

[First Reprint]

ASSEMBLY, No. 4094

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 26, 2022

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

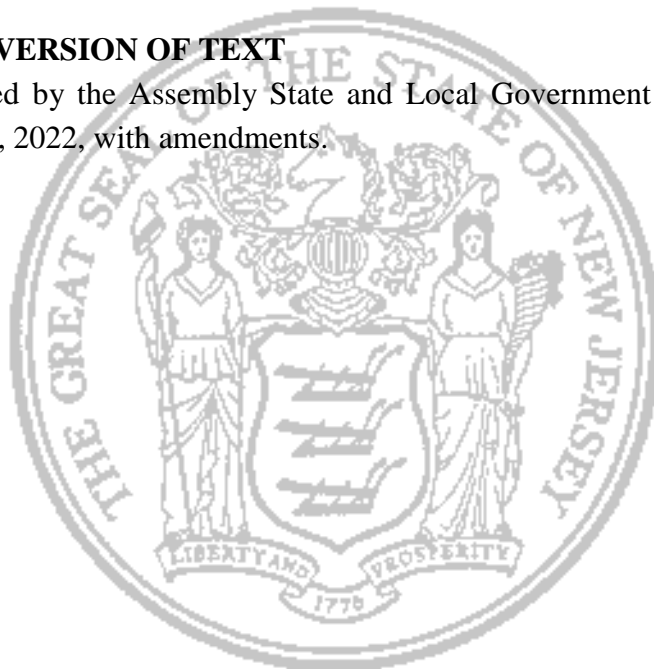
Assemblywoman Chaparro and Assemblyman Danielsen

SYNOPSIS

Requires redaction and nondisclosure of home address of elected officials and candidates for elected office.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on December 12, 2022, with amendments.



(Sponsorship Updated As Of: 6/16/2022)

1 AN ACT concerning the nondisclosure of the home address of
2 elected officials and candidates for elected office, and amending
3 P.L.1995, c.23 ¹, P.L.2021, c.371, and P.L.2001, c.404.¹
4

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

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

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

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

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

22 "Elected official" means any person holding a State or local
23 government office which, under the State Constitution or by law, is
24 filled by the registered voters of a jurisdiction at an election,
25 including a person appointed, selected or otherwise designated to
26 fill a vacancy in such office, but does not mean an official of a
27 political party.

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

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

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 ASL committee amendments adopted December 12, 2022.

1 information received by a member of the Legislature from a
2 constituent or information held by a member of the Legislature
3 concerning a constituent, including, but not limited to, information
4 in written form or contained in any e-mail or computer data base, or
5 in any telephone record whatsoever, unless it is information the
6 constituent is required by law to transmit;

7 any memorandum, correspondence, notes, report or other
8 communication prepared by, or for, the specific use of a member of
9 the Legislature in the course of the member's official duties, except
10 that this provision shall not apply to an otherwise publicly-
11 accessible report which is required by law to be submitted to the
12 Legislature or its members;

13 any copy, reproduction or facsimile of any photograph, negative
14 or print, including instant photographs and videotapes of the body,
15 or any portion of the body, of a deceased person, taken by or for the
16 medical examiner at the scene of death or in the course of a post
17 mortem examination or autopsy made by or caused to be made by
18 the medical examiner except:

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

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

26 for use in the field of forensic pathology or for use in medical or
27 scientific education or research, or

28 for use by any law enforcement agency in this State or any other
29 state or federal law enforcement agency;

30 criminal investigatory records;

31 the portion of any criminal record concerning a person's
32 detection, apprehension, arrest, detention, trial or disposition for
33 unlawful manufacturing, distributing, or dispensing, or possessing
34 or having under control with intent to manufacture, distribute, or
35 dispense, marijuana or hashish in violation of paragraph (11) of
36 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
37 hashish in violation of paragraph (12) of subsection b. of that
38 section, or a violation of either of those paragraphs and a violation
39 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
40 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
41 distributing, dispensing, or possessing, or having under control with
42 intent to distribute or dispense, on or within 1,000 feet of any
43 school property, or on or within 500 feet of the real property
44 comprising a public housing facility, public park, or public
45 building, or for obtaining, possessing, using, being under the
46 influence of, or failing to make lawful disposition of marijuana or
47 hashish in violation of paragraph (3) or (4) of subsection a., or
48 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation

1 of any of those provisions and a violation of N.J.S.2C:36-2 for
2 using or possessing with intent to use drug paraphernalia with that
3 marijuana or hashish;

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

6 any written request by a crime victim for a record to which the
7 victim is entitled to access as provided in this section, including,
8 but not limited to, any law enforcement agency report, domestic
9 violence offense report, and temporary or permanent restraining
10 order;

11 personal firearms records, except for use by any person
12 authorized by law to have access to these records or for use by any
13 government agency, including any court or law enforcement
14 agency, for purposes of the administration of justice;

15 personal identifying information received by the Division of Fish
16 and Wildlife in the Department of Environmental Protection in
17 connection with the issuance of any license authorizing hunting
18 with a firearm. For the purposes of this paragraph, personal
19 identifying information shall include, but not be limited to, identity,
20 name, address, social security number, telephone number, fax
21 number, driver's license number, email address, or social media
22 address of any applicant or licensee;

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

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

32 administrative or technical information regarding computer
33 hardware, software and networks which, if disclosed, would
34 jeopardize computer security;

35 emergency or security information or procedures for any
36 buildings or facility which, if disclosed, would jeopardize security
37 of the building or facility or persons therein;

38 security measures and surveillance techniques which, if
39 disclosed, would create a risk to the safety of persons, property,
40 electronic data 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
44 public employees in connection with any sexual harassment
45 complaint filed with a public employer or with any grievance filed
46 by or against an individual or in connection with collective
47 negotiations, including documents and statements of strategy or
48 negotiating position;

- 1 information which is a communication between a public agency
2 and 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, NGB-22, or that form, issued by the
7 United States Government, or any other certificate of honorable
8 discharge, or copy thereof, from active service or the reserves of a
9 branch of the Armed Forces of the United States, or from service in
10 the organized militia of the State, that has been filed by an
11 individual with a public agency, except that a veteran or the
12 veteran's spouse or surviving spouse shall have access to the
13 veteran's own records;
- 14 any copy of an oath of allegiance, oath of office or any
15 affirmation taken upon assuming the duties of any public office, or
16 that oath or affirmation, taken by a current or former officer or
17 employee in any public office or position in this State or in any
18 county or municipality of this State, including members of the
19 Legislative Branch, Executive Branch, Judicial Branch, and all law
20 enforcement entities, except that the full name, title, and oath date
21 of that person contained therein shall not be deemed confidential;
- 22 that portion of any document which discloses the social security
23 number, credit card number, unlisted telephone number or driver
24 license number of any person, or, that portion of any document
25 which discloses the home address, whether a primary or secondary
26 residence, of any person seeking election to a public office or any
27 current or former elected official, as defined in this section, or, in
28 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), judicial
29 officer, prosecutor, or law enforcement officer, or, as defined in
30 section 1 of P.L.2021, c.371 (C.47:1B-1), any immediate family
31 member thereof; except for use by any government agency,
32 including any court or law enforcement agency, in carrying out its
33 functions, or any private person or entity acting on behalf thereof,
34 or any private person or entity seeking to enforce payment of court-
35 ordered child support; except with respect to the disclosure of driver
36 information by the New Jersey Motor Vehicle Commission as
37 permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except
38 that a social security number contained in a record required by law
39 to be made, maintained or kept on file by a public agency shall be
40 disclosed when access to the document or disclosure of that
41 information is not otherwise prohibited by State or federal law,
42 regulation or order or by State statute, resolution of either or both
43 houses of the Legislature, Executive Order of the Governor, rule of
44 court or regulation promulgated under the authority of any statute or
45 executive order of the Governor;
- 46 a list of persons identifying themselves as being in need of
47 special assistance in the event of an emergency maintained by a

