead of
30 the covered person; and

31 (3) on behalf of any immediate family member who is a minor
32 and who is otherwise entitled to address redaction or nondisclosure
33 pursuant to this act, the parent or legal guardian thereof.

34 “Covered person” means an active, formerly active, or retired
35 judicial officer or law enforcement officer, as those terms are
36 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
37 and any immediate family member residing in the same household
38 as the judicial officer, law enforcement officer, or prosecutor.

39 “Immediate family member” means a spouse, child, or parent of,
40 or any other family member related by blood or by law to, an active,
41 formerly active, or retired judicial officer or law enforcement
42 officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or
43 prosecutor and who resides in the same household as the judicial
44 officer, law enforcement officer, or prosecutor.

45 b. There is established in the Department of Community Affairs

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 an office to be known as the Office of Information Privacy. The
2 office shall be led by a director, who shall be appointed by and
3 serve at the pleasure of the Commissioner of Community Affairs
4 and who may hire staff as necessary.

5 c. The director shall establish:

6 (1) a secure portal through which an authorized person may
7 submit or revoke a request for the redaction or nondisclosure of a
8 covered person's home address from certain records and Internet
9 postings, as provided in section 2 of P.L. , c. (C.) (pending
10 before the Legislature as this bill); and such requests shall not be
11 subject to disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.);

12 (2) a process by which an authorized person may petition the
13 director for reconsideration of a denial of such request or any
14 revocations thereof;

15 (3) a process by which a person or entity may request receipt of
16 a record that does not contain redactions, or of information that is
17 not disclosable, resulting from subsection a. of section 2 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill); and

19 (4) a process for the evaluation of any other exceptions to the
20 requirement for redaction or nondisclosure pursuant to section 2 of
21 P.L. , c. (C.) (pending before the Legislature as this bill),
22 whether categorical or individualized. The director may grant an
23 exception to any person or entity for the receipt of the unredacted
24 records or information pursuant to this process.

25 d. The director shall evaluate and either approve or deny a
26 request submitted pursuant to subsection c. of this section and any
27 revocations thereof.

28 e. (1) The director may enter into any agreement or contract
29 necessary to effectuate the purposes of this act.

30 (2) The director may issue any guidance, guidelines, decisions,
31 or rules and regulations necessary to effectuate the purposes of this
32 act. The rules and regulations shall be effective immediately upon
33 filing with the Office of Administrative Law for a period not to
34 exceed 18 months, and shall, thereafter, be amended, adopted, or
35 readopted in accordance with the provisions of the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

37
38 2. (New section) a. An authorized person seeking the redaction
39 or nondisclosure of the home address of any covered person from
40 certain records and Internet postings consistent with section 2 of
41 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
42 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
43 request in accordance with section 1 of P.L. , c. (C.)
44 (pending before the Legislature as this bill) to the Office of
45 Information Privacy through the secure portal established by the
46 office. The address shall only be subject to redaction or
47 nondisclosure if a request is submitted to and approved by the
48 Director of the Office of Information Privacy.

1 b. A public agency shall redact or cease to disclose, in
2 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
3 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
4 address of a covered person approved by the Office of Information
5 Privacy not later than 30 days following the approval. A public
6 agency shall also discontinue the redaction or nondisclosure of the
7 home address of any covered person for whom a revocation request
8 has been approved not later than 30 days following the approval.

9 c. An immediate family member who has sought and received
10 approval under subsection a. of this section and who no longer
11 resides with the active, formerly active, or retired judicial officer,
12 prosecutor, or law enforcement officer shall submit through the
13 portal a revocation request not later than 30 days from the date on
14 which the immediate family member no longer resided with the
15 judicial officer, prosecutor, or law enforcement officer.

16 d. A person submitting a request pursuant to subsection a. of this
17 section shall affirm in writing that the person understands that
18 certain rights, duties, and obligations are affected as a result of the
19 request, including:

20 (1) the receipt of certain notices from non-governmental entities
21 as would otherwise be required pursuant to the “Municipal Land
22 Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.);

23 (2) the signing of petitions related to the nomination or election
24 of a candidate to public office or related to any public question;

25 (3) the eligibility or requirements related to seeking or accepting
26 the nomination for election or election to public office, or the
27 appointment to any public position;

28 (4) the sale or purchase of a home or other property, recordation
29 of a judgment, lien or other encumbrance on real or other property,
30 and any relief granted based thereon;

31 (5) the ability to be notified of any class action suit or
32 settlement; and

33 (6) any other legal, promotional, or official notice which would
34 otherwise be provided to the person but for the redaction or
35 nondisclosure of such person’s home address pursuant to subsection
36 a. of this section.

37

38 3. (New section) a. The following exceptions shall apply to the
39 requirement to redact, and the prohibition against the disclosure of,
40 a home address pursuant to section 2 of P.L. , c. (C.)
41 (pending before the Legislature as this bill) in accordance with
42 section 2 of P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995,
43 c.23 (C.47:1A-1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5):

44 (1) Copies of voter registration files maintained in the Statewide
45 voter registration system pursuant to section 2 of P.L.2005, c.145
46 (C.19:31-32) and maintained by the commissioner of registration in
47 each county pursuant to R.S.19:31-3 shall be provided as redacted
48 pursuant to section 2 of P.L. , c. (C.) (pending before the

1 Legislature as this bill), except that copies of the files as unredacted
2 pursuant thereto shall be provided to the following individuals,
3 upon the individual's signing of an affidavit attesting to the
4 individual's qualifying status pursuant hereto:

5 (a) the chairperson of the county or municipal committee of a
6 political party, as appropriate under R.S.19:7-1, or a designee
7 thereof, for distribution to any person authorized to serve as a
8 challenger pursuant to R.S.19:7-1 or section 2 of P.L.2021, c.40
9 (C.19:15A-2), subject to the limitations in section 1 of P.L.1960,
10 c.82 (C.19:7-6.1); and the unredacted copies may only be used for
11 the purpose specified in R.S.19:7-5;

12 (b) a candidate, or a designee thereof, for distribution to a
13 challenger appointed thereby pursuant to section 2 of P.L.2021, c.40
14 (C.19:15A-2) for the person's use in accordance with R.S.19:7-5;

15 (c) a candidate acting as a challenger pursuant to R.S.19:7-2 or
16 the other person appointed thereunder, for use in accordance with
17 R.S.19:7-5;

18 (d) any vendor, contractor, or organization carrying out a
19 function of a county or of the State concerning the administration or
20 conduct of elections; and

21 (e) upon order of a judge of the Superior Court after a finding
22 that the unredacted copy is necessary to determine the merits of a
23 petition filed in accordance with R.S.19:29-3, a person filing such
24 petition or the respondent or both.

25 This paragraph shall apply to registry lists as described in section
26 2 of P.L.1947, c.347 (C.19:31-18.1).

27 (2) Other than as provided in subparagraphs (d) and (e) of
28 paragraph (4) of this subsection, a document affecting the title to
29 real property, as defined by N.J.S.46:26A-2, recorded and indexed
30 by a county recording officer, or as otherwise held or maintained by
31 the Division of Taxation, a county board of taxation, a county tax
32 administrator, or a county or municipal tax assessor, that contains
33 an address subject to redaction or nondisclosure consistent with this
34 act, P.L. , c. (C.) (pending before the Legislature as this
35 bill):

36 may instead or in addition include the redaction and
37 nondisclosure of the names or other information of approved
38 covered persons, as specified by the Director of the Division of
39 Taxation, which redaction and nondisclosure may include masking
40 of such names or other information, and

41 shall be provided as unredacted to the following persons when
42 requested in such person's ordinary course of business:

43 (a) a title insurance company, a title insurance agent, or an
44 approved attorney, as defined in section 1 of P.L.1975, c.106
45 (C.17:46B-1);

46 (b) a mortgage guarantee insurance company, as described in
47 section 4 of P.L.1968, c.248 (C.17:46A-4);

1 (c) a mortgage loan originator, as defined in section 3 of
2 P.L.2009, c.53 (C.17:11C-53);

3 (d) a registered title search business entity, as defined in section
4 4 of P.L. , c. (C.) (pending before the Legislature as this
5 bill);

6 (e) a real estate broker, a real estate salesperson, a real estate
7 salesperson licensed with a real estate referral company, or a real
8 estate referral company, as such terms are defined in R.S.45:15-3;
9 and

10 (f) an individual or business that has made or received an offer
11 for the purchase of real estate and real property, or any portion
12 thereof, to or from a covered person whose address is subject to
13 redaction or nondisclosure pursuant to section 2 of P.L. , c.
14 (C.) (pending before the Legislature as this bill).

15 This act shall not be construed to prohibit a county recording
16 officer from returning a document as unredacted to any person who
17 submitted the document for recordation.

18 (3) A home address as unredacted may be provided by a public
19 agency to the majority representative of such agency's employees.

20 (4) The following shall not be subject to redaction or
21 nondisclosure pursuant to subsection 2 of P.L. , c. (C.)
22 (pending before the Legislature as this bill):

23 (a) records and documents, including Uniform Commercial
24 Code filings and financing statements, maintained by the Division
25 of Revenue and Enterprise Services in the Department of the
26 Treasury;

27 (b) petitions naming candidates for office pursuant to R.S.19:13-
28 1 and R.S.19:13-4;

29 (c) petitions signed in accordance with R.S.19:13-6;

30 (d) records evidencing any lien, judgement, or other
31 encumbrance upon real or other property;

32 (e) assessment lists subject to inspection pursuant to R.S.54:4-
33 38 when inspected in person;

34 (f) the index of all recorded documents maintained by a county
35 recording officer as under N.J.S.46:26A-8 when inspected in
36 person; and

37 (g) property that is presumed abandoned under the "Uniform
38 Unclaimed Property Act," P.L.1989, c.58 (C.46:30B-1 et seq.).

39 (5) A public agency may share unredacted information with any
40 vendor, contractor, or organization to carry out the purposes for
41 which the public agency entered into an agreement with the vendor,
42 contractor, or organization. The vendor, contractor, or organization
43 shall not use such information in any manner other than as
44 necessary to carry out the purposes of the agreement.

45 (6) For a record or other document containing a home address
46 required to be redacted pursuant to section 2 of P.L. , c.
47 (C.) (pending before the Legislature as this bill) that, because
48 of the characteristics or properties of the record or document, is

1 only available to be viewed in person, a custodian or other
2 government official shall make every reasonable effort to hide such
3 address when allowing an individual without authority to view such
4 address as unredacted to view the record or document.

5 b. Nothing in this act shall be construed to require redaction or
6 nondisclosure of any information in any document, record,
7 information, or database shared with or otherwise provided to any
8 other government entity.

9 c. Information otherwise subject to redaction or nondisclosure
10 pursuant to section 2 of P.L. , c. (C.) (pending before the
11 Legislature as this bill) may be provided as unredacted upon order
12 of a judge of the Superior Court or of any other court of competent
13 jurisdiction.

14 d. This section shall not be construed to require a record to be
15 made available that is not otherwise required to be made available
16 under any other law or regulation.

17 e. The Director of the Division of Taxation may issue any
18 guidance, guidelines, or rules and regulations necessary to
19 effectuate the purposes of this section. The rules and regulations
20 shall be effective immediately upon filing with the Office of
21 Administrative Law for a period not to exceed 18 months, and shall,
22 thereafter, be amended, adopted, or readopted in accordance with
23 the provisions of the “Administrative Procedure Act,” P.L.1968,
24 c.410 (C.52:14B-1 et seq.).

25

26 4. (New section) a. As used in this section:

27 “Title search business entity” means any person or entity
28 organized under the laws of this State or another state for the
29 primary purpose of determining the existence of any lien, lawsuit,
30 lease, easement, mortgage or other encumbrance or restriction, or
31 ownership interest, on any property and regularly conducts business
32 with any title insurance company or title insurance agent as defined
33 in section 1 of P.L.1975, c.106 (C.17:46B-1).

34 b. A title search business entity conducting business in this State
35 shall register with and be subject to regulation by the Department of
36 Banking and Insurance. The business entities shall also register with
37 the Division of Revenue and Enterprise Services in the Department
38 of the Treasury, or the county clerk, as appropriate.

39 c. The Commissioner of Banking and Insurance may issue rules
40 and regulations necessary to effectuate the purposes of this section.
41 The rules and regulations shall be effective immediately upon filing
42 with the Office of Administrative Law for a period not to exceed 18
43 months and may, thereafter, be amended, adopted, or readopted in
44 accordance with the “Administrative Procedure Act,” P.L.1968,
45 c.410 (C.52:14B-1 et seq.).

46

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

1 1. **[A]** a. For the purposes of this section:

2 “Authorized person” means a covered person or any of the
3 following persons hereby authorized to submit or revoke a request
4 for the redaction or nondisclosure of a home address or unpublished
5 telephone number on behalf of a covered person pursuant to
6 subsection c. of this section:

7 (1) on behalf of any federal judge, a designee of the United
8 States Marshals Service or of the clerk of any United States District
9 Court;

10 (2) on behalf of any covered person who is deceased or
11 medically or psychologically incapacitated, a person acting on
12 behalf of the covered person as a designated trustee, as an estate
13 executor, or pursuant to a written power of attorney or other legal
14 instrument; and

15 (3) on behalf of any immediate family member who is a minor
16 and who is otherwise entitled to address redaction or nondisclosure
17 pursuant to this act, P.L. , c. (C.) (pending before the
18 Legislature as this bill), the parent or legal guardian thereof.

19 “Covered person” means an active, formerly active, or retired
20 judicial officer or law enforcement officer, as those terms are
21 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
22 and any immediate family member residing in the same household
23 as the judicial officer, law enforcement officer, or prosecutor.

24 “Immediate family member” means a spouse, child, or parent of,
25 or any other family member related by blood or by law to, an active,
26 formerly active, or retired judicial officer or law enforcement
27 officer, as those terms are defined by section 1 of P.L.1995, c.23
28 (C.47:1A-1.1), or prosecutor and who resides in the same household
29 as the judicial officer, law enforcement officer, or prosecutor.

30 “Person” shall not be construed to include in any capacity the
31 custodian of a government record as defined in section 1 of
32 P.L.1995, c.23 (C.47:1A-1.1).

