

ASSEMBLY, No. 4947

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 8, 2022

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Co-Sponsored by:

Assemblyman Stanley

SYNOPSIS

Expands “Daniel’s Law” to prohibit disclosure of personal information concerning child protective investigators.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/15/2022)

1 AN ACT prohibiting disclosure of personal information with respect
2 to child protective investigators and amending various parts of
3 the statutory law.

4

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

7

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

24 criminal investigatory records;

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

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

1 any written request by a crime victim for a record to which the
2 victim is entitled to access as provided in this section, including,
3 but not limited to, any law enforcement agency report, domestic
4 violence offense report, and temporary or permanent restraining
5 order;

6 personal firearms records, except for use by any person
7 authorized by law to have access to these records or for use by any
8 government agency, including any court or law enforcement
9 agency, for purposes of the administration of justice;

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

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

22 any record within the attorney-client privilege. This paragraph
23 shall not be construed as exempting from access attorney or
24 consultant bills or invoices except that such bills or invoices may be
25 redacted to remove any information protected by the attorney-client
26 privilege;

27 administrative or technical information regarding computer
28 hardware, software and networks which, if disclosed, would
29 jeopardize computer security;

30 emergency or security information or procedures for any
31 buildings or facility which, if disclosed, would jeopardize security
32 of the building or facility or persons therein;

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

36 information which, if disclosed, would give an advantage to
37 competitors or bidders;

38 information generated by or on behalf of public employers or
39 public employees in connection with any sexual harassment
40 complaint filed with a public employer or with any grievance filed
41 by or against an individual or in connection with collective
42 negotiations, including documents and statements of strategy or
43 negotiating position;

44 information which is a communication between a public agency
45 and its insurance carrier, administrative service organization or risk
46 management office;

47 information which is to be kept confidential pursuant to court
48 order;

1 any copy of form DD-214, NGB-22, or that form, issued by the
2 United States Government, or any other certificate of honorable
3 discharge, or copy thereof, from active service or the reserves of a
4 branch of the Armed Forces of the United States, or from service in
5 the organized militia of the State, that has been filed by an
6 individual with a public agency, except that a veteran or the
7 veteran's spouse or surviving spouse shall have access to the
8 veteran's own records;

9 any copy of an oath of allegiance, oath of office or any
10 affirmation taken upon assuming the duties of any public office, or
11 that oath or affirmation, taken by a current or former officer or
12 employee in any public office or position in this State or in any
13 county or municipality of this State, including members of the
14 Legislative Branch, Executive Branch, Judicial Branch, and all law
15 enforcement entities, except that the full name, title, and oath date
16 of that person contained therein shall not be deemed confidential;

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, or, in accordance with section 2 of
20 P.L.2021, c.371 (C.47:1B-2), that portion of any document which
21 discloses the home address, whether a primary or secondary
22 residence, of any active, formerly active, or retired judicial officer,
23 prosecutor, **[or]** law enforcement officer, or employee of the
24 Division of Child Protection and Permanency in the Department of
25 Children and Families, or, as defined in section 1 of P.L.2021,
26 c.371 (C.47:1B-1), any immediate family member thereof; except
27 for use by any government agency, including any court or law
28 enforcement agency, in carrying out its functions, or any private
29 person or entity acting on behalf thereof, or any private person or
30 entity seeking to enforce payment of court-ordered child support;
31 except with respect to the disclosure of driver information by the
32 New Jersey Motor Vehicle Commission as permitted by section 2 of
33 P.L.1997, c.188 (C.39:2-3.4); and except that a social security
34 number contained in a record required by law to be made,
35 maintained or kept on file by a public agency shall be disclosed
36 when access to the document or disclosure of that information is not
37 otherwise prohibited by State or federal law, regulation or order or
38 by State statute, resolution of either or both houses of the
39 Legislature, Executive Order of the Governor, rule of court or
40 regulation promulgated under the authority of any statute or
41 executive order of the Governor;

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

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 county for public safety purposes pursuant to section 6 of P.L.2011,
2 c.178 (C.App.A:9-43.13).