1 municipality for public safety purposes pursuant to section 1 of
2 P.L.2017, c.266 (C.40:48-2.67); and

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

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

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

21 test questions, scoring keys and other examination data
22 pertaining to the administration of an examination for employment
23 or academic examination;

24 records of pursuit of charitable contributions or records
25 containing the identity of a donor of a gift if the donor requires non-
26 disclosure of the donor's identity as a condition of making the gift
27 provided that the donor has not received any benefits of or from the
28 institution of higher education in connection with such gift other
29 than a request for memorialization or dedication;

30 valuable or rare collections of books or documents obtained by
31 gift, grant, bequest or devise conditioned upon limited public
32 access;

33 information contained on individual admission applications; and
34 information concerning student records or grievance or
35 disciplinary proceedings against a student to the extent disclosure
36 would reveal the identity of the student.

37 "Personal firearms record" means any information contained in a
38 background investigation conducted by the chief of police, the
39 county prosecutor, or the Superintendent of State Police, of any
40 applicant for a permit to purchase a handgun, firearms identification
41 card license, or firearms registration; any application for a permit to
42 purchase a handgun, firearms identification card license, or firearms
43 registration; any document reflecting the issuance or denial of a
44 permit to purchase a handgun, firearms identification card license,
45 or firearms registration; and any permit to purchase a handgun,
46 firearms identification card license, or any firearms license,
47 certification, certificate, form of register, or registration statement.
48 For the purposes of this paragraph, information contained in a

1 background investigation shall include, but not be limited to,
2 identity, name, address, social security number, phone number, fax
3 number, driver's license number, email address, social media
4 address of any applicant, licensee, registrant or permit holder.

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

19 "Law enforcement agency" means a public agency, or part
20 thereof, determined by the Attorney General to have law
21 enforcement responsibilities.

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

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

28 "Judicial officer" means any active, formerly active, or retired
29 federal, state, county, or municipal judge, including a judge of the
30 Tax Court and any other court of limited jurisdiction established,
31 altered, or abolished by law, a judge of the Office of Administrative
32 Law, a judge of the Division of Workers' Compensation, and any
33 other judge established by law who serves in the executive branch.

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

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

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

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

1 "Victims' rights agency" means a public agency, or part thereof,
2 the primary responsibility of which is providing services, including,
3 but not limited to, food, shelter, or clothing, medical, psychiatric,
4 psychological or legal services or referrals, information and referral
5 services, counseling and support services, or financial services to
6 victims of crimes, including victims of sexual assault, domestic
7 violence, violent crime, child endangerment, child abuse or child
8 neglect, and the Victims of Crime Compensation Board, established
9 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
10 the Victims of Crime Compensation Office pursuant to P.L.2007,
11 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
12 (cf: P.L.2021, c.371, s.10)]¹

13
14 ¹1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
15 read as follows:

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

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

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

28 "Elected official" means any person holding elective public
29 office, under the State Constitution or by law, that is filled by the
30 registered voters of a jurisdiction at an election, including a person
31 appointed, selected or otherwise designated to fill a vacancy in such
32 office, but does not mean an official of a political party. Elected
33 official also includes any person seeking election to an elective
34 public office.

35 "Seeking election" means any individual who has made a filing
36 with the New Jersey Election Law Enforcement Commission
37 pursuant to P.L.1973, C.83 (C.19:44A-1 et. seq.) as a candidate.

38 "Government record" or "record" means any paper, written or
39 printed book, document, drawing, map, plan, photograph,
40 microfilm, data processed or image processed document,
41 information stored or maintained electronically or by sound-
42 recording or in a similar device, or any copy thereof, that has been
43 made, maintained or kept on file in the course of his or its official
44 business by any officer, commission, agency or authority of the
45 State or of any political subdivision thereof, including subordinate
46 boards thereof, or that has been received in the course of his or its
47 official business by any such officer, commission, agency, or
48 authority of the State or of any political subdivision thereof,

1 including subordinate boards thereof. The terms shall not include
2 inter-agency or intra-agency advisory, consultative, or deliberative
3 material.