33 b. Upon notification pursuant to subsection c. of this section,
34 and not later than 10 business days after receipt thereof, a person
35 shall not knowingly, with purpose to expose another to harassment
36 or risk of harm to life or property, or in reckless disregard of the
37 probability of such exposure, post **[or]** , repost, publish, or
38 republish on the Internet **[, or repost, republish]**, or otherwise make
39 available, the home address or unpublished home telephone number
40 of any **[active, formerly active, or retired judicial officer, as defined**
41 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
42 enforcement officer, or the spouse or child thereof] covered person,
43 except in compliance with any court order, law enforcement
44 investigation, or request by a government agency or person duly
45 acting on behalf of the agency.

46 c. An authorized person, as defined in subsection a. of this
47 section, seeking to prohibit the disclosure of the home address or

1 unpublished home telephone number of any covered person
2 consistent with subsection b. of this section shall provide written
3 notice to the person from whom they are seeking nondisclosure that
4 they are an authorized person and requesting that such person cease
5 the disclosure of such information and remove the protected
6 information from the Internet or where otherwise made available.

7 d. A reckless violation of subsection b. of this section is a crime
8 of the fourth degree. A purposeful violation of subsection b. of this
9 section is a crime of the third degree.

10 e. This section shall not be construed to prohibit a person,
11 business, or association who has received information as unredacted
12 pursuant to the provisions of sections 1 through 3 of P.L. , c.
13 (C.) (pending before the Legislature as this bill) from making
14 the information available consistent with the purposes for which the
15 person, business, or association received the information. A person,
16 business, or association that uses or makes available the information
17 in a way that is inconsistent with the purposes for which the person,
18 business, or association received the information shall be liable as
19 provided pursuant to subsection d. of this section.

20 (cf: P.L.2021, c.24, s.4)

21

22 6. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to
23 read as follows:

24 2. a. The county clerk in all counties shall cause copies of the
25 registry lists, certified and transmitted under R.S.19:31-18, to be
26 printed, and shall furnish to any voter applying for the same such
27 copies, charging therefor \$0.25 per copy of the list of voters of each
28 election district. The clerk shall also furnish five printed copies
29 thereof to each district board, which shall within two days post two
30 such registry lists, one in the polling place and one in another
31 conspicuous place within the election district. The county clerk
32 shall also forthwith deliver to the superintendent of elections of the
33 county, if any there be, and to the chairmen of the county
34 committees of each of the several political parties in the county,
35 five copies of the lists of voters of each election district in the
36 county; and to the municipal clerk of each of the municipalities in
37 the county five copies of the lists of voters of each election district
38 in such municipality; and to the county board 10 copies of the lists
39 of voters of each election district in each of such municipalities.
40 The county clerk shall also, upon the request of the chairman of the
41 State committee of any of the several political parties, but not more
42 than once in each calendar year, forthwith deliver a copy of the lists
43 of voters of each election district in each of the municipalities in his
44 county. In no case shall a list of registered voters furnished pursuant
45 to this section include voter signatures or, except as otherwise
46 provided in section 3 of P.L. , c. (C.) (pending before the
47 Legislature as this bill), the home address of a covered person, as
48 defined in section 1 of P.L. , c. (C.) (pending before the

1 Legislature as this bill), who has received approval from the Office
2 of Information Privacy for the redaction or nondisclosure of the
3 covered person's address. The county clerk shall satisfy the request
4 by delivery of a computer-generated or electronic copy of the list
5 for the county from the Statewide voter registration system.

6 b. The commissioner of registration shall furnish a computer-
7 generated or electronic copy of a list of registered voters in any or
8 all election districts in the county to any voter requesting it, for
9 which copy such commissioner shall make a charge which shall be
10 uniform in any calendar year and which shall reflect only the cost of
11 reproducing the list, but which in any case shall not exceed \$375.

12 c. No person shall use voter registration lists or copies thereof
13 prepared pursuant to this section as a basis for commercial or
14 charitable solicitation of the voters listed thereon. Any person
15 making such use of such lists or copies thereof shall be a disorderly
16 person, and shall be punished by a fine not exceeding \$500.00.

17 (cf: P.L.2005, c.145, s.14)

18

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

21 2. **【A】** Except as otherwise provided pursuant to sections 1
22 through 3 of P.L. , c. (C.) (pending before the Legislature
23 as this bill), a State or local governmental agency shall not
24 knowingly post **【or】 , repost, publish , or republish** on the Internet
25 **【, or repost, republish, or otherwise make available,】** the home
26 address **【or unpublished home telephone number】** of any **【active,**
27 **formerly active, or retired judicial officer, as defined by section 1 of**
28 **P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement**
29 **officer without first obtaining】** covered person approved by the
30 Office of Information Privacy pursuant to section 2 of P.L. , c.
31 (C.) (pending before the Legislature as this bill), 31 days or
32 more following such approval, unless the agency obtains the written
33 permission of that person.

34 (cf: P.L.2021, c.24, s.3)

35

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

38 3. a. **【A】** (1) Upon notification pursuant to paragraph (2) of this
39 subsection, and not later than 10 business days following receipt
40 thereof, a person, business, or association shall not disclose or re-
41 disclose on the Internet **【, or re-disclose】** or otherwise make
42 available, the home address or unpublished home telephone number
43 of any **【active, formerly active, or retired judicial officer, as defined**
44 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
45 enforcement officer under circumstances in which a reasonable
46 person would believe that providing that information would expose

1 another to harassment or risk of harm to life or property **】** covered
2 person, as defined in subsection d. of this section, who has received
3 approval from the Office of Information Privacy for the redaction or
4 nondisclosure of the covered person's address.

5 (2) An authorized person, seeking to prohibit the disclosure of
6 the home address or unpublished home telephone number of any
7 covered person consistent with paragraph (1) of this subsection
8 shall provide written notice to the person from whom they are
9 seeking nondisclosure that they are an authorized person and
10 requesting that the person cease the disclosure of the information
11 and remove the protected information from the Internet or where
12 otherwise made available.

13 (3) An immediate family member who has provided notice
14 pursuant to paragraph (2) of this subsection and who no longer
15 resides with the judicial officer, prosecutor, or law enforcement
16 officer shall provide notice to that effect to the person, business, or
17 association not later than 30 days from the date on which the
18 immediate family member no longer resided with the judicial
19 officer, prosecutor, or law enforcement officer.

20 b. A person, business, or association that violates subsection a.
21 of this section shall be liable to the aggrieved person **【**or any other
22 person residing at the home address of the aggrieved person**】**, who
23 may bring a civil action in the Superior Court.

24 c. The court may award:

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

27 (2) punitive damages upon proof of willful or reckless disregard
28 of the law;

29 (3) reasonable attorney's fees and other litigation costs
30 reasonably incurred; and

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

33 d. For the purposes of this section **【**, "disclose"**】** :

34 "Authorized person" means a covered person or any of the
35 following persons hereby authorized to submit or revoke a request
36 for the redaction or nondisclosure of a home address on behalf of a
37 covered person:

38 (1) on behalf of any federal judge, a designee of the United
39 States Marshals Service or of the clerk of any United States District
40 Court;

41 (2) on behalf of any covered person who is deceased or
42 medically or psychologically incapacitated, a person acting on
43 behalf of the covered person as a designated trustee, as an estate
44 executor, or pursuant to a written power of attorney or other legal
45 instrument; and

46 (3) on behalf of any immediate family member who is a minor
47 and who is otherwise entitled to address redaction or nondisclosure
48 pursuant to this act, the parent or legal guardian thereof.

1 “Covered person” means an active, formerly active, or retired
2 judicial officer or law enforcement officer, as those terms are
3 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
4 and any immediate family member residing in the same household
5 as such judicial officer, law enforcement officer, or prosecutor.

6 “Disclose” shall mean to solicit, sell, manufacture, give, provide,
7 lend, trade, mail, deliver, transfer, post, publish, distribute,
8 circulate, disseminate, present, exhibit, advertise or offer.

9 “Immediate family member” means a spouse, child, or parent of,
10 or any other family member related by blood or by law to, an active,
11 formerly active, or retired judicial officer or law enforcement
12 officer, as those terms are defined by section 1 of P.L.1995, c.23
13 (C.47:1A-1.1), or prosecutor and who resides in the same household
14 as such judicial officer, prosecutor, or law enforcement officer.

15 “Person” shall not be construed to include in any capacity the
16 custodian of a government record as defined in section 1 of
17 P.L.1995, c.23 (C.47:1A-1.1).

18 e. This section shall not be construed to prohibit a person,
19 business, or association who has received information as unredacted
20 pursuant to the provisions of sections 1 through 3 of P.L. , c.
21 (C.) (pending before the Legislature as this bill) from making
22 the information available consistent with the purposes for which the
23 person, business, or association received the information. A person,
24 business, or association that uses or makes available the information
25 in a way that is inconsistent with the purposes for which the person,
26 business, or association received the information shall be liable as
27 provided pursuant to subsection c. of this section.

28 (cf: P.L.2021, c.24, s.5)

29
30 9. N.J.S.46:26A-12 is amended to read as follows:

31 46:26A-12 a. **Any** Notwithstanding the provisions of P.L. ,
32 c. (C.) (pending before the Legislature as this bill), any
33 recorded document affecting the title to real property is, from the
34 time of recording, notice to all subsequent purchasers, mortgagees
35 and judgment creditors of the execution of the document recorded
36 and its contents.

37 b. A claim under a recorded document affecting the title to real
38 property shall not be subject to the effect of a document that was
39 later recorded or was not recorded unless the claimant was on notice
40 of the later recorded or unrecorded document.

41 c. A deed or other conveyance of an interest in real property shall
42 be of no effect against subsequent judgment creditors without
43 notice, and against subsequent bona fide purchasers and mortgagees
44 for valuable consideration without notice and whose conveyance or
45 mortgage is recorded, unless that conveyance is evidenced by a
46 document that is first recorded.

47 (cf: N.J.S.46:26A-12)

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

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

5 "Biotechnology" means any technique that uses living
6 organisms, or parts of living organisms, to make or modify
7 products, to improve plants or animals, or to develop micro-
8 organisms for specific uses; including the industrial use of
9 recombinant DNA, cell fusion, and novel bioprocessing techniques.

10 "Custodian of a government record" or "custodian" means in the
11 case of a municipality, the municipal clerk and in the case of any
12 other public agency, the officer officially designated by formal
13 action of that agency's director or governing body, as the case may
14 be.

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

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

32 information received by a member of the Legislature from a
33 constituent or information held by a member of the Legislature
34 concerning a constituent, including but not limited to information in
35 written form or contained in any e-mail or computer data base, or in
36 any telephone record whatsoever, unless it is information the
37 constituent is required by law to transmit;

38 any memorandum, correspondence, notes, report or other
39 communication prepared by, or for, the specific use of a member of
40 the Legislature in the course of the member's official duties, except
41 that this provision shall not apply to an otherwise publicly-
42 accessible report which is required by law to be submitted to the
43 Legislature or its members;

44 any copy, reproduction or facsimile of any photograph, negative
45 or print, including instant photographs and videotapes of the body,
46 or any portion of the body, of a deceased person, taken by or for the
47 medical examiner at the scene of death or in the course of a post

1 mortem examination or autopsy made by or caused to be made by
2 the medical examiner except:
3 when used in a criminal action or proceeding in this State which
4 relates to the death of that person,
5 for the use as a court of this State permits, by order after good
6 cause has been shown and after written notification of the request
7 for the court order has been served at least five days before the
8 order is made upon the county prosecutor for the county in which
9 the post mortem examination or autopsy occurred,
10 for use in the field of forensic pathology or for use in medical or
11 scientific education or research, or
12 for use by any law enforcement agency in this State or any other
13 state or federal law enforcement agency;
14 criminal investigatory records;
15 victims' records, except that a victim of a crime shall have access
16 to the victim's own records;
17 any written request by a crime victim for a record to which the
18 victim is entitled to access as provided in this section, including,
19 but not limited to, any law enforcement agency report, domestic
20 violence offense report, and temporary or permanent restraining
21 order;
22 personal firearms records, except for use by any person
23 authorized by law to have access to these records or for use by any
24 government agency, including any court or law enforcement
25 agency, for purposes of the administration of justice;
26 personal identifying information received by the Division of Fish
27 and Wildlife in the Department of Environmental Protection in
28 connection with the issuance of any license authorizing hunting
29 with a firearm. For the purposes of this paragraph, personal
30 identifying information shall include, but not be limited to, identity,
31 name, address, social security number, telephone number, fax
32 number, driver's license number, email address, or social media
33 address of any applicant or licensee;
34 trade secrets and proprietary commercial or financial information
35 obtained from any source. For the purposes of this paragraph, trade
36 secrets shall include data processing software obtained by a public
37 body under a licensing agreement which prohibits its disclosure;
38 any record within the attorney-client privilege. This paragraph
39 shall not be construed as exempting from access attorney or
40 consultant bills or invoices except that such bills or invoices may be
41 redacted to remove any information protected by the attorney-client
42 privilege;
43 administrative or technical information regarding computer
44 hardware, software and networks which, if disclosed, would
45 jeopardize computer security;
46 emergency or security information or procedures for any
47 buildings or facility which, if disclosed, would jeopardize security
48 of the building or facility or persons therein;

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

4 information which, if disclosed, would give an advantage to
5 competitors or bidders;

6 information generated by or on behalf of public employers or
7 public employees in connection with any sexual harassment
8 complaint filed with a public employer or with any grievance filed
9 by or against an individual or in connection with collective
10 negotiations, including documents and statements of strategy or
11 negotiating position;

12 information which is a communication between a public agency
13 and its insurance carrier, administrative service organization or risk
14 management office;

15 information which is to be kept confidential pursuant to court
16 order;

17 any copy of form DD-214, NGB-22, or that form, issued by the
18 United States Government, or any other certificate of honorable
19 discharge, or copy thereof, from active service or the reserves of a
20 branch of the Armed Forces of the United States, or from service in
21 the organized militia of the State, that has been filed by an
22 individual with a public agency, except that a veteran or the
23 veteran's spouse or surviving spouse shall have access to the
24 veteran's own records;

