

# ASSEMBLY, No. 5615

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 15, 2023

**Sponsored by:**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Provides for protective orders to limit requests for access to government records in certain cases.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning limits on requests for access to government  
2 records and supplementing P.L.1963, c.73 (C.47:1A-1 et seq.).  
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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*  
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7 1. Notwithstanding any other law, rule, or regulation to the  
8 contrary, whenever it is made to appear by verified petition to the  
9 Superior Court of the county in which a requestor for government  
10 records under P.L.1963, c.73 (C.47:1A-1 et seq.) resides or has a  
11 primary place of business, the court may issue a protective order  
12 limiting the number and scope of requests a requestor may make.  
13 The court may issue the protective order if it determines that the  
14 requests for access to a government record submitted by the  
15 requestor under P.L.1963, c.73 (C.47:1A-1 et seq.) over a period of  
16 time have substantially disrupted the operations of the public  
17 agency, or the custodian, or both. The petition shall be  
18 accompanied by a declaration of facts by the public agency  
19 withholding the records demonstrating that it has complied with  
20 P.L.1963, c.73 (C.47:1A-1 et seq.) and has made a good faith effort  
21 to reach an informal resolution of the issues relating to the records  
22 requests.

23 The order may limit, or in appropriate circumstances eliminate,  
24 the public agency's duty to respond to government records requests  
25 from the requestor in the future. The order may set timeframes for  
26 responding to future requests by the requestor. An order to limit the  
27 public agency's duty to respond shall not exceed one year from the  
28 date of the court order.

29 Upon entry of an order pursuant to this section, the order of the  
30 court shall be immediately reviewable by petition to the Appellate  
31 Division of the Superior Court. A party shall, in order to obtain  
32 review of the order, file a petition within 20 days after service of a  
33 written notice of entry of the order, or within such further time not  
34 exceeding an additional 20 days as the appellate court may for good  
35 cause allow. If the notice is served by mail, the period within  
36 which to file the petition shall be increased by five days. A stay of  
37 an order or judgment shall not be granted unless the petitioning  
38 party demonstrates probable success on the merits or that it will  
39 otherwise sustain irreparable damage. Any person who fails to  
40 obey the order of the court shall be cited to show cause why the  
41 person is not in contempt of court.

42 For the purposes of this section, the "county of residence" shall  
43 include any address listed on the request for the government  
44 records.  
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46 2. This act shall take effect on the first day of the fourth month  
47 next following the date of enactment.

STATEMENT

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This bill allows a court to issue a protective order limiting the number and scope of requests for access to a government record a requestor may make. The court may issue the protective order if it determines that the requests for access to a government record over a period of time have substantially disrupted the operations of the public agency, or the custodian, or both. The petition to the court for the order will be accompanied by a declaration of facts by the public agency withholding the records demonstrating that it has complied with the law and has made a good faith effort to reach an informal resolution of the issues relating to the records requests.

The order may limit, or in appropriate circumstances eliminate, the public agency's duty to respond to government records requests from the requestor in the future. The order may set timeframes for responding to future requests by the requestor. An order to limit the public agency's duty to respond will not exceed one year from the date of the court order.

The order may be appealed to the Appellate Division of the Superior Court.