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

7 information received by a member of the Legislature from a
8 constituent or information held by a member of the Legislature
9 concerning a constituent, including, but not limited to, information
10 in written form or contained in any e-mail or computer data base, or
11 in any telephone record whatsoever, unless it is information the
12 constituent is required by law to transmit;

13 any memorandum, correspondence, notes, report or other
14 communication prepared by, or for, the specific use of a member of
15 the Legislature in the course of the member's official duties, except
16 that this provision shall not apply to an otherwise publicly-
17 accessible report which is required by law to be submitted to the
18 Legislature or its members;

19 any copy, reproduction or facsimile of any photograph, negative
20 or print, including instant photographs and videotapes of the body,
21 or any portion of the body, of a deceased person, taken by or for the
22 medical examiner at the scene of death or in the course of a post
23 mortem examination or autopsy made by or caused to be made by
24 the medical examiner except:

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

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

32 for use in the field of forensic pathology or for use in medical or
33 scientific education or research, or

34 for use by any law enforcement agency in this State or any other
35 state or federal law enforcement agency;

36 criminal investigatory records;

37 the portion of any criminal record concerning a person's
38 detection, apprehension, arrest, detention, trial or disposition for
39 unlawful manufacturing, distributing, or dispensing, or possessing
40 or having under control with intent to manufacture, distribute, or
41 dispense, marijuana or hashish in violation of paragraph (11) of
42 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
43 hashish in violation of paragraph (12) of subsection b. of that
44 section, or a violation of either of those paragraphs and a violation
45 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
46 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
47 distributing, dispensing, or possessing, or having under control with
48 intent to distribute or dispense, on or within 1,000 feet of any

1 school property, or on or within 500 feet of the real property
2 comprising a public housing facility, public park, or public
3 building, or for obtaining, possessing, using, being under the
4 influence of, or failing to make lawful disposition of marijuana or
5 hashish in violation of paragraph (3) or (4) of subsection a., or
6 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
7 of any of those provisions and a violation of N.J.S.2C:36-2 for
8 using or possessing with intent to use drug paraphernalia with that
9 marijuana or hashish;

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

12 any written request by a crime victim for a record to which the
13 victim is entitled to access as provided in this section, including,
14 but not limited to, any law enforcement agency report, domestic
15 violence offense report, and temporary or permanent restraining
16 order;

17 personal firearms records, except for use by any person
18 authorized by law to have access to these records or for use by any
19 government agency, including any court or law enforcement
20 agency, for purposes of the administration of justice;

21 personal identifying information received by the Division of Fish
22 and Wildlife in the Department of Environmental Protection in
23 connection with the issuance of any license authorizing hunting
24 with a firearm. For the purposes of this paragraph, personal
25 identifying information shall include, but not be limited to, identity,
26 name, address, social security number, telephone number, fax
27 number, driver's license number, email address, or social media
28 address of any applicant or licensee;

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

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

38 administrative or technical information regarding computer
39 hardware, software and networks which, if disclosed, would
40 jeopardize computer security;

41 emergency or security information or procedures for any
42 buildings or facility which, if disclosed, would jeopardize security
43 of the building or facility or persons therein;

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

47 information which, if disclosed, would give an advantage to
48 competitors or bidders;

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

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

10 information which is to be kept confidential pursuant to court
11 order;