25 any copy of an oath of allegiance, oath of office or any
26 affirmation taken upon assuming the duties of any public office, or
27 that oath or affirmation, taken by a current or former officer or
28 employee in any public office or position in this State or in any
29 county or municipality of this State, including members of the
30 Legislative Branch, Executive Branch, Judicial Branch, and all law
31 enforcement entities, except that the full name, title, and oath date
32 of that person contained therein shall not be deemed confidential;

33 that portion of any document which discloses the social security
34 number, credit card number, unlisted telephone number or driver
35 license number of any person, or , in accordance with section 2 of
36 P.L. , c. (C.) (pending before the Legislature as this bill),
37 that portion of any document which discloses the home address,
38 whether a primary or secondary residence, of any active, formerly
39 active, or retired judicial officer **【or】** , prosecutor, **【and any active,**
40 **formerly active, or retired】** or law enforcement officer, or, as
41 defined in section 1 of P.L. , c. (C.) (pending before the
42 Legislature as this bill), any immediate family member thereof;
43 except for use by any government agency, including any court or
44 law enforcement agency, in carrying out its functions, or any
45 private person or entity acting on behalf thereof, or any private
46 person or entity seeking to enforce payment of court-ordered child
47 support; except with respect to the disclosure of driver information
48 by the New Jersey Motor Vehicle Commission as permitted by

1 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social
2 security number contained in a record required by law to be made,
3 maintained or kept on file by a public agency shall be disclosed
4 when access to the document or disclosure of that information is not
5 otherwise prohibited by State or federal law, regulation or order or
6 by State statute, resolution of either or both houses of the
7 Legislature, Executive Order of the Governor, rule of court or
8 regulation promulgated under the authority of any statute or
9 executive order of the Governor;

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

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

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

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

32 test questions, scoring keys and other examination data
33 pertaining to the administration of an examination for employment
34 or academic examination;

35 records of pursuit of charitable contributions or records
36 containing the identity of a donor of a gift if the donor requires non-
37 disclosure of the donor's identity as a condition of making the gift
38 provided that the donor has not received any benefits of or from the
39 institution of higher education in connection with such gift other
40 than a request for memorialization or dedication;

41 valuable or rare collections of books or documents obtained by
42 gift, grant, bequest or devise conditioned upon limited public
43 access;

44 information contained on individual admission applications; and
45 information concerning student records or grievance or
46 disciplinary proceedings against a student to the extent disclosure
47 would reveal the identity of the student.

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

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

32 "Law enforcement agency" means a public agency, or part
33 thereof, determined by the Attorney General to have law
34 enforcement responsibilities.

35 "Law enforcement officer" means a person whose public duties
36 include the power to act as an officer for the detection,
37 apprehension, arrest and conviction of offenders against the laws of
38 this State.

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

41 "Judicial officer" means any active, formerly active, or retired
42 federal, state, county, or municipal judge, including a judge of the
43 Tax Court and any other court of limited jurisdiction established,
44 altered, or abolished by law, a judge of the Office of Administrative
45 Law, a judge of the Division of Workers' Compensation, and any
46 other judge established by law who serves in the executive branch.

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

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

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

9 "Victim of a crime" means a person who has suffered personal or
10 psychological injury or death or incurs loss of or injury to personal
11 or real property as a result of a crime, or if such a person is
12 deceased or incapacitated, a member of that person's immediate
13 family.

14 "Victims' rights agency" means a public agency, or part thereof,
15 the primary responsibility of which is providing services, including
16 but not limited to food, shelter, or clothing, medical, psychiatric,
17 psychological or legal services or referrals, information and referral
18 services, counseling and support services, or financial services to
19 victims of crimes, including victims of sexual assault, domestic
20 violence, violent crime, child endangerment, child abuse or child
21 neglect, and the Victims of Crime Compensation Board, established
22 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
23 the Victims of Crime Compensation Office pursuant to P.L.2007,
24 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
25 (cf: P.L.2021, c.24, s.1)

26

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

29 6. a. The custodian of a government record shall permit the
30 record to be inspected, examined, and copied by any person during
31 regular business hours; or in the case of a municipality having a
32 population of 5,000 or fewer according to the most recent federal
33 decennial census, a board of education having a total district
34 enrollment of 500 or fewer, or a public authority having less than
35 \$10 million in assets, during not less than six regular business hours
36 over not less than three business days per week or the entity's
37 regularly-scheduled business hours, whichever is less; unless a
38 government record is exempt from public access by: P.L.1963, c.73
39 (C.47:1A-1 et seq.) as amended and supplemented; any other
40 statute; resolution of either or both houses of the Legislature;
41 regulation promulgated under the authority of any statute or
42 Executive Order of the Governor; Executive Order of the Governor;
43 Rules of Court; any federal law; federal regulation; or federal order.
44 Prior to allowing access to any government record, the custodian
45 thereof shall redact from that record any information which
46 discloses the social security number, credit card number, unlisted
47 telephone number, or driver license number of any person, or in
48 accordance with section 2 of P.L. , c. (C.) (pending before

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

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

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

47 c. Whenever the nature, format, manner of collation, or volume
48 of a government record embodied in the form of printed matter to

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

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

29 e. Immediate access ordinarily shall be granted to budgets, bills,
30 vouchers, contracts, including collective negotiations agreements
31 and individual employment contracts, and public employee salary
32 and overtime information.

33 f. The custodian of a public agency shall adopt a form for the
34 use of any person who requests access to a government record held
35 or controlled by the public agency. The form shall provide space
36 for the name, address, and phone number of the requestor and a
37 brief description of the government record sought. The form shall
38 include space for the custodian to indicate which record will be
39 made available, when the record will be available, and the fees to be
40 charged. The form shall also include the following: (1) specific
41 directions and procedures for requesting a record; (2) a statement as
42 to whether prepayment of fees or a deposit is required; (3) the time
43 period within which the public agency is required by P.L.1963, c.73
44 (C.47:1A-1 et seq.) as amended and supplemented, to make the
45 record available; (4) a statement of the requestor's right to challenge
46 a decision by the public agency to deny access and the procedure
47 for filing an appeal; (5) space for the custodian to list reasons if a
48 request is denied in whole or in part; (6) space for the requestor to

1 sign and date the form; (7) space for the custodian to sign and date
2 the form if the request is fulfilled or denied. The custodian may
3 require a deposit against costs for reproducing documents sought
4 through an anonymous request whenever the custodian anticipates
5 that the information thus requested will cost in excess of \$5 to
6 reproduce.

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

29 h. Any officer or employee of a public agency who receives a
30 request for access to a government record shall forward the request
31 to the custodian of the record or direct the requestor to the
32 custodian of the record.

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

1 the custodian receives the request. The requestor shall be advised
2 by the custodian when the record can be made available. If the
3 record is not made available by that time, access shall be deemed
4 denied.

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

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

21 k. The files maintained by the Office of the Public Defender that
22 relate to the handling of any case shall be considered confidential
23 and shall not be open to inspection by any person unless authorized
24 by law, court order, or the State Public Defender.

25 (cf: P.L.2021, c.24, s.2)

26

27 12. a. The Office of Information Privacy shall establish the
28 portal required under subsection c. of section 1 of this act, P.L. ,
29 c. (C.) (pending before the Legislature as this bill) not later
30 than the 181st day next following the date of enactment.

31 b. Compliance with the provisions of this act, P.L. , c.
32 (C.) (pending before the Legislature as this bill) shall not be
33 required until the 366th day next following the date of enactment,
34 except that a public agency, person, business, or association may
35 honor a request for redaction or nondisclosure, or revocation
36 thereof, submitted by an authorized person prior thereto.

37

38 13. Section 7 of P.L.2020, c.125 (C.56:8-166.2) is repealed.

39

40 14. There shall be appropriated from the General Fund the sum
41 of \$3,000,000 to the Department of Community Affairs and such
42 other sums as are necessary, subject to the approval of the Director
43 of the Division of Budget and Accounting in the Department of the
44 Treasury, to effectuate the purposes of this act.

45

46 15. (New section) If any provision of this act or its application
47 to any person or circumstances is held invalid, the invalidity shall
48 not affect other provisions or applications of this act which can be

1 given effect without the invalid provision or application, and to this
2 end the provisions of this act are severable.

3

4 16. This act shall take effect immediately and shall be
5 retroactive to December 10, 2021.

6

7

8

STATEMENT

9

10 This bill creates, in the Department of Community Affairs, an
11 office to be known as the Office of Information Privacy. The office
12 will be led by a director, appointed by the Commissioner of
13 Community Affairs.

14 The director will establish a secure portal through which an
15 authorized person may submit or revoke a request for the redaction
16 or nondisclosure of a covered person's home address from certain
17 public records and Internet postings. A person must submit a
18 request through the portal and be approved by the director of the
19 Office of Information Privacy in order for an address to be subject
20 to redaction or nondisclosure.

21 Under the bill, a "covered person" is an active, formerly active,
22 or retired judicial officer, prosecutor, or law enforcement officer,
23 and any immediate family member residing in the same household
24 as the judicial officer, prosecutor, or law enforcement officer. An
25 "authorized person" includes covered persons and also includes: (1)
26 a designee of the U.S. Marshals Service or of a U.S. District Court
27 Clerk, who is permitted to submit a request on behalf of any federal
28 judge; (2) a person acting as a designated trustee, as an estate
29 executor, or pursuant to a written power of attorney or other legal
30 instrument, on behalf of any covered person who is deceased or
31 medically or psychologically incapacitated; and (3) the parent or
32 legal guardian of any immediate family member who is a minor. An
33 "immediate family member" includes any family member related by
34 blood or by law to judicial officer, prosecutor, or law enforcement
35 officer and who lives in the same residence. An immediate family
36 member who no longer resides with the judicial officer, prosecutor,
37 or law enforcement officer must notify the office within 30 days of
38 that occurrence.

39 The director is also to establish a process by which a person or
40 entity may request receipt of an unredacted record and a process for
41 evaluating any other exceptions to the requirement for redaction or
42 nondisclosure under the bill.

43 The bill requires any person seeking redaction or nondisclosure
44 to acknowledge in writing that the person understands that certain
45 rights, duties, and obligations are affected as a result of the request,
46 including:

47 (1) the receipt of certain notices from non-governmental entities
48 under the "Municipal Land Use Law;"

- 1 (2) the signing of candidate petitions;
- 2 (3) eligibility for election to public office, or the appointment to
3 certain public positions;
- 4 (4) the sale or purchase of a home or other property, and the
5 recordation or notice of any encumbrances on real or other
6 property;
- 7 (5) the ability to be notified of any class action suit or
8 settlement; and
- 9 (6) any other legal, promotional, or official notice which would
10 otherwise be provided.

11 The bill also provides for certain exceptions. Under the bill,
12 unredacted voter records may only be provided to candidates,
13 chairpersons of the county or municipal political party committees,
14 or any other person serving as an elections challenger. Documents
15 affecting title to real property may instead include redactions of
16 names or other information, as determined by the Director of the
17 Division of Taxation, and may only be provided as unredacted to
18 title insurance companies and agents, approved attorneys, mortgage
19 guarantee insurance companies, registered title search business
20 entities, which are newly defined in the bill, real estate brokers and
21 salespersons, and any person making or receiving an offer for the
22 purchase of property. Unredacted addresses may also be provided to
23 labor unions, government agency vendors and contractors, and upon
24 court order. The following documents are not subject to redaction
25 under the bill: business filings, candidate petitions; records
26 evidencing encumbrances on real or other property, and unclaimed
27 property, and, when viewed in person, property tax assessment lists
28 and the indexes of recorded documents maintained by county
29 recording officers. Records that are very old or for other reasons
30 can only be viewed in person may be left unredacted, but the
31 government records custodian must make every effort to hide a
32 protected address when allowing an individual to view the record.

33 As defined in the bill, a title search business entity means any
34 person or entity organized under the laws of this State or another
35 state for the primary purpose of determining the existence of any
36 lien, lawsuit, lease, easement, mortgage or other encumbrance or
37 restriction, or ownership interest, on any property and regularly
38 conducts business with any title insurance company or title
39 insurance agent. The bill requires title search business entities to
40 register with and be subject to regulation by the Department of
41 Banking and Insurance. The business entities will also register with
42 the Division of Revenue and Enterprise Services in the Department
43 of the Treasury, or the county clerk, as appropriate.

44 The bill prohibits State and local government agencies from
45 knowingly posting protected home addresses on the internet 31 days
46 or more after an address is granted protection by the Office of
47 Information Privacy, unless the agency receives written permission
48 otherwise. Public agencies are also to redact or cease disclosing

1 protected information in records within 30 days of approval of a
2 request by the Office of Information Privacy.

3 The bill also amends sections of current law requiring private
4 persons, businesses, and associations to redact protected addresses
5 by requiring that a covered person submit a request for the
6 redaction of the covered person's address or unpublished telephone
7 number. Previous law prohibited private persons, businesses, and
8 associations from making this information available but did not
9 specify how those persons, businesses, or associations were to know
10 which addresses to redact. Under the bill, a person, business, or
11 association receiving the request will have 10 business days to
12 remove the address or unpublished telephone number or face certain
13 criminal or civil penalties. The bill combines two sections of law
14 providing for civil relief and, therefore, repeals one of the sections.
15 The bill also amends these sections to provide the same protection
16 to immediate family members residing in the same household as a
17 judicial officer, prosecutor, or law enforcement officer.

18 The bill also repeals a section of law concerning the request by
19 any active, formerly active, or retired judicial officer, or prosecutor,
20 to remove certain identifying information from the Internet or
21 where otherwise made available.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 6171

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2021

The Assembly Judiciary Committee reports favorably Assembly Bill No. 6171.

This bill creates, in the Department of Community Affairs, an office to be known as the Office of Information Privacy. The office will be led by a director, appointed by the Commissioner of Community Affairs.

The director will establish a secure portal through which an authorized person may submit or revoke a request for the redaction or nondisclosure of a covered person's home address from certain public records and Internet postings. A person must submit a request through the portal and be approved by the director of the Office of Information Privacy in order for an address to be subject to redaction or nondisclosure.

