

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

§§1,2
C.18A:36-44 and
18A:36-45
§3
C.18A:62-67

P.L. 2021, CHAPTER 309, *approved December 21, 2021*
Senate, No. 108 (*Second Reprint*)

1 AN ACT concerning student speech and supplementing chapters 36
2 and 62 of Title 18A of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Except as otherwise provided in section 2 of this act, a public
8 school student shall have the right to exercise freedom of speech and
9 of the press.

10 b. By the ¹**[2020-2021]** first full¹ school year next following
11 the date of enactment of this act¹, each school district shall adopt a
12 written policy concerning student freedom of expression in accordance
13 with the provisions of section 2 of this act. The policy shall include
14 reasonable provisions for the time, place, and manner of student
15 expression. The policy may also include limitations on language that
16 may be defined as profane, harassing, threatening, or intimidating.

17
18 2. a. As used in this section:
19 “School-sponsored media” means any material that is prepared,
20 substantially written, published, or broadcast by a student journalist
21 at a public school, distributed or generally made available to
22 members of the student body, and prepared under the direction of a
23 student media adviser. School-sponsored media does not include
24 media intended for distribution or transmission solely in the
25 classroom in which the media is produced.

26 “Student journalist” means a public school student who gathers,
27 compiles, writes, edits, photographs, records, or prepares
28 information for dissemination in school-sponsored media.

29 “Student media adviser” means an individual employed,
30 appointed, or designated by a school district to supervise or provide
31 instruction relating to school-sponsored media.

32 b. Except as otherwise provided in subsection c. of this section,
33 a student journalist has the right to exercise freedom of speech and
34 of the press in school-sponsored media, regardless of whether the
35 media is supported financially by the school district or by use of
36 school district facilities, or produced in conjunction with a class in
37 which the student is enrolled. Subject to subsection c. of this

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 AED committee amendments adopted March 17, 2021.

²Senate amendments adopted in accordance with Governor's recommendations December 2, 2021.

1 section, a student journalist is responsible for determining the news,
2 opinion, feature, and advertising content of school-sponsored
3 media. This subsection shall not be construed to prevent a student
4 media adviser from teaching professional standards of English and
5 journalism to student journalists.

6 c. This section does not authorize or protect expression by a
7 student that:

- 8 (1) is libelous or slanderous;
9 (2) constitutes an unwarranted invasion of privacy;
10 ²(3) is profane or obscene;²
11 ²[(3)] (4)² violates federal or State law; or
12 ²[(4)] (5)² so incites students as to create a clear and present
13 danger of the commission of an unlawful act, the violation of school
14 district policies, or the material and substantial disruption of the
15 orderly operation of the school.

16 d. A school district shall not authorize any prior restraint of
17 any school-sponsored media except for the types of expression
18 described in subsection c. of this section. ²【School officials shall
19 have the burden of showing justification without undue delay prior
20 to a limitation of student expression under this section】 When a
21 school official determines that the restraint of student expression is
22 necessary, the school official shall simultaneously identify the
23 provision within subsection c. of this section under which the
24 limitation of student expression is appropriate².

25 e. A school district shall not sanction a student operating as an
26 independent journalist.

27 f. An employee of a school district shall not be dismissed,
28 suspended, disciplined, reassigned, transferred, or otherwise
29 retaliated against solely for acting to protect a student engaged in
30 the conduct authorized under this section, or refusing to infringe
31 upon conduct that is protected by this section, the First Amendment
32 to the United States Constitution, or paragraph 6 of Article I of the
33 New Jersey Constitution.

34
35 3. a. As used in this section:

36 “School-sponsored media” means any material that is prepared,
37 substantially written, published, or broadcast by a student journalist
38 at a public institution of higher education, distributed or generally
39 made available to members of the student body, and prepared under
40 the direction of a student media adviser. School-sponsored media
41 does not include media intended for distribution or transmission
42 solely in the classroom in which the media is produced.

43 “Student journalist” means a student at a public institution of
44 higher education who gathers, compiles, writes, edits, photographs,
45 records, or prepares information for dissemination in school-
46 sponsored media.

1 “Student media adviser” means an individual employed,
2 appointed, or designated by a public institution of higher education
3 to supervise or provide instruction relating to school-sponsored
4 media.

5 b. Except as otherwise provided in subsection c. of this section,
6 a student journalist has the right to exercise freedom of speech and
7 of the press in school-sponsored media, regardless of whether the
8 media is supported financially by the public institution of higher
9 education or by use of institution facilities, or produced in
10 conjunction with a course in which the student is enrolled. Subject
11 to subsection c. of this section, a student journalist is responsible
12 for determining the news, opinion, feature, and advertising content
13 of school-sponsored media. This subsection shall not be construed
14 to prevent a student media adviser from teaching professional
15 standards of English and journalism to student journalists.

