

# 47:1A-1

## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

**LAWS OF:** 2005 **CHAPTER:** 170

**NJSA:** 47:1A-1 (Exempts veteran's discharge certificate from State's open public records law)

**BILL NO:** A1350 (Substituted for S2224)

**SPONSOR(S):** Greenwald and others

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Military and Veterans' Affairs  
**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** May 16, 2005

**SENATE:** June 30, 2005

**DATE OF APPROVAL:** August 5, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

### A1350

[SPONSOR'S STATEMENT](#): (Begins on page 6 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

### S2224

[SPONSOR'S STATEMENT](#): (Begins on page 6 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or

<mailto:refdesk@njstatelib.org>

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 8/31/07

P.L. 2005, CHAPTER 170, *approved August 5, 2005*  
Assembly, No. 1350

1 **AN ACT** concerning certain public records and amending P.L.1995,  
2 c.23.

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

6  
7 1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to read  
8 as follows:

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

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

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

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

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

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

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

**Matter underlined thus is new matter.**

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

7 any copy, reproduction or facsimile of any photograph, negative or  
8 print, including instant photographs and videotapes of the body, or any  
9 portion of the body, of a deceased person, taken by or for the medical  
10 examiner at the scene of death or in the course of a post mortem  
11 examination or autopsy made by or caused to be made by the medical  
12 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 for  
17 the court order has been served at least five days before the order is  
18 made upon the county prosecutor for the county in which the post  
19 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 to  
26 the victim's own records;

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

31 any record within the attorney-client privilege. This paragraph shall  
32 not be construed as exempting from access attorney or consultant bills  
33 or invoices except that such bills or invoices may be redacted to  
34 remove any information protected by the attorney-client privilege;

35 administrative or technical information regarding computer  
36 hardware, software and networks which, if disclosed, would jeopardize  
37 computer security;

38 emergency or security information or procedures for any buildings  
39 or facility which, if disclosed, would jeopardize security of the building  
40 or facility or persons therein;

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

44 information which, if disclosed, would give an advantage to  
45 competitors or bidders;

46 information generated by or on behalf of public employers or public

1 employees in connection with any sexual harassment complaint filed  
2 with a public employer or with any grievance filed by or against an  
3 individual or in connection with collective negotiations, including  
4 documents and statements of strategy or negotiating position;  
5 information which is a communication between a public agency and  
6 its insurance carrier, administrative service organization or risk  
7 management office;  
8 information which is to be kept confidential pursuant to court  
9 order;  
10 any copy of form DD-214, or that form, issued by the United States  
11 Government, or any other certificate of honorable discharge, or copy  
12 thereof, from active service or the reserves of a branch of the Armed  
13 Forces of the United States, or from service in the organized militia of  
14 the State, that has been filed by an individual with a public agency,  
15 except that a veteran or the veteran's spouse or surviving spouse shall  
16 have access to the veteran's own records; and  
17 that portion of any document which discloses the social security  
18 number, credit card number, unlisted telephone number or driver  
19 license number of any person; except for use by any government  
20 agency, including any court or law enforcement agency, in carrying out  
21 its functions, or any private person or entity acting on behalf thereof,  
22 or any private person or entity seeking to enforce payment of  
23 court-ordered child support; except with respect to the disclosure of  
24 driver information by the Division of Motor Vehicles as permitted by  
25 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social  
26 security number contained in a record required by law to be made,  
27 maintained or kept on file by a public agency shall be disclosed when  
28 access to the document or disclosure of that information is not  
29 otherwise prohibited by State or federal law, regulation or order or by  
30 State statute, resolution of either or both houses of the Legislature,  
31 Executive Order of the Governor, rule of court or regulation  
32 promulgated under the authority of any statute or executive order of  
33 the Governor.  
34 A government record shall not include, with regard to any public  
35 institution of higher education, the following information which is  
36 deemed to be privileged and confidential:  
37 pedagogical, scholarly and/or academic research records and/or the  
38 specific details of any research project conducted under the auspices  
39 of a public higher education institution in New Jersey, including, but  
40 not limited to research, development information, testing procedures,  
41 or information regarding test participants, related to the development  
42 or testing of any pharmaceutical or pharmaceutical delivery system,  
43 except that a custodian may not deny inspection of a government  
44 record or part thereof that gives the name, title, expenditures, source  
45 and amounts of funding and date when the final project summary of  
46 any research will be available;  
47 test questions, scoring keys and other examination data pertaining

1 to the administration of an examination for employment or academic  
2 examination;

3 records of pursuit of charitable contributions or records containing  
4 the identity of a donor of a gift if the donor requires non-disclosure of  
5 the donor's identity as a condition of making the gift provided that the  
6 donor has not received any benefits of or from the institution of higher  
7 education in connection with such gift other than a request for  
8 memorialization or dedication;

9 valuable or rare collections of books and/or documents obtained by  
10 gift, grant, bequest or devise conditioned upon limited public access;

11 information contained on individual admission applications; and  
12 information concerning student records or grievance or disciplinary  
13 proceedings against a student to the extent disclosure would reveal the  
14 identity of the student.