Under the bill, a "covered person" is an active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, and any immediate family member residing in the same household as the judicial officer, prosecutor, or law enforcement officer. An "authorized person" includes covered persons and also includes: (1) a designee of the U.S. Marshals Service or of a U.S. District Court Clerk, who is permitted to submit a request on behalf of any federal judge; (2) a person acting as a designated trustee, as an estate executor, or pursuant to a written power of attorney or other legal instrument, on behalf of any covered person who is deceased or medically or psychologically incapacitated; and (3) the parent or legal guardian of any immediate family member who is a minor. An "immediate family member" includes any family member related by blood or by law to the judicial officer, prosecutor, or law enforcement officer and who lives in the same residence. An immediate family member who no longer resides with the judicial officer, prosecutor, or law enforcement officer must notify the office within 30 days of that occurrence.

The director is also to establish a process by which a person or entity may request receipt of an unredacted record and a process for evaluating any other exceptions to the requirement for redaction or nondisclosure under the bill.

The bill requires any person seeking redaction or nondisclosure to acknowledge in writing that the person understands that certain

rights, duties, and obligations are affected as a result of the request, including:

- (1) the receipt of certain notices from non-governmental entities under the “Municipal Land Use Law”;
- (2) the signing of candidate petitions;
- (3) eligibility for election to public office, or the appointment to certain public positions;
- (4) the sale or purchase of a home or other property, and the recordation or notice of any encumbrances on real or other property;
- (5) the ability to be notified of any class action suit or settlement; and
- (6) any other legal, promotional, or official notice which would otherwise be provided.

The bill also provides for certain exceptions. Under the bill, unredacted voter records may only be provided to candidates, chairpersons of the county or municipal political party committees, or any other person serving as an elections challenger. Documents affecting title to real property may instead include redactions of names or other information, as determined by the Director of the Division of Taxation, and may only be provided as unredacted to title insurance companies and agents, approved attorneys, mortgage guarantee insurance companies, registered title search business entities, which are newly defined in the bill, real estate brokers and salespersons, and any person making or receiving an offer for the purchase of property. Unredacted addresses may also be provided to labor unions, government agency vendors and contractors, and upon court order.

The following documents are not subject to redaction under the bill: business filings, candidate petitions, records evidencing encumbrances on real or other property, and unclaimed property, and, when viewed in person, property tax assessment lists and the indexes of recorded documents maintained by county recording officers. Records that are very old or for other reasons can only be viewed in person may be left unredacted, but the government records custodian must make every effort to hide a protected address when allowing an individual to view the record.

As defined in the bill, a title search business entity means any person or entity organized under the laws of this State or another state for the primary purpose of determining the existence of any lien, lawsuit, lease, easement, mortgage or other encumbrance or restriction, or ownership interest, on any property and regularly conducts business with any title insurance company or title insurance agent. The bill requires title search business entities to register with and be subject to regulation by the Department of Banking and Insurance. The business entities will also register with

the Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk, as appropriate.

The bill prohibits State and local government agencies from knowingly posting protected home addresses on the Internet 31 days or more after an address is granted protection by the Office of Information Privacy, unless the agency receives written permission otherwise. Public agencies are also to redact or cease disclosing protected information in records within 30 days of approval of a request by the Office of Information Privacy.

The bill also amends sections of current law requiring private persons, businesses, and associations to redact protected addresses by requiring that a covered person submit a request for the redaction of the covered person's address or unpublished telephone number. Previous law prohibited private persons, businesses, and associations from making this information available but did not specify how those persons, businesses, or associations were to know which addresses to redact. Under the bill, a person, business, or association receiving the request will have 10 business days to remove the address or unpublished telephone number or face certain criminal or civil penalties. The bill combines two sections of law providing for civil relief and, therefore, repeals one of the sections. The bill also amends these sections to provide the same protection to immediate family members residing in the same household as a judicial officer, prosecutor, or law enforcement officer.

The bill also repeals a section of law concerning the request by any active, formerly active, or retired judicial officer, or prosecutor, to remove certain identifying information from the Internet or where otherwise made available.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 6171

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 6171, with committee amendments.

As amended, this bill creates, in the Department of Community Affairs, an office to be known as the Office of Information Privacy. The office will be led by a director, appointed by the Commissioner of Community Affairs.

The director will establish a secure portal through which an authorized person may submit or revoke a request for the redaction or nondisclosure of a covered person's home address from certain public records and Internet postings. A person must submit a request through the portal and be approved by the director of the Office of Information Privacy in order for an address to be subject to redaction or nondisclosure.

Under the bill, a "covered person" is an active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, and any immediate family member residing in the same household as the judicial officer, prosecutor, or law enforcement officer. An "authorized person" includes covered persons and also includes: (1) a designee of the U.S. Marshals Service or of a U.S. District Court Clerk, who is permitted to submit a request on behalf of any federal judge; (2) a person acting as a designated trustee, as an estate executor, or pursuant to a written power of attorney or other legal instrument, on behalf of any covered person who is deceased or medically or psychologically incapacitated; and (3) the parent or legal guardian of any immediate family member who is a minor. An "immediate family member" includes any family member related by blood or by law to judicial officer, prosecutor, or law enforcement officer and who lives in the same residence. An immediate family member who no longer resides with the judicial officer, prosecutor, or law enforcement officer must notify the office within 30 days of that occurrence.

The director is also to establish a process by which a person or entity may request receipt of an unredacted record and a process for evaluating any other exceptions to the requirement for redaction or nondisclosure under the bill.

The bill requires any person seeking redaction or nondisclosure to acknowledge in writing that the person understands that certain rights, duties, and obligations are affected as a result of the request, including:

(1) the receipt of certain notices from non-governmental entities under the “Municipal Land Use Law;”

(2) the signing of candidate petitions;

(3) eligibility for election to public office, or the appointment to certain public positions;

(4) the sale or purchase of a home or other property, and the recordation or notice of any encumbrances on real or other property;

(5) the ability to be notified of any class action suit or settlement; and

(6) any other legal, promotional, or official notice which would otherwise be provided.

The bill also provides for certain exceptions. Under the bill, unredacted voter records may only be provided to candidates, chairpersons of the county or municipal political party committees, or any other person serving as an elections challenger. Documents affecting title to real property may instead include redactions of names or other information, as determined by the Director of the Division of Taxation, and may only be provided as unredacted to title insurance companies and agents, approved attorneys, mortgage guarantee insurance companies, registered title search business entities, which are newly defined in the bill, real estate brokers and salespersons, and any person making or receiving an offer for the purchase of property. Unredacted addresses may also be provided to labor unions, government agency vendors and contractors, and upon court order. The following documents are not subject to redaction under the bill: business filings, candidate petitions; records evidencing encumbrances on real or other property, and unclaimed property, and, when viewed in person, property tax assessment lists and the indexes of recorded documents maintained by county recording officers. Records that are very old or for other reasons can only be viewed in person may be left unredacted, but the government records custodian must make every effort to hide a protected address when allowing an individual to view the record.

As defined in the bill, a title search business entity means any person or entity organized under the laws of this State or another state for the primary purpose of determining the existence of any lien, lawsuit, lease, easement, mortgage or other encumbrance or restriction, or ownership interest, on any property and regularly conducts business with any title insurance company or title insurance agent. The bill requires title search business entities to register with and be subject to regulation by the Department of Banking and Insurance. The business entities will also register with the Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk, as appropriate.

The bill prohibits State and local government agencies from knowingly posting protected home addresses on the internet 31 days or more after an address is granted protection by the Office of

Information Privacy, unless the agency receives written permission otherwise. Public agencies are also to redact or cease disclosing protected information in records within 30 days of approval of a request by the Office of Information Privacy.

The bill also amends sections of current law requiring private persons, businesses, and associations to redact protected addresses by requiring that a covered person submit a request for the redaction of the covered person's address or unpublished telephone number. Previous law prohibited private persons, businesses, and associations from making this information available but did not specify how those persons, businesses, or associations were to know which addresses to redact. Under the bill, a person, business, or association receiving the request will have 10 business days to remove the address or unpublished telephone number or face certain criminal or civil penalties. The bill combines two sections of law providing for civil relief and, therefore, repeals one of the sections. The bill also amends these sections to provide the same protection to immediate family members residing in the same household as a judicial officer, prosecutor, or law enforcement officer.

The bill also repeals a section of law concerning the request by any active, formerly active, or retired judicial officer, or prosecutor, to remove certain identifying information from the Internet or where otherwise made available.

COMMITTEE AMENDMENTS

The amendments provide that certain parts of the bill are not to be construed to impose liability on the news media for failure to remove information from previously printed newspapers. For this provision, "news media" means newspapers, magazines, press associations, news agencies, wire services, or other similar printed means of disseminating news to the general public.

FISCAL IMPACT:

The Office of Legislative Service (OLS) estimates that this bill will result in an indeterminate increase in State costs. The bill appropriates \$3 million from the General Fund to the Department of Community Affairs and such other sums as are necessary, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, to effectuate the purposes of this bill.

This bill requires that an Office of Information Privacy be established in the Department of Community Affairs. The office will have a director and such staff as the director may hire. State expenditures will increase by an amount necessary for the salary and fringe benefit costs of the director and staff, and for such materials and equipment the office may need.

The bill requires the new office to establish a secure portal for the submission of requests by certain specified persons for redaction and

nondisclosure of their home address from records and Internet postings. There will be an indeterminate cost to the State for establishing such a portal.

The bill requires that title search business entities register with and be subject to regulation by the Department of Banking and Insurance. The entities must also register with Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk as appropriate. There may be additional costs incurred by the two departments for establishing a registration and regulatory system.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 6171
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 15, 2021

SUMMARY

Synopsis: Creates Office of Information Privacy; requires, upon request, redaction and nondisclosure of home address of judicial officers, prosecutors, law enforcement officers, and immediate family members thereof residing in same household; makes appropriation.

Type of Impact: Expenditure increase for State General Fund.

Agencies Affected: Department of Community Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	

- The Office of Legislative Service (OLS) estimates that this bill will result in an indeterminate increase in State costs. The bill appropriates \$3 million from the General Fund to the Department of Community Affairs and such other sums as are necessary, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, to effectuate the purposes of this bill.
- This bill requires that an Office of Information Privacy be established in the Department of Community Affairs. The office will have a director and such staff as the director may hire. State expenditures will increase by an amount necessary for the salary and fringe benefit costs of the director and staff, and for such materials and equipment the office may need.
- The bill requires the new office to establish a secure portal for the submission of requests by certain specified persons for redaction and nondisclosure of their home address from records and Internet postings. There will be an indeterminate cost to the State for establishing such a portal.
- The bill requires that title search business entities register with and be subject to regulation by the Department of Banking and Insurance. The entities must also register with Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk as



appropriate. There may be additional costs incurred by the two departments for establishing a registration and regulatory system.

BILL DESCRIPTION

This bill creates, in the Department of Community Affairs, an office to be known as the Office of Information Privacy. The office will be led by a director, appointed by the Commissioner of Community Affairs.

The director will establish a secure portal through which an authorized person may submit or revoke a request for the redaction or nondisclosure of a covered person's home address from certain public records and Internet postings. A person must submit a request through the portal and be approved by the director of the Office of Information Privacy in order for an address to be subject to redaction or nondisclosure.

Under the bill, a "covered person" is an active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, and any immediate family member residing in the same household as the judicial officer, prosecutor, or law enforcement officer. An "authorized person" includes covered persons and also includes: (1) a designee of the U.S. Marshals Service or of a U.S. District Court Clerk, who is permitted to submit a request on behalf of any federal judge; (2) a person acting as a designated trustee, as an estate executor, or pursuant to a written power of attorney or other legal instrument, on behalf of any covered person who is deceased or medically or psychologically incapacitated; and (3) the parent or legal guardian of any immediate family member who is a minor. An "immediate family member" includes any family member related by blood or by law to judicial officer, prosecutor, or law enforcement officer and who lives in the same residence. An immediate family member who no longer resides with the judicial officer, prosecutor, or law enforcement officer must notify the office within 30 days of that occurrence.

The director is required to establish a process by which a person or entity may request receipt of an unredacted record and a process for evaluating any other exceptions to the requirement for redaction or nondisclosure under the bill.

The bill requires title search business entities to register with and be subject to regulation by the Department of Banking and Insurance. The business entities will also have to register with the Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk, as appropriate. As defined in the bill, a title search business entity means any person or entity organized under the laws of this State or another state for the primary purpose of determining the existence of any lien, lawsuit, lease, easement, mortgage or other encumbrance or restriction, or ownership interest, on any property and regularly conducts business with any title insurance company or title insurance agent.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will result in an indeterminate increase in State costs. However, the bill appropriates \$3 million from the General Fund to the Department of Community

Affairs and such other sums as are necessary, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, to effectuate the purposes of this bill. These funds should be sufficient for FY 2022.

This bill requires that an Office of Information Privacy be established in the Department of Community Affairs. The office will have a director and such staff as the director may hire. State expenditures will increase by an amount necessary for the salary and fringe benefit costs of the director and staff, and for such materials and equipment the office may need.

The bill requires the new office to establish a secure portal for the submission of requests by certain specified persons for redaction and nondisclosure of their home address from records and Internet postings. There will be an indeterminate cost to the State for establishing such a portal.

The bill requires that title search business entities register with and be subject to regulation by the Department of Banking and Insurance. The entities must also register with Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk as appropriate. There may be additional costs incurred by the two departments for establishing a registration and regulatory system.

Section: State Government

*Analyst: Aggie Szilagy
Section Chief*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 6171

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: DECEMBER 20, 2021

SUMMARY

Synopsis: Creates Office of Information Privacy; requires, upon request, redaction and nondisclosure of home address of judicial officers, prosecutors, law enforcement officers, and immediate family members thereof residing in same household; makes appropriation.

Type of Impact: Expenditure increase for State General Fund.

Agencies Affected: Department of Community Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	

- The Office of Legislative Service (OLS) estimates that this bill will result in an indeterminate increase in State costs. The bill appropriates \$3 million from the General Fund to the Department of Community Affairs and such other sums as are necessary, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, to effectuate the purposes of this bill.
- This bill requires that an Office of Information Privacy be established in the Department of Community Affairs. The office will have a director and such staff as the director may hire. State expenditures will increase by an amount necessary for the salary and fringe benefit costs of the director and staff, and for such materials and equipment the office may need.
- The bill requires the new office to establish a secure portal for the submission of requests by certain specified persons for redaction and nondisclosure of their home address from records and Internet postings. There will be an indeterminate cost to the State for establishing such a portal.