16 c. This section does not authorize or protect expression by a
17 student that:

- 18 (1) is libelous or slanderous;
19 (2) constitutes an unwarranted invasion of privacy;
20 ²(3) is profane or obscene;²
21 ²[(3)] (4)² violates federal or State law; or
22 ²[(4)] (5)² so incites students as to create a clear and present
23 danger of the commission of an unlawful act, the violation of
24 policies of the public institution of higher education, or the material
25 and substantial disruption of the orderly operation of the institution.

26 d. An employee of a public institution of higher education shall
27 not be dismissed, suspended, disciplined, reassigned, transferred, or
28 otherwise retaliated against solely for acting to protect a student
29 engaged in the conduct authorized under this section, or refusing to
30 infringe upon conduct that is protected by this section, the First
31 Amendment to the United States Constitution, or paragraph 6 of
32 Article I of the New Jersey Constitution.

33
34 4. This act shall take effect immediately.
35
36

37
38
39 _____
40 Concerns speech rights of student journalists at public schools
and public institutions of higher education.

CHAPTER 309

AN ACT concerning student speech and supplementing chapters 36 and 62 of Title 18A of the New Jersey Statutes.

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

C.18A:36-44 School student's right to freedom of speech and press.

1. a. Except as otherwise provided in section 2 of this act, a public school student shall have the right to exercise freedom of speech and of the press.

b. By the first full school year next following the date of enactment of this act, each school district shall adopt a written policy concerning student freedom of expression in accordance with the provisions of section 2 of this act. The policy shall include reasonable provisions for the time, place, and manner of student expression. The policy may also include limitations on language that may be defined as profane, harassing, threatening, or intimidating.

C.18A:36-45 Definitions relative to student's right to freedom of speech and press.

2. a. As used in this section:

"School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public school, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

"Student journalist" means a public school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

"Student media adviser" means an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.

b. Except as otherwise provided in subsection c. of this section, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district or by use of school district facilities, or produced in conjunction with a class in which the student is enrolled. Subject to subsection c. of this section, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists.

c. This section does not authorize or protect expression by a student that:

- (1) is libelous or slanderous;
- (2) constitutes an unwarranted invasion of privacy;
- (3) is profane or obscene;
- (4) violates federal or State law; or

(5) so incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policies, or the material and substantial disruption of the orderly operation of the school.

d. A school district shall not authorize any prior restraint of any school-sponsored media except for the types of expression described in subsection c. of this section. When a school official determines that the restraint of student expression is necessary, the school official shall simultaneously identify the provision within subsection c. of this section under which the limitation of student expression is appropriate.

e. A school district shall not sanction a student operating as an independent journalist.

f. An employee of a school district shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in the conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or paragraph 6 of Article I of the New Jersey Constitution.

C.18A:62-67 Definitions relative to student's right to freedom of speech and press.

3. a. As used in this section:

“School-sponsored media” means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

“Student journalist” means a student at a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

“Student media adviser” means an individual employed, appointed, or designated by a public institution of higher education to supervise or provide instruction relating to school-sponsored media.

b. Except as otherwise provided in subsection c. of this section, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the public institution of higher education or by use of institution facilities, or produced in conjunction with a course in which the student is enrolled. Subject to subsection c. of this section, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists.

c. This section does not authorize or protect expression by a student that:

- (1) is libelous or slanderous;
- (2) constitutes an unwarranted invasion of privacy;
- (3) is profane or obscene;
- (4) violates federal or State law; or

(5) so incites students as to create a clear and present danger of the commission of an unlawful act, the violation of policies of the public institution of higher education, or the material and substantial disruption of the orderly operation of the institution.

d. An employee of a public institution of higher education shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in the conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or paragraph 6 of Article I of the New Jersey Constitution.

4. This act shall take effect immediately.

Approved December 21, 2021.

SENATE, No. 108

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Doherty and Singleton

SYNOPSIS

Concerns speech rights of student journalists at public schools and public institutions of higher education.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning student speech and supplementing chapters 36
2 and 62 of Title 18A of the New Jersey Statutes.

3

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

6

7 1. a. Except as otherwise provided in section 2 of this act, a
8 public school student shall have the right to exercise freedom of
9 speech and of the press.

10 b. By the 2020-2021 school year, each school district shall adopt
11 a written policy concerning student freedom of expression in
12 accordance with the provisions of section 2 of this act. The policy
13 shall include reasonable provisions for the time, place, and manner of
14 student expression. The policy may also include limitations on
15 language that may be defined as profane, harassing, threatening, or
16 intimidating.