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

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

17 test questions, scoring keys and other examination data
18 pertaining to the administration of an examination for employment
19 or academic examination;

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

26 valuable or rare collections of books or documents obtained by
27 gift, grant, bequest or devise conditioned upon limited public
28 access;

29 information contained on individual admission applications; and
30 information concerning student records or grievance or
31 disciplinary proceedings against a student to the extent disclosure
32 would reveal the identity of the student.

33 "Personal firearms record" means any information contained in a
34 background investigation conducted by the chief of police, the
35 county prosecutor, or the Superintendent of State Police, of any
36 applicant for a permit to purchase a handgun, firearms identification
37 card license, or firearms registration; any application for a permit to
38 purchase a handgun, firearms identification card license, or firearms
39 registration; any document reflecting the issuance or denial of a
40 permit to purchase a handgun, firearms identification card license,
41 or firearms registration; and any permit to purchase a handgun,
42 firearms identification card license, or any firearms license,
43 certification, certificate, form of register, or registration statement.
44 For the purposes of this paragraph, information contained in a
45 background investigation shall include, but not be limited to,
46 identity, name, address, social security number, phone number, fax
47 number, driver's license number, email address, social media
48 address of any applicant, licensee, registrant or permit holder.

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

15 "Law enforcement agency" means a public agency, or part
16 thereof, determined by the Attorney General to have law
17 enforcement responsibilities.

18 "Law enforcement officer" means a person whose public duties
19 include the power to act as an officer for the detection,
20 apprehension, arrest and conviction of offenders against the laws of
21 this State.

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

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

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

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

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

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

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

1 services, counseling and support services, or financial services to
2 victims of crimes, including victims of sexual assault, domestic
3 violence, violent crime, child endangerment, child abuse or child
4 neglect, and the Victims of Crime Compensation Board, established
5 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
6 the Victims of Crime Compensation Office pursuant to P.L.2007,
7 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

8 “Division” means the Division of Child Protection and
9 Permanency in the Department of Children and Families.

10 “Child protective investigator in the Division of Child Protection
11 and Permanency” means an employee at the division whose primary
12 duty is to investigate reports of child abuse and neglect; the term
13 shall include a representative of the Office of the Public Defender
14 acting as the division’s agent.

15 (cf: P.L.2021, c.371, s.10)

16
17 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
18 as follows:

19 6. a. The custodian of a government record shall permit the
20 record to be inspected, examined, and copied by any person during
21 regular business hours; or in the case of a municipality having a
22 population of 5,000 or fewer according to the most recent federal
23 decennial census, a board of education having a total district
24 enrollment of 500 or fewer, or a public authority having less than
25 \$10 million in assets, during not less than six regular business hours
26 over not less than three business days per week or the entity's
27 regularly-scheduled business hours, whichever is less; unless a
28 government record is exempt from public access by: P.L.1963, c.73
29 (C.47:1A-1 et seq.) as amended and supplemented; any other
30 statute; resolution of either or both houses of the Legislature;
31 regulation promulgated under the authority of any statute or
32 Executive Order of the Governor; Executive Order of the Governor;
33 Rules of Court; any federal law; federal regulation; or federal order.
34 Prior to allowing access to any government record, the custodian
35 thereof shall redact from that record any information which
36 discloses the social security number, credit card number, unlisted
37 telephone number, or driver license number of any person, or, in
38 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the home
39 address, whether a primary or secondary residence, of any active,
40 formerly active, or retired judicial officer, prosecutor, [or] law
41 enforcement officer, or child protective investigator in the Division
42 of Child Protection and Permanency in the Department of Children
43 and Families, or, as defined in section 1 of P.L.2021, c.371
44 (C.47:1B-1), any immediate family member thereof; except for use
45 by any government agency, including any court or law enforcement
46 agency, in carrying out its functions, or any private person or entity
47 acting on behalf thereof, or any private person or entity seeking to
48 enforce payment of court-ordered child support; except with respect

1 to the disclosure of driver information by the New Jersey Motor
2 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
3 (C.39:2-3.4); and except that a social security number contained in
4 a record required by law to be made, maintained or kept on file by a
5 public agency shall be disclosed when access to the document or
6 disclosure of that information is not otherwise prohibited by State
7 or federal law, regulation or order or by State statute, resolution of
8 either or both houses of the Legislature, Executive Order of the
9 Governor, rule of court or regulation promulgated under the
10 authority of any statute or executive order of the Governor. Except
11 where an agency can demonstrate an emergent need, a regulation
12 that limits access to government records shall not be retroactive in
13 effect or applied to deny a request for access to a government
14 record that is pending before the agency, the council or a court at
15 the time of the adoption of the regulation.