- The bill requires that title search business entities register with and be subject to regulation by the Department of Banking and Insurance. The entities must also register with Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk as appropriate. There may be additional costs incurred by the two departments for establishing a registration and regulatory system.

BILL DESCRIPTION

This bill creates, in the Department of Community Affairs, an office to be known as the Office of Information Privacy. The office will be led by a director, appointed by the Commissioner of Community Affairs.

The director will establish a secure portal through which an authorized person may submit or revoke a request for the redaction or nondisclosure of a covered person's home address from certain public records and Internet postings. A person must submit a request through the portal and be approved by the director of the Office of Information Privacy in order for an address to be subject to redaction or nondisclosure.

Under the bill, a "covered person" is an active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, and any immediate family member residing in the same household as the judicial officer, prosecutor, or law enforcement officer. An "authorized person" includes covered persons and also includes: (1) a designee of the U.S. Marshals Service or of a U.S. District Court Clerk, who is permitted to submit a request on behalf of any federal judge; (2) a person acting as a designated trustee, as an estate executor, or pursuant to a written power of attorney or other legal instrument, on behalf of any covered person who is deceased or medically or psychologically incapacitated; and (3) the parent or legal guardian of any immediate family member who is a minor. An "immediate family member" includes any family member related by blood or by law to judicial officer, prosecutor, or law enforcement officer and who lives in the same residence. An immediate family member who no longer resides with the judicial officer, prosecutor, or law enforcement officer must notify the office within 30 days of that occurrence.

The director is required to establish a process by which a person or entity may request receipt of an unredacted record and a process for evaluating any other exceptions to the requirement for redaction or nondisclosure under the bill.

The bill requires title search business entities to register with and be subject to regulation by the Department of Banking and Insurance. The business entities will also have to register with the Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk, as appropriate. As defined in the bill, a title search business entity means any person or entity organized under the laws of this State or another state for the primary purpose of determining the existence of any lien, lawsuit, lease, easement, mortgage or other encumbrance or restriction, or ownership interest, on any property and regularly conducts business with any title insurance company or title insurance agent.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will result in an indeterminate increase in State costs. However, the bill appropriates \$3 million from the General Fund to the Department of Community Affairs and such other sums as are necessary, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, to effectuate the purposes of this bill. These funds should be sufficient for FY 2022.

This bill requires that an Office of Information Privacy be established in the Department of Community Affairs. The office will have a director and such staff as the director may hire. State expenditures will increase by an amount necessary for the salary and fringe benefit costs of the director and staff, and for such materials and equipment the office may need.

The bill requires the new office to establish a secure portal for the submission of requests by certain specified persons for redaction and nondisclosure of their home address from records and Internet postings. There will be an indeterminate cost to the State for establishing such a portal.

The bill requires that title search business entities register with and be subject to regulation by the Department of Banking and Insurance. The entities must also register with Division of Revenue and Enterprise Services in the Department of the Treasury, or the county clerk as appropriate. There may be additional costs incurred by the two departments for establishing a registration and regulatory system.

Section: State Government

*Analyst: Aggie Szilagy
Section Chief*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 6171

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Senate Judiciary Committee reports favorably and with committee amendments, the First Reprint of Assembly Bill No. 6171.

This bill, as amended, would create an Office of Information Privacy in the Department of Community Affairs. The office would be led by a director, appointed by and serving at the pleasure of the Commissioner of Community Affairs.

The director would establish, not later than June 9, 2022 (181 days after the bill's retroactive December 10, 2021 effective date), a secure portal through which certain current or former public officials, immediate family members residing in the same household, or authorized persons on behalf of such persons could submit, and subsequently revoke, a request for the redaction or nondisclosure of such officials' home addresses (or same address regarding immediate family members residing in the same household) from various public records and Internet postings. A person would be required to submit a request through the portal and be approved by the director in order for a home address to be subject to redaction or nondisclosure by any public agency in accordance with the bill.

The public officials specifically covered under the bill, and designated as "covered persons" throughout, include: any active, formerly active, or retired federal, state, county, or municipal judge, including a Workers' Compensation judge or administrative law judge, and any active, formerly active, or retired law enforcement officer or prosecutor. Among the authorized persons who may submit (or revoke) a redaction or nondisclosure request for a covered person are: a designee of the United States Marshall Service or clerk of any United States District Court on behalf of any federal judge; a person acting as a designated trustee, estate executor, or pursuant to a power of attorney or other legal instrument on behalf of a covered person who is deceased, or medically or psychologically incapacitated; and a parent or legal guardian of an immediate family member who is a minor.

The bill would require any person submitting a request to the director to acknowledge in writing that the person understands that certain rights, duties, and obligations would be affected as a result of

the redaction or nondisclosure request, including: the receipt of certain notices from non-governmental entities that would otherwise be required under the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.); the signing of candidate petitions for public office or public questions; eligibility for election to public office, or the appointment to any public position; the sale or purchase of a home or other property, and the recordation or notice of any encumbrances on real or other property; the ability to be notified of any class action suit or settlement; and any other legal, promotional, or official notice which would otherwise be provided but for the redaction or nondisclosure of the covered person’s home address.

Public agencies would be required to redact or cease disclosing in records the home address of a covered person or that person’s immediate family member residing in the same household within 30 days of approval of a request by the Director of the Office of Information Privacy. Further, the bill would prohibit State and local government agencies from knowingly posting a home address on the Internet beginning 31 days after an address has been approved for redaction or nondisclosure, unless the State or local government agency receives written permission otherwise from the covered person.

In addition to maintaining the portal for redaction or nondisclosure requests, the director would also establish a process by which a person could request receipt of an unredacted record, or information that is not subject to disclosure as a result of the director’s approval of a redaction or nondisclosure request by a covered person or authorized person on behalf of a covered person.

The bill lists several categories of documents for which there would be an exception to the general requirement to redact or not disclose home addresses, which in some cases the exception would only apply to specific recipients. For example, unredacted voter records may only be provided to candidates, chairpersons of the county or municipal political party committees, or any other person serving as an elections challenger; documents affecting title to real property could only be provided as unredacted to title insurance companies and agents, approved attorneys, mortgage guarantee insurance companies, registered title search business entities formed primarily to determine the existence of liens or other encumbrances or restrictions, or ownership interests on any property (which title search businesses would be newly regulated by the bill), real estate brokers, salespersons and broker-salespersons, and any person making or receiving an offer for the purchase of property; unredacted addresses could also be provided to labor unions, government agency vendors and contractors, and upon court order.

There would be no redaction or nondisclosure provided under the bill for the following types of documents: records, including Uniform Commercial Code filings and financial statements, maintained by the Division of Revenue and Enterprise Services in the Department of the

Treasury; candidate petitions; records evidencing encumbrances on real or other property; property presumed abandoned under the “Uniform Unclaimed Property Act,” P.L.1989, c.58 (C.46:30B-1 et seq.); and, when viewed in person, property tax assessment lists, and the indexes of recorded documents maintained by county recording officers. Also, nothing in the bill would be construed to require redaction or nondisclosure of any information in any document that was shared with or otherwise provided to any other government entity.

Additionally, for a record or other document for which a home address is required to be redacted that, because of the characteristics or properties thereof is only available to be viewed in person (e.g., extremely old), actual redaction is not required but a records custodian or other government official would have to make every reasonable effort to hide the address when allowing an individual not permitted to view the unredacted document while viewing it.

The bill also amends sections of current law, originally enacted in 2020 as “Daniel’s Law,” P.L.2020, c.125, which enactment in part established a prohibition on private persons, businesses, and associations from disclosing the home addresses or unpublished phone numbers of the various public officials now designated as covered persons under this bill, as well as expanded an existing crime, section 1 of P.L.2015, c.226 (C.2C:20-31.1), concerning the disclosure of such persons’ home addresses and unlisted telephone numbers with an intent of exposure to a risk of harm. The updates to “Daniel’s Law” added by the bill would specify that a person, business, or association would not be permitted, upon receipt of a written notice from a covered person or immediate family member residing in the same household, to disclose the home address or unpublished home telephone number of the covered person who has received approval from the Director of the Office of Information Privacy concerning a redaction or nondisclosure request for the person’s home address. A failure to do so would subject the person, business, or association to possible criminal penalties for committing a third degree crime (punishable by three to five years’ imprisonment; a fine of up to \$15,000; or both) or fourth degree crime (up to 18 months’ imprisonment; a fine of up to \$10,000; or both), or civil penalties (including either liquid damages of \$1,000 for each violation, or actual damages if greater).

Due to the changes to “Daniel’s Law” provided by the bill as described above, the bill repeals section 7 of that act (C.56:8-166.2), which originally established a means by which a covered person or immediate family member would make an after-the-fact request to a person, business, or association to refrain from continuing to disclose a home address or unpublished telephone number.

This bill, as amended and reported, is identical to Senate Bill No. 4219, also amended and reported today by the committee.

The committee amendments to the bill:

- add a reference for “real estate broker-salespersons” as persons permitted to see certain unredacted documents, or documents otherwise subject to nondisclosure, that are related to their real estate business operators.

SENATE, No. 4219

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 6, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Senator Pennacchio

SYNOPSIS

Creates Office of Information Privacy; requires, upon request, redaction and nondisclosure of home address of judicial officers, prosecutors, law enforcement officers, and immediate family members thereof residing in same household; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/4/2022)

1 AN ACT concerning disclosure of certain information with respect
2 to certain public officials, creating a new chapter of and
3 supplementing Title 47 of the Revised Statutes, supplementing
4 Title 17 of the Revised Statutes, amending various parts of the
5 statutory law, repealing section 7 of P.L.2020, c.125, and making
6 an appropriation.

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

10
11 1. (New section) a. As used in this this act,
12 P.L. , c. (C.) (pending before the Legislature as this bill):

13 “Authorized person” means a covered person or any of the
14 following persons hereby authorized to submit or revoke a request
15 for the redaction or nondisclosure of a home address on behalf of a
16 covered person:

17 (1) on behalf of any federal judge, a designee of the United
18 States Marshals Service or of the clerk of any United States District
19 Court, provided that the designee submits the affirmation required
20 under subsection d. of section 2 of P.L. , c. (C.) (pending
21 before the Legislature as this bill) signed by each federal judge for
22 whom a request or revocation is made;

23 (2) on behalf of any covered person who is deceased or
24 medically or psychologically incapacitated, a person acting on
25 behalf of the covered person as a designated trustee, as an estate
26 executor, or pursuant to a written power of attorney or other legal
27 instrument, provided that the person signs and submits the
28 affirmation required under subsection d. of section 2 of P.L. , c.
29 (C.) (pending before the Legislature as this bill) in the stead of
30 the covered person; and

31 (3) on behalf of any immediate family member who is a minor
32 and who is otherwise entitled to address redaction or nondisclosure
33 pursuant to this act, the parent or legal guardian thereof.

34 “Covered person” means an active, formerly active, or retired
35 judicial officer or law enforcement officer, as those terms are
36 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
37 and any immediate family member residing in the same household
38 as the judicial officer, law enforcement officer, or prosecutor.

39 “Immediate family member” means a spouse, child, or parent of,
40 or any other family member related by blood or by law to, an active,
41 formerly active, or retired judicial officer or law enforcement
42 officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or
43 prosecutor and who resides in the same household as the judicial
44 officer, law enforcement officer, or prosecutor.

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 b. There is established in the Department of Community
2 Affairs an office to be known as the Office of Information Privacy.
3 The office shall be led by a director, who shall be appointed by and
4 serve at the pleasure of the Commissioner of Community Affairs
5 and who may hire staff as necessary.

6 c. The director shall establish:

7 (1) a secure portal through which an authorized person may
8 submit or revoke a request for the redaction or nondisclosure of a
9 covered person's home address from certain records and Internet
10 postings, as provided in section 2 of P.L. , c. (C.) (pending
11 before the Legislature as this bill); and such requests shall not be
12 subject to disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.);

13 (2) a process by which an authorized person may petition the
14 director for reconsideration of a denial of such request or any
15 revocations thereof;

16 (3) a process by which a person or entity may request receipt of
17 a record that does not contain redactions, or of information that is
18 not disclosable, resulting from subsection a. of section 2 of P.L. ,
19 c. (C.) (pending before the Legislature as this bill); and

20 (4) a process for the evaluation of any other exceptions to the
21 requirement for redaction or nondisclosure pursuant to section 2 of
22 P.L. , c. (C.) (pending before the Legislature as this bill),
23 whether categorical or individualized. The director may grant an
24 exception to any person or entity for the receipt of the unredacted
25 records or information pursuant to this process.

26 d. The director shall evaluate and either approve or deny a
27 request submitted pursuant to subsection c. of this section and any
28 revocations thereof.

29 e. (1) The director may enter into any agreement or contract
30 necessary to effectuate the purposes of this act.

31 (2) The director may issue any guidance, guidelines, decisions,
32 or rules and regulations necessary to effectuate the purposes of this
33 act. The rules and regulations shall be effective immediately upon
34 filing with the Office of Administrative Law for a period not to
35 exceed 18 months, and shall, thereafter, be amended, adopted, or
36 readopted in accordance with the provisions of the "Administrative
37 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

38

39 2. (New section) a. An authorized person seeking the redaction
40 or nondisclosure of the home address of any covered person from
41 certain records and Internet postings consistent with section 2 of
42 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
43 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
44 request in accordance with section 1 of P.L. , c. (C.)
45 (pending before the Legislature as this bill) to the Office of
46 Information Privacy through the secure portal established by the
47 office. The address shall only be subject to redaction or

1 nondisclosure if a request is submitted to and approved by the
2 Director of the Office of Information Privacy.

3 b. A public agency shall redact or cease to disclose, in
4 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
5 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
6 address of a covered person approved by the Office of Information
7 Privacy not later than 30 days following the approval. A public
8 agency shall also discontinue the redaction or nondisclosure of the
9 home address of any covered person for whom a revocation request
10 has been approved not later than 30 days following the approval.