17

18 2. a. As used in this section:

19 "School-sponsored media" means any material that is prepared,
20 substantially written, published, or broadcast by a student journalist
21 at a public school, distributed or generally made available to
22 members of the student body, and prepared under the direction of a
23 student media adviser. School-sponsored media does not include
24 media intended for distribution or transmission solely in the
25 classroom in which the media is produced.

26 "Student journalist" means a public school student who gathers,
27 compiles, writes, edits, photographs, records, or prepares
28 information for dissemination in school-sponsored media.

29 "Student media adviser" means an individual employed,
30 appointed, or designated by a school district to supervise or provide
31 instruction relating to school-sponsored media.

32 b. Except as otherwise provided in subsection c. of this section,
33 a student journalist has the right to exercise freedom of speech and
34 of the press in school-sponsored media, regardless of whether the
35 media is supported financially by the school district or by use of
36 school district facilities, or produced in conjunction with a class in
37 which the student is enrolled. Subject to subsection c. of this
38 section, a student journalist is responsible for determining the news,
39 opinion, feature, and advertising content of school-sponsored
40 media. This subsection shall not be construed to prevent a student
41 media adviser from teaching professional standards of English and
42 journalism to student journalists.

43 c. This section does not authorize or protect expression by a
44 student that:

- 45 (1) is libelous or slanderous;
46 (2) constitutes an unwarranted invasion of privacy;
47 (3) violates federal or State law; or

1 (4) so incites students as to create a clear and present danger of
2 the commission of an unlawful act, the violation of school district
3 policies, or the material and substantial disruption of the orderly
4 operation of the school.

5 d. A school district shall not authorize any prior restraint of
6 any school-sponsored media except for the types of expression
7 described in subsection c. of this section. School officials shall
8 have the burden of showing justification without undue delay prior
9 to a limitation of student expression under this section.

10 e. A school district shall not sanction a student operating as an
11 independent journalist.

12 f. An employee of a school district shall not be dismissed,
13 suspended, disciplined, reassigned, transferred, or otherwise
14 retaliated against solely for acting to protect a student engaged in
15 the conduct authorized under this section, or refusing to infringe
16 upon conduct that is protected by this section, the First Amendment
17 to the United States Constitution, or paragraph 6 of Article I of the
18 New Jersey Constitution.

19

20 3. a. As used in this section:

21 “School-sponsored media” means any material that is prepared,
22 substantially written, published, or broadcast by a student journalist
23 at a public institution of higher education, distributed or generally
24 made available to members of the student body, and prepared under
25 the direction of a student media adviser. School-sponsored media
26 does not include media intended for distribution or transmission
27 solely in the classroom in which the media is produced.

28 “Student journalist” means a student at a public institution of
29 higher education who gathers, compiles, writes, edits, photographs,
30 records, or prepares information for dissemination in school-
31 sponsored media.

32 “Student media adviser” means an individual employed,
33 appointed, or designated by a public institution of higher education
34 to supervise or provide instruction relating to school-sponsored
35 media.

36 b. Except as otherwise provided in subsection c. of this section,
37 a student journalist has the right to exercise freedom of speech and
38 of the press in school-sponsored media, regardless of whether the
39 media is supported financially by the public institution of higher
40 education or by use of institution facilities, or produced in
41 conjunction with a course in which the student is enrolled. Subject
42 to subsection c. of this section, a student journalist is responsible
43 for determining the news, opinion, feature, and advertising content
44 of school-sponsored media. This subsection shall not be construed
45 to prevent a student media adviser from teaching professional
46 standards of English and journalism to student journalists.

47 c. This section does not authorize or protect expression by a
48 student that:

- 1 (1) is libelous or slanderous;
2 (2) constitutes an unwarranted invasion of privacy;
3 (3) violates federal or State law; or
4 (4) so incites students as to create a clear and present danger of
5 the commission of an unlawful act, the violation of policies of the
6 public institution of higher education, or the material and
7 substantial disruption of the orderly operation of the institution.
8 d. An employee of a public institution of higher education shall
9 not be dismissed, suspended, disciplined, reassigned, transferred, or
10 otherwise retaliated against solely for acting to protect a student
11 engaged in the conduct authorized under this section, or refusing to
12 infringe upon conduct that is protected by this section, the First
13 Amendment to the United States Constitution, or paragraph 6 of
14 Article I of the New Jersey Constitution.
15
16 4. This act shall take effect immediately.
17
18