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

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

28 that portion of any document which discloses the social security
29 number, credit card number, unlisted telephone number or driver
30 license number of any person, or, in accordance with section 2 of
31 P.L.2021, c.371 (C.47:1B-2), that portion of any document which
32 discloses the home address, whether a primary or secondary
33 residence, of any elected official, active, formerly active, or retired
34 judicial officer, prosecutor, or law enforcement officer, or, as
35 defined in section 1 of P.L.2021, c.371 (C.47:1B-1), any immediate
36 family member thereof; except for use by any government agency,
37 including any court or law enforcement agency, in carrying out its
38 functions, or any private person or entity acting on behalf thereof,
39 or any private person or entity seeking to enforce payment of court-
40 ordered child support; except with respect to the disclosure of driver
41 information by the New Jersey Motor Vehicle Commission as
42 permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except
43 that a social security number contained in a record required by law
44 to be made, maintained or kept on file by a public agency shall be
45 disclosed when access to the document or disclosure of that
46 information is not otherwise prohibited by State or federal law,
47 regulation or order or by State statute, resolution of either or both
48 houses of the Legislature, Executive Order of the Governor, rule of

1 court or regulation promulgated under the authority of any statute or
2 executive order of the Governor;

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

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

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

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

25 test questions, scoring keys and other examination data
26 pertaining to the administration of an examination for employment
27 or academic examination;

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

34 valuable or rare collections of books or documents obtained by
35 gift, grant, bequest or devise conditioned upon limited public
36 access;

37 information contained on individual admission applications; and
38 information concerning student records or grievance or
39 disciplinary proceedings against a student to the extent disclosure
40 would reveal the identity of the student.

41 "Personal firearms record" means any information contained in a
42 background investigation conducted by the chief of police, the
43 county prosecutor, or the Superintendent of State Police, of any
44 applicant for a permit to purchase a handgun, firearms identification
45 card license, or firearms registration; any application for a permit to
46 purchase a handgun, firearms identification card license, or firearms
47 registration; any document reflecting the issuance or denial of a
48 permit to purchase a handgun, firearms identification card license,

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

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

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

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

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

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

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

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

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

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

6 "Victims' rights agency" means a public agency, or part thereof,
7 the primary responsibility of which is providing services, including,
8 but not limited to, food, shelter, or clothing, medical, psychiatric,
9 psychological or legal services or referrals, information and referral
10 services, counseling and support services, or financial services to
11 victims of crimes, including victims of sexual assault, domestic
12 violence, violent crime, child endangerment, child abuse or child
13 neglect, and the Victims of Crime Compensation Board, established
14 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
15 the Victims of Crime Compensation Office pursuant to P.L.2007,
16 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.¹
17 (cf: P.L.2021, c.371, s.10)

18
19 ¹2. Section 1 of P.L.2021, c.371 (C.47:1B-1) is amended to read
20 as follows:

21 1. a. As used in this act, P.L.2021, c.371 (C.47:1B-1 et al.):

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

26 (1) on behalf of any federal judge, a designee of the United
27 States Marshals Service or of the clerk of any United States District
28 Court, provided that the designee submits the affirmation required
29 under subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2)
30 signed by each federal judge for whom a request or revocation is
31 made;

32 (2) on behalf of any covered person who is deceased or
33 medically or psychologically incapacitated, a person acting on
34 behalf of the covered person as a designated trustee, as an estate
35 executor, or pursuant to a written power of attorney or other legal
36 instrument, provided that the person signs and submits the
37 affirmation required under subsection d. of section 2 of P.L.2021,
38 c.371 (C.47:1B-2) in the stead of the covered person; and

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

42 "Covered person" means an elected official, an active, formerly
43 active, or retired judicial officer or law enforcement officer, as
44 those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-
45 1.1), or prosecutor and any immediate family member residing in
46 the same household as the elected official, judicial officer, law
47 enforcement officer, or prosecutor.