11 c. An immediate family member who has sought and received
12 approval under subsection a. of this section and who no longer
13 resides with the active, formerly active, or retired judicial officer,
14 prosecutor, or law enforcement officer shall submit through the
15 portal a revocation request not later than 30 days from the date on
16 which the immediate family member no longer resided with the
17 judicial officer, prosecutor, or law enforcement officer.

18 d. A person submitting a request pursuant to subsection a. of
19 this section shall affirm in writing that the person understands that
20 certain rights, duties, and obligations are affected as a result of the
21 request, including:

22 (1) the receipt of certain notices from non-governmental entities
23 as would otherwise be required pursuant to the "Municipal Land
24 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

25 (2) the signing of petitions related to the nomination or election
26 of a candidate to public office or related to any public question;

27 (3) the eligibility or requirements related to seeking or accepting
28 the nomination for election or election to public office, or the
29 appointment to any public position;

30 (4) the sale or purchase of a home or other property, recordation
31 of a judgment, lien or other encumbrance on real or other property,
32 and any relief granted based thereon;

33 (5) the ability to be notified of any class action suit or
34 settlement; and

35 (6) any other legal, promotional, or official notice which would
36 otherwise be provided to the person but for the redaction or
37 nondisclosure of such person's home address pursuant to subsection
38 a. of this section.

39

40 3. (New section) a. The following exceptions shall apply to the
41 requirement to redact, and the prohibition against the disclosure of,
42 a home address pursuant to section 2 of P.L. , c. (C.)
43 (pending before the Legislature as this bill) in accordance with
44 section 2 of P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995,
45 c.23 (C.47:1A-1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5):

46 (1) Copies of voter registration files maintained in the Statewide
47 voter registration system pursuant to section 2 of P.L.2005, c.145
48 (C.19:31-32) and maintained by the commissioner of registration in

1 each county pursuant to R.S.19:31-3 shall be provided as redacted
2 pursuant to section 2 of P.L. , c. (C.) (pending before the
3 Legislature as this bill), except that copies of the files as unredacted
4 pursuant thereto shall be provided to the following individuals,
5 upon the individual's signing of an affidavit attesting to the
6 individual's qualifying status pursuant hereto:

7 (a) the chairperson of the county or municipal committee of a
8 political party, as appropriate under R.S.19:7-1, or a designee
9 thereof, for distribution to any person authorized to serve as a
10 challenger pursuant to R.S.19:7-1 or section 2 of P.L.2021, c.40
11 (C.19:15A-2), subject to the limitations in section 1 of P.L.1960,
12 c.82 (C.19:7-6.1); and the unredacted copies may only be used for
13 the purpose specified in R.S.19:7-5;

14 (b) a candidate, or a designee thereof, for distribution to a
15 challenger appointed thereby pursuant to section 2 of P.L.2021, c.40
16 (C.19:15A-2) for the person's use in accordance with R.S.19:7-5;

17 (c) a candidate acting as a challenger pursuant to R.S.19:7-2 or
18 the other person appointed thereunder, for use in accordance with
19 R.S.19:7-5;

20 (d) any vendor, contractor, or organization carrying out a
21 function of a county or of the State concerning the administration or
22 conduct of elections; and

23 (e) upon order of a judge of the Superior Court after a finding
24 that the unredacted copy is necessary to determine the merits of a
25 petition filed in accordance with R.S.19:29-3, a person filing such
26 petition or the respondent or both.

27 This paragraph shall apply to registry lists as described in section
28 2 of P.L.1947, c.347 (C.19:31-18.1).

29 (2) Other than as provided in subparagraphs (d) and (e) of
30 paragraph (4) of this subsection, a document affecting the title to
31 real property, as defined by N.J.S.46:26A-2, recorded and indexed
32 by a county recording officer, or as otherwise held or maintained by
33 the Division of Taxation, a county board of taxation, a county tax
34 administrator, or a county or municipal tax assessor, that contains
35 an address subject to redaction or nondisclosure consistent with this
36 act, P.L. , c. (C.) (pending before the Legislature as this
37 bill):

38 may instead or in addition include the redaction and
39 nondisclosure of the names or other information of approved
40 covered persons, as specified by the Director of the Division of
41 Taxation, which redaction and nondisclosure may include masking
42 of such names or other information, and

43 shall be provided as unredacted to the following persons when
44 requested in such person's ordinary course of business:

45 (a) a title insurance company, a title insurance agent, or an
46 approved attorney, as defined in section 1 of P.L.1975, c.106
47 (C.17:46B-1);

- 1 (b) a mortgage guarantee insurance company, as described in
2 section 4 of P.L.1968, c.248 (C.17:46A-4);
- 3 (c) a mortgage loan originator, as defined in section 3 of
4 P.L.2009, c.53 (C.17:11C-53);
- 5 (d) a registered title search business entity, as defined in section
6 4 of P.L. , c. (C.) (pending before the Legislature as this
7 bill);
- 8 (e) a real estate broker, a real estate salesperson, a real estate
9 salesperson licensed with a real estate referral company, or a real
10 estate referral company, as such terms are defined in R.S.45:15-3;
11 and
- 12 (f) an individual or business that has made or received an offer
13 for the purchase of real estate and real property, or any portion
14 thereof, to or from a covered person whose address is subject to
15 redaction or nondisclosure pursuant to section 2 of
16 P.L. , c. (C.) (pending before the Legislature as this bill).
- 17 This act shall not be construed to prohibit a county recording
18 officer from returning a document as unredacted to any person who
19 submitted the document for recordation.
- 20 (3) A home address as unredacted may be provided by a public
21 agency to the majority representative of such agency's employees.
- 22 (4) The following shall not be subject to redaction or
23 nondisclosure pursuant to subsection 2 of P.L. , c. (C.)
24 (pending before the Legislature as this bill):
- 25 (a) records and documents, including Uniform Commercial
26 Code filings and financing statements, maintained by the Division
27 of Revenue and Enterprise Services in the Department of the
28 Treasury;
- 29 (b) petitions naming candidates for office pursuant to R.S.19:13-
30 1 and R.S.19:13-4;
- 31 (c) petitions signed in accordance with R.S.19:13-6;
- 32 (d) records evidencing any lien, judgement, or other
33 encumbrance upon real or other property;
- 34 (e) assessment lists subject to inspection pursuant to R.S.54:4-
35 38 when inspected in person;
- 36 (f) the index of all recorded documents maintained by a county
37 recording officer as under N.J.S.46:26A-8 when inspected in
38 person; and
- 39 (g) property that is presumed abandoned under the "Uniform
40 Unclaimed Property Act," P.L.1989, c.58 (C.46:30B-1 et seq.).
- 41 (5) A public agency may share unredacted information with any
42 vendor, contractor, or organization to carry out the purposes for
43 which the public agency entered into an agreement with the vendor,
44 contractor, or organization. The vendor, contractor, or organization
45 shall not use such information in any manner other than as
46 necessary to carry out the purposes of the agreement.

1 (6) For a record or other document containing a home address
2 required to be redacted pursuant to section 2 of
3 P.L. , c. (C.) (pending before the Legislature as this bill)
4 that, because of the characteristics or properties of the record or
5 document, is only available to be viewed in person, a custodian or
6 other government official shall make every reasonable effort to hide
7 such address when allowing an individual without authority to view
8 such address as unredacted to view the record or document.

9 b. Nothing in this act shall be construed to require redaction or
10 nondisclosure of any information in any document, record,
11 information, or database shared with or otherwise provided to any
12 other government entity.

13 c. Information otherwise subject to redaction or nondisclosure
14 pursuant to section 2 of P.L. , c. (C.) (pending before the
15 Legislature as this bill) may be provided as unredacted upon order
16 of a judge of the Superior Court or of any other court of competent
17 jurisdiction.

18 d. This section shall not be construed to require a record to be
19 made available that is not otherwise required to be made available
20 under any other law or regulation.

21 e. The Director of the Division of Taxation may issue any
22 guidance, guidelines, or rules and regulations necessary to
23 effectuate the purposes of this section. The rules and regulations
24 shall be effective immediately upon filing with the Office of
25 Administrative Law for a period not to exceed 18 months, and shall,
26 thereafter, be amended, adopted, or readopted in accordance with
27 the provisions of the “Administrative Procedure Act,” P.L.1968,
28 c.410 (C.52:14B-1 et seq.).

29

30 4. (New section) a. As used in this section:

31 “Title search business entity” means any person or entity
32 organized under the laws of this State or another state for the
33 primary purpose of determining the existence of any lien, lawsuit,
34 lease, easement, mortgage or other encumbrance or restriction, or
35 ownership interest, on any property and regularly conducts business
36 with any title insurance company or title insurance agent as defined
37 in section 1 of P.L.1975, c.106 (C.17:46B-1).

38 b. A title search business entity conducting business in this State
39 shall register with and be subject to regulation by the Department of
40 Banking and Insurance. The business entities shall also register with
41 the Division of Revenue and Enterprise Services in the Department
42 of the Treasury, or the county clerk, as appropriate.

43 c. The Commissioner of Banking and Insurance may issue rules
44 and regulations necessary to effectuate the purposes of this section.
45 The rules and regulations shall be effective immediately upon filing
46 with the Office of Administrative Law for a period not to exceed 18
47 months and may, thereafter, be amended, adopted, or readopted in

1 accordance with the “Administrative Procedure Act,” P.L.1968,
2 c.410 (C.52:14B-1 et seq.).

3

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

6 1. **[A]** a. For the purposes of this section:

7 “Authorized person” means a covered person or any of the
8 following persons hereby authorized to submit or revoke a request
9 for the redaction or nondisclosure of a home address or unpublished
10 telephone number on behalf of a covered person pursuant to
11 subsection c. of this section:

12 (1) on behalf of any federal judge, a designee of the United
13 States Marshals Service or of the clerk of any United States District
14 Court;

15 (2) on behalf of any covered person who is deceased or
16 medically or psychologically incapacitated, a person acting on
17 behalf of the covered person as a designated trustee, as an estate
18 executor, or pursuant to a written power of attorney or other legal
19 instrument; and

20 (3) on behalf of any immediate family member who is a minor
21 and who is otherwise entitled to address redaction or nondisclosure
22 pursuant to this act, P.L. , c. (C.) (pending before the
23 Legislature as this bill), the parent or legal guardian thereof.

24 “Covered person” means an active, formerly active, or retired
25 judicial officer or law enforcement officer, as those terms are
26 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
27 and any immediate family member residing in the same household
28 as the judicial officer, law enforcement officer, or prosecutor.

29 “Immediate family member” means a spouse, child, or parent of,
30 or any other family member related by blood or by law to, an active,
31 formerly active, or retired judicial officer or law enforcement
32 officer, as those terms are defined by section 1 of P.L.1995, c.23
33 (C.47:1A-1.1), or prosecutor and who resides in the same household
34 as the judicial officer, law enforcement officer, or prosecutor.

35 “Person” shall not be construed to include in any capacity the
36 custodian of a government record as defined in section 1 of
37 P.L.1995, c.23 (C.47:1A-1.1).

38 b. Upon notification pursuant to subsection c. of this section, and
39 not later than 10 business days after receipt thereof, a person shall
40 not knowingly, with purpose to expose another to harassment or
41 risk of harm to life or property, or in reckless disregard of the
42 probability of such exposure, post **[or]** , repost, publish, or
43 republish on the Internet **[, or repost, republish]**, or otherwise make
44 available, the home address or unpublished home telephone number
45 of any **[active, formerly active, or retired judicial officer, as defined**
46 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
47 enforcement officer, or the spouse or child thereof] covered person,

1 except in compliance with any court order, law enforcement
2 investigation, or request by a government agency or person duly
3 acting on behalf of the agency.

4 c. An authorized person, as defined in subsection a. of this
5 section, seeking to prohibit the disclosure of the home address or
6 unpublished home telephone number of any covered person
7 consistent with subsection b. of this section shall provide written
8 notice to the person from whom they are seeking nondisclosure that
9 they are an authorized person and requesting that such person cease
10 the disclosure of such information and remove the protected
11 information from the Internet or where otherwise made available.

12 d. A reckless violation of subsection b. of this section is a crime
13 of the fourth degree. A purposeful violation of subsection b. of this
14 section is a crime of the third degree.

15 e. This section shall not be construed to prohibit a person,
16 business, or association who has received information as unredacted
17 pursuant to the provisions of sections 1 through 3
18 of P.L. , c. (C.) (pending before the Legislature as this bill)
19 from making the information available consistent with the purposes
20 for which the person, business, or association received the
21 information. A person, business, or association that uses or makes
22 available the information in a way that is inconsistent with the
23 purposes for which the person, business, or association received the
24 information shall be liable as provided pursuant to subsection d. of
25 this section.

26 (cf: P.L.2021, c.24, s.4)

27
28 6. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to
29 read as follows:

30 2. a. The county clerk in all counties shall cause copies of the
31 registry lists, certified and transmitted under R.S.19:31-18, to be
32 printed, and shall furnish to any voter applying for the same such
33 copies, charging therefor \$0.25 per copy of the list of voters of each
34 election district. The clerk shall also furnish five printed copies
35 thereof to each district board, which shall within two days post two
36 such registry lists, one in the polling place and one in another
37 conspicuous place within the election district. The county clerk
38 shall also forthwith deliver to the superintendent of elections of the
39 county, if any there be, and to the chairmen of the county
40 committees of each of the several political parties in the county,
41 five copies of the lists of voters of each election district in the
42 county; and to the municipal clerk of each of the municipalities in
43 the county five copies of the lists of voters of each election district
44 in such municipality; and to the county board 10 copies of the lists
45 of voters of each election district in each of such municipalities.
46 The county clerk shall also, upon the request of the chairman of the
47 State committee of any of the several political parties, but not more
48 than once in each calendar year, forthwith deliver a copy of the lists

1 of voters of each election district in each of the municipalities in his
2 county. In no case shall a list of registered voters furnished pursuant
3 to this section include voter signatures or, except as otherwise
4 provided in section 3 of P.L. , c. (C.) (pending before the
5 Legislature as this bill), the home address of a covered person, as
6 defined in section 1 of P.L. , c. (C.) (pending before the
7 Legislature as this bill), who has received approval from the Office
8 of Information Privacy for the redaction or nondisclosure of the
9 covered person's address. The county clerk shall satisfy the request
10 by delivery of a computer-generated or electronic copy of the list
11 for the county from the Statewide voter registration system.

