SENATE, No. 512

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)
Senator M. TERESA RUIZ
District 29 (Essex)

Co-Sponsored by:
Senators Stack, Cruz-Perez, Cunningham, Johnson, Gill and Pou

SYNOPSIS
Establishes certain law enforcement and privacy procedures; designated as New Jersey Values Act.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 6/27/2022)
AN ACT concerning reforms to build confidence among New Jerseyans when interacting with law enforcement and other public agencies, designated as New Jersey Values Act, and supplementing Title 52 of the Revised Statutes.

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

1. (New section) The Legislature finds and declares that:
   a. This act seeks to protect the safety and constitutional rights of all people in the State of New Jersey and protect the State’s limited resources.
   b. New Jersey is a state of immigrants and has the second highest percentage of foreign-born residents of all the states, with immigrants making up more than one in every four people in the State.
   c. More than forty percent of children in New Jersey live in immigrant families, with at least one foreign-born parent.
   d. In recognition of immigrants’ significant contributions to the strength of New Jersey, the Legislature has a substantial and compelling interest to ensure this State remains a place where the rights and dignity of all people are maintained and protected, regardless of their immigration status.
   e. The enforcement of federal immigration law is the responsibility of the federal government and falls outside the scope of State, county, and municipal law enforcement agencies’ public and community safety priorities.
   f. Data from across the country reveals that when State, county, and municipal agencies assist federal immigration authorities to carry out federal law enforcement, immigrant communities and their loved ones are deterred and discouraged from assisting or seeking assistance from public agencies, including health and public safety services.
   g. State, county, and municipal agencies, including public schools and hospitals, should be safe and accessible to all eligible community members who are seeking services. Individuals should not be deterred from seeking services to which they are eligible merely because of their immigration status or the status of their loved ones.
   h. State, county, and municipal law enforcement agencies incur costs when assisting federal immigration authorities, which include the costs of extending detention time, law enforcement personnel time, tracking and responding to immigration detainers, liability for unconstitutional detention and other violations of constitutional rights. These law enforcement agencies are not reimbursed by the

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.
federal government for the entire costs of the enforcement activities.

i. Unlike criminal detainers, which are supported by a warrant and require probable cause, immigration detainer requests do not require a warrant or any established standard of proof, such as reasonable suspicion or probable cause.

j. Immigration detainers have erroneously been placed on United States citizens, as well as immigrants who are not deportable, and federal courts in multiple jurisdictions have found that honoring these detainers violated the Fourth Amendment to the United States Constitution.

k. It is, therefore, fitting and proper to direct State, county, and municipal entities to attend to local priorities rather than carrying out costly federal immigration enforcement initiatives that contravene those priorities and harm New Jersey communities.

2. (New section) As used in this act:

“Civil immigration warrant” means any warrant for a violation of federal civil immigration law issued by United States Immigration and Customs Enforcement, United States Customs and Border Protection, or any division or subsidiary of the United States Department of Homeland Security or its successor agencies that is not approved or ordered by a federal Article III judge or magistrate judge, or the state equivalent, including administrative warrants entered into the Federal Bureau of Investigation's National Crime Information Center database.

“Federal immigration authorities” mean one or more officers, employees, or persons otherwise paid by or acting as agents of United States Immigration and Customs Enforcement, United States Customs and Border Protection or any division thereof, or one or more other officers, employees, or persons otherwise paid by or acting as agents of the United States Department of Homeland Security or its successor agencies charged with immigration enforcement.

“Health care facilities” shall have the same meaning as provided in subsection a. of section 2 of P.L.1971, c.136 (C.26:2H-2).

“Immigration detainer” means a document issued by a federal immigration authority that is not approved or ordered by a federal Article III judge or magistrate judge, or the state equivalent, and requests a law enforcement agency or law enforcement official to provide notice of release or maintain custody of a person beyond the time at which the person would otherwise be released from custody; and “immigration detainer” shall include I-247 forms and other forms issued under Section 1226 or 1357 of Title 8 of the United States Code or Section 236 or 287 of Title 8 of the Code of Federal Regulations.

“Immigration enforcement” means any effort to investigate, enforce, or assist in the investigation or enforcement of any federal
civil immigration law, and includes any effort to investigate, 
enforce, or assist in the investigation or enforcement of any 
violations of Title 8 of the United States Code.

“Judicial warrant” means a warrant based on probable cause and 
issued by a federal Article III judge or magistrate judge, or the state 
equivalent, that authorizes federal immigration authorities to search 
a location or take into custody the person who is the subject of the 
warrant.

“Law enforcement official” means any person with the power to 
criminally charge, arrest, or detain individuals, and shall include 
correctional police officers, prosecutors, and other law enforcement 
officers and any other person employed by a State, county, or 
municipal law enforcement agency; the term also shall include 
employees of school and police security departments, parole 
oficers, probation officers, and pretrial services employees.

“Notification request” means a request that a State, county, or 
municipal law enforcement agency inform federal immigration 
authorities of the release date or time of an individual in the local 
law enforcement agency’s custody.

“Record” means any paper, written or printed book, document, 
drawing, map, plan, photograph, microfilm, data processed or 
image processed document, information stored or maintained 
electronically or by sound-recording or in a similar device, or any 
copy thereof.

“School police and security departments” means the police, 
security, and other law enforcement departments of public or 
publicly-funded educational institution appointed or established 
pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

“State agency” shall have the same meaning as provided in 

“State, county, or municipal law enforcement agency” means any 
agency, or elected, appointed, or hired officials, authorized to 
 enforce or prosecute criminal statutes, regulations, or local 
 ordinances, to enforce or prosecute juvenile delinquency statutes, 
 regulations, or local ordinances, or to operate jails or prisons, or to 
maintain custody of detained individuals in the State; the term also 
shall include school police and security departments, New Jersey 
State Parole Board, probation divisions, and pretrial services 
programs.

“Transfer request” means a request that a State, county, or 
municipal law enforcement agency or law enforcement official 
 facilitate the transfer of an individual in its custody to federal 
immigration authorities, and includes, but is not limited to, DHS 
Form I-247X.

3. (New section) a. A State, county, or municipal law 
enforcement agency or official shall not:
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1. (1) stop, question, arrest, search, or detain any individual based on actual or suspected citizenship or immigration status, or actual or suspected violations of federal civil immigration law;
2. (2) inquire about an individual’s immigration status, citizenship, place of birth, or eligibility for a social security number;
3. (3) make arrests or detain individuals based on civil immigration warrants;
4. (4) use agency or department moneys, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, immigration status, citizenship, or national or ethnic origin; or
5. (5) make agency or department databases available to anyone or any entity for the purpose of immigration enforcement or investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, immigration status, citizenship, or national or ethnic origin.

b. Any agreements made prior to the effective date of this act that require an agency or department database to be available in conflict with the provisions of paragraph (5) of subsection a. of this section shall be void on the effective date of P.L. , c. (pending before the Legislature as this bill).

c. A State, county, or municipal law enforcement agency or official shall not provide assistance to federal immigration authorities by:
   (1) participating in civil immigration enforcement operations;
   (2) providing to federal immigration authorities any personal identifying information as defined by section 1 of P.L. 1995, c.23 (C.47:1A-1.1) or confidential personal identifiers as defined by the Rules of Court about an individual;
   (3) providing access to any State, county, or municipal law enforcement equipment, office space, database, or property;
   (4) providing access to a detained individual for an interview;
   (5) responding to or otherwise complying with immigration detainers, notification requests, and transfer requests from federal immigration authorities;
   (6) continuing to detain a person past the time the person would otherwise be eligible for release from custody based solely on an immigration detainer or civil immigration warrant;
   (7) entering into, modifying, renewing, or extending any agreement to exercise federal immigration authority or conduct immigration enforcement pursuant to section 287(g) of Title 8 of the Immigration and Nationality Act, 8 U.S.C. §1357(g), or otherwise exercising federal civil immigration authority or conducting immigration enforcement outside of the purview of
of Title 8 of the Immigration and Nationality Act, 8 U.S.C. §1357(g); or
(8) providing or sharing funds, property, equipment, personnel, or access to facilities or real property not open to the general public for purposes of engaging in, assisting, supporting, or facilitating immigration enforcement.

d. Nothing in this section shall prevent any State, county, or municipal law enforcement agency from responding to a valid judicial warrant issued by an federal Article III judge or magistrate judge, or the State equivalent.

e. Nothing in this section shall be construed to prohibit, or in any way restrict, any action where the prohibition or restriction would be contrary to federal law.

4. (New section) a. Each State, county, and municipal law enforcement agency shall submit to the Attorney General a report within 180 days of the effective date of P.L. , c. (pending before the Legislature as this bill) and within 30 days after the end of each State fiscal year thereafter. The reports shall provide:

(1) the number of detainer requests, transfer requests, and notification requests made by immigration authorities, and the responses of the State, county, or municipal law enforcement agency. For any request that was granted, the report shall specify any legal basis for granting that request;

(2) the number of interviews requested and number of interviews conducted, either in person or telephonically, by immigration authorities of people in State, county, or municipal law enforcement custody. For each interview conducted, the report shall specify any legal basis for granting the interview;

(3) any other requests made by immigration authorities for the agency’s participation in immigration enforcement, the responses of the State, county, or municipal law enforcement agency, and the legal basis for granting the request; and

(4) to the extent the law enforcement agency has knowledge, any information about State, county, and municipal databases to which immigration authorities have had access to at any time in the course of the year, including: the name of the database; an overview of information available on the database; the purpose for which immigration authorities have access to this database; the process through which immigration authorities requested access and agencies reviewed this request, if applicable; any legal basis for providing immigration authorities access to the database; and the frequency with which immigration authorities accessed the database over the course of the year.

b. The Attorney General shall annually publish the information submitted pursuant to this section on the Internet website of the Department of Law and Public Safety.
c. The Attorney General shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to ensure compliance by State, county, and municipal law enforcement agencies with the annual reporting requirements established pursuant to this section. The regulations shall be promulgated within 180 days following the effective date of this act.

d. The Attorney General shall report annually to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) a summary of the law enforcement agencies that complied with the provisions of this section. The report shall append the submissions by State, county, and municipal law enforcement agencies required pursuant to subsection e. of this section.