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

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

13 c. The director shall establish:

14 (1) a secure portal through which an authorized person may
15 submit or revoke a request for the redaction or nondisclosure of a
16 covered person's home address from certain records and Internet
17 postings, as provided in section 2 of P.L.2021, c.371 (C.47:1B-2);
18 and such requests shall not be subject to disclosure under P.L.1963,
19 c.73 (C.47:1A-1 et seq.);

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

23 (3) a process by which a person or entity may request receipt of
24 a record that does not contain redactions, or of information that is
25 not disclosable, resulting from subsection a. of section 2 of
26 P.L.2021, c.371 (C.47:1B-2); and

27 (4) a process for the evaluation of any other exceptions to the
28 requirement for redaction or nondisclosure pursuant to section 2 of
29 P.L.2021, c.371 (C.47:1B-2), whether categorical or individualized.
30 The director may grant an exception to any person or entity for the
31 receipt of the unredacted records or information pursuant to this
32 process.

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

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

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

45 (cf: P.L.2021, c.371, s.1)

46
47 ¹3. Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended to read
48 as follows:

1 2. a. An authorized person seeking the redaction or
2 nondisclosure of the home address of any covered person from
3 certain records and Internet postings consistent with section 2 of
4 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
5 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
6 request in accordance with section 1 of P.L.2021, c.371 (C.47:1B-1)
7 to the Office of Information Privacy through the secure portal
8 established by the office. The address shall only be subject to
9 redaction or nondisclosure if a request is submitted to and approved
10 by the Director of the Office of Information Privacy.

11 b. A public agency shall redact or cease to disclose, in
12 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
13 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
14 address of a covered person approved by the Office of Information
15 Privacy not later than 30 days following the approval. A public
16 agency shall also discontinue the redaction or nondisclosure of the
17 home address of any covered person for whom a revocation request
18 has been approved not later than 30 days following the approval.
19 The home address of a covered person shall remain available to the
20 New Jersey Election Law Enforcement Commission for residency
21 verification purposes, but shall otherwise be subject to the redaction
22 or nondisclosure provided by law.

23 c. An immediate family member who has sought and received
24 approval under subsection a. of this section and who no longer
25 resides with the elected official, active, formerly active, or retired
26 judicial officer, prosecutor, or law enforcement officer shall submit
27 through the portal a revocation request not later than 30 days from
28 the date on which the immediate family member no longer resided
29 with the elected official, judicial officer, prosecutor, or law
30 enforcement officer.

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

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

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

40 (3) the eligibility or requirements related to seeking or accepting
41 the nomination for election or election to public office, or the
42 appointment to any public position;

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

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

1 (6) any other legal, promotional, or official notice which would
2 otherwise be provided to the person but for the redaction or
3 nondisclosure of such person's home address pursuant to subsection
4 a. of this section.¹

5 (cf: P.L.2021, c.371, s.2)

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

9 6. a. The custodian of a government record shall permit the
10 record to be inspected, examined, and copied by any person during
11 regular business hours; or in the case of a municipality having a
12 population of 5,000 or fewer according to the most recent federal
13 decennial census, a board of education having a total district
14 enrollment of 500 or fewer, or a public authority having less than
15 \$10 million in assets, during not less than six regular business hours
16 over not less than three business days per week or the entity's
17 regularly-scheduled business hours, whichever is less; unless a
18 government record is exempt from public access by: P.L.1963, c.73
19 (C.47:1A-1 et seq.) as amended and supplemented; any other
20 statute; resolution of either or both houses of the Legislature;
21 regulation promulgated under the authority of any statute or
22 Executive Order of the Governor; Executive Order of the Governor;
23 Rules of Court; any federal law; federal regulation; or federal order.
24 Prior to allowing access to any government record, the custodian
25 thereof shall redact from that record any information which
26 discloses the social security number, credit card number, unlisted
27 telephone number, or driver license number of any person, or, in
28 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the home
29 address, whether a primary or secondary residence, of any elected
30 official, active, formerly active, or retired judicial officer,
31 prosecutor, or law enforcement officer, or, as defined in section 1 of
32 P.L.2021, c.371 (C.47:1B-1), any immediate family member
33 thereof; except for use by any government agency, including any
34 court or law enforcement agency, in carrying out its functions, or
35 any private person or entity acting on behalf thereof, or any private
36 person or entity seeking to enforce payment of court-ordered child
37 support; except with respect to the disclosure of driver information
38 by the New Jersey Motor Vehicle Commission as permitted by
39 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social
40 security number contained in a record required by law to be made,
41 maintained or kept on file by a public agency shall be disclosed
42 when access to the document or disclosure of that information is not
43 otherwise prohibited by State or federal law, regulation or order or
44 by State statute, resolution of either or both houses of the
45 Legislature, Executive Order of the Governor, rule of court or
46 regulation promulgated under the authority of any statute or
47 executive order of the Governor. Except where an agency can
48 demonstrate an emergent need, a regulation that limits access to