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

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

37 c. Whenever the nature, format, manner of collation, or volume
38 of a government record embodied in the form of printed matter to
39 be inspected, examined, or copied pursuant to this section is such
40 that the record cannot be reproduced by ordinary document copying
41 equipment in ordinary business size or involves an extraordinary
42 expenditure of time and effort to accommodate the request, the
43 public agency may charge, in addition to the actual cost of
44 duplicating the record, a special service charge that shall be
45 reasonable and shall be based upon the actual direct cost of
46 providing the copy or copies; provided, however, that in the case of
47 a municipality, rates for the duplication of particular records when
48 the actual cost of copying exceeds the foregoing rates shall be

1 established in advance by ordinance. The requestor shall have the
2 opportunity to review and object to the charge prior to it being
3 incurred.

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

19 e. Immediate access ordinarily shall be granted to budgets,
20 bills, vouchers, contracts, including collective negotiations
21 agreements and individual employment contracts, and public
22 employee salary and overtime information.

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

45 g. A request for access to a government record shall be in
46 writing and hand-delivered, mailed, transmitted electronically, or
47 otherwise conveyed to the appropriate custodian. A custodian shall
48 promptly comply with a request to inspect, examine, copy, or

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

19 h. Any officer or employee of a public agency who receives a
20 request for access to a government record shall forward the request
21 to the custodian of the record or direct the requestor to the
22 custodian of the record.

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

43 (2) During a period declared pursuant to the laws of this State as
44 a state of emergency, public health emergency, or state of local
45 disaster emergency, the deadlines by which to respond to a request
46 for, or grant or deny access to, a government record under
47 paragraph (1) of this subsection or subsection e. of this section shall
48 not apply, provided, however, that the custodian of a government

1 record shall make a reasonable effort, as the circumstances permit,
2 to respond to a request for access to a government record within
3 seven business days or as soon as possible thereafter.

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

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

16

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

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

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

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

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

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

40 "Covered person" means an active, formerly active, or retired
41 judicial officer, or law enforcement officer, or child protective
42 investigator in the Division of Child Protection and Permanency in
43 the Department of Children and Families, as those terms are defined
44 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
45 immediate family member residing in the same household as the
46 judicial officer, law enforcement officer, child protective
47 investigator in the Division of Child Protection and Permanency in
48 the Department of Children and Families, 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 active,
3 formerly active, or retired judicial officer, or law enforcement
4 officer, or child protective investigator in the Division of Child
5 Protection and Permanency in the Department of Children and
6 Families, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),
7 or prosecutor and who resides in the same household as the judicial
8 officer, law enforcement officer, child protective investigator in the
9 Division of Child Protection and Permanency in the Department of
10 Children and Families, or prosecutor.

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

16 c. The director shall establish:

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

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

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

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

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

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

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

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

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

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

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

21 c. An immediate family member who has sought and received
22 approval under subsection a. of this section and who no longer
23 resides with the active, formerly active, or retired judicial officer,
24 prosecutor, **[or]** law enforcement officer, or child protective
25 investigator in the Division of Child Protection and Permanency in
26 the Department of Children and Families, shall submit through the
27 portal a revocation request not later than 30 days from the date on
28 which the immediate family member no longer resided with the
29 judicial officer, prosecutor, or law enforcement officer.

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

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

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

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

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

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

47 (6) any other legal, promotional, or official notice which would
48 otherwise be provided to the person but for the redaction or

1 nondisclosure of such person's home address pursuant to subsection
2 a. of this section.

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

4

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

7 1. a. For the purposes of this section:

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

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

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

21 (3) on behalf of any immediate family member who is a minor
22 and who is otherwise entitled to address redaction or nondisclosure
23 pursuant to this act, P.L.2021, c.371 (C.47:1B-1 et al.), the parent or
24 legal guardian thereof.