12 b. The commissioner of registration shall furnish a computer-
13 generated or electronic copy of a list of registered voters in any or
14 all election districts in the county to any voter requesting it, for
15 which copy such commissioner shall make a charge which shall be
16 uniform in any calendar year and which shall reflect only the cost of
17 reproducing the list, but which in any case shall not exceed \$375.

18 c. No person shall use voter registration lists or copies thereof
19 prepared pursuant to this section as a basis for commercial or
20 charitable solicitation of the voters listed thereon. Any person
21 making such use of such lists or copies thereof shall be a disorderly
22 person, and shall be punished by a fine not exceeding \$500.00.
23 (cf: P.L.2005, c.145, s.14)
24

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

27 2. **[A]** Except as otherwise provided pursuant to sections 1
28 through 3 of P.L. , c. (C.) (pending before the Legislature
29 as this bill), a State or local governmental agency shall not
30 knowingly post [or] , repost, publish , or republish on the Internet
31 [, or repost, republish, or otherwise make available,] the home
32 address [or unpublished home telephone number] of any [active,
33 formerly active, or retired judicial officer, as defined by section 1 of
34 P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement
35 officer without first obtaining] covered person approved by the
36 Office of Information Privacy pursuant to section 2 of P.L. , c.
37 (C.) (pending before the Legislature as this bill), 31 days or
38 more following such approval, unless the agency obtains the written
39 permission of that person.

40 (cf: P.L.2021, c.24, s.3)
41

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

44 3. a. **[A]** (1) Upon notification pursuant to paragraph (2) of this
45 subsection, and not later than 10 business days following receipt
46 thereof, a person, business, or association shall not disclose or re-

1 disclose on the Internet **【**, or re-disclose**】** or otherwise make
2 available, the home address or unpublished home telephone number
3 of any **【**active, formerly active, or retired judicial officer, as defined
4 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
5 enforcement officer under circumstances in which a reasonable
6 person would believe that providing that information would expose
7 another to harassment or risk of harm to life or property**】** covered
8 person, as defined in subsection d. of this section, who has received
9 approval from the Office of Information Privacy for the redaction or
10 nondisclosure of the covered person's address.

11 (2) An authorized person, seeking to prohibit the disclosure of
12 the home address or unpublished home telephone number of any
13 covered person consistent with paragraph (1) of this subsection
14 shall provide written notice to the person from whom they are
15 seeking nondisclosure that they are an authorized person and
16 requesting that the person cease the disclosure of the information
17 and remove the protected information from the Internet or where
18 otherwise made available.

19 (3) An immediate family member who has provided notice
20 pursuant to paragraph (2) of this subsection and who no longer
21 resides with the judicial officer, prosecutor, or law enforcement
22 officer shall provide notice to that effect to the person, business, or
23 association not later than 30 days from the date on which the
24 immediate family member no longer resided with the judicial
25 officer, prosecutor, or law enforcement officer.

26 b. A person, business, or association that violates subsection a.
27 of this section shall be liable to the aggrieved person **【**or any other
28 person residing at the home address of the aggrieved person**】**, who
29 may bring a civil action in the Superior Court.

30 c. The court may award:

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

33 (2) punitive damages upon proof of willful or reckless disregard
34 of the law;

35 (3) reasonable attorney's fees and other litigation costs
36 reasonably incurred; and

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

39 d. For the purposes of this section **【**, "disclose"**】** :

40 "Authorized person" means a covered person or any of the
41 following persons hereby authorized to submit or revoke a request
42 for the redaction or nondisclosure of a home address on behalf of a
43 covered person:

44 (1) on behalf of any federal judge, a designee of the United
45 States Marshals Service or of the clerk of any United States District
46 Court;

1 (2) on behalf of any covered person who is deceased or
2 medically or psychologically incapacitated, a person acting on
3 behalf of the covered person as a designated trustee, as an estate
4 executor, or pursuant to a written power of attorney or other legal
5 instrument; and

6 (3) on behalf of any immediate family member who is a minor
7 and who is otherwise entitled to address redaction or nondisclosure
8 pursuant to this act, the parent or legal guardian thereof.

9 “Covered person” means an active, formerly active, or retired
10 judicial officer or law enforcement officer, as those terms are
11 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
12 and any immediate family member residing in the same household
13 as such judicial officer, law enforcement officer, or prosecutor.

14 “Disclose” shall mean to solicit, sell, manufacture, give, provide,
15 lend, trade, mail, deliver, transfer, post, publish, distribute,
16 circulate, disseminate, present, exhibit, advertise or offer.

17 “Immediate family member” means a spouse, child, or parent of,
18 or any other family member related by blood or by law to, an active,
19 formerly active, or retired judicial officer or law enforcement
20 officer, as those terms are defined by section 1 of P.L.1995, c.23
21 (C.47:1A-1.1), or prosecutor and who resides in the same household
22 as such judicial officer, prosecutor, or law enforcement officer.

23 “Person” shall not be construed to include in any capacity the
24 custodian of a government record as defined in section 1 of
25 P.L.1995, c.23 (C.47:1A-1.1).

26 e. This section shall not be construed to prohibit a person,
27 business, or association who has received information as unredacted
28 pursuant to the provisions of sections 1 through 3 of
29 P.L. , c. (C.) (pending before the Legislature as this bill)
30 from making the information available consistent with the purposes
31 for which the person, business, or association received the
32 information. A person, business, or association that uses or makes
33 available the information in a way that is inconsistent with the
34 purposes for which the person, business, or association received the
35 information shall be liable as provided pursuant to subsection c. of
36 this section.

37 (cf: P.L.2021, c.24, s.5)

38
39 9. N.J.S.46:26A-12 is amended to read as follows:

40 46:26A-12 a. **【Any】** Notwithstanding the provisions of P.L. ,
41 c. (C.) (pending before the Legislature as this bill), any
42 recorded document affecting the title to real property is, from the
43 time of recording, notice to all subsequent purchasers, mortgagees
44 and judgment creditors of the execution of the document recorded
45 and its contents.

46 b. A claim under a recorded document affecting the title to real
47 property shall not be subject to the effect of a document that was

1 later recorded or was not recorded unless the claimant was on notice
2 of the later recorded or unrecorded document.

3 c. A deed or other conveyance of an interest in real property
4 shall be of no effect against subsequent judgment creditors without
5 notice, and against subsequent bona fide purchasers and mortgagees
6 for valuable consideration without notice and whose conveyance or
7 mortgage is recorded, unless that conveyance is evidenced by a
8 document that is first recorded.

9 (cf: N.J.S.46:26A-12)

10

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

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

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

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

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

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

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

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

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

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

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

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

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

24 criminal investigatory records;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 that portion of any document which discloses the social security
45 number, credit card number, unlisted telephone number or driver
46 license number of any person, or , in accordance with section 2 of
47 P.L. , c. (C.) (pending before the Legislature as this bill),
48 that portion of any document which discloses the home address,

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

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

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

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

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

43 test questions, scoring keys and other examination data
44 pertaining to the administration of an examination for employment
45 or academic examination;

46 records of pursuit of charitable contributions or records
47 containing the identity of a donor of a gift if the donor requires non-
48 disclosure of the donor's identity as a condition of making the gift

1 provided that the donor has not received any benefits of or from the
2 institution of higher education in connection with such gift other
3 than a request for memorialization or dedication;

4 valuable or rare collections of books or documents obtained by
5 gift, grant, bequest or devise conditioned upon limited public
6 access;

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

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

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

42 "Law enforcement agency" means a public agency, or part
43 thereof, determined by the Attorney General to have law
44 enforcement responsibilities.

45 "Law enforcement officer" means a person whose public duties
46 include the power to act as an officer for the detection,
47 apprehension, arrest and conviction of offenders against the laws of
48 this State.

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

3 "Judicial officer" means any active, formerly active, or retired
4 federal, state, county, or municipal judge, including a judge of the
5 Tax Court and any other court of limited jurisdiction established,
6 altered, or abolished by law, a judge of the Office of Administrative
7 Law, a judge of the Division of Workers' Compensation, and any
8 other judge established by law who serves in the executive branch.

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

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

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

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

24 "Victims' rights agency" means a public agency, or part thereof,
25 the primary responsibility of which is providing services, including
26 but not limited to food, shelter, or clothing, medical, psychiatric,
27 psychological or legal services or referrals, information and referral
28 services, counseling and support services, or financial services to
29 victims of crimes, including victims of sexual assault, domestic
30 violence, violent crime, child endangerment, child abuse or child
31 neglect, and the Victims of Crime Compensation Board, established
32 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
33 the Victims of Crime Compensation Office pursuant to P.L.2007,
34 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
35 (cf: P.L.2021, c.24, s.1)

36

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

39 6. a. The custodian of a government record shall permit the
40 record to be inspected, examined, and copied by any person during
41 regular business hours; or in the case of a municipality having a
42 population of 5,000 or fewer according to the most recent federal
43 decennial census, a board of education having a total district
44 enrollment of 500 or fewer, or a public authority having less than
45 \$10 million in assets, during not less than six regular business hours
46 over not less than three business days per week or the entity's
47 regularly-scheduled business hours, whichever is less; unless a
48 government record is exempt from public access by: P.L.1963, c.73

1 (C.47:1A-1 et seq.) as amended and supplemented; any other
2 statute; resolution of either or both houses of the Legislature;
3 regulation promulgated under the authority of any statute or
4 Executive Order of the Governor; Executive Order of the Governor;
5 Rules of Court; any federal law; federal regulation; or federal order.
6 Prior to allowing access to any government record, the custodian
7 thereof shall redact from that record any information which
8 discloses the social security number, credit card number, unlisted
9 telephone number, or driver license number of any person, or in
10 accordance with section 2 of P.L. , c. (C.) (pending before
11 the Legislature as this bill), the home address, whether a primary or
12 secondary residence, of any active, formerly active, or retired
13 judicial officer **[or]** , prosecutor, **[and any active, formerly active,**
14 **or retired]** or law enforcement officer, or, as defined in section 1 of
15 P.L. , c. (C.) (pending before the Legislature as this bill),
16 any immediate family member thereof; except for use by any
17 government agency, including any court or law enforcement
18 agency, in carrying out its functions, or any private person or entity
19 acting on behalf thereof, or any private person or entity seeking to
20 enforce payment of court-ordered child support; except with respect
21 to the disclosure of driver information by the New Jersey Motor
22 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
23 (C.39:2-3.4); and except that a social security number contained in
24 a record required by law to be made, maintained or kept on file by a
25 public agency shall be disclosed when access to the document or
26 disclosure of that information is not otherwise prohibited by State
27 or federal law, regulation or order or by State statute, resolution of
28 either or both houses of the Legislature, Executive Order of the
29 Governor, rule of court or regulation promulgated under the
30 authority of any statute or executive order of the Governor. Except
31 where an agency can demonstrate an emergent need, a regulation
32 that limits access to government records shall not be retroactive in
33 effect or applied to deny a request for access to a government
34 record that is pending before the agency, the council or a court at
35 the time of the adoption of the regulation.

36 b. (1) A copy or copies of a government record may be
37 purchased by any person upon payment of the fee prescribed by law
38 or regulation. Except as otherwise provided by law or regulation
39 and except as provided in paragraph (2) of this subsection, the fee
40 assessed for the duplication of a government record embodied in the
41 form of printed matter shall be \$0.05 per letter size page or smaller,
42 and \$0.07 per legal size page or larger. If a public agency can
43 demonstrate that its actual costs for duplication of a government
44 record exceed the foregoing rates, the public agency shall be
45 permitted to charge the actual cost of duplicating the record. The
46 actual cost of duplicating the record, upon which all copy fees are
47 based, shall be the cost of materials and supplies used to make a
48 copy of the record, but shall not include the cost of labor or other

1 overhead expenses associated with making the copy except as
2 provided for in subsection c. of this section. Access to electronic
3 records and non-printed materials shall be provided free of charge,
4 but the public agency may charge for the actual costs of any needed
5 supplies such as computer discs.

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

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

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

39 e. Immediate access ordinarily shall be granted to budgets, bills,
40 vouchers, contracts, including collective negotiations agreements
41 and individual employment contracts, and public employee salary
42 and overtime information.

43 f. The custodian of a public agency shall adopt a form for the
44 use of any person who requests access to a government record held
45 or controlled by the public agency. The form shall provide space
46 for the name, address, and phone number of the requestor and a
47 brief description of the government record sought. The form shall
48 include space for the custodian to indicate which record will be

1 made available, when the record will be available, and the fees to be
2 charged. The form shall also include the following: (1) specific
3 directions and procedures for requesting a record; (2) a statement as
4 to whether prepayment of fees or a deposit is required; (3) the time
5 period within which the public agency is required by P.L.1963, c.73
6 (C.47:1A-1 et seq.) as amended and supplemented, to make the
7 record available; (4) a statement of the requestor's right to challenge
8 a decision by the public agency to deny access and the procedure
9 for filing an appeal; (5) space for the custodian to list reasons if a
10 request is denied in whole or in part; (6) space for the requestor to
11 sign and date the form; (7) space for the custodian to sign and date
12 the form if the request is fulfilled or denied. The custodian may
13 require a deposit against costs for reproducing documents sought
14 through an anonymous request whenever the custodian anticipates
15 that the information thus requested will cost in excess of \$5 to
16 reproduce.

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

39 h. Any officer or employee of a public agency who receives a
40 request for access to a government record shall forward the request
41 to the custodian of the record or direct the requestor to the
42 custodian of the record.

43 i. (1) Unless a shorter time period is otherwise provided by
44 statute, regulation, or executive order, a custodian of a government
45 record shall grant access to a government record or deny a request
46 for access to a government record as soon as possible, but not later
47 than seven business days after receiving the request, provided that
48 the record is currently available and not in storage or archived. In

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

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

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

31 k. The files maintained by the Office of the Public Defender that
32 relate to the handling of any case shall be considered confidential
33 and shall not be open to inspection by any person unless authorized
34 by law, court order, or the State Public Defender.