19 STATEMENT
20

21 This bill guarantees certain freedom of expression rights for
22 students in public schools and public institutions of higher
23 education. The bill provides that a student at a public school or a
24 public institution of higher education who gathers, compiles, writes,
25 edits, photographs, records, or prepares information for
26 dissemination in school-sponsored media has the right to exercise
27 freedom of speech and of the press, and is responsible for
28 determining the news, opinion, feature, and advertising content of
29 the school-sponsored media. The bill does not protect student
30 expression that: (1) is libelous or slanderous; (2) constitutes an
31 unwarranted invasion of privacy; (3) violates federal or State law;
32 or (4) so incites students as to create a clear and present danger of
33 the commission of an unlawful act, the violation of policies of the
34 school district or institution, or the material and substantial
35 disruption of the orderly operation of the school or institution. A
36 school district may not authorize prior restraint of any school-
37 sponsored media except for the types of expression described in
38 these categories.
39 The bill requires school districts to adopt a written policy by the
40 2020-2021 school year concerning student freedom of expression in
41 accordance with the provisions of the bill. The policy must include
42 reasonable provisions for the time, place, and manner of student
43 expression, and may also include limitations on language that may
44 be defined as profane, harassing, threatening, or intimidating. The
45 bill also contains provisions to protect employees of school districts
46 and public institutions of higher education from retaliation for
47 acting to protect a student engaged in freedom of expression.

1 It is a well-established legal principle that students in the public
2 schools do not “shed their constitutional rights to freedom of speech
3 or expression at the schoolhouse gate.” Tinker v. Des Moines
4 Indep. Cmty. Sch. Dist., 393 U.S. 503, 506 (1969). In the 1969
5 Tinker opinion, the United States Supreme Court explained that
6 school officials may not censor student speech absent a reason to
7 anticipate that such expression will substantially disrupt or
8 materially interfere with school activities or intrude upon the rights
9 of others. In 1988, however, the United States Supreme Court held
10 that public school officials can regulate the style and content of
11 student speech in school-sponsored expressive activities as long as
12 their actions are reasonably related to legitimate educational
13 concerns. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260, 273
14 (1988). This bill is similar to other state statutes, such as those in
15 North Dakota, California, Oregon, and Colorado, which were
16 enacted to afford broader protection of free expression rights for
17 student journalists.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 108

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2020

The Senate Education Committee favorably reports Senate Bill No. 108.

This bill guarantees certain freedom of expression rights for students in public schools and public institutions of higher education. The bill provides that a student at a public school or a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media has the right to exercise freedom of speech and of the press, and is responsible for determining the news, opinion, feature, and advertising content of the school-sponsored media. The bill does not protect student expression that: (1) is libelous or slanderous; (2) constitutes an unwarranted invasion of privacy; (3) violates federal or State law; or (4) so incites students as to create a clear and present danger of the commission of an unlawful act, the violation of policies of the school district or institution, or the material and substantial disruption of the orderly operation of the school or institution. A school district may not authorize prior restraint of any school-sponsored media except for the types of expression described in these categories.

The bill requires school districts to adopt a written policy by the 2020-2021 school year concerning student freedom of expression in accordance with the provisions of the bill. The policy must include reasonable provisions for the time, place, and manner of student expression, and may also include limitations on language that may be defined as profane, harassing, threatening, or intimidating. The bill also contains provisions to protect employees of school districts and public institutions of higher education from retaliation for acting to protect a student engaged in freedom of expression.

It is a well-established legal principle that students in the public schools do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 506 (1969). In the 1969 Tinker opinion, the United States Supreme Court explained that school officials may not censor student speech absent a reason to anticipate that such expression will substantially disrupt or materially interfere with school activities or intrude upon the rights of others. In 1988, however, the United States Supreme Court held

that public school officials can regulate the style and content of student speech in school-sponsored expressive activities as long as their actions are reasonably related to legitimate educational concerns. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260, 273 (1988). This bill is similar to other state statutes, such as those in North Dakota, California, Oregon, and Colorado, which were enacted to afford broader protection of free expression rights for student journalists.

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

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 108

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Education Committee reports favorably Senate Bill No. 108 with committee amendments.

As amended, this bill guarantees certain freedom of expression rights for students in public schools and public institutions of higher education. The bill provides that a student at a public school or a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media has the right to exercise freedom of speech and of the press, and is responsible for determining the news, opinion, feature, and advertising content of the school-sponsored media. The bill does not protect student expression that: (1) is libelous or slanderous; (2) constitutes an unwarranted invasion of privacy; (3) violates federal or State law; or (4) so incites students as to create a clear and present danger of the commission of an unlawful act, the violation of policies of the school district or institution, or the material and substantial disruption of the orderly operation of the school or institution. A school district may not authorize prior restraint of any school-sponsored media except for the types of expression described in these categories.

