

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4947

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 4947 (1R).

As amended, this bill expands “Daniel’s Law,” P.L.2020, c.125 (C.56:8-166.2 et al.), to prohibit the disclosure of personal information of child protective investigators in the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families.

Currently, various public officials who provide services in the criminal and civil justice systems for this State, for the federal government, and for other governmental entities are covered under Daniel’s Law which: (1) prohibits the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer (the expansive definition of “judicial officer” includes judges of the Office of Administrative Law and of the Division of Workers’ Compensation); (2) expands an existing crime concerning the disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers to also cover formerly active law enforcement officers, as well as active, formerly active, or retired judicial officers or prosecutors; and (3) permits criminal prosecutions and statutory civil actions concerning any prohibited disclosure.

This bill expands the scope of Daniel’s Law beyond protecting judicial and law enforcement officers to also include DCPP child protective investigators and employees of the Department of Children and Families that engage in investigative activities in response to allegations of child abuse or neglect.

In addition, as amended, the bill adds a definition of “home telephone number” to clarify that the term may include either a landline or a cellular telephone number that is primarily used for personal communication. The bill further revises the current definition of “disclose” to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

The bill, as amended, removes the requirement that a covered person first receives approval from the Office of Information Privacy prior to providing written notice to a person, business, or association to cease disclosing their information. If the person, business, or association does not cease, the covered person may bring a civil suit against them. As amended, the bill allows a covered person under the bill to assign, in writing, a covered person's right to bring a civil action for the continued disclosure of their information, and they may do so immediately upon enactment. The bill as amended also requires courts to impose certain penalties for a violation of Daniel's Law; whereas under current law, each of the authorized penalties is discretionary. As amended, the bill additionally replaces the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

Current law provides that news media are not liable for violations of Daniel's Law for failing to remove information from previously printed newspapers. This bill revises this exemption to additionally provide an exemption from liability for telephone directories and directory assistance, unless a covered person has requested to be unpublished in the directory and directory assistance by the applicable publication deadline.

COMMITTEE AMENDMENTS

The committee amended the bill to remove the requirement that a covered person receives approval from the Office of Information Privacy prior to providing written notice to a person, business, or association of their obligation to cease disclosing the covered person's home address or unpublished telephone number. The amendments also provide that the covered person or their assignee may bring a civil suit against a person, business, or association who has disclosed the covered person's home address or unpublished telephone number immediately upon enactment.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.