

[Second Reprint]

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:

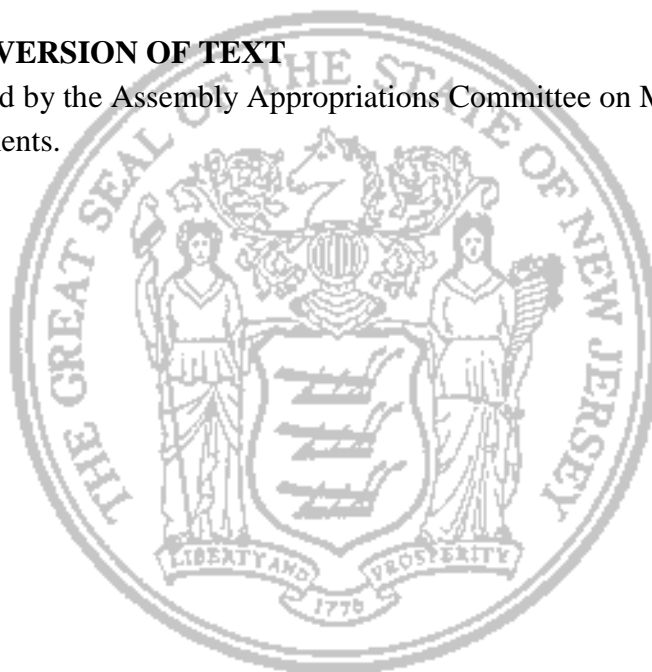
Assemblyman Stanley, Assemblywomen McKnight, Murphy and Speight

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on March 23, 2023, with amendments.



(Sponsorship Updated As Of: 3/30/2023)

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

17 ¹"Child protective investigator in the Division of Child Protection
18 and Permanency" means an employee of the Division of Child
19 Protection and Permanency in the Department of Children and
20 Families whose primary duty is to investigate reports of child abuse
21 and neglect, or any other employee of the Department of Children and
22 Families whose duties include investigation, response to, or review of
23 allegations of child abuse and neglect.

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted February 23, 2023.

²Assembly AAP committee amendments adopted March 23, 2023.

1 inter-agency or intra-agency advisory, consultative, or deliberative
2 material.

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

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

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

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

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

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

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

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

35 criminal investigatory records;

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

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

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

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

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

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

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

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

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

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

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

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

45 information generated by or on behalf of public employers or
46 public employees in connection with any sexual harassment complaint
47 filed with a public employer or with any grievance filed by or against

1 an individual or in connection with collective negotiations, including
2 documents and statements of strategy or negotiating position;
3 information which is a communication between a public agency
4 and its insurance carrier, administrative service organization or risk
5 management office;
6 information which is to be kept confidential pursuant to court
7 order;
8 any copy of form DD-214, NGB-22, or that form, issued by the
9 United States Government, or any other certificate of honorable
10 discharge, or copy thereof, from active service or the reserves of a
11 branch of the Armed Forces of the United States, or from service in the
12 organized militia of the State, that has been filed by an individual with
13 a public agency, except that a veteran or the veteran's spouse or
14 surviving spouse shall have access to the veteran's own records;
15 any copy of an oath of allegiance, oath of office or any affirmation
16 taken upon assuming the duties of any public office, or that oath or
17 affirmation, taken by a current or former officer or employee in any
18 public office or position in this State or in any county or municipality
19 of this State, including members of the Legislative Branch, Executive
20 Branch, Judicial Branch, and all law enforcement entities, except that
21 the full name, title, and oath date of that person contained therein shall
22 not be deemed confidential;
23 that portion of any document which discloses the social security
24 number, credit card number, unlisted telephone number or driver
25 license number of any person, or, in accordance with section 2 of
26 P.L.2021, c.371 (C.47:1B-2), that portion of any document which
27 discloses the home address, whether a primary or secondary residence,
28 of any active, formerly active, or retired judicial officer,
29 1[prosecutor,] 1 [or] law enforcement officer, 1[or employee of] child
30 protective investigator in¹ the Division of Child Protection and
31 Permanency 1[in the Department of Children and Families] or
32 prosecutor¹, or, as defined in section 1 of P.L.2021, c.371 (C.47:1B-
33 1), any immediate family member thereof; except for use by any
34 government agency, including any court or law enforcement agency,
35 in carrying out its functions, or any private person or entity acting on
36 behalf thereof, or any private person or entity seeking to enforce
37 payment of court-ordered child support; except with respect to the
38 disclosure of driver information by the New Jersey Motor Vehicle
39 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4);
40 and except that a social security number contained in a record required
41 by law to be made, maintained or kept on file by a public agency shall
42 be disclosed when access to the document or disclosure of that
43 information is not otherwise prohibited by State or federal law,
44 regulation or order or by State statute, resolution of either or both
45 houses of the Legislature, Executive Order of the Governor, rule of
46 court or regulation promulgated under the authority of any statute or
47 executive order of the Governor;