35 (cf: P.L.2021, c.24, s.2)

36

37 12. a. The Office of Information Privacy shall establish the
38 portal required under subsection c. of section 1 of this act,
39 P.L. , c. (C.) (pending before the Legislature as this bill)
40 not later than the 181st day next following the date of enactment.

41 b. Compliance with the provisions of this act,
42 P.L. , c. (C.) (pending before the Legislature as this bill)
43 shall not be required until the 366th day next following the date of
44 enactment, except that a public agency, person, business, or
45 association may honor a request for redaction or nondisclosure, or
46 revocation thereof, submitted by an authorized person prior thereto.

47

48 13. Section 7 of P.L.2020, c.125 (C.56:8-166.2) is repealed.

1 14. There shall be appropriated from the General Fund the sum
2 of \$3,000,000 to the Department of Community Affairs and such
3 other sums as are necessary, subject to the approval of the Director
4 of the Division of Budget and Accounting in the Department of the
5 Treasury, to effectuate the purposes of this act.

6
7 15. (New section) If any provision of this act or its application
8 to any person or circumstances is held invalid, the invalidity shall
9 not affect other provisions or applications of this act which can be
10 given effect without the invalid provision or application, and to this
11 end the provisions of this act are severable.

12
13 16. This act shall take effect immediately and shall be retroactive
14 to December 10, 2021.

15
16
17 STATEMENT

18
19 This bill creates, in the Department of Community Affairs, an
20 office to be known as the Office of Information Privacy. The office
21 will be led by a director, appointed by the Commissioner of
22 Community Affairs.

23 The director will establish a secure portal through which an
24 authorized person may submit or revoke a request for the redaction
25 or nondisclosure of a covered person's home address from certain
26 public records and Internet postings. A person must submit a
27 request through the portal and be approved by the director of the
28 Office of Information Privacy in order for an address to be subject
29 to redaction or nondisclosure.

30 Under the bill, a "covered person" is an active, formerly active,
31 or retired judicial officer, prosecutor, or law enforcement officer,
32 and any immediate family member residing in the same household
33 as the judicial officer, prosecutor, or law enforcement officer. An
34 "authorized person" includes covered persons and also includes: (1)
35 a designee of the U.S. Marshals Service or of a U.S. District Court
36 Clerk, who is permitted to submit a request on behalf of any federal
37 judge; (2) a person acting as a designated trustee, as an estate
38 executor, or pursuant to a written power of attorney or other legal
39 instrument, on behalf of any covered person who is deceased or
40 medically or psychologically incapacitated; and (3) the parent or
41 legal guardian of any immediate family member who is a minor. An
42 "immediate family member" includes any family member related by
43 blood or by law to judicial officer, prosecutor, or law enforcement
44 officer and who lives in the same residence. An immediate family
45 member who no longer resides with the judicial officer, prosecutor,
46 or law enforcement officer must notify the office within 30 days of
47 that occurrence.

1 The director is also to establish a process by which a person or
2 entity may request receipt of an unredacted record and a process for
3 evaluating any other exceptions to the requirement for redaction or
4 nondisclosure under the bill.

5 The bill requires any person seeking redaction or nondisclosure
6 to acknowledge in writing that the person understands that certain
7 rights, duties, and obligations are affected as a result of the request,
8 including:

9 (1) the receipt of certain notices from non-governmental entities
10 under the “Municipal Land Use Law;”

11 (2) the signing of candidate petitions;

12 (3) eligibility for election to public office, or the appointment to
13 certain public positions;

14 (4) the sale or purchase of a home or other property, and the
15 recordation or notice of any encumbrances on real or other
16 property;

17 (5) the ability to be notified of any class action suit or settlement;
18 and

19 (6) any other legal, promotional, or official notice which would
20 otherwise be provided.

21 The bill also provides for certain exceptions. Under the bill,
22 unredacted voter records may only be provided to candidates,
23 chairpersons of the county or municipal political party committees,
24 or any other person serving as an elections challenger. Documents
25 affecting title to real property may instead include redactions of
26 names or other information, as determined by the Director of the
27 Division of Taxation, and may only be provided as unredacted to
28 title insurance companies and agents, approved attorneys, mortgage
29 guarantee insurance companies, registered title search business
30 entities, which are newly defined in the bill, real estate brokers and
31 salespersons, and any person making or receiving an offer for the
32 purchase of property. Unredacted addresses may also be provided to
33 labor unions, government agency vendors and contractors, and upon
34 court order. The following documents are not subject to redaction
35 under the bill: business filings, candidate petitions; records
36 evidencing encumbrances on real or other property, and unclaimed
37 property, and, when viewed in person, property tax assessment lists
38 and the indexes of recorded documents maintained by county
39 recording officers. Records that are very old or for other reasons
40 can only be viewed in person may be left unredacted, but the
41 government records custodian must make every effort to hide a
42 protected address when allowing an individual to view the record.

43 As defined in the bill, a title search business entity means any
44 person or entity organized under the laws of this State or another
45 state for the primary purpose of determining the existence of any
46 lien, lawsuit, lease, easement, mortgage or other encumbrance or
47 restriction, or ownership interest, on any property and regularly
48 conducts business with any title insurance company or title

1 insurance agent. The bill requires title search business entities to
2 register with and be subject to regulation by the Department of
3 Banking and Insurance. The business entities will also register with
4 the Division of Revenue and Enterprise Services in the Department
5 of the Treasury, or the county clerk, as appropriate.

6 The bill prohibits State and local government agencies from
7 knowingly posting protected home addresses on the internet 31 days
8 or more after an address is granted protection by the Office of
9 Information Privacy, unless the agency receives written permission
10 otherwise. Public agencies are also to redact or cease disclosing
11 protected information in records within 30 days of approval of a
12 request by the Office of Information Privacy.

13 The bill also amends sections of current law requiring private
14 persons, businesses, and associations to redact protected addresses
15 by requiring that a covered person submit a request for the
16 redaction of the covered person's address or unpublished telephone
17 number. Previous law prohibited private persons, businesses, and
18 associations from making this information available but did not
19 specify how those persons, businesses, or associations were to know
20 which addresses to redact. Under the bill, a person, business, or
21 association receiving the request will have 10 business days to
22 remove the address or unpublished telephone number or face certain
23 criminal or civil penalties. The bill combines two sections of law
24 providing for civil relief and, therefore, repeals one of the sections.
25 The bill also amends these sections to provide the same protection
26 to immediate family members residing in the same household as a
27 judicial officer, prosecutor, or law enforcement officer.

28 The bill also repeals a section of law concerning the request by
29 any active, formerly active, or retired judicial officer, or prosecutor,
30 to remove certain identifying information from the Internet or
31 where otherwise made available.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 4219

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 4219.

This bill, as amended, would create an Office of Information Privacy in the Department of Community Affairs. The office would be led by a director, appointed by and serving at the pleasure of the Commissioner of Community Affairs.

The director would establish, not later than June 9, 2022 (181 days after the bill's retroactive December 10, 2021 effective date), a secure portal through which certain current or former public officials, immediate family members residing in the same household, or authorized persons on behalf of such persons could submit, and subsequently revoke, a request for the redaction or nondisclosure of such officials' home addresses (or same address regarding immediate family members residing in the same household) from various public records and Internet postings. A person would be required to submit a request through the portal and be approved by the director in order for a home address to be subject to redaction or nondisclosure by any public agency in accordance with the bill.

The public officials specifically covered under the bill, and designated as "covered persons" throughout, include: any active, formerly active, or retired federal, state, county, or municipal judge, including a Workers' Compensation judge or administrative law judge, and any active, formerly active, or retired law enforcement officer or prosecutor. Among the authorized persons who may submit (or revoke) a redaction or nondisclosure request for a covered person are: a designee of the United States Marshall Service or clerk of any United States District Court on behalf of any federal judge; a person acting as a designated trustee, estate executor, or pursuant to a power of attorney or other legal instrument on behalf of a covered person who is deceased, or medically or psychologically incapacitated; and a parent or legal guardian of an immediate family member who is a minor.

The bill would require any person submitting a request to the director to acknowledge in writing that the person understands that certain rights, duties, and obligations would be affected as a result of the redaction or nondisclosure request, including: the receipt of certain notices from non-governmental entities that would otherwise be

required under the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.); the signing of candidate petitions for public office or public questions; eligibility for election to public office, or the appointment to any public position; the sale or purchase of a home or other property, and the recordation or notice of any encumbrances on real or other property; the ability to be notified of any class action suit or settlement; and any other legal, promotional, or official notice which would otherwise be provided but for the redaction or nondisclosure of the covered person’s home address.

Public agencies would be required to redact or cease disclosing in records the home address of a covered person or that person’s immediate family member residing in the same household within 30 days of approval of a request by the Director of the Office of Information Privacy. Further, the bill would prohibit State and local government agencies from knowingly posting a home address on the Internet beginning 31 days after an address has been approved for redaction or nondisclosure, unless the State or local government agency receives written permission otherwise from the covered person.

In addition to maintaining the portal for redaction or nondisclosure requests, the director would also establish a process by which a person could request receipt of an unredacted record, or information that is not subject to disclosure as a result of the director’s approval of a redaction or nondisclosure request by a covered person or authorized person on behalf of a covered person.

The bill lists several categories of documents for which there would be an exception to the general requirement to redact or not disclose home addresses, which in some cases the exception would only apply to specific recipients. For example, unredacted voter records may only be provided to candidates, chairpersons of the county or municipal political party committees, or any other person serving as an elections challenger; documents affecting title to real property could only be provided as unredacted to title insurance companies and agents, approved attorneys, mortgage guarantee insurance companies, registered title search business entities formed primarily to determine the existence of liens or other encumbrances or restrictions, or ownership interests on any property (which title search businesses would be newly regulated by the bill), real estate brokers, salespersons and broker-salespersons, and any person making or receiving an offer for the purchase of property; unredacted addresses could also be provided to labor unions, government agency vendors and contractors, and upon court order.

There would be no redaction or nondisclosure provided under the bill for the following types of documents: records, including Uniform Commercial Code filings and financial statements, maintained by the Division of Revenue and Enterprise Services in the Department of the Treasury; candidate petitions; records evidencing encumbrances on real or other property; property presumed abandoned under the

“Uniform Unclaimed Property Act,” P.L.1989, c.58 (C.46:30B-1 et seq.); and, when viewed in person, property tax assessment lists, and the indexes of recorded documents maintained by county recording officers. Also, nothing in the bill would be construed to require redaction or nondisclosure of any information in any document that was shared with or otherwise provided to any other government entity.

Additionally, for a record or other document for which a home address is required to be redacted that, because of the characteristics or properties thereof is only available to be viewed in person (e.g., extremely old), actual redaction is not required but a records custodian or other government official would have to make every reasonable effort to hide the address when allowing an individual not permitted to view the unredacted document while viewing it.

The bill also amends sections of current law, originally enacted in 2020 as “Daniel’s Law,” P.L.2020, c.125, which enactment in part established a prohibition on private persons, businesses, and associations from disclosing the home addresses or unpublished phone numbers of the various public officials now designated as covered persons under this bill, as well as expanded an existing crime, section 1 of P.L.2015, c.226 (C.2C:20-31.1), concerning the disclosure of such persons’ home addresses and unlisted telephone numbers with an intent of exposure to a risk of harm. The updates to “Daniel’s Law” added by the bill would specify that a person, business, or association would not be permitted, upon receipt of a written notice from a covered person or immediate family member residing in the same household, to disclose the home address or unpublished home telephone number of the covered person who has received approval from the Director of the Office of Information Privacy concerning a redaction or nondisclosure request for the person’s home address. A failure to do so would subject the person, business, or association to possible criminal penalties for committing a third degree crime (punishable by three to five years’ imprisonment; a fine of up to \$15,000; or both) or fourth degree crime (up to 18 months’ imprisonment; a fine of up to \$10,000; or both), or civil penalties (including either liquid damages of \$1,000 for each violation, or actual damages if greater).

Due to the changes to “Daniel’s Law” provided by the bill as described above, the bill repeals section 7 of that act (C.56:8-166.2), which originally established a means by which a covered person or immediate family member would make an after-the-fact request to a person, business, or association to refrain from continuing to disclose a home address or unpublished telephone number.

This bill, as amended and reported, is identical to the First Reprint of Assembly Bill No. 6171, also amended and reported today by the committee.

The committee amendments to the bill:

- provide that nothing in the bill would be construed to impose either criminal or civil liability as described in the statement above on the news media for failure to remove information from previously printed newspapers; “news media” is defined as “newspapers, magazines, press associations, news agencies, wire services, or other similar printed means of disseminating news to the general public”; and

- add a reference for “real estate broker-salespersons” as persons permitted to see certain unredacted documents, or documents otherwise subject to nondisclosure, that are related to their real estate business operators.

Governor Murphy Takes Action on Legislation

01/12/2022

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

S-4139/A-6155 (Vitale, Madden/Conaway, Stanley, Mukherji) - Extends temporary emergency licensure of certain health care professionals

S-4161wGR/A-6113 (Beach/Stanley) - Removes requirement for promulgation by Governor of national census

A-6148/S-4221 (Karabinchak, Mukherji, Swain/Beach, Greenstein, Gopal) - Appropriates \$37,174,636.71 from "New Jersey Library Construction Fund" to provide grants for construction, reconstruction, development, extension, improvement, and furnishing of New Jersey's public libraries

A-6171/S-4219 (Quijano, Lopez, Coughlin, Mukherji/Cryan, Pou, Scutari) - Creates Office of Information Privacy; requires, upon request, redaction and nondisclosure of home address of judicial officers, prosecutors, law enforcement officers, and immediate family members thereof residing in same household; makes appropriation

A-6204/S-4263 (Wimberly/Singleton) - Concerns standards for distribution of certain HMFA loans for housing projects during state of emergency

A-6251/S-4277 (Timberlake, Benson, Wimberly/Ruiz, Singleton,) - Establishes "New Jersey Foreclosure Counseling Fund"