5. (New section) a. State, county, and municipal agencies and subdivisions thereof, and healthcare facilities may collect information relating to a person’s immigration status, citizenship status, place of birth, social security number, and individual taxpayer identification number only when this information is strictly necessary to assess eligibility for or to administer the requested public services, benefits, programs that the agency, division, or facility is charged with administering.

b. Any record and any information, whether written or oral, concerning a person that is solicited, made, or kept by any public agency or officer thereof for the purpose of assessing eligibility for, or administering the services, benefits, or program that is requested, used, or delivered shall not be:

(1) a governmental record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act, or common law concerning access to government records; or

(2) disclosed, except as required to administer the benefits, Services, or programs pursuant to New Jersey law, or as required by a valid court order or warrant issued by a federal Article III judge or magistrate judge, or the State equivalent.

c. This section shall not prohibit the sharing of records or information when the subject of that record or information has knowingly provided written consent in their language of choice allowing the record or information to be provided to the person or agency requesting the record or information.

d. All State agencies shall review their confidentiality policies, guidance, and regulations and identify any changes necessary to ensure compliance with the provision of this section by the agency and the entities under its authority. Any necessary changes to those policies shall be made as expeditiously as possible, consistent with agency or department procedures but no later than one calendar year following the effective date of this act, and shared prominently on the agencies’ public-facing website.
e. Nothing in this section shall be construed to prohibit or in
any way restrict any action where the prohibition or restriction
would be contrary to federal law.

6. (New section) a. The Attorney General, in consultation
with the appropriate State agencies and subdivisions thereof, shall
develop model policies for public schools, health care facilities,
public libraries, youth shelters, emergency shelters, family shelters,
and domestic violence shelters to ensure that these institutions
remain safe and accessible to all New Jersey residents, regardless of
immigration status. The model policies shall ensure that eligible
individuals are not deterred from seeking services or engaging with
State, county, or municipal public agencies. In addition, to the
fullest extent possible consistent with State and federal law, the
model policies shall prohibit these institutions from:
   (1) requesting or collecting information relating to citizenship,
   immigration status, place of birth, social security number, and
   individual taxpayer identification number, except where required to
determine eligibility for services, benefits, or programs provided or
administered by the institution in question;
   (2) permitting immigration enforcement on the premises of
these institutions, in areas not open without restriction to the
general public; and
   (3) assisting or participating in immigration enforcement.

b. The model policies shall define “assisting or participating in
immigration enforcement” as provided in paragraph (3) of
subsection a. of this section to include, but not be limited to, the
activities prohibited by section 3 of P.L. , c. (pending
before the Legislature as this bill) to the extent relevant to the
activities of the institution governed by the model policy.

c. The Attorney General shall publish these model policies on
the Internet website of the Department of Law and Public Safety no
later than one calendar year following the enactment of
P.L. , c. (pending before the Legislature as this bill).

d. The State agencies with authority to regulate public schools,
health care facilities, public libraries, youth shelters, emergency
shelters, family shelters, and domestic violence shelters shall adopt
the model policies established pursuant to this section no later than
January 1, 2023. The agencies shall order public schools, health
care facilities, youth shelters, emergency shelters, family shelters,
and domestic violence shelters under their authority to comply with
model policies adopted pursuant to this section or more protective
policies. Any facilities that are not regulated by a State agency shall
be encouraged to adopt the model policy.

7. N.J.S.2A:53-1 is amended to read as follows:
2A:53-1. The Superior Court shall have jurisdiction of declarations of intention, and of applications of [aliens] noncitizens to become citizens of the United States. (cf: P.L.1991,c.91,s.107)

8. N.J.S.3B:5-12 is amended to read as follows:
3B:5-12. a. An individual is not disqualified to take as an heir because he or an individual through whom he claims is or has been [an alien] a noncitizen.
b. An individual who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship that would entitle the individual to the larger share. (cf: P.L.2004, c.132, s.54)

9. N.J.S.3B:28-1 is amended to read as follows:
3B:28-1. Estates of dower and curtesy prior to May 28, 1980. The widow or widower, whether [alien] noncitizen or [not] citizen, of an individual dying intestate or otherwise, shall be endowed for the term of his life of one half of all real property of which the decedent, or another to the decedent's use, was seized of an estate of inheritance at any time during marriage prior to May 28, 1980, unless the widow or widower shall have relinquished her right of dower or his right of curtesy in the manner provided by P.L.1953, c.352 (C.37:2-18.1) or such right of dower or such right of curtesy otherwise shall have been extinguished by law. (cf: P.L.2005, c.160, s.19)

10. Section 103 of P.L.1977, c.110 (C.5:12-103) is amended to read as follows:
103. Alcoholic Beverages in Casino Hotel Facilities. a. Notwithstanding any law to the contrary, the authority to grant any license for, or to permit or prohibit the presence of, alcoholic beverages in, on, or about any premises licensed as part of a casino hotel shall exclusively be vested in the division.
b. Unless otherwise stated, and except where inconsistent with the purpose or intent of this act or the common understanding of usage thereof, definitions contained in Title 33 of the Revised Statutes shall apply to this section. Any definition contained therein shall apply to the same word in any form.
c. Notwithstanding any provision of Title 33 of the Revised Statutes, the rules, regulations and bulletins promulgated by the director of the Division of Alcoholic Beverage Control, or any provision promulgated by any local authority, the authority to issue, renew, transfer, revoke or suspend a Casino Hotel Alcoholic Beverage License or any portion, location, privilege or condition thereof, to fine or penalize a Casino Hotel Alcoholic Beverage Licensee; to enforce all statutes, laws, rulings, or regulations relating to such license; and to collect license fees and establish
application standards therefor, shall be, consistent with this act, exclusively vested in the division.

d. Except as otherwise provided in this section, the provisions of Title 33 of the Revised Statutes and the rules, regulations and bulletins promulgated by the Director of the Division of Alcoholic Beverage Control shall apply to a Casino Hotel and Casino Hotel Alcoholic Beverage Licensee licensed under this act.

e. Notwithstanding any provision to the contrary, the division may promulgate any regulations and special rulings and findings as may be necessary for the proper enforcement, regulation, and control of alcoholic beverages in casino hotels when the division finds that the uniqueness of casino operations and the public interest require that such regulations, rulings, and findings are appropriate. Regulations of the division may include but are not limited to: designation and duties of enforcement personnel; all forms necessary or convenient in the administration of this section; inspections, investigations, searches, seizures; licensing and disciplinary standards; requirements and standards for any hearings or disciplinary or other proceedings that may be required from time to time; the assessment of fines or penalties for violations; hours of sale; sales in original containers; sales on credit; out-of-door sales; limitations on sales; gifts and promotional materials; locations or places for sale; control of signs and other displays; identification of licensees and their employees; employment of noncitizens and minors; storage, transportation and sanitary requirements; records to be kept by the Casino Hotel Alcoholic Beverage Licensees and availability thereof; practices unduly designed to increase consumption of alcoholic beverages; and such other matters whatsoever as are or may become necessary and consistent with the administration of this act.

f. (1) It shall be unlawful for any person, including any casino licensee or any of its lessees, agents or employees, to expose for sale, solicit or promote the sale of, possess with intent to sell, sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel, unless said person possesses a Casino Hotel Alcoholic Beverage License. Nothing herein or in any other law to the contrary, however, shall prohibit a casino beverage server in the course of his or her employment from inquiring of a casino patron whether such patron desires a beverage, whether or not such inquiry is phrased in terms of any word which may connote that the beverage is an alcoholic beverage.

(2) It shall be unlawful for any person issued a Casino Hotel Alcoholic Beverage License to expose, possess, sell, give, dispense, transfer, or otherwise dispose of alcoholic beverages, other than within the terms and conditions of the Casino Hotel Alcoholic Beverage License issued, the provisions of Title 33 of the Revised Statutes, the rules and regulations promulgated by the Director of
the Division of Alcoholic Beverage Control, and, when applicable, the regulations promulgated pursuant to this act.

(3) Notwithstanding any other law to the contrary, a manufacturer, wholesaler, or other person licensed to sell alcoholic beverages to retailers, or third parties at their discretion, may, in addition to the activities permitted by section 10 of P.L.2005, c.243 (C.33:1-43.2), jointly sponsor with the Casino Hotel Alcoholic Beverage Licensee musical or theatrical performances or concerts, sporting events and such similar events and festivals, with an anticipated overall audience attendance of at least one thousand patrons, as may be approved by the division.

g. In issuing a Casino Hotel Alcoholic Beverage License the division shall describe the scope of the particular license and the restrictions and limitations thereon as it deems necessary and reasonable. The division may, in a single Casino Hotel Alcoholic Beverage License, permit the holder of such a license to perform any or all of the following activities, subject to applicable laws, rules and regulations:

(1) To sell any alcoholic beverage by the glass or other open receptacle including, but not limited to, an original container, for on-premise consumption within a casino or simulcasting facility; provided, however, that no alcoholic beverage shall be sold or given for consumption; delivered or otherwise brought to a patron; or consumed at a gaming table unless so requested by the patron.