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

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

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

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

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

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

43 "Victim of a crime" means a person who has suffered personal or  
44 psychological injury or death or incurs loss of or injury to personal or  
45 real property as a result of a crime, or if such a person is deceased or  
46 incapacitated, a member of that person's immediate family.

1 "Victims' rights agency" means a public agency, or part thereof, the  
2 primary responsibility of which is providing services, including but not  
3 limited to food, shelter, or clothing, medical, psychiatric, psychological  
4 or legal services or referrals, information and referral services,  
5 counseling and support services, or financial services to victims of  
6 crimes, including victims of sexual assault, domestic violence, violent  
7 crime, child endangerment, child abuse or child neglect, and the  
8 Victims of Crime Compensation Board, established pursuant to  
9 P.L.1971, c.317 (C.52:4B-1 et seq.).  
10 (cf: P.L.2001, c.404, s.2)

11

12 2. This act shall take effect immediately.

13

14

15

16

17 Exempts veteran's discharge certificate from State's open public  
18 records law; permits veteran and veteran's spouse to access discharge  
19 certificate.

# ASSEMBLY, No. 1350

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman DAVID R. MAYER**

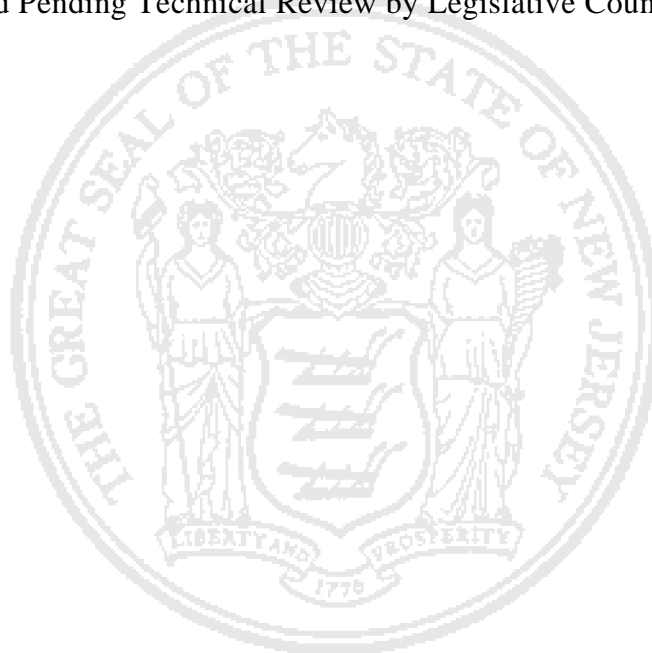
**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Exempts veteran's discharge certificate from State's open public records law; permits veteran and veteran's spouse to access discharge certificate.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/6/2004)**



A1350 GREENWALD, BURZICHELLI

2

1 AN ACT concerning certain public records and amending P.L.1995,  
2 c.23.

3

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

6

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

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

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

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

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

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

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

42 any memorandum, correspondence, notes, report or other  
43 communication prepared by, or for, the specific use of a member of the