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

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

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

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

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

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

31 valuable or rare collections of books or documents obtained by
32 gift, grant, bequest or devise conditioned upon limited public 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 "Judicial officer" means any active, formerly active, or retired
38 federal, state, county, or municipal judge, including a judge of the Tax
39 Court and any other court of limited jurisdiction established, altered, or
40 abolished by law, a judge of the Office of Administrative Law, a judge
41 of the Division of Workers' Compensation, and any other judge
42 established by law who serves in the executive branch.

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

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

1 "Member of the Legislature" means any person elected or selected
2 to serve in the New Jersey Senate or General Assembly.¹

3 "Personal firearms record" means any information contained in a
4 background investigation conducted by the chief of police, the county
5 prosecutor, or the Superintendent of State Police, of any applicant for a
6 permit to purchase a handgun, firearms identification card license, or
7 firearms registration; any application for a permit to purchase a
8 handgun, firearms identification card license, or firearms registration;
9 any document reflecting the issuance or denial of a permit to purchase
10 a handgun, firearms identification card license, or firearms
11 registration; and any permit to purchase a handgun, firearms
12 identification card license, or any firearms license, certification,
13 certificate, form of register, or registration statement. For the purposes
14 of this paragraph, information contained in a background investigation
15 shall include, but not be limited to, identity, name, address, social
16 security number, phone number, fax number, driver's license number,
17 email address, ¹or¹ social media address of any applicant, licensee,
18 registrant or permit holder.

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

32 ¹["Law enforcement agency" means a public agency, or part
33 thereof, determined by the Attorney General to have law enforcement
34 responsibilities.

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

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

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

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

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

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

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

13 1"Victim's record" means an individually-identifiable file or
14 document held by a victims' rights agency which pertains directly to a
15 victim of a crime except that a victim of a crime shall have access to
16 the victim's own records.¹

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

28 1["Division" means the Division of Child Protection and
29 Permanency in the Department of Children and Families.

30 "Child protective investigator in the Division of Child Protection
31 and Permanency" means an employee at the division whose primary
32 duty is to investigate reports of child abuse and neglect; the term shall
33 include a representative of the Office of the Public Defender acting as
34 the division's agent.】¹

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

36
37 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read as
38 follows:

39 6. a. The custodian of a government record shall permit the
40 record to be inspected, examined, and copied by any person during
41 regular business hours; or in the case of a municipality having a
42 population of 5,000 or fewer according to the most recent federal
43 decennial census, a board of education having a total district
44 enrollment of 500 or fewer, or a public authority having less than \$10
45 million in assets, during not less than six regular business hours over
46 not less than three business days per week or the entity's regularly-
47 scheduled business hours, whichever is less; unless a government
48 record is exempt from public access by: P.L.1963, c.73 (C.47:1A-1 et

1 seq.) as amended and supplemented; any other statute; resolution of
2 either or both houses of the Legislature; regulation promulgated under
3 the authority of any statute or Executive Order of the Governor;
4 Executive Order of the Governor; Rules of Court; any federal law;
5 federal regulation; or federal order. Prior to allowing access to any
6 government record, the custodian thereof shall redact from that record
7 any information which discloses the social security number, credit card
8 number, unlisted telephone number, or driver license number of any
9 person, or, in accordance with section 2 of P.L.2021, c.371 (C.47:1B-
10 2), the home address, whether a primary or secondary residence, of
11 any active, formerly active, or retired judicial officer, prosecutor, [or]
12 law enforcement officer, or child protective investigator in the
13 Division of Child Protection and Permanency ¹[in the Department of
14 Children and Families] ¹, or, as defined in section 1 of P.L.2021, c.371
15 (C.47:1B-1), any immediate family member thereof; except for use by
16 any government agency, including any court or law enforcement
17 agency, in carrying out its functions, or any private person or entity
18 acting on behalf thereof, or any private person or entity seeking to
19 enforce payment of court-ordered child support; except with respect to
20 the disclosure of driver information by the New Jersey Motor Vehicle
21 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4);
22 and except that a social security number contained in a record required
23 by law to be made, maintained or kept on file by a public agency shall
24 be disclosed when access to the document or disclosure of that
25 information is not otherwise prohibited by State or federal law,
26 regulation or order or by State statute, resolution of either or both
27 houses of the Legislature, Executive Order of the Governor, rule of
28 court or regulation promulgated under the authority of any statute or
29 executive order of the Governor. Except where an agency can
30 demonstrate an emergent need, a regulation that limits access to
31 government records shall not be retroactive in effect or applied to deny
32 a request for access to a government record that is pending before the
33 agency, the council or a court at the time of the adoption of the
34 regulation.

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

1 Access to electronic records and non-printed materials shall be
2 provided free of charge, but the public agency may charge for the
3 actual costs of any needed supplies such as computer discs.

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

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

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

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

40 f. The custodian of a public agency shall adopt a form for the use
41 of any person who requests access to a government record held or
42 controlled by the public agency. The form shall provide space for the
43 name, address, and phone number of the requestor and a brief
44 description of the government record sought. The form shall include
45 space for the custodian to indicate which record will be made
46 available, when the record will be available, and the fees to be
47 charged. The form shall also include the following: (1) specific
48 directions and procedures for requesting a record; (2) a statement as to

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

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

35 h. Any officer or employee of a public agency who receives a
36 request for access to a government record shall forward the request to
37 the custodian of the record or direct the requestor to the custodian of
38 the record.

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

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

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

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

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

30 (cf: P.L.2021, c.371, s.11)

31

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

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

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

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

44 (2) on behalf of any covered person who is deceased or medically
45 or psychologically incapacitated, a person acting on behalf of the
46 covered person as a designated trustee, as an estate executor, or
47 pursuant to a written power of attorney or other legal instrument,
48 provided that the person signs and submits the affirmation required

1 under subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2) in the
2 stead of the covered person; and

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

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

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

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

30 c. The director shall establish:

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

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

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

44 (4) a process for the evaluation of any other exceptions to the
45 requirement for redaction or nondisclosure pursuant to section 2 of
46 P.L.2021, c.371 (C.47:1B-2), whether categorical or individualized.
47 The director may grant an exception to any person or entity for the

1 receipt of the unredacted records or information pursuant to this
2 process.

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

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

8 (2) The director may issue any guidance, guidelines, decisions, or
9 rules and regulations necessary to effectuate the purposes of this act.
10 The rules and regulations shall be effective immediately upon filing
11 with the Office of Administrative Law for a period not to exceed 18
12 months, and shall, thereafter, be amended, adopted, or readopted in
13 accordance with the provisions of the "Administrative Procedure Act,"
14 P.L.1968, c.410 (C.52:14B-1 et seq.).
15 (cf: P.L.2021, c.371, s.1)

16
17 4. Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended to read as
18 follows:

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

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

37 c. An immediate family member who has sought and received
38 approval under subsection a. of this section and who no longer resides
39 with the active, formerly active, or retired judicial officer,
40 ¹~~prosecutor,~~ ¹ ~~or~~ law enforcement officer, ¹ ~~or~~ ¹ child protective
41 investigator in the Division of Child Protection and Permanency ¹ ~~in~~
42 the Department of Children and Families ¹ ~~, or prosecutor~~ ¹ , shall
43 submit through the portal a revocation request not later than 30 days
44 from the date on which the immediate family member no longer
45 resided with the judicial officer, ¹ ~~prosecutor, or~~ ¹ law enforcement
46 officer ¹ , child protective investigator in the Division of Child
47 Protection and Permanency, or prosecutor ¹ .