(2) To sell any alcoholic beverage by the glass or other open receptacle for on-premise consumption within a casino hotel, but not in a casino or simulcasting facility, or from a fixed location outside a building or structure containing a casino but on a casino hotel premises.

(3) To sell any alcoholic beverage in original containers for consumption outside the licensed area from an enclosed package room not in a casino or simulcasting facility.

(4) To sell any alcoholic beverage by the glass or other open receptacle or in original containers from a room service location within an enclosed room not in a casino or simulcasting facility; provided, however, that any sale of alcoholic beverages is delivered only to a guest room or to any other room in the casino hotel authorized by the division, other than any room authorized by the division pursuant to paragraph (1), (3), or (5) of this subsection.

(5) To possess or to store alcoholic beverages in original containers intended but not actually exposed for sale at a fixed location on a casino hotel premises, not in a casino or simulcasting facility; and to transfer or deliver such alcoholic beverages only to a location approved pursuant to this section; provided, however, that no access to or from a storage location shall be permitted except during the normal course of business by employees or agents of the licensee, or by licensed employees or agents of wholesalers or distributors licensed pursuant to Title 33 of the Revised Statutes and
any applicable rules and regulations; and provided further, however, that no provision of this section shall be construed to prohibit a Casino Hotel Alcoholic Beverage Licensee from obtaining an off-site storage license from the Division of Alcoholic Beverage Control.

h. (Deleted by amendment, P.L.2011, c.19)

i. The division may revoke, suspend, refuse to renew or refuse to transfer any Casino Hotel Alcoholic Beverage License, or fine or penalize any Casino Hotel Alcoholic Beverage Licensee for violations of any provision of Title 33 of the Revised Statutes, the rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control, and the regulations promulgated by the division.

j. Jurisdiction over all alcoholic beverage licenses previously issued with respect to the casino hotel facility is hereby vested in the division, which in its discretion may by regulation provide for the conversion thereof into a Casino Hotel Alcoholic Beverage License as provided in this section.

(cf: P.L.2011, c.19, s.72)

11. Section 13 of P.L.1970, c.13 (C.5:9-13) is amended to read as follows:

13. a. The right of any person to a prize drawn shall not be assignable, except as permitted by this section.

b. The payment of any prize drawn may be paid to the estate of a deceased prize winner upon receipt by the State Lottery of a certified copy of an order appointing an executor or an administrator.

c. Any person may be assigned and paid the prize to which the winner is entitled pursuant to a judicial order of the New Jersey Superior Court or a federal court having jurisdiction over property located in this State provided that the order pertains to claims of ownership in the prize drawn, division of marital property in divorce actions, bankruptcy, child support, appointment of a guardian or conservator, or distribution of an estate.

d. Any person may be assigned and paid a prize to which the winner is entitled pursuant to a judicial order of the New Jersey Superior Court or a federal court having jurisdiction over property located in this State provided that the order contains at least the following findings:

(1) the full legal name, address, social security number or taxpayer identification number and, if applicable, resident [alien] noncitizen number of the winner;

(2) the full legal name, address, social security number or taxpayer identification number and, if applicable, resident [alien] noncitizen number of the assignee;

(3) the date on which the winner won the prize;

(4) the date on which the winner claimed the prize;
(5) the gross amount of the prize drawn before application of withholding taxes;
(6) the gross amount of payments to be made to the winner by the State Lottery before application of withholding taxes;
(7) the dates of the payments to be assigned and the amount of the specific payments to be assigned on each date;
(8) the identity of the winner's spouse, if any, and the interest of the spouse in the prize;
(9) the identity of any other co-owner, claimant or lienholder and the amount of the interests, liens, security interests, prior assignments or offsets asserted by such party;
(10) that the interest rate or discount rate, as applicable, and all fees and costs and other material terms relating to the assignment are expressly and clearly included in all material documents and in all documents that include any obligations of the prize winner;
(11) that the interest rate or discount rate, as applicable, associated with the assignment does not indicate overreaching or exploitation, does not exceed current usury rates, and does not violate any laws of usury of this State;
(12) that the winner has reviewed and understands the terms of the assignment;
(13) that the winner understands that the winner will not receive the prize payments, or portions thereof, for the years assigned;
(14) that the winner has agreed to the assignment of the winner's own free will without undue influence or duress;
(15) that the winner has retained, and consulted with, independent legal counsel who has advised the winner of the winner's legal rights and obligations;
(16) that the winner has retained, and consulted with, an independent tax advisor concerning the tax consequences of the assignment;
(17) that the winner does not seek assignment for purposes of evading creditors, judgments or obligations for child support; and
(18) that the winner has certified that the winner does not have a child support obligation, or if the winner has a child support obligation, that no arrearage is due and that the winner is not obligated to repay any public assistance benefits.

Before a winner is legally bound, by agreement, contract or otherwise, and prior to the issuance of an order pursuant to subsection d. of this section, the assignee shall provide the winner with all material documents which shall be binding on the assignor, including documents evidencing obligations of the winner, and a written notice recommending that the winner obtain independent counsel before signing any document which shall be binding on the assignor. All documents shall include a notice of the assignor's right to cancel the agreement which shall be located in immediate proximity to all spaces reserved for the signature of the winner in
bold-faced type of at least 10 points and which shall provide as follows:

"You have the right to cancel this assignment without any cost to you until midnight three business days after the day on which you have signed an agreement to assign all or a portion of your prize.

Cancellation occurs when you give notice by regular first class mail, postage prepaid, to the assignee at the address listed at the top of the first page of this document that you wish to cancel the assignment. Notice is deemed given when deposited in a mailbox."

f. If the State Lottery determines that a judicial order granting an assignment, issued pursuant to subsection d. of this section, is complete and correct in all respects, the State Lottery shall, not later than 10 days after receiving a true and correct copy of the filed judicial order, send the winner and the assignee written confirmation of receipt of the court-ordered assignment and of the State Lottery's intent to rely thereon in making future payments to the assignee named in the order. The State Lottery shall, thereafter, make all payments in accordance with the judicial order. No change in the terms of any assignment shall be effective unless made pursuant to a subsequent judicial order.

g. The State Lottery may impose a reasonable fee on an assignor to defray any direct or indirect administrative expenses associated with an assignment.

h. A winner shall not be permitted to assign the last two annual prize payments.

i. The State Lottery and the State are not parties to assignment proceedings, except that, the State may intervene as necessary to protect the State's interest in monies owed to the State.

j. The State Lottery and the State shall comply with, and rely upon, a judicial order in distributing payments subject to that order.

k. A winner may pledge or grant a security interest in all or part of a prize as collateral for repayment of a loan pursuant to a judicial order containing the findings required by subsection d. of this section which the court deems relevant to the pledge or grant.

l. Except where inconsistent with the provisions of this section, the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), shall apply to all transactions under this section.

m. The court shall cease to approve assignments pursuant to subsection d. of this section if:

(1) the United States Internal Revenue Service issues a technical rule letter, revenue ruling, or other public ruling in which it is determined that because of the right of assignment provided by subsection d. of this section, prizewinners who do not exercise the right to assign prize payments would be subject to an immediate income tax liability for the value of the entire prize rather than annual income tax liability for each installment when received; or

(2) a court of competent jurisdiction issues a published decision holding that because of the right of assignment provided by
subsection d. of this section, prizewinners who do not exercise the
right to assign prize payments would be subject to an immediate
income tax liability for the value of the entire prize rather than
annual income tax liability for each installment when received.

n. Upon receipt, the director shall immediately file a copy of a
letter or ruling of the United States Internal Revenue Service or a
published decision of a court of competent jurisdiction, described in
subsection m. of this section, with the Secretary of State. No
assignment shall be approved pursuant to subsection d. of this
section after the date of such filing.

o. Notwithstanding the provisions of this section, any lottery
prize assignment or loan transaction which has been approved by a
New Jersey Superior Court pursuant to section 13 of P.L.1970, c.13
(C.5:9-13) on or before May 15, 1998, regardless of whether such
an order has been or is the subject of an appeal, shall, upon joint
written agreement of the parties, be deemed a binding assignment or
transaction and shall be honored by the Division of the State
Lottery.

p. No change in the terms of any assignment shall be effective
unless made pursuant to a subsequent court order under this section.

q. A voluntary assignment shall not include or cover payments,
or portions of payments, that are subject to the offset pursuant to
13.10 et seq.), or any other law unless appropriate provisions are
made to satisfy the obligations giving rise to the offset.

r. No lottery assignee shall directly or indirectly recommend or
facilitate the hiring of any lawyer or accountant to assist the
assignor in determining the appropriateness of the proposed
assignment. Further, the assignee shall not offer prior to the closing
tax or investment advice.

s. The director, commissioners and employees of the Division
of the State Lottery shall be discharged of any and all liability upon
payment of a prize drawn pursuant to this section.

cf: P.L.1998, c.103, s.1)

12. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read
as follows:

10:5-3. Findings, declarations.