25 "Covered person" means an active, formerly active, or retired
26 judicial officer, or law enforcement officer, or child protective
27 investigator in the Division of Child Protection and Permanency in
28 the Department of Children and Families, as those terms are defined
29 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
30 immediate family member residing in the same household as the
31 judicial officer, law enforcement officer, child protective
32 investigator in the Division of Child Protection and Permanency in
33 the Department of Children and Families, or prosecutor.

34 "Immediate family member" means a spouse, child, or parent of,
35 or any other family member related by blood or by law to, an active,
36 formerly active, or retired judicial officer, or law enforcement
37 officer, or child protective investigator in the Division of Child
38 Protection and Permanency in the Department of Children and
39 Families, as those terms are defined by section 1 of P.L.1995, c.23
40 (C.47:1A-1.1), or prosecutor and who resides in the same household
41 as the judicial officer, law enforcement officer, child protective
42 investigator in the Division of Child Protection and Permanency in
43 the Department of Children and Families, or prosecutor.

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

47 b. Upon notification pursuant to subsection c. of this section,
48 and not later than 10 business days after receipt thereof, a person

1 shall not knowingly, with purpose to expose another to harassment
2 or risk of harm to life or property, or in reckless disregard of the
3 probability of such exposure, post, repost, publish, or republish on
4 the Internet, or otherwise make available, the home address or
5 unpublished home telephone number of any covered person, except
6 in compliance with any court order, law enforcement investigation,
7 or request by a government agency or person duly acting on behalf
8 of the agency.

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

17 d. A reckless violation of subsection b. of this section is a crime
18 of the fourth degree. A purposeful violation of subsection b. of this
19 section is a crime of the third degree.

20 e. This section shall not be construed to prohibit a person,
21 business, or association who has received information as unredacted
22 pursuant to the provisions of sections 1 through 3 of P.L.2021,
23 c.371 (C.47:1B-1 through C. 47:1B-3) from making the information
24 available consistent with the purposes for which the person,
25 business, or association received the information. A person,
26 business, or association that uses or makes available the information
27 in a way that is inconsistent with the purposes for which the person,
28 business, or association received the information shall be liable as
29 provided pursuant to subsection d. of this section.

30 f. Nothing herein shall be construed to impose liability on the
31 news media for failure to remove information from previously
32 printed newspapers. As used in this subsection, "news media"
33 means newspapers, magazines, press associations, news agencies,
34 wire services, or other similar printed means of disseminating news
35 to the general public.

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

37

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

40 3. a. (1) Upon notification pursuant to paragraph (2) of this
41 subsection, and not later than 10 business days following receipt
42 thereof, a person, business, or association shall not disclose or re-
43 disclose on the Internet or otherwise make available, the home
44 address or unpublished home telephone number of any covered
45 person, as defined in subsection d. of this section, who has received
46 approval from the Office of Information Privacy for the redaction or
47 nondisclosure of the covered person's address.

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

9 (3) An immediate family member who has provided notice
10 pursuant to paragraph (2) of this subsection and who no longer
11 resides with the judicial officer, prosecutor, **[or]** law enforcement
12 officer, or child protective investigator in the Division of Child
13 Protection and Permanency in the Department of Children and
14 Families shall provide notice to that effect to the person, business,
15 or association not later than 30 days from the date on which the
16 immediate family member no longer resided with the judicial
17 officer, prosecutor, child protective investigator in the Division of
18 Child Protection and Permanency in the Department of Children
19 and Families, or law enforcement officer.

20 b. A person, business, or association that violates subsection a.
21 of this section shall be liable to the aggrieved person, who may
22 bring a civil action in the Superior Court.

23 c. The court may award:

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

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

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

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

32 d. For the purposes of this section:

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

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

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

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

1 "Covered person" means an active, formerly active, or retired
2 judicial officer, or law enforcement officer, or child protective
3 investigator in the Division of Child Protection and Permanency in
4 the Department of Children and Families as those terms are defined
5 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any
6 immediate family member residing in the same household as such
7 judicial officer, law enforcement officer, child protective
8 investigator in the Division of Child Protection and Permanency in
9 the Department of Children and Families, or prosecutor.

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

13 "Immediate family member" means a spouse, child, or parent of,
14 or any other family member related by blood or by law to, an active,
15 formerly active, or retired judicial officer, or law enforcement
16 officer, or child protective investigator in the Division of Child
17 Protection and Permanency in the Department of Children and
18 Families, as those terms are defined by section 1 of P.L.1995, c.23
19 (C.47:1A-1.1), or prosecutor and who resides in the same household
20 as such judicial officer, prosecutor, child protective investigator in
21 the Division of Child Protection and Permanency in the Department
22 of Children and Families, or law enforcement officer.

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

26 e. This section shall not be construed to prohibit a person,
27 business, or association who has received information as unredacted
28 pursuant to the provisions of sections 1 through 3 of P.L.2021,
29 c.371 (C.47:1B-1 through C.47:1B-3) from making the information
30 available consistent with the purposes for which the person,
31 business, or association received the information. A person,
32 business, or association that uses or makes available the information
33 in a way that is inconsistent with the purposes for which the person,
34 business, or association received the information shall be liable as
35 provided pursuant to subsection c. of this section.

36 f. Nothing herein shall be construed to impose liability on the
37 news media for failure to remove information from previously
38 printed newspapers. As used in this subsection, "news media"
39 means newspapers, magazines, press associations, news agencies,
40 wire services, or other similar printed means of disseminating news
41 to the general public.

42 (cf: P.L.2021, c.371, s.8)

43
44 7. Section 8 of P.L.2020, c.125 (C.56:8-166.3) is amended to
45 read as follows:

46 8. This act shall be liberally construed in order to accomplish
47 its purpose and the public policy of this State, which is to enhance
48 the safety and security of certain public officials in the justice

1 system, including judicial officers, prosecutors, **[and]** law
2 enforcement officers, and child protective investigator in the
3 Division of Child Protection and Permanency in the Department of
4 Children and Families, who served or have served the people of
5 New Jersey, and the immediate family members of these
6 individuals, to foster the ability of these public servants who
7 perform critical roles in the justice system to carry out their official
8 duties without fear of personal reprisal from affected individuals
9 related to the performance of their public functions.

10 (cf: P.L.2020, c.125, s.8)

11
12 8. This act shall take effect immediately.

13
14
15 STATEMENT

16
17 This bill expands “Daniel’s Law” to prohibit the disclosure
18 concerning personal information of child protective investigators in
19 the Division of Child Protection and Permanency (DCPP) in the
20 Department of Children and Families.

21 Currently, various public officials who provide services in the
22 criminal and civil justice systems for this State, for the federal
23 government, and for other governmental entities are covered under
24 Daniel’s Law which: (1) prohibits the disclosure, by both
25 governmental entities and private parties, of the home addresses of
26 any active, formerly active, or retired federal, State, county, or
27 municipal judicial officer, prosecutor, or law enforcement officer
28 (the expansive definition of “judicial officer” includes judges of the
29 Office of Administrative Law and of the Division of Workers’
30 Compensation); (2) expands an existing crime concerning the
31 disclosure of home addresses and unlisted telephone numbers for
32 active or retired law enforcement officers to also cover formerly
33 active law enforcement officers, as well as active, formerly active,
34 or retired judicial officers or prosecutors; and (3) permits criminal
35 prosecutions and statutory civil actions concerning any prohibited
36 disclosure. Daniel’s Law represents legislative action directly
37 related to, and intended to honor, Daniel Anderl, the son of a
38 federal judge, who was shot and killed in July 2020 at the judge’s
39 family home by a person who had compiled a dossier of personal
40 information about the judge, including the judge’s home address.

41 This bill expands the scope of Daniel’s Law beyond protecting
42 judicial and law enforcement officers to also include DCPP child
43 protective investigators.

44 In the sponsor’s view, DCPP child protective investigators have
45 an important job protecting and ensuring the safety and well-being
46 of our State’s most vulnerable population. DCPP investigators are
47 often unwelcome visitors who respond to the home of a family
48 during a crisis. Child protective investigators sometimes have to

1 remove children from their caregiver's home due to neglect and
2 abuse. Removing a child from a parent or guardian's home, makes
3 DCPD investigators a target for retaliation sometimes resulting in
4 threats of violence. DCPD child protective investigators live in the
5 same communities that they serve which makes it important to
6 protect their personal information so as to not jeopardize their
7 safety.