1 government records shall not be retroactive in effect or applied to
2 deny a request for access to a government record that is pending
3 before the agency, the council or a court at the time of the adoption
4 of the regulation.

5 b. (1) A copy or copies of a government record may be
6 purchased by any person upon payment of the fee prescribed by law
7 or regulation. Except as otherwise provided by law or regulation
8 and except as provided in paragraph (2) of this subsection, the fee
9 assessed for the duplication of a government record embodied in the
10 form of printed matter shall be \$0.05 per letter size page or smaller,
11 and \$0.07 per legal size page or larger. If a public agency can
12 demonstrate that its actual costs for duplication of a government
13 record exceed the foregoing rates, the public agency shall be
14 permitted to charge the actual cost of duplicating the record. The
15 actual cost of duplicating the record, upon which all copy fees are
16 based, shall be the cost of materials and supplies used to make a
17 copy of the record, but shall not include the cost of labor or other
18 overhead expenses associated with making the copy except as
19 provided for in subsection c. of this section. Access to electronic
20 records and non-printed materials shall be provided free of charge,
21 but the public agency may charge for the actual costs of any needed
22 supplies such as computer discs.

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

26 c. Whenever the nature, format, manner of collation, or volume
27 of a government record embodied in the form of printed matter to
28 be inspected, examined, or copied pursuant to this section is such
29 that the record cannot be reproduced by ordinary document copying
30 equipment in ordinary business size or involves an extraordinary
31 expenditure of time and effort to accommodate the request, the
32 public agency may charge, in addition to the actual cost of
33 duplicating the record, a special service charge that shall be
34 reasonable and shall be based upon the actual direct cost of
35 providing the copy or copies; provided, however, that in the case of
36 a municipality, rates for the duplication of particular records when
37 the actual cost of copying exceeds the foregoing rates shall be
38 established in advance by ordinance. The requestor shall have the
39 opportunity to review and object to the charge prior to it being
40 incurred.

41 d. A custodian shall permit access to a government record and
42 provide a copy thereof in the medium requested if the public agency
43 maintains the record in that medium. If the public agency does not
44 maintain the record in the medium requested, the custodian shall
45 either convert the record to the medium requested or provide a copy
46 in some other meaningful medium. If a request is for a record: (1)
47 in a medium not routinely used by the agency; (2) not routinely
48 developed or maintained by an agency; or (3) requiring a substantial

1 amount of manipulation or programming of information technology,
2 the agency may charge, in addition to the actual cost of duplication,
3 a special charge that shall be reasonable and shall be based on the
4 cost for any extensive use of information technology, or for the
5 labor cost of personnel providing the service, that is actually
6 incurred by the agency or attributable to the agency for the
7 programming, clerical, and supervisory assistance required, or both.

8 e. Immediate access ordinarily shall be granted to budgets,
9 bills, vouchers, contracts, including collective negotiations
10 agreements and individual employment contracts, and public
11 employee salary and overtime information.