3. The Legislature finds and declares that practices of
discrimination against any of its inhabitants, because of race, creed,
color, national origin, ancestry, age, sex, gender identity or
expression, affectional or sexual orientation, marital status, familial
status, liability for service in the Armed Forces of the United States,
disability or nationality, are matters of concern to the government
of the State, and that such discrimination threatens not only the
rights and proper privileges of the inhabitants of the State but
menaces the institutions and foundation of a free democratic State;
provided, however, that nothing in this expression of policy
prevents the making of legitimate distinctions between citizens and [aliens] noncitizens when required by federal law or otherwise necessary to promote the national interest.

The Legislature further declares its opposition to such practices of discrimination when directed against any person by reason of the race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, liability for service in the Armed Forces of the United States, disability or nationality of that person or that person's family members, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, in order that the economic prosperity and general welfare of the inhabitants of the State may be protected and ensured.

The Legislature further finds that because of discrimination, people suffer personal hardships, and the State suffers a grievous harm. The personal hardships include: economic loss; time loss; physical and emotional stress; and in some cases severe emotional trauma, illness, homelessness or other irreparable harm resulting from the strain of employment controversies; relocation, search and moving difficulties; anxiety caused by lack of information, uncertainty, and resultant planning difficulty; career, education, family and social disruption; and adjustment problems, which particularly impact on those protected by this act. Such harms have, under the common law, given rise to legal remedies, including compensatory and punitive damages. The Legislature intends that such damages be available to all persons protected by this act and that this act shall be liberally construed in combination with other protections available under the laws of this State.

(cf: P.L.2019, c.436, s.1)

13. Section 7 of P.L.1998, c.14 (C.17:15C-7) is amended to read as follows:

7. Each application for a license shall be made in writing, under oath, and in a form prescribed by the commissioner. Each application shall contain:

a. For all applicants:

(1) The exact name of the applicant, the applicant's principal address, any fictitious or trade name used by the applicant in the conduct of its business and the location of the applicant's business records;

(2) The history, if any, of the applicant's material litigation and criminal convictions for the five-year period prior to the date of the application;

(3) A description of the activities conducted by the applicant and a history of operations;

(4) A description of the business activities in which the applicant seeks to be engaged in the State;
(5) A list identifying the applicant's proposed authorized delegates in the State, if any, at the time of the filing of the license application;

(6) A sample authorized delegate contract, if applicable;

(7) A sample form of payment instrument, if applicable;

(8) Each location at which the applicant and its authorized delegates, if any, propose to conduct the licensed activities in the State;

(9) The name and address of each clearing bank on which the applicant's payment instruments will be drawn or through which those payment instruments will be payable;

(10) A list identifying each country to which an applicant proposes to transmit money or from which an applicant proposes to receive money transmissions;

(11) Federal tax identification number; and

(12) Non-refundable application fee as prescribed by regulation by the commissioner in an amount not to exceed $1,000.

b. If the applicant is a corporation, the applicant shall also provide:

(1) The date of the applicant's incorporation and state of incorporation;

(2) A certificate of good standing from the state in which the applicant was incorporated;

(3) A description of the corporate structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded on any stock exchange;

(4) The name, business and residence address, social security number, date of birth and employment history for the past five years of each of the applicant's executive officers and of each officer or manager who will be in charge of the applicant's activities to be licensed under this act;

(5) The name, business and residence address, social security number, date of birth and employment history for the period five years prior to the date of the application of each key shareholder of the applicant;

(6) The history, if any, of material litigation and criminal convictions for the five-year period prior to the date of the application of every executive officer or key shareholder of the applicant;

(7) A copy of the applicant's most recent audited financial statements (including balance sheet, statement of income or loss, statement of changes in shareholder equity and statement of changes in financial position) prepared by a certified public accountant or public accountant in good standing and, if available, the applicant's audited financial statements for the immediately preceding three-year period. However, if the applicant is a wholly owned subsidiary of another corporation, the applicant may submit
either the parent corporation's consolidated audited financial
statements for the current year and for the immediately preceding
three-year period or the parent corporation's Form 10-K reports
filed with the Securities and Exchange Commission for the prior
three years in lieu of the applicant's financial statements. If the
applicant is a wholly owned subsidiary of a corporation having its
principal place of business outside the United States, similar
documentation filed with the parent corporation's non-United States
regulator may be submitted to satisfy this provision;
(8) Copies of all filings, if any, made by the applicant with the
Securities and Exchange Commission, or with a similar regulator in
a country other than the United States, within the year preceding the
date of filing of the application; and
(9) Except in the case of a publicly traded corporation, its
subsidiaries and affiliates, or a bank, bank holding company,
subsidiaries and affiliates thereof, fingerprints of each of the
applicant's executive officers and of each officer or manager who
will be in charge of the applicant's activities to be licensed
hereunder.
c. If the applicant is not a corporation, the applicant shall also
provide:
(1) The name, business and residence address, personal
financial statement and employment history for the past five years,
social security number, date of birth, and fingerprints of each
principal of the applicant and the name, business and residence
address, employment history for the past five years, social security
number, date of birth, and fingerprints of any other persons who
will be in charge of the applicant's activities to be licensed under
this act;
(2) The place and date of the applicant's registration or
qualification to do business in this State;
(3) The history, if any, of material litigation and criminal
convictions for the five-year period prior to the date of the
application for each individual having any ownership interest in the
applicant and each individual who exercises supervisory
responsibility with respect to the applicant's activities;
(4) Copies of the applicant's audited financial statements
(including balance sheet, statement of income or loss, and statement
of changes in financial position) prepared by a certified public
accountant or public accountant in good standing for the current
year and, if available, for the immediately preceding two-year
period; and
(5) \text{[Alien\ Noncitizen]} registration information, if applicable.
d. Such other information as the commissioner may require by
regulation.
(cf: P.L.1998, c.14, s.7)
14. Section 1 of P.L. 1987, c.53 (C.18A:3-19.1) is amended to read as follows:

As used in this act:
"Foreign government" means any government other than the government of the United States or of its states, territories or possessions or any political subdivision thereof.
"Foreign legal entity" means a. any legal entity created under the laws of a foreign government or b. any legal entity created under the laws of the United States or any of its political subdivisions if a majority of the ownership of that legal entity is directly or indirectly held legally or beneficially by one or more foreign governments or one or more foreign persons or one or more legal entities created under the laws of a foreign government and includes an agent acting for the legal entity.
"Foreign person" means any individual who is not a citizen of the United States or of its territories or possessions and includes an agent acting for the foreign person.
"Gift" means any endowment, gift, grant, contract, award, present or property of any kind.

15. R.S.19:15-20 is amended to read as follows:

19:15-20. If a person shall be challenged as not qualified or entitled to vote, and the person challenging him shall specify a ground for such challenge to be that the person so challenged is [an alien] a noncitizen, the judge of election may forthwith tender to him an oath or affirmation, in the following form: "You do swear (or affirm, as the case may be), that to the best of your knowledge, information and belief, you were born a citizen of the United States, and that you do not owe allegiance to any foreign prince, potentate, state or sovereignty", and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed to be [an alien] a noncitizen, unless he shall produce at the time of claiming his vote, to the board, a lawful certificate, issued out of and under the seal of some court of record, having authority to admit [aliens] noncitizens to the rights of a citizen of the United States, showing that he has been admitted to the rights of a citizen of the United States. In this case the judge shall tender to the person so challenged an oath or affirmation in the following form:

"You do swear (or affirm, as the case may be), that you are the person named in the certificate of naturalization which you have produced to the board." In case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, such certificate shall show that the person alleged to be such parent has been admitted to the rights of such citizen. In this event, an oath or affirmation, in the following form, shall be tendered to such person:
"You do swear (or affirm, as the case may be), that to the best of your knowledge, information and belief, the person named in the certificate of naturalization which you have produced to this board was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident of the United States." If the person so challenged shall in either case refuse to take the oath or affirmation so tendered to him, he shall be deemed to be [an alien] a noncitizen. (cf: R.S.19:15-20)

16. Section 8 of P.L.1991, c.187 (C.26:2H-18.31) is amended to read as follows:

a. A hospital shall not be reimbursed for the cost of uncompensated care unless the commissioner certifies to the commission that the hospital has followed the procedures pursuant to this section and section 11 of P.L.1991, c.187 (C.26:2H-18.33).

For the purposes of this section and section 11 of P.L.1991, c.187 (C.26:2H-18.33), "designated hospital employee" means an employee of the hospital who has received training in the collection of patient financial data and identification of third party coverage and in assessing a patient's eligibility for public assistance; and "responsible party" means any person who is responsible for paying a patient's hospital bill.

b. A designated hospital employee shall interview a patient upon the patient's initial request for care. If the emergent nature of the patient's required health care makes the immediate patient interview impractical, the designated hospital employee shall interview the patient's family member, responsible party or guardian, as appropriate, but if there is no family member, responsible party or guardian, the designated hospital employee shall interview the patient within five working days of the patient's admission into the hospital or prior to discharge, whichever date is sooner.

c. A patient interview shall, at a minimum, include the following inquiries, except as provided in paragraph (5) of this subsection:

(1) The designated hospital employee shall obtain documentation of proper identification of the patient. Documentation of proper identification may include, but shall not be limited to, a driver's license, a voter registration card, [an alien] a noncitizen registry card, a birth certificate, an employee identification card, a union membership card, an insurance or welfare plan identification card or a Social Security card. Proper identification of the patient may also be provided by personal recognition by a person not associated with the patient. For the purposes of this paragraph, "proper identification" means the patient's name, mailing address, residence telephone number, date of birth, Social Security number, and place and type of
employment, employment address and employment telephone number, as applicable.