The bill requires school districts to adopt a written policy by the first full school year next following the date of enactment of this bill concerning student freedom of expression in accordance with the provisions of the bill. The policy must include reasonable provisions for the time, place, and manner of student expression, and may also include limitations on language that may be defined as profane, harassing, threatening, or intimidating. The bill also contains provisions to protect employees of school districts and public institutions of higher education from retaliation for acting to protect a student engaged in freedom of expression.

It is a well-established legal principle that students in the public schools do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 506 (1969). In the 1969 Tinker opinion, the United States Supreme Court explained that school officials may not censor student speech absent a reason to

anticipate that such expression will substantially disrupt or materially interfere with school activities or intrude upon the rights of others. In 1988, however, the United States Supreme Court held that public school officials can regulate the style and content of student speech in school-sponsored expressive activities as long as their actions are reasonably related to legitimate educational concerns. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260, 273 (1988). This bill is similar to other state statutes, such as those in North Dakota, California, Oregon, and Colorado, which were enacted to afford broader protection of free expression rights for student journalists.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 169, which was also amended reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to require that each school district adopt a written policy concerning student freedom of expression by the first full school year next following the date of enactment of this bill.

ASSEMBLY, No. 169

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

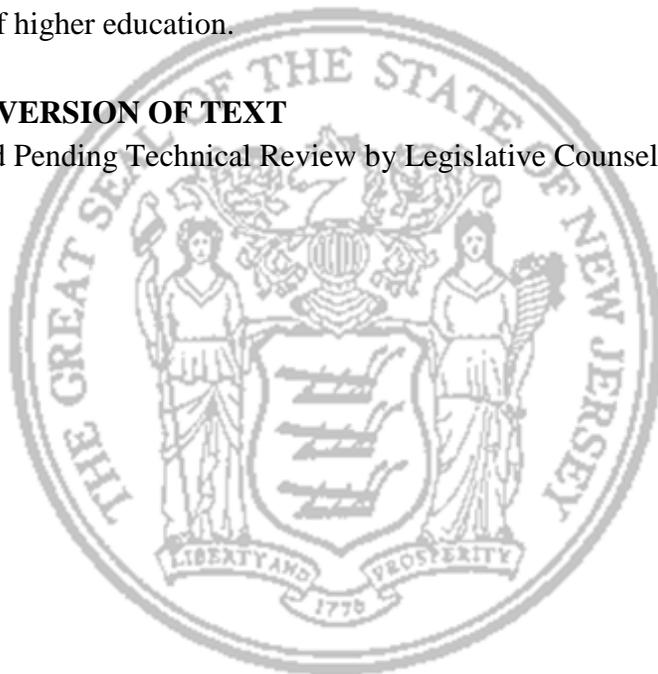
Assemblyman Space, Assemblywoman Vainieri Huttle, Assemblymen Peterson, DiMaio, Assemblywomen DiMaso, Reynolds-Jackson, Assemblyman Peters, Assemblywoman Stanfield, Assemblymen Benson, Verrelli, Giblin, Assemblywoman Carter, Assemblyman McKeon, Assemblywomen Murphy, Dunn, Timberlake, Assemblyman DePhillips, Assemblywoman Jasey and Assemblyman Chiaravalloti

SYNOPSIS

Concerns speech rights of student journalists at public schools and public institutions of higher education.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT concerning student speech and supplementing chapters 36
2 and 62 of Title 18A of the New Jersey Statutes.

3

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

6

7 1. a. Except as otherwise provided in section 2 of this act, a
8 public school student shall have the right to exercise freedom of
9 speech and of the press.

10 b. By the 2016-2017 school year, each school district shall
11 adopt a written policy concerning student freedom of expression in
12 accordance with the provisions of section 2 of this act. The policy
13 shall include reasonable provisions for the time, place, and manner
14 of student expression. The policy may also include limitations on
15 language that may be defined as profane, harassing, threatening, or
16 intimidating.

17

18 2. a. As used in this section:

19 "School-sponsored media" means any material that is prepared,
20 substantially written, published, or broadcast by a student journalist
21 at a public school, distributed or generally made available to
22 members of the student body, and prepared under the direction of a
23 student media adviser. School-sponsored media does not include
24 media intended for distribution or transmission solely in the
25 classroom in which the media is produced.

26 "Student journalist" means a public school student who gathers,
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30 appointed, or designated by a school district to supervise or provide
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33 a student journalist has the right to exercise freedom of speech and
34 of the press in school-sponsored media, regardless of whether the
35 media is supported financially by the school district or by use of
36 school district facilities, or produced in conjunction with a class in
37 which the student is enrolled. Subject to subsection c. of this
38 section, a student journalist is responsible for determining the news,
39 opinion, feature, and advertising content of school-sponsored
40 media. This subsection shall not be construed to prevent a student
41 media adviser from teaching professional standards of English and
42 journalism to student journalists.

43 c. This section does not authorize or protect expression by a
44 student that:

- 45 (1) is libelous or slanderous;
46 (2) constitutes an unwarranted invasion of privacy;
47 (3) violates federal or State law; or

1 (4) so incites students as to create a clear and present danger of
2 the commission of an unlawful act, the violation of school district
3 policies, or the material and substantial disruption of the orderly
4 operation of the school.

5 d. A school district shall not authorize any prior restraint of
6 any school-sponsored media except for the types of expression
7 described in subsection c. of this section. School officials shall
8 have the burden of showing justification without undue delay prior
9 to a limitation of student expression under this section.

10 e. A school district shall not sanction a student operating as an
11 independent journalist.

12 f. An employee of a school district shall not be dismissed,
13 suspended, disciplined, reassigned, transferred, or otherwise
14 retaliated against solely for acting to protect a student engaged in
15 the conduct authorized under this section, or refusing to infringe
16 upon conduct that is protected by this section, the First Amendment
17 to the United States Constitution, or paragraph 6 of Article I of the
18 New Jersey Constitution.

19

20 3. a. As used in this section:

21 "School-sponsored media" means any material that is prepared,
22 substantially written, published, or broadcast by a student journalist
23 at a public institution of higher education, distributed or generally
24 made available to members of the student body, and prepared under
25 the direction of a student media adviser. School-sponsored media
26 does not include media intended for distribution or transmission
27 solely in the classroom in which the media is produced.

28 "Student journalist" means a student at a public institution of
29 higher education who gathers, compiles, writes, edits, photographs,
30 records, or prepares information for dissemination in school-
31 sponsored media.

32 "Student media adviser" means an individual employed,
33 appointed, or designated by a public institution of higher education
34 to supervise or provide instruction relating to school-sponsored
35 media.

36 b. Except as otherwise provided in subsection c. of this section,
37 a student journalist has the right to exercise freedom of speech and
38 of the press in school-sponsored media, regardless of whether the
39 media is supported financially by the public institution of higher
40 education or by use of institution facilities, or produced in
41 conjunction with a course in which the student is enrolled. Subject
42 to subsection c. of this section, a student journalist is responsible
43 for determining the news, opinion, feature, and advertising content
44 of school-sponsored media. This subsection shall not be construed
45 to prevent a student media adviser from teaching professional
46 standards of English and journalism to student journalists.

47 c. This section does not authorize or protect expression by a
48 student that:

- 1 (1) is libelous or slanderous;
2 (2) constitutes an unwarranted invasion of privacy;
3 (3) violates federal or State law; or
4 (4) so incites students as to create a clear and present danger of
5 the commission of an unlawful act, the violation of policies of the
6 public institution of higher education, or the material and
7 substantial disruption of the orderly operation of the institution.
8 d. An employee of a public institution of higher education shall
9 not be dismissed, suspended, disciplined, reassigned, transferred, or
10 otherwise retaliated against solely for acting to protect a student
11 engaged in the conduct authorized under this section, or refusing to
12 infringe upon conduct that is protected by this section, the First
13 Amendment to the United States Constitution, or paragraph 6 of
14 Article I of the New Jersey Constitution.
15
16 4. This act shall take effect immediately.
17
18

19 STATEMENT
20

21 This bill guarantees certain freedom of expression rights for
22 students in public schools and public institutions of higher
23 education. The bill provides that a student at a public school or a
24 public institution of higher education who gathers, compiles, writes,
25 edits, photographs, records, or prepares information for
26 dissemination in school-sponsored media has the right to exercise
27 freedom of speech and of the press, and is responsible for
28 determining the news, opinion, feature, and advertising content of
29 the school-sponsored media. The bill does not protect student
30 expression that: (1) is libelous or slanderous; (2) constitutes an
31 unwarranted invasion of privacy; (3) violates federal or State law;
32 or (4) so incites students as to create a clear and present danger of
33 the commission of an unlawful act, the violation of policies of the
34 school district or institution, or the material and substantial
35 disruption of the orderly operation of the school or institution. A
36 school district may not authorize prior restraint of any school-
37 sponsored media except for the types of expression described in
38 these categories.
39 The bill requires school districts to adopt a written policy
40 concerning student freedom of expression in accordance with the
41 provisions of the bill. The policy must include reasonable
42 provisions for the time, place, and manner of student expression,
43 and may also include limitations on language that may be defined as
44 profane, harassing, threatening, or intimidating. The bill also
45 contains provisions to protect employees of school districts and
46 public institutions of higher education from retaliation for acting to
47 protect a student engaged in freedom of expression.

1 It is a well-established legal principle that students in the public
2 schools do not “shed their constitutional rights to freedom of speech
3 or expression at the schoolhouse gate.” Tinker v. Des Moines
4 Indep. Cmty. Sch. Dist., 393 U.S.503, 506 (1969). In the 1969
5 Tinker opinion, the United States Supreme Court explained that
6 school officials may not censor student speech absent a reason to
7 anticipate that such expression will substantially disrupt or
8 materially interfere with school activities or intrude upon the rights
9 of others. In 1988, however, the United States Supreme Court held
10 that public school officials can regulate the style and content of
11 student speech in school-sponsored expressive activities as long as
12 their actions are reasonably related to legitimate educational
13 concerns. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S.260, 273
14 (1988). This bill is similar to other state statutes, such as those in
15 North Dakota, California, Oregon, and Colorado, which were
16 enacted to afford broader protection of free expression rights for
17 student journalists.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 169

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Education Committee reports favorably Assembly Bill No. 169 with committee amendments.

As amended, this bill guarantees certain freedom of expression rights for students in public schools and public institutions of higher education. The bill provides that a student at a public school or a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media has the right to exercise freedom of speech and of the press, and is responsible for determining the news, opinion, feature, and advertising content of the school-sponsored media. The bill does not protect student expression that: (1) is libelous or slanderous; (2) constitutes an unwarranted invasion of privacy; (3) violates federal or State law; or (4) so incites students as to create a clear and present danger of the commission of an unlawful act, the violation of policies of the school district or institution, or the material and substantial disruption of the orderly operation of the school or institution. A school district may not authorize prior restraint of any school-sponsored media except for the types of expression described in these categories.

The bill requires school districts to adopt a written policy by the first full school year next following the date of enactment of this act concerning student freedom of expression in accordance with the provisions of the bill. The policy must include reasonable provisions for the time, place, and manner of student expression, and may also include limitations on language that may be defined as profane, harassing, threatening, or intimidating. The bill also contains provisions to protect employees of school districts and public institutions of higher education from retaliation for acting to protect a student engaged in freedom of expression.

It is a well-established legal principle that students in the public schools do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S.503, 506 (1969). In the 1969 Tinker opinion, the United States Supreme Court explained that school officials may not censor student speech absent a reason to

anticipate that such expression will substantially disrupt or materially interfere with school activities or intrude upon the rights of others. In 1988, however, the United States Supreme Court held that public school officials can regulate the style and content of student speech in school-sponsored expressive activities as long as their actions are reasonably related to legitimate educational concerns. Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S.260, 273 (1988). This bill is similar to other state statutes, such as those in North Dakota, California, Oregon, and Colorado, which were enacted to afford broader protection of free expression rights for student journalists.

As amended and reported by the committee, this bill is identical to Senate Bill No. 108, which was also amended and reported by the committee on this same date.

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

COMMITTEE AMENDMENTS:

The committee amended the bill to require that each school district adopt a written policy concerning student freedom of expression by the first full school year next following the date of enactment of this bill.

SENATE BILL NO. 108
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 108 (First Reprint) with my recommendations for reconsideration.

Senate Bill No. 108 (First Reprint) seeks to establish a new law that will address the speech rights of student journalists in public schools and public institutions of higher education. It provides that a student at a public school or a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media has the right to exercise freedom of speech and of the press and is responsible for determining the news, opinion, feature, and advertising content of the school-sponsored media.

The bill does not protect student expression that: (1) is libelous or slanderous; (2) constitutes an unwarranted invasion of privacy; (3) violates federal or State law; or (4) so incites students as to create a clear and present danger of the commission of an unlawful act, the violation of policies of the school district or institution, or the material and substantial disruption of the orderly operation of the school or institution. In the event that a school district seeks to restrain student expression based on any of the four categories above, school officials have the burden of showing justification without undue delay prior to the limitation of student expression.

I applaud and support the Legislature's efforts to empower and protect student speech. It is important to afford student journalists the opportunity to exercise their creativity, passion, and constitutionally-protected freedom of speech. However, we must ensure that students have the right to speak freely while

also preserving the ability of school administrators to maintain the safe and orderly operation of the school district.

I am therefore recommending revisions to Senate Bill No. 108 (First Reprint) to more clearly exclude profane and obscene speech from protection under the bill. This would more closely align our law with the laws in states that have enacted similar protections for student journalists. It would also address a discrepancy within the bill, which permits school districts to include limitations on profane, harassing, threatening, or intimidating language in their written policies concerning student expression, but does not explicitly exclude profanity or obscenity from protected speech.

Additionally, I am recommending revisions that will allow school district administrators to restrain student expression simultaneously with showing a justification for the restraint, rather than requiring that such a showing precede the restraint. This will enable school officials to act expeditiously to prevent harm and maintain a safe learning environment for all students, while also ensuring that justifications are provided whenever school district officials seek to restrain student speech.

Therefore, I herewith return Senate Bill No. 108 (First Reprint) and recommend that it be amended as follows:

<u>Page 3, Section 2, Line 2:</u>	After "privacy;" insert "(3) is profane or obscene;"
<u>Page 3, Section 2, Line 3:</u>	Delete "(3)" and insert "(4)"
<u>Page 3, Section 2, Line 4:</u>	Delete "(4)" and insert "(5)"
<u>Page 3, Section 2, Line 10:</u>	Delete "School officials shall" and insert "When a school official determines that the restraint of student expression is necessary, the school official shall simultaneously identify the provision within subsection c. of this section under which the limitation of student expression is appropriate."

Page 3, Section 2, Lines 11-12: Delete in their entirety

Page 4, Section 3, Line 6: After "privacy;" insert "(3)
is profane or obscene;"

Page 4, Section 3, Line 7: Delete "(3)" and insert "(4)"

Page 4, Section 3, Line 8: Delete "(4)" and insert "(5)"

[seal]

Respectfully,
/s/ Philip D. Murphy
Governor

Attest:
/s/ Parimal Garg
Chief Counsel to the Governor

Governor Murphy Takes Action on Legislation

11/8/2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Governor Murphy conditionally vetoed the following bills:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Governor Murphy absolute vetoed the following bills:

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

[Copy of Statement](#)

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

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

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

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

[Copy of Statement](#)

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

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

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

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

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

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Governor Murphy Takes Action on Legislation

12/21/2021

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

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

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

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

S-3955/A-5905 wGR (Ruiz, Pou/Timberlake, Speight, Spearman) - Establishes "Rental Assistance Navigation Program" in DCA; makes appropriation

S-3994/A-5943 (Sweeney/Greenwald, Mazzeo, Armato, Murphy) - Temporarily modifies taxes and credits of casino licensees; permanently redefines promotional gaming credits to include certain coupons and table game wagers; requires priority funding for senior and disabled transportation services

S-4007/A-5587 (Sweeney/Greenwald) - Concerns matters related to operations and obligations of casino gaming properties and finances of Atlantic City

S-4078/A-5974 (Greenstein, Corrado/Carter, Stanley, Chaparro) - Modifies lists of projects eligible to receive loans for environmental infrastructure projects from NJ Infrastructure Bank for FY2022

S-4147/A-6216 (Beach, Turner, Tucker, Verrelli, Caputo) - Appropriates \$16,380,595 from constitutionally dedicated CBT revenues to NJ Historic Trust for grants for certain historic preservation projects and associated administrative expenses

S-4274/A-6170 (Sweeney/McKeon) - Provides supplemental appropriations of \$500,000 to the Apportionment Commission and \$500,000 to the New Jersey Redistricting Commission

A-2455/S-2204 wGR (Benson, Vainieri Huttel, DeAngelo/Greenstein, Oroho) - Establishes pilot program in DOE to support robotics programs in school districts

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

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

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

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

A-4834/S-3474 wGR (Mazzeo, Quijano, Downey/Pou, Turner) - Prohibits mail falsely implying State government connection

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

A-5599/S-3916 wGR (Chiaravalloti, Vainieri Huttle, McKnight/Scutari, Gill) - Establishes order of protection for judicial officer; upgrades and clarifies harassment against judicial officer; bars firearms possession by persons against whom judicial officer order of protection is entered

A-5975/S-4079 (Calabrese, Tucker, Mejia/Bateman, Smith) – Amends list of environmental infrastructure projects approved for long-term funding for FY2022; makes various changes to FY2022 environmental infrastructure funding program

A-5998/S-4098 (Mukherji, Coughlin/Sweeney) - Permits deferred retirement from JRS for member appointed as Administrative Director of the Courts by Chief Justice of Supreme Court

A-6072/S-4169 (Egan, Coughlin, Danielsen/Vitale, Smith) - Increases number of hospitals eligible for highest amount of charity care subsidy payment; appropriates \$30 million