12 f. The custodian of a public agency shall adopt a form for the
13 use of any person who requests access to a government record held
14 or controlled by the public agency. The form shall provide space
15 for the name, address, and phone number of the requestor and a
16 brief description of the government record sought. The form shall
17 include space for the custodian to indicate which record will be
18 made available, when the record will be available, and the fees to be
19 charged. The form shall also include the following: (1) specific
20 directions and procedures for requesting a record; (2) a statement as
21 to whether prepayment of fees or a deposit is required; (3) the time
22 period within which the public agency is required by P.L.1963, c.73
23 (C.47:1A-1 et seq.) as amended and supplemented, to make the
24 record available; (4) a statement of the requestor's right to challenge
25 a decision by the public agency to deny access and the procedure
26 for filing an appeal; (5) space for the custodian to list reasons if a
27 request is denied in whole or in part; (6) space for the requestor to
28 sign and date the form; (7) space for the custodian to sign and date
29 the form if the request is fulfilled or denied. The custodian may
30 require a deposit against costs for reproducing documents sought
31 through an anonymous request whenever the custodian anticipates
32 that the information thus requested will cost in excess of \$5 to
33 reproduce.

34 g. A request for access to a government record shall be in
35 writing and hand-delivered, mailed, transmitted electronically, or
36 otherwise conveyed to the appropriate custodian. A custodian shall
37 promptly comply with a request to inspect, examine, copy, or
38 provide a copy of a government record. If the custodian is unable
39 to comply with a request for access, the custodian shall indicate the
40 specific basis therefor on the request form and promptly return it to
41 the requestor. The custodian shall sign and date the form and
42 provide the requestor with a copy thereof. If the custodian of a
43 government record asserts that part of a particular record is exempt
44 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
45 as amended and supplemented, the custodian shall delete or excise
46 from a copy of the record that portion which the custodian asserts is
47 exempt from access and shall promptly permit access to the
48 remainder of the record. If the government record requested is

1 temporarily unavailable because it is in use or in storage, the
2 custodian shall so advise the requestor and shall make arrangements
3 to promptly make available a copy of the record. If a request for
4 access to a government record would substantially disrupt agency
5 operations, the custodian may deny access to the record after
6 attempting to reach a reasonable solution with the requestor that
7 accommodates the interests of the requestor and the agency.

8 h. Any officer or employee of a public agency who receives a
9 request for access to a government record shall forward the request
10 to the custodian of the record or direct the requestor to the
11 custodian of the record.

12 i. (1) Unless a shorter time period is otherwise provided by
13 statute, regulation, or executive order, a custodian of a government
14 record shall grant access to a government record or deny a request
15 for access to a government record as soon as possible, but not later
16 than seven business days after receiving the request, provided that
17 the record is currently available and not in storage or archived. In
18 the event a custodian fails to respond within seven business days
19 after receiving a request, the failure to respond shall be deemed a
20 denial of the request, unless the requestor has elected not to provide
21 a name, address or telephone number, or other means of contacting
22 the requestor. If the requestor has elected not to provide a name,
23 address, or telephone number, or other means of contacting the
24 requestor, the custodian shall not be required to respond until the
25 requestor reappears before the custodian seeking a response to the
26 original request. If the government record is in storage or archived,
27 the requestor shall be so advised within seven business days after
28 the custodian receives the request. The requestor shall be advised
29 by the custodian when the record can be made available. If the
30 record is not made available by that time, access shall be deemed
31 denied.

32 (2) During a period declared pursuant to the laws of this State as
33 a state of emergency, public health emergency, or state of local
34 disaster emergency, the deadlines by which to respond to a request
35 for, or grant or deny access to, a government record under
36 paragraph (1) of this subsection or subsection e. of this section shall
37 not apply, provided, however, that the custodian of a government
38 record shall make a reasonable effort, as the circumstances permit,
39 to respond to a request for access to a government record within
40 seven business days or as soon as possible thereafter.

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

1 k. The files maintained by the Office of the Public Defender that
2 relate to the handling of any case shall be considered confidential
3 and shall not be open to inspection by any person unless authorized
4 by law, court order, or the State Public Defender.¹
5 (cf: P.L. 2021, c.371, s.11)

6

7 ¹~~[2.]~~ 5.¹ This act shall take effect immediately.