(2) The designated hospital employee shall inquire of the patient, family member, responsible party or guardian, as appropriate, whether the patient is covered by health insurance, and if so, shall request documentation of the evidence of health insurance coverage. Documentation may include, but shall not be limited to, a government sponsored health plan card or number, a group sponsored or direct subscription health plan card or number, a commercial insurance identification card or claim form or a union welfare plan identification card or claim form.

(3) If evidence of health insurance coverage for the patient is not documented or if evidence of health insurance coverage is documented but the patient's health insurance coverage is unlikely to provide payment in full for the patient's account at the hospital, the designated hospital employee shall make an initial determination of whether the patient is eligible for participation in a public assistance program. If the employee concludes that the patient may be eligible for a public assistance program, the employee shall so advise the patient, family member, responsible party or guardian, as appropriate. The employee, either directly or through the hospital's social services office, shall give the patient, family member, responsible party or guardian, as appropriate, the name, address and phone number of the public assistance office that can assist in enrolling the patient in the program. The employee, or the social services office of the hospital, shall also advise the public assistance office of the patient's possible eligibility, including possible retroactive or presumptive eligibility, for the program.

Notwithstanding the provisions of this paragraph to the contrary, if a county welfare agency employee is assigned to the hospital pursuant to section 9 of P.L.1991, c.187 (C.26:2H-18.32) the designated hospital employee shall refer the patient, family member, responsible party or guardian, as appropriate, to the county welfare agency employee who shall determine if the patient is eligible for Medicaid.

(4) If evidence of health insurance coverage for the patient is not documented or if evidence of health insurance coverage is documented but the patient's health insurance coverage is unlikely to provide payment in full for the patient's account at the hospital, and the patient does not appear to be eligible for public assistance, the designated hospital employee shall determine if the patient is eligible for charity care pursuant to regulations adopted by the commissioner. If the patient does not qualify for charity care, the designated hospital employee shall request from the patient, family member, responsible party or guardian, as appropriate, the patient's or responsible party's place of employment, income, real property and durable personal property owned by the patient or responsible party and bank accounts possessed by the patient or responsible party.
party, along with account numbers and the name and location of the bank.

(5) In the case of a patient seeking outpatient services, the designated hospital employee shall make the inquiries and obtain the documentation required pursuant to paragraphs (1) and (2) of this subsection. If the patient provides the required documentation, the designated hospital employee is not required to make further inquiries, but if the patient cannot provide the required documentation, the designated hospital employee shall follow the procedures required pursuant to paragraphs (3) and (4) of this subsection.

d. The provisions of this section shall not apply to a patient who is investigated by a county adjuster and found to be indigent by a court of competent jurisdiction pursuant to the provisions of chapter 4 of Title 30 of the Revised Statutes. A patient so found shall qualify for charity care under rules and regulations adopted by the commissioner.

(cf: P.L.1992, c.160, s.27)

17. R.S.30:4-49 is amended to read as follows:

30:4-49. Except as hereinafter provided, legal settlement in a county within the meaning of this article shall be continuous residence in such county for a period of not less than five years immediately preceding the date of application for admission or commitment, excluding the time, if any, spent by the patient in any charitable, or correctional institution or public hospital. [An alien] A noncitizen who has taken up his residence in any county in this State immediately upon arriving in this country, having had such county as his destination, and who shall have resided in such county for a period of at least three years immediately preceding the date of application for admission or commitment, shall be deemed to have a legal settlement in such county.

(cf: P.L.1995, c.155, s.10)

18. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read as follows:

3. Definitions. As used in P.L.1968, c.413 (C.30:4D-1 et seq.), and unless the context otherwise requires:

a. "Applicant" means any person who has made application for purposes of becoming a "qualified applicant."

b. "Commissioner" means the Commissioner of Human Services.

c. "Department" means the Department of Human Services, which is herein designated as the single State agency to administer the provisions of this act.

d. "Director" means the Director of the Division of Medical Assistance and Health Services.
e. "Division" means the Division of Medical Assistance and Health Services.

f. "Medicaid" means the New Jersey Medical Assistance and Health Services Program.

g. "Medical assistance" means payments on behalf of recipients to providers for medical care and services authorized under P.L.1968, c.413.

h. "Provider" means any person, public or private institution, agency, or business concern approved by the division lawfully providing medical care, services, goods, and supplies authorized under P.L.1968, c.413, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

i. "Qualified applicant" means a person who is a resident of this State, and either a citizen of the United States or an eligible [alien] noncitizen, and is determined to need medical care and services as provided under P.L.1968, c.413, with respect to whom the period for which eligibility to be a recipient is determined shall be the maximum period permitted under federal law, and who:

1. Is a dependent child or parent or caretaker relative of a dependent child who would be, except for resources, eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996;

2. Is a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act;

3. Is an "ineligible spouse" of a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act, as defined by the federal Social Security Administration;

4. Would be eligible to receive Supplemental Security Income under Title XVI of the federal Social Security Act or, without regard to resources, would be eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, except for failure to meet an eligibility condition or requirement imposed under such State program which is prohibited under Title XIX of the federal Social Security Act such as a durational residency requirement, relative responsibility, consent to imposition of a lien;

5. (Deleted by amendment, P.L.2000, c.71).

6. Is an individual under 21 years of age who, without regard to resources, would be, except for dependent child requirements, eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, or groups of such individuals, including but not limited to, children in resource family placement under supervision of the Division of Child Protection and Permanency in the Department of Children and Families whose maintenance is
being paid in whole or in part from public funds, children placed in
a resource family home or institution by a private adoption agency
in New Jersey or children in intermediate care facilities, including
developmental centers for the developmentally disabled, or in
psychiatric hospitals;
(7) Would be eligible for the Supplemental Security Income
program, but is not receiving such assistance and applies for
medical assistance only;
(8) Is determined to be medically needy and meets all the
eligibility requirements described below:
(a) The following individuals are eligible for services, if they
are determined to be medically needy:
(i) Pregnant women;
(ii) Dependent children under the age of 21;
(iii) Individuals who are 65 years of age and older; and
(iv) Individuals who are blind or disabled pursuant to either 42
C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
(b) The following income standard shall be used to determine
medically needy eligibility:
(i) For one person and two person households, the income
standard shall be the maximum allowable under federal law, but
shall not exceed 133 1/3% of the State's payment level to two
person households under the aid to families with dependent children
program under the State Plan for Title IV-A of the federal Social
Security Act in effect as of July 16, 1996; and
(ii) For households of three or more persons, the income standard
shall be set at 133 1/3% of the State's payment level to similar size
households under the aid to families with dependent children
program under the State Plan for Title IV-A of the federal Social
Security Act in effect as of July 16, 1996.
(c) The following resource standard shall be used to determine
medically needy eligibility:
(i) For one person households, the resource standard shall be
200% of the resource standard for recipients of Supplemental
Security Income pursuant to 42 U.S.C. s.1382(1)(B);
(ii) For two person households, the resource standard shall be
200% of the resource standard for recipients of Supplemental
Security Income pursuant to 42 U.S.C. s.1382(2)(B);
(iii) For households of three or more persons, the resource
standard in subparagraph (c)(ii) above shall be increased by
$100.00 for each additional person; and
(iv) The resource standards established in (i), (ii), and (iii) are
subject to federal approval and the resource standard may be lower
if required by the federal Department of Health and Human
Services.
(d) Individuals whose income exceeds those established in
subparagraph (b) of paragraph (8) of this subsection may become
medically needy by incurring medical expenses as defined in 42
C.F.R. 435.831(c) which will reduce their income to the applicable medically needy income established in subparagraph (b) of paragraph (8) of this subsection.

(e) A six-month period shall be used to determine whether an individual is medically needy.

(f) Eligibility determinations for the medically needy program shall be administered as follows:

(i) County welfare agencies and other entities designated by the commissioner are responsible for determining and certifying the eligibility of pregnant women and dependent children. The division shall reimburse county welfare agencies for 100% of the reasonable costs of administration which are not reimbursed by the federal government for the first 12 months of this program's operation. Thereafter, 75% of the administrative costs incurred by county welfare agencies which are not reimbursed by the federal government shall be reimbursed by the division;

(ii) The division is responsible for certifying the eligibility of individuals who are 65 years of age and older and individuals who are blind or disabled. The division may enter into contracts with county welfare agencies to determine certain aspects of eligibility. In such instances the division shall provide county welfare agencies with all information the division may have available on the individual.