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

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

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

10 (3) the eligibility or requirements related to seeking or accepting
11 the nomination for election or election to public office, or the
12 appointment to any public position;

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

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

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

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

23
24 5. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
25 read as follows:

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

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

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

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

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

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

1 in the Division of Child Protection and Permanency ¹ [in the
2 Department of Children and Families] ¹, or prosecutor.

3 ¹“Home telephone number” means any telephone number used
4 primarily for personal communications, including a landline or cellular
5 telephone number. ¹

6 "Immediate family member" means a spouse, child, or parent of, or
7 any other family member related by blood or by law to, an active,
8 formerly active, or retired judicial officer, ¹[or] ¹ law enforcement
9 officer, or child protective investigator in the Division of Child
10 Protection and Permanency ¹ [in the Department of Children and
11 Families] ¹, as those terms are defined by section 1 of P.L.1995, c.23
12 (C.47:1A-1.1), or prosecutor ^{1, 1} and who resides in the same
13 household as the judicial officer, law enforcement officer, child
14 protective investigator in the Division of Child Protection and
15 Permanency ¹ [in the Department of Children and Families] ¹, or
16 prosecutor.

17 ¹“News media” means newspapers, magazines, press associations,
18 news agencies, wire services, or other similar printed means of
19 disseminating news to the general public. ¹

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

23 b. Upon notification pursuant to subsection c. of this section, and
24 not later than 10 business days after receipt thereof, a person shall not
25 knowingly, with purpose to expose another to harassment or risk of
26 harm to life or property, or in reckless disregard of the probability of
27 such exposure, post, repost, publish, or republish on the Internet, or
28 otherwise make available, the home address or unpublished home
29 telephone number of any covered person, except in compliance with
30 any court order, law enforcement investigation, or request by a
31 government agency or person duly acting on behalf of the agency.

32 c. An authorized person, as defined in subsection a. of this
33 section, seeking to prohibit the disclosure of the home address or
34 unpublished home telephone number of any covered person consistent
35 with subsection b. of this section shall provide written notice to the
36 person from whom ¹[they are] the authorized person is ¹ seeking
37 nondisclosure that ¹[they are] the authorized person is ¹ an authorized
38 person and requesting that such person cease the disclosure of such
39 information and remove the protected information from the Internet or
40 where otherwise made available.

41 d. A reckless violation of subsection b. of this section is a crime
42 of the fourth degree. A purposeful violation of subsection b. of this
43 section is a crime of the third degree.

44 e. This section shall not be construed to prohibit a person,
45 business, or association ¹[who] that ¹ has received information as
46 unredacted pursuant to the provisions of sections 1 through 3 of
47 P.L.2021, c.371 (C.47:1B-1 through C.47:1B-3) from making the

1 information available consistent with the purposes for which the
2 person, business, or association received the information. A person,
3 business, or association that uses or makes available the information in
4 a way that is inconsistent with the purposes for which the person,
5 business, or association received the information shall be liable as
6 provided pursuant to subsection d. of this section.

7 f. Nothing herein shall be construed to impose liability on the
8 news media for failure to remove information from previously printed
9 newspapers ¹【. As used in this subsection, "news media" means
10 newspapers, magazines, press associations, news agencies, wire
11 services, or other similar printed means of disseminating news to the
12 general public】 , and nothing herein shall be construed to impose
13 liability relating to telephone directories or directory assistance unless
14 the covered person has requested to be unpublished in the directory
15 and directory assistance by the applicable publication deadline¹ .

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

17

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

20 3. a. (1) Upon notification pursuant to paragraph (2) of this
21 subsection, and not later than 10 business days following receipt
22 thereof, a person, business, or association shall not disclose or re-
23 disclose on the Internet or otherwise make available, the home
24 address or unpublished home telephone number of any covered
25 person, as defined in subsection d. of this section ²【, who has
26 received approval from the Office of Information Privacy for the
27 redaction or nondisclosure of the covered person's address】².

28 (2) An authorized person seeking to prohibit the disclosure of
29 the home address or unpublished home telephone number of any
30 covered person consistent with paragraph (1) of this subsection
31 shall provide written notice to the person from whom ¹【they are】
32 the authorized person is¹ seeking nondisclosure that ¹【they are】 the
33 authorized person is¹ an authorized person and requesting that the
34 person cease the disclosure of the information and remove the
35 protected information from the Internet or where otherwise made
36 available.

37 (3) An immediate family member who has provided notice
38 pursuant to paragraph (2) of this subsection and who no longer
39 resides with the judicial officer, ¹【prosecutor,】¹ 【or】 law
40 enforcement officer, ¹【or】¹ child protective investigator in the
41 Division of Child Protection and Permanency ¹【in the Department
42 of Children and Families】 , or prosecutor¹ shall provide notice to
43 that effect to the person, business, or association not later than 30
44 days from the date on which the immediate family member no
45 longer resided with the judicial officer, ¹【prosecutor, child
46 protective investigator in the Division of Child Protection and
47 Permanency in the Department of Children and Families, or】¹ law

1 enforcement officer ¹, child protective investigator in the Division
2 of Child Protection and Permanency, or prosecutor¹ .

3 b. A person, business, or association that violates subsection a.
4 of this section shall be liable to the ¹**【aggrieved】** covered¹ person
5 ¹or the covered person's assignee¹ , who may bring a civil action in
6 the Superior Court. ²The covered person, or the covered person's
7 assignee as defined in this section, may bring such a civil action
8 commencing on the date of enactment of P.L. , c. (pending
9 before the Legislature as this bill).²

10 c. The court ¹**【may】** shall¹ award:

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

13 (2) punitive damages upon proof of willful or reckless disregard
14 of the law;

15 (3) reasonable attorney's fees and other litigation costs
16 reasonably incurred; and

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

19 d. For the purposes of this section:

20 ¹“Assignee” means a person or entity to whom or which an
21 authorized person has assigned, in writing, a covered person's right
22 to bring a civil action for a violation of subsection a. of this
23 section.¹

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

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

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

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

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

1 Permanency ¹ [in the Department of Children and Families] ¹ , or
2 prosecutor.

3 "Disclose" shall mean to solicit, sell, manufacture, give, provide,
4 lend, trade, mail, deliver, transfer, post, publish, distribute,
5 circulate, disseminate, present, exhibit, advertise or offer ¹, and
6 shall include making available or viewable within a searchable list
7 or database, regardless of whether a search of such list or database
8 is actually performed.

9 "Home telephone number" means any telephone number used
10 primarily for personal communications, including a landline or
11 cellular telephone number ¹ .

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

24 ¹"News media" means newspapers, magazines, press
25 associations, news agencies, wire services, or other similar printed
26 means of disseminating news to the general public. ¹

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

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

40 f. Nothing herein shall be construed to impose liability on the
41 news media for failure to remove information from previously
42 printed newspapers ¹[. As used in this subsection, "news media"
43 means newspapers, magazines, press associations, news agencies,
44 wire services, or other similar printed means of disseminating news
45 to the general public] ¹, and nothing herein shall be construed to
46 impose liability relating to telephone directories or directory

1 assistance unless the covered person has requested to be
2 unpublished in the directory and directory assistance by the
3 applicable publication deadline¹ .

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

5

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

8 8. This act shall be liberally construed in order to accomplish its
9 purpose and the public policy of this State, which is to enhance the
10 safety and security of certain public officials in the justice system,
11 including judicial officers, ¹~~prosecutors,~~ ¹ ~~and~~ law enforcement
12 officers, ¹~~and~~ ¹ child protective ¹~~investigator~~ investigators¹ in the
13 Division of Child Protection and Permanency ¹~~in the Department of~~
14 Children and Families , and prosecutors¹ , who served or have served
15 the people of New Jersey, and the immediate family members of these
16 individuals, to foster the ability of these public servants who perform
17 critical roles in the justice system to carry out their official duties
18 without fear of personal reprisal from affected individuals related to
19 the performance of their public functions. ¹For the purposes of this
20 section, “child protective investigator in the Division of Child
21 Protection and Permanency” has the same meaning as is provided in
22 section 1 of P.L.1995, c.23 (C.47:1A-1.1).¹

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

24

25 8. ²~~This~~ Except as otherwise specified, this² act shall take
26 effect ¹~~immediately~~ on the first day of the 13th month following
27 the date of enactment, except that the Department of Community
28 Affairs may take any anticipatory administrative action as shall be
29 necessary for the implementation of this act¹ .