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

**Matter underlined thus is new matter.**

1 Legislature in the course of the member's official duties, except that  
2 this provision shall not apply to an otherwise publicly-accessible report  
3 which is required by law to be submitted to the Legislature or its  
4 members;  
5 any copy, reproduction or facsimile of any photograph, negative or  
6 print, including instant photographs and videotapes of the body, or any  
7 portion of the body, of a deceased person, taken by or for the medical  
8 examiner at the scene of death or in the course of a post mortem  
9 examination or autopsy made by or caused to be made by the medical  
10 examiner except:  
11 when used in a criminal action or proceeding in this State which  
12 relates to the death of that person,  
13 for the use as a court of this State permits, by order after good  
14 cause has been shown and after written notification of the request for  
15 the court order has been served at least five days before the order is  
16 made upon the county prosecutor for the county in which the post  
17 mortem examination or autopsy occurred,  
18 for use in the field of forensic pathology or for use in medical or  
19 scientific education or research, or  
20 for use by any law enforcement agency in this State or any other  
21 state or federal law enforcement agency;  
22 criminal investigatory records;  
23 victims' records, except that a victim of a crime shall have access to  
24 the victim's own records;  
25 trade secrets and proprietary commercial or financial information  
26 obtained from any source. For the purposes of this paragraph, trade  
27 secrets shall include data processing software obtained by a public  
28 body under a licensing agreement which prohibits its disclosure;  
29 any record within the attorney-client privilege. This paragraph shall  
30 not be construed as exempting from access attorney or consultant bills  
31 or invoices except that such bills or invoices may be redacted to  
32 remove any information protected by the attorney-client privilege;  
33 administrative or technical information regarding computer  
34 hardware, software and networks which, if disclosed, would jeopardize  
35 computer security;  
36 emergency or security information or procedures for any buildings  
37 or facility which, if disclosed, would jeopardize security of the building  
38 or facility or persons therein;  
39 security measures and surveillance techniques which, if disclosed,  
40 would create a risk to the safety of persons, property, electronic data  
41 or software;  
42 information which, if disclosed, would give an advantage to  
43 competitors or bidders;  
44 information generated by or on behalf of public employers or public  
45 employees in connection with any sexual harassment complaint filed  
46 with a public employer or with any grievance filed by or against an

1 individual or in connection with collective negotiations, including  
2 documents and statements of strategy or negotiating position;  
3 information which is a communication between a public agency and  
4 its insurance carrier, administrative service organization or risk  
5 management office;  
6 information which is to be kept confidential pursuant to court  
7 order;  
8 any copy of form DD-214, or that form, issued by the United States  
9 Government, or any other certificate of honorable discharge, or copy  
10 thereof, from active service or the reserves of a branch of the Armed  
11 Forces of the United States, or from service in the organized militia of  
12 the State, that has been filed by an individual with a public agency,  
13 except that a veteran or the veteran's spouse or surviving spouse shall  
14 have access to the veteran's own records; and  
15 that portion of any document which discloses the social security  
16 number, credit card number, unlisted telephone number or driver  
17 license number of any person; except for use by any government  
18 agency, including any court or law enforcement agency, in carrying out  
19 its functions, or any private person or entity acting on behalf thereof,  
20 or any private person or entity seeking to enforce payment of  
21 court-ordered child support; except with respect to the disclosure of  
22 driver information by the Division of Motor Vehicles as permitted by  
23 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social  
24 security number contained in a record required by law to be made,  
25 maintained or kept on file by a public agency shall be disclosed when  
26 access to the document or disclosure of that information is not  
27 otherwise prohibited by State or federal law, regulation or order or by  
28 State statute, resolution of either or both houses of the Legislature,  
29 Executive Order of the Governor, rule of court or regulation  
30 promulgated under the authority of any statute or executive order of  
31 the Governor.  
32 A government record shall not include, with regard to any public  
33 institution of higher education, the following information which is  
34 deemed to be privileged and confidential:  
35 pedagogical, scholarly and/or academic research records and/or the  
36 specific details of any research project conducted under the auspices  
37 of a public higher education institution in New Jersey, including, but  
38 not limited to research, development information, testing procedures,  
39 or information regarding test participants, related to the development  
40 or testing of any pharmaceutical or pharmaceutical delivery system,  
41 except that a custodian may not deny inspection of a government  
42 record or part thereof that gives the name, title, expenditures, source  
43 and amounts of funding and date when the final project summary of  
44 any research will be available;  
45 test questions, scoring keys and other examination data pertaining  
46 to the administration of an examination for employment or academic  
47 examination;

1 records of pursuit of charitable contributions or records containing  
2 the identity of a donor of a gift if the donor requires non-disclosure of  
3 the donor's identity as a condition of making the gift provided that the  
4 donor has not received any benefits of or from the institution of higher  
5 education in connection with such gift other than a request for  
6 memorialization or dedication;

7 valuable or rare collections of books and/or documents obtained by  
8 gift, grant, bequest or devise conditioned upon limited public access;

9 information contained on individual admission applications; and

10 information concerning student records or grievance or disciplinary  
11 proceedings against a student to the extent disclosure would reveal the  
12 identity of the student.

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

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

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

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

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

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

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

45 "Victims' rights agency" means a public agency, or part thereof, the  
46 primary responsibility of which is providing services, including but not

1 limited to food, shelter, or clothing, medical, psychiatric, psychological  
2 or legal services or referrals, information and referral services,  
3 counseling and support services, or financial services to victims of  
4 crimes, including victims of sexual assault, domestic violence, violent  
5 crime, child endangerment, child abuse or child neglect, and the  
6 Victims of Crime Compensation Board, established pursuant to  
7 P.L.1971, c.317 (C.52:4B-1 et seq.).  
8 (cf: P.L.2001, c.404, s.2)

9

10 2. This act shall take effect immediately.

11

12

13

#### STATEMENT

14

15 This bill amends the State's open public records law to exempt from  
16 being considered a government record, available to the public, a DD-  
17 214 form issued by the United States Government or another  
18 certificate of honorable discharge or certificate of release under  
19 honorable circumstances from active service or the reserves of a  
20 branch of the Armed Forces of the United States or from the organized  
21 militia of the State that has been filed by an individual with a State,  
22 county or municipal official or agency.

23 The veteran who files the form, or the veteran's spouse or surviving  
24 spouse, would be permitted to access the veteran's own records.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1350**

**STATE OF NEW JERSEY**

DATED: MAY 17, 2004

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly, No. 1350.

This bill amends the State's open public records law to exempt from being considered a government record, available to the public, a DD-214 form issued by the United States Government or another certificate of honorable discharge or certificate of release under honorable circumstances from active service or the reserves of a branch of the Armed Forces of the United States or from the organized militia of the State that has been filed by an individual with a State, county or municipal official or agency.

The veteran who files the form, or the veteran's spouse or surviving spouse, would be permitted to access the veteran's own records.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1350**

**STATE OF NEW JERSEY**

DATED: MAY 23, 2005

The Senate Judiciary Committee reports favorably Assembly Bill No. 1350.

This bill amends the State's open public records law to exempt from being considered a government record, available to the public, a DD-214 form issued by the United States Government or another certificate of honorable discharge or certificate of release under honorable circumstances from active service or the reserves of a branch of the Armed Forces of the United States or from the organized militia of the State that has been filed by an individual with a State, county or municipal official or agency.

The veteran who files the form, or the veteran's spouse or surviving spouse, would be permitted to access the veteran's own records.

This bill is identical to Senate, No. 2224.

**SENATE, No. 2224**

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

INTRODUCED JANUARY 24, 2005

**Sponsored by:**

**Senator NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Senators Allen and Madden**

**SYNOPSIS**

Exempts veteran's discharge certificate from State's open public records law; permits veteran and veteran's spouse to access discharge certificate.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 7/1/2005)**



1 AN ACT concerning certain public records and amending P.L.1995,  
2 c.23.

3

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

6

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

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

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

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

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

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

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

42 any memorandum, correspondence, notes, report or other  
43 communication prepared by, or for, the specific use of a member of the  
44 Legislature in the course of the member's official duties, except that

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

**Matter underlined thus is new matter.**

1 this provision shall not apply to an otherwise publicly-accessible report  
2 which is required by law to be submitted to the Legislature or its  
3 members;  
4 any copy, reproduction or facsimile of any photograph, negative or  
5 print, including instant photographs and videotapes of the body, or any  
6 portion of the body, of a deceased person, taken by or for the medical  
7 examiner at the scene of death or in the course of a post mortem  
8 examination or autopsy made by or caused to be made by the medical  
9 examiner except:  
10 when used in a criminal action or proceeding in this State which  
11 relates to the death of that person,  
12 for the use as a court of this State permits, by order after good  
13 cause has been shown and after written notification of the request for  
14 the court order has been served at least five days before the order is  
15 made upon the county prosecutor for the county in which the post  
16 mortem examination or autopsy occurred,  
17 for use in the field of forensic pathology or for use in medical or  
18 scientific education or research, or  
19 for use by any law enforcement agency in this State or any other  
20 state or federal law enforcement agency;  
21 criminal investigatory records;  
22 victims' records, except that a victim of a crime shall have access to  
23 the victim's own records;  
24 trade secrets and proprietary commercial or financial information  
25 obtained from any source. For the purposes of this paragraph, trade  
26 secrets shall include data processing software obtained by a public  
27 body under a licensing agreement which prohibits its disclosure;  
28 any record within the attorney-client privilege. This paragraph shall  
29 not be construed as exempting from access attorney or consultant bills  
30 or invoices except that such bills or invoices may be redacted to  
31 remove any information protected by the attorney-client privilege;  
32 administrative or technical information regarding computer  
33 hardware, software and networks which, if disclosed, would jeopardize  
34 computer security;  
35 emergency or security information or procedures for any buildings  
36 or facility which, if disclosed, would jeopardize security of the building  
37 or facility or persons therein;  
38 security measures and surveillance techniques which, if disclosed,  
39 would create a risk to the safety of persons, property, electronic data  
40 or software;  
41 information which, if disclosed, would give an advantage to  
42 competitors or bidders;  
43 information generated by or on behalf of public employers or public  
44 employees in connection with any sexual harassment complaint filed  
45 with a public employer or with any grievance filed by or against an  
46 individual or in connection with collective negotiations, including  
47 documents and statements of strategy or negotiating position;

1 information which is a communication between a public agency and  
2 its insurance carrier, administrative service organization or risk  
3 management office;

4 information which is to be kept confidential pursuant to court  
5 order;

6 any copy of form DD-214, or that form, issued by the United States  
7 Government, or any other certificate of honorable discharge, or copy  
8 thereof, from active service or the reserves of a branch of the Armed  
9 Forces of the United States, or from service in the organized militia of  
10 the State, that has been filed by an individual with a public agency,  
11 except that a veteran or the veteran's spouse or surviving spouse shall  
12 have access to the veteran's own records; and

13 that portion of any document which discloses the social security  
14 number, credit card number, unlisted telephone number or driver  
15 license number of any person; except for use by any government  
16 agency, including any court or law enforcement agency, in carrying out  
17 its functions, or any private person or entity acting on behalf thereof,  
18 or any private person or entity seeking to enforce payment of  
19 court-ordered child support; except with respect to the disclosure of  
20 driver information by the Division of Motor Vehicles as permitted by  
21 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social  
22 security number contained in a record required by law to be made,  
23 maintained or kept on file by a public agency shall be disclosed when  
24 access to the document or disclosure of that information is not  
25 otherwise prohibited by State or federal law, regulation or order or by  
26 State statute, resolution of either or both houses of the Legislature,  
27 Executive Order of the Governor, rule of court or regulation  
28 promulgated under the authority of any statute or executive order of  
29 the Governor.

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

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

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

46 records of pursuit of charitable contributions or records containing  
47 the identity of a donor of a gift if the donor requires non-disclosure of

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

5 valuable or rare collections of books and/or documents obtained by  
6 gift, grant, bequest or devise conditioned upon limited public access;  
7 information contained on individual admission applications; and  
8 information concerning student records or grievance or disciplinary  
9 proceedings against a student to the extent disclosure would reveal the  
10 identity of the student.

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

24 "Law enforcement agency" means a public agency, or part thereof,  
25 determined by the Attorney General to have law enforcement  
26 responsibilities.

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

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

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

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

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

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

1 counseling and support services, or financial services to victims of  
2 crimes, including victims of sexual assault, domestic violence, violent  
3 crime, child endangerment, child abuse or child neglect, and the  
4 Victims of Crime Compensation Board, established pursuant to  
5 P.L.1971, c.317 (C.52:4B-1 et seq.).  
6 (cf: P.L.2001, c.404, s.2)

7

8 2. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 This bill amends the State's open public records law to exempt from  
14 being considered a government record, available to the public, a DD-  
15 214 form issued by the United States Government or another  
16 certificate of honorable discharge or certificate of release under  
17 honorable circumstances from active service or the reserves of a  
18 branch of the Armed Forces of the United States or from the organized  
19 militia of the State that has been filed by an individual with a State,  
20 county or municipal official or agency.

21

22 The veteran who files the form, or the veteran's spouse or surviving  
spouse, would be permitted to access the veteran's own records.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 2224**

**STATE OF NEW JERSEY**

DATED: MAY 23, 2005

The Senate Judiciary Committee reports favorably Senate Bill No. 2224.

This bill amends the State's open public records law to exempt from being considered a government record, available to the public, a DD-214 form issued by the United States Government or another certificate of honorable discharge or certificate of release under honorable circumstances from active service or the reserves of a branch of the Armed Forces of the United States or from the organized militia of the State that has been filed by an individual with a State, county or municipal official or agency.

The veteran who files the form, or the veteran's spouse or surviving spouse, would be permitted to access the veteran's own records.

This bill is identical to Assembly, No. 1350.