The division shall notify all eligible recipients of the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the medically needy program and the program's general requirements. The division shall take all reasonable administrative actions to ensure that Pharmaceutical Assistance to the Aged and Disabled recipients, who notify the division that they may be eligible for the program, have their applications processed expeditiously, at times and locations convenient to the recipients; and

(iii) The division is responsible for certifying incurred medical expenses for all eligible persons who attempt to qualify for the program pursuant to subparagraph (d) of paragraph (8) of this subsection;

(9) (a) Is a child who is at least one year of age and under 19 years of age and, if older than six years of age but under 19 years of age, is uninsured; and

(b) Is a member of a family whose income does not exceed 133% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L.99-509 (42 U.S.C. s.1396a);

(10) Is a pregnant woman who is determined by a provider to be presumptively eligible for medical assistance based on criteria established by the commissioner, pursuant to section 9407 of Pub.L.99-509 (42 U.S.C. s.1396a(a));
(11) Is an individual 65 years of age and older, or an individual who is blind or disabled pursuant to section 301 of Pub.L.92-603 (42 U.S.C. s.1382c), whose income does not exceed 100% of the poverty level, adjusted for family size, and whose resources do not exceed 100% of the resource standard used to determine medically needy eligibility pursuant to paragraph (8) of this subsection;

(12) Is a qualified disabled and working individual pursuant to section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income does not exceed 200% of the poverty level and whose resources do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income Program, P.L.1973, c.256 (C.44:7-85 et seq.);

(13) Is a pregnant woman or is a child who is under one year of age and is a member of a family whose income does not exceed 185% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L.99-509 (42 U.S.C. s.1396a), except that a pregnant woman who is determined to be a qualified applicant shall, notwithstanding any change in the income of the family of which she is a member, continue to be deemed a qualified applicant until the end of the 60-day period beginning on the last day of her pregnancy;


(15) (a) Is a specified low-income Medicare beneficiary pursuant to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January 1, 1993 do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income beginning January 1, 1993 does not exceed 110% of the poverty level, and beginning January 1, 1995 does not exceed 120% of the poverty level.

(b) An individual who has, within 36 months, or within 60 months in the case of funds transferred into a trust, of applying to be a qualified applicant for Medicaid services in a nursing facility or a medical institution, or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)), disposed of resources or income for less than fair market value shall be ineligible for assistance for nursing facility services, an equivalent level of services in a medical institution, or home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)). The period of the ineligibility shall be the number of months resulting from dividing the uncompensated value of the transferred resources or income by the average monthly private payment rate for nursing facility services in the State as determined annually by the commissioner. In the case of multiple resource or income transfers, the resulting penalty periods shall be imposed sequentially. Application of this requirement shall be governed by 42 U.S.C. s.1396p(c). In accordance with federal law, this provision is
effective for all transfers of resources or income made on or after August 11, 1993. Notwithstanding the provisions of this subsection to the contrary, the State eligibility requirements concerning resource or income transfers shall not be more restrictive than those enacted pursuant to 42 U.S.C. s.1396p(c).

(c) An individual seeking nursing facility services or home or community-based services and who has a community spouse shall be required to expend those resources which are not protected for the needs of the community spouse in accordance with section 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c)) on the costs of long-term care, burial arrangements, and any other expense deemed appropriate and authorized by the commissioner. An individual shall be ineligible for Medicaid services in a nursing facility or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if the individual expends funds in violation of this subparagraph. The period of ineligibility shall be the number of months resulting from dividing the uncompensated value of transferred resources and income by the average monthly private payment rate for nursing facility services in the State as determined by the commissioner. The period of ineligibility shall begin with the month that the individual would otherwise be eligible for Medicaid coverage for nursing facility services or home or community-based services. This subparagraph shall be operative only if all necessary approvals are received from the federal government including, but not limited to, approval of necessary State plan amendments and approval of any waivers;

(16) Subject to federal approval under Title XIX of the federal Social Security Act, is a dependent child, parent or specified caretaker relative of a child who is a qualified applicant, who would be eligible, without regard to resources, for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, except for the income eligibility requirements of that program, and whose family earned income,

(a) if a dependent child, does not exceed 133% of the poverty level; and

(b) if a parent or specified caretaker relative, beginning September 1, 2005 does not exceed 100% of the poverty level, beginning September 1, 2006 does not exceed 115% of the poverty level and beginning September 1, 2007 does not exceed 133% of the poverty level, plus such earned income disregards as shall be determined according to a methodology to be established by regulation of the commissioner;

The commissioner may increase the income eligibility limits for children and parents and specified caretaker relatives, as funding permits;
(17) Is an individual from 18 through 20 years of age who is not a dependent child and would be eligible for medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to income or resources, who, on the individual’s 18th birthday was in resource family care under the care and custody of the Division of Child Protection and Permanency in the Department of Children and Families and whose maintenance was being paid in whole or in part from public funds;

(18) Is a person between the ages of 16 and 65 who is permanently disabled and working, and:

(a) whose income is at or below 250% of the poverty level, plus other established disregards;

(b) who pays the premium contribution and other cost sharing as established by the commissioner, subject to the limits and conditions of federal law; and

(c) whose assets, resources and unearned income do not exceed limitations as established by the commissioner;

(19) Is an uninsured individual under 65 years of age who:

(a) has been screened for breast or cervical cancer under the federal Centers for Disease Control and Prevention breast and cervical cancer early detection program;

(b) requires treatment for breast or cervical cancer based upon criteria established by the commissioner;

(c) has an income that does not exceed the income standard established by the commissioner pursuant to federal guidelines;

(d) meets all other Medicaid eligibility requirements; and

(e) in accordance with Pub.L.106-354, is determined by a qualified entity to be presumptively eligible for medical assistance pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established by the commissioner pursuant to section 1920B of the federal Social Security Act (42 U.S.C. s.1396r-1b);

(20) Subject to federal approval under Title XIX of the federal Social Security Act, is a single adult or couple, without dependent children, whose income in 2006 does not exceed 50% of the poverty level, in 2007 does not exceed 75% of the poverty level and in 2008 and each year thereafter does not exceed 100% of the poverty level; except that a person who is a recipient of Work First New Jersey general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), shall not be a qualified applicant; or

(21) is an individual who:

(a) has an income that does not exceed the highest income eligibility level for pregnant women established under the State plan under Title XIX or Title XXI of the federal Social Security Act;

(b) is not pregnant; and

(c) is eligible to receive family planning services provided under the Medicaid program pursuant to subsection k. of section 6
of P.L.1968, c.413 (C.30:4D-6) and in accordance with 42 U.S.C. s.1396a(ii).

j. "Recipient" means any qualified applicant receiving benefits under this act.

k. "Resident" means a person who is living in the State voluntarily with the intention of making his home here and not for a temporary purpose. Temporary absences from the State, with subsequent returns to the State or intent to return when the purposes of the absences have been accomplished, do not interrupt continuity of residence.

l. "State Medicaid Commission" means the Governor, the Commissioner of Human Services, the President of the Senate and the Speaker of the General Assembly, hereby constituted a commission to approve and direct the means and method for the payment of claims pursuant to P.L.1968, c.413.

m. "Third party" means any person, institution, corporation, insurance company, group health plan as defined in section 607(1) of the federal "Employee Retirement and Income Security Act of 1974," 29 U.S.C. s.1167(1), service benefit plan, health maintenance organization, or other prepaid health plan, or public, private or governmental entity who is or may be liable in contract, tort, or otherwise by law or equity to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance payable under P.L.1968, c.413.

n. "Governmental peer grouping system" means a separate class of skilled nursing and intermediate care facilities administered by the State or county governments, established for the purpose of screening their reported costs and setting reimbursement rates under the Medicaid program that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated State or county skilled nursing and intermediate care facilities.

o. "Comprehensive maternity or pediatric care provider" means any person or public or private health care facility that is a provider and that is approved by the commissioner to provide comprehensive maternity care or comprehensive pediatric care as defined in subsection b. (18) and (19) of section 6 of P.L.1968, c.413 (C.30:4D-6).

p. "Poverty level" means the official poverty level based on family size established and adjusted under Section 673(2) of Subtitle B, the "Community Services Block Grant Act," of Pub.L.97-35 (42 U.S.C. s.9902(2)).

q. "Eligible [alien] noncitizen" means one of the following:

(1) [an alien] a noncitizen present in the United States prior to August 22, 1996, who is:

(a) a lawful permanent resident;
(b) a refugee pursuant to section 207 of the federal "Immigration and Nationality Act" (8 U.S.C. s.1157);
(c) an asylee pursuant to section 208 of the federal "Immigration and Nationality Act" (8 U.S.C. s.1158);

(d) [an alien] a noncitizen who has had deportation withheld pursuant to section 243(h) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1253 (h));

(e) [an alien] a noncitizen who has been granted parole for less than one year by the U.S. Citizenship and Immigration Services pursuant to section 212(d)(5) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1182(d)(5));

(f) [an alien] a noncitizen granted conditional entry pursuant to section 203(a)(7) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

(g) [an alien] a noncitizen who is honorably discharged from or on active duty in the United States armed forces and the [alien's] noncitizen's spouse and unmarried dependent child.

(2) [An alien] a noncitizen who entered the United States on or after August 22, 1996, who is:

(a) [an alien] a noncitizen as described in paragraph (1)(b), (c), (d) or (g) of this subsection; or

(b) [an alien] a noncitizen as described in paragraph (1)(a), (e) or (f) of this subsection who entered the United States at least five years ago.

(3) A legal [alien] noncitizen who is a victim of domestic violence in accordance with criteria specified for eligibility for public benefits as provided in Title V of the federal "Illegal Immigration Reform and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).

19. Section 2 of P.L.1997, c.352 (C.30:4D-6f) is amended to read as follows:

2. An eligible [alien] noncitizen as defined in section 3 of P.L.1968, c.413 (C.30:4D-1 et seq.) who otherwise meets all eligibility criteria therefor is entitled to medical assistance provided pursuant to section 6 of P.L.1968, c.413 (C.30:4D-6). [An alien] A noncitizen who does not qualify as an eligible [alien] noncitizen but who is a resident of New Jersey and would otherwise be eligible for medical assistance pursuant to section 6 of P.L.1968, c.413 is entitled only to care and services necessary for the treatment of an emergency medical condition as defined in section 1903(v)(3) of the federal Social Security Act (42 U.S.C. s.1396b(v)(3)).

20. Section 3 of P.L.2019, c.88 (C.30:4D-7aa) is amended to read as follows:
3. The division, in collaboration with the Department of Health, Medicaid managed care organizations, and any nonprofit entity contracted by the division to process, distribute, and maintain the Perinatal Risk Assessment data, shall analyze the Perinatal Risk Assessment data in order to identify trends in the risk factors associated with Medicaid recipients and individuals eligible for Emergency Medical Services for Non-Qualified [Aliens] Noncitizens during pregnancy. Commencing no later than 18 months after the effective date of this act, and annually thereafter, the division shall submit a written report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), providing a summary of its findings and any proposals for legislative action needed to improve the maternal outcomes of Medicaid recipients and individuals eligible for Emergency Medical Services for Non-Qualified [Aliens] Noncitizens.

(cf: P.L.2019, c.88, s.3)

21. Section 1 of P.L.2019, c.88 (C.30:4D-7y) is amended to read as follows:

1. An obstetrical provider, nurse midwife, or other licensed health care professional, approved as a provider under the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), shall complete the Perinatal Risk Assessment form, as used by the Division of Medical Assistance and Health Services in the Department of Human Services, for each pregnant Medicaid recipient and for each individual eligible for Emergency Medical Services for Non-Qualified [Aliens] Noncitizens who receives prenatal care from the provider. The Perinatal Risk Assessment form shall be the uniform document used by all providers and Medicaid managed care plans. The form shall be completed by the provider during the first prenatal visit with the pregnant Medicaid recipient or other eligible individual and updated by the provider in the third trimester of the recipient or other eligible individual.

(cf: P.L.2019, c.88, s.1)

22. Section 16 of P.L.2019, c.195 (C.32:36-16) is amended to read as follows:


a. Definitions. As used in this section, the following terms shall have the following meanings unless otherwise specified:

"Construction item" means any such item or material used in construction and which is procured directly by the Commission or office or any such item or material commonly used in construction which is procured by a person, other than a municipality, under contract with the commission.

"Practicable" means capable of being used without violating the following criteria: performance, availability at a reasonable period of time and maintenance of a satisfactory level of completion.
"Product" means any material, supply, equipment or construction item or other item whether real or personal property which is the subject of any purchase, barter, or other exchange made to procure such product.

"Secondary materials” means any material recovered from or otherwise destined for the waste stream, including but not limited to, post-consumer material, industrial scrap material, and overstock or obsolete inventories from distributors, wholesalers and other companies as defined in rules and regulations promulgated by the New York commissioner of general services but such term does not include those materials and byproducts generated from, and commonly reused within an original manufacturing process.

"Specification” means any description of the physical or functional characteristics, or of the nature of a material, supply, equipment or construction item. It may include a description of any requirement for inspecting, testing or preparing a material, supply, equipment or construction item for delivery.

b. Specifications. The Commission shall create and update product specifications to ensure that:

(1) Specifications do not exclude the use of products manufactured from secondary materials or require that products be manufactured from virgin materials only, provided however, the specifications may include such an exclusion if the Commission demonstrates that for a particular end use a product containing secondary materials would not meet necessary performance standards or that the cost of such products exceeds that of similar products manufactured from virgin materials.

(2) Performance standards, specifications and a product's intended end use are related, and clearly identified when feasible.

(3) Specifications are not overly stringent for a particular end use or performance standard.

(4) Specifications incorporate or require the use of secondary materials to the maximum extent practicable without jeopardizing the performance or intended end use of the product; provided however, where the Commission demonstrates that for a particular end use a product containing secondary materials would not meet necessary performance standards or that the cost of such product exceeds that of similar products manufactured from virgin materials, such specifications need not incorporate or require the use of secondary materials.

c. Ground for cancellation of contract by the Commission. A clause shall be inserted in all specifications or contracts hereafter made or awarded by the Commission, for work or services performed or to be performed or goods sold or to be sold, to provide that upon the refusal by a person, when called before a grand jury, head of a state department, temporary state Commission or other agency of the state of New York or the state of New Jersey, the organized crime task force in the department of law of the state of
New York, head of a city department, or other city agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation concerning any transaction or contract had with the applicable state, any political subdivision thereof, a public authority or with any public department, agency or official of the state of New York or the state of New Jersey or of any political subdivision thereof or of a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract, such person, and any firm, partnership or corporation of which he or she is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with the Commission or official thereof, for goods, work or services, for a period of five years after such refusal.

d. Disqualification to contract with the Commission. Any person who, when called before a grand jury, head of a state department, temporary state Commission or other state agency of the state of New York or the state of New Jersey, the organized crime task force in the department of law of the state of New York, head of a city department, or other city agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation concerning any transaction or contract had with the applicable state, any political subdivision thereof, a public authority or with a public department, agency or official of the state or of any political subdivision thereof or of a public authority, refuses to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant questions concerning such transaction or contract, and any firm, partnership or corporation, of which he or she is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with the Commission or any official of the commission, for goods, work or services, for a period of five years after such refusal or until a disqualification shall be removed pursuant to the provisions of subsection e. of this section. It shall be the duty of the officer conducting the investigation before the grand jury, the head of a state department, the chairman of the temporary state commission or other state agency of the state of New York or the state of New Jersey, the organized crime task force in the department of law of the state of New York, the head of a city department or other city agency before which the refusal occurs to send notice of such refusal, together with the names of any firm, partnership or corporation of which the person so refusing is known to be a member, partner, officer or director, to the commissioner of transportation of the state of New York or the state of New Jersey, or the commissioner of general services as the case may be, and the appropriate departments, agencies and officials of the applicable
state, political subdivisions thereof or public authorities with whom
the persons so refusing and any firm, partnership or corporation of
which he or she is a member, partner, director or officer, is known
to have a contract. However, when such refusal occurs before a
body other than a grand jury, notice of refusal shall not be sent for a
period of ten days after such refusal occurs. Prior to the expiration
of this ten-day period, any person, firm, partnership or corporation
which has become liable to the cancellation or termination of a
contract or disqualification to contract on account of such refusal
may commence a special proceeding at a special term of the
supreme court of New York or superior court of New Jersey, held
within the judicial district in which the refusal occurred, for an
order determining whether the questions in response to which the
refusal occurred were relevant and material to the inquiry. Upon the
commencement of such proceeding, the sending of such notice of
refusal to answer shall be subject to order of the court in which the
proceeding was brought in a manner and on such terms as the court
may deem just. If a proceeding is not brought within ten days,
otice of refusal shall thereupon be sent as provided in this
subsection.

e. Removal of disqualification of public contractors by
petition.

(1) Any firm, partnership or corporation which has become
subject to the cancellation or termination of a contract or
disqualification to contract on account of the refusal of a member,
partner, director or officer thereof to waive immunity when called
to testify, as provided in subsection d. of this section, may, upon ten
days' notice to the attorney general of the state in which the refusal
occurred and to the officer who conducted the investigation before
the grand jury or other body in which the refusal occurred,
commence a special proceeding at a special term of the supreme
court of New York or superior court of New Jersey held within the
judicial district in which the refusal occurred for a judgment
discontinuing the disqualification. Such application shall be in the
form of a petition setting forth grounds, including that the
cooperation by petitioner with the grand jury or other body at the
time of the refusal was such, and the amount and degree of control
and financial interest, if any, in the petitioning firm, partnership or
corporation by the member, partner, officer or director who refused
to waive immunity is such that it will not be in the public interest to
cancel or terminate petitioner's contracts or to continue the
disqualification, as provided in subsection d. of this section. A copy
of the petition and accompanying papers shall be served with the
notices to be given pursuant to this section.

(2) Upon the filing of a petition described in paragraph (1) of
this subsection the court may stay as to petitioner, pending a
decision upon the petition, the cancellation or termination of any
contracts resulting from such refusal upon such terms as to notice or otherwise as may be just.

(3) At least two days prior to the return day, the officer who conducted the investigation before the grand jury or other body and the attorney general may file answers to the petition or apply for judgment dismissing the petition as a matter of law. On or before the return day the petitioner may file a reply to the answer.

(4) Upon the return day the court may, upon the petition and answer and other papers filed, forthwith render such judgment as the case requires, or if a triable issue of fact is duly raised, it shall forthwith be tried before a court sitting without a jury or before a referee. The provisions of statute or rule governing references in an action shall apply to a reference under this section.

(5) The court shall render judgment dismissing the petition on the merits or discontinuing the disqualification upon the ground that the public interest would be served by its discontinuance, and granting such other relief as to the cancellation or termination of contracts as may be appropriate, but without costs to petitioner.

f. Statement of non-collusion in bids or proposals to the Commission.

(1) Every bid or proposal hereafter made to the Commission or to any official of the Commission, where competitive bidding is utilized, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury:

1. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:

2. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

3. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

4. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition."

(2) A bid shall not be considered for award nor shall any award be made where the provisions of paragraph (1) of this subsection have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where the provisions of
paragraph (1) of this subsection have not been complied with, the
bid shall not be considered for award nor shall any award be made
unless the Commission or official thereof determines that such
disclosure was not made for the purpose of restricting competition.
The fact that a bidder (a) has published price lists, rates, or tariffs
covering items being procured, (b) has informed prospective
customers of proposed or pending publication of new or revised
price lists for such items, or (c) has sold the same items to other
customers at the same prices being bid, does not constitute, without
more, a disclosure.

(3) Any bid hereafter made to the Commission by a corporate
bidder for work or services performed or to be performed or goods
sold or to be sold, where competitive bidding is utilized, and where
such bid contains the certification referred to in paragraph (1) of
this subsection, shall be deemed to have been authorized by the
board of directors of the bidder, and such authorization shall be
deemed to include the signing and submission of the bid and the
inclusion therein of the certificate as to non-collusion as the act and
deed of the corporation.

g. Procurement contracts.

(1) Definitions. For the purposes of this section:

"Allowable indirect costs" means those costs incurred by a
professional firm that are generally associated with overhead which
cannot be specifically identified with a single Project or contract
and are considered reasonable and allowable under specific state
contract or allowability limits.

"Minority business enterprise" means any business enterprise,
including a sole proprietorship, partnership, or corporation: with
more than fifty percent of the ownership interest owned by one or
more minority group members or, in the case of a publicly-owned
business, where more than fifty percent of the common stock or
other voting interests are owned by one or more minority group
members; in which the minority ownership is real, substantial, and
continuing; in which the minority ownership has and exercises the
authority to control independently the day-to-day business decisions
of the enterprise; and authorized to do business in the state of New
York or the state of New Jersey, independently owned and operated,
and not dominant in its field.

"Minority group member" means a United States citizen or
permanent resident who is and can demonstrate membership
in one of the following groups: black persons having origins in any
of the black African racial groups not of Hispanic origin; Hispanic
persons of Mexican, Puerto Rican, Dominican, Cuban, Central or
South American of either Indian or Hispanic origin, regardless of
race; Asian and Pacific Islander persons having origins in any of the
Far East, Southeast Asia, the Indian subcontinent or the Pacific
Islands; or Native American persons having origins in any of the
original peoples of North America.
"Professional firm" means any individual or sole proprietorship, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture, engineering, or surveying.

"Women-owned business enterprise" means a business enterprise, including a sole proprietorship, partnership or corporation: with more than fifty percent of the ownership interest owned by one or more United States citizens or permanent residents who are women or, in the case of a publicly-owned business, where more than fifty percent of the common stock or other voting interests is owned by United States citizens or permanent residents who are women; in which the ownership interest of women is real, substantial, and continuing; in which the women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and authorized to do business in the state of New York or the state of New Jersey, independently owned and operated, and not dominant in its field.

"Procurement contracts" means any written agreement for the acquisition of goods or services of any kind, in the actual or estimated amount of five thousand dollars or more.

(2) The Commission shall adopt by resolution comprehensive guidelines which detail the Commission's operative policy and instructions regarding the use, awarding, monitoring and reporting of procurement contracts. Such guidelines shall be annually reviewed and approved by the Commission.

(3) The guidelines approved by the Commission shall include, but not be limited to the following:

(a) A description of the types of goods purchased, and for procurement contracts for services, a description of those areas of responsibility and oversight requiring the use of personal services and the reasons for the use of personal services in such areas.

(b) Requirements regarding the selection of contractors, which shall include provisions:

(i) for the selection of such contractors on a competitive basis, and provisions relating to the circumstances under which the board may by resolution waive competition; and

(ii) setting forth responsibilities of contractors.

(c) An identification of those areas or types of contracts for which minority or women-owned business enterprises may best bid so as to promote and assist participation by such enterprises and facilitate a fair share of the awarding of contracts to such enterprises.

(d) Requirements for providing notice, in addition to any other notice of procurement opportunities, to professional and other organizations that serve minority and women-owned business enterprises providing the types of services procured by the Commission.
(e) The establishment of appropriate goals for participation by minority or women-owned business enterprises in procurement contracts awarded by the Commission and for the utilization of minority and women-owned enterprises as subcontractors and suppliers by entities having procurement contracts with the Commission.

(f) A listing of the types of provisions to be contained in procurement contracts, including provisions concerning the nature and monitoring of the work to be performed, the use of Commission supplies and facilities, the use of Commission personnel and any other provisions.

(g) Provisions regarding procurement contracts which involve former officers or employees of the Commission.

(h) Policies to promote the participation by business enterprises and residents of the state of New York and the state of New Jersey in procurement contracts.

(4) For the purposes of this subsection:

"New Jersey business enterprise" means a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale or lease or other form of exchange, goods which are sought by the Commission and which are substantially manufactured, produced or assembled in New Jersey, or services which are sought by the Commission and which are substantially performed within New Jersey.

"New Jersey resident" means a natural person who maintains a fixed, permanent, and principal home located within New Jersey and to which such person, whenever temporarily located, always intends to return.

"New York resident" means a natural person who maintains a fixed, permanent and principal home located within New York state and to which such person, whenever temporarily located, always intends to return.

"New York state business enterprise" means a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale or lease or other form of exchange, goods which are sought by the Commission and which are substantially manufactured, produced or assembled in New York state, or services which are sought by the Commission and which are substantially performed within New York state.

(5) The Commission shall have the power from time to time to amend such procurement contract guidelines in accordance with the provisions of this section.

(6) The Commission shall annually prepare and approve a report on procurement contracts, where any such contracts have been entered into for such year, which shall include the guidelines, as specified in this section, an explanation of the guidelines and any amendments thereto since the last annual report. Such report on
procurement contracts may be a part of any other annual report that
the corporation is required to make.

(7) The Commission shall annually submit its report on
procurement contracts to the governor of New York and the
governor of New Jersey and copies thereof to the New York senate
finance committee, New Jersey senate budget and appropriations
committee, the New York assembly ways and means committee, the
New Jersey general assembly appropriations committee, and the
New York state authorities budget office. The Commission shall
make available to the public copies of its report on procurement
contracts upon reasonable request therefor.

(8) Nothing contained in this subsection shall be deemed to
alter, affect the validity of, modify the terms of or impair any
contract or agreement made or entered into in violation of, or
without compliance with, the provisions of this section.
(cf: P.L.2019, c.195, s.16)

23. Section 2 of P.L.2002, c.81 (C.34:8-79) is amended to read
as follows:

2. a. The Director of the Division of Consumer Affairs in the
Department of Law and Public Safety, in consultation with the
Commissioner of Health and Senior Services, shall require that, no
later than the 180th day after the date of enactment of this act, each
health care service firm regulated by the Division of Consumer
Affairs shall provide the following information to each patient
receiving home-based services from that firm, or to a person
designated by the patient:

(1) the name and certification or licensure title, as applicable, of
the homemaker-home health aide or other health care professional
whose practice is regulated pursuant to Title 45 of the Revised
Statutes, to be displayed on an identification tag as required by
regulation of the New Jersey Board of Nursing, or as otherwise to
be prescribed by regulation of the director for other health care
professionals, that the homemaker-home health aide or other health
care professional shall wear at all times while examining, observing
or caring for the patient; and

(2) a copy of the most current edition of the consumer guide to
homemaker-home health aides published by the New Jersey Board
of Nursing.

b. The Director of the Division of Consumer Affairs in the
Department of Law and Public Safety, in consultation with the
Commissioner of Health and Senior Services, shall require that, no
later than the 180th day after the date of enactment of this act, each
health care service firm, employment agency or registry and
temporary help service firm or personnel consultant regulated by
the Division of Consumer Affairs shall provide the following
information in writing to each consumer receiving home-based
services, including, but not limited to, domestic, companion, sitter
and live-in services, from a person who is employed by that firm, agency, registry or consultant and is not a certified homemaker-home health aide or other health care professional whose practice is regulated pursuant to Title 45 of the Revised Statutes, or to a person designated by the consumer:

1. notification that the person is not a certified homemaker-home health aide or other health care professional whose practice is regulated pursuant to Title 45 of the Revised Statutes;
2. any training received by that person which the firm, agency, registry or consultant deems relevant to the provision of those services that the person is assigned to provide to the consumer;
3. proof that the person is a United States citizen or legally documented alien noncitizen; and
4. evidence of employment history verification or character references for that person.

c. The information provided pursuant to subsections a. and b. of this section shall be provided:
1. in advance of the provision of services to the patient or consumer, as applicable, whenever possible; and
2. otherwise upon the initial visit to the patient's or consumer's home of the person assigned to provide services to the patient or consumer.

d. Beginning on the first day of the 13th month after the date of enactment of this act, the identification tag required pursuant to subsection a. of this section shall include a photograph of the homemaker-home health aide or other health care professional.

e. The director, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this section.

(cf: P.L.2002, c.81, s.2)

24. R.S.34:9-1 is amended to read as follows:
34:9-1. Employment of alien noncitizens on public works forbidden; penalty

It shall be unlawful for the state or any county, municipality, board, committee, commission or officer thereof, officer, body or organization having charge of any public work or any construction, whether the same be a building, excavation, pipe-laying, bridge or dock-building, sewer or drainage construction, road building, paving, or any other form or kind of public work, which shall be undertaken and done at public expense or for any person or corporation, to employ as a mechanic or laborer upon such public work or construction, or any part thereof, any person who is not at the time of such employment a citizen of the United States. Any contractor or officer who shall violate the provisions of this section shall forfeit and pay the sum of one hundred dollars, with costs, to be recovered in an action at law in any court of competent jurisdiction, which penalty when recovered shall be paid into the
treasury of the state, or county or municipality within which and
under whose authority such officer or contractor claims to act.

(cf: R.S.34:9-1)

25. R.S.43:21-4 is amended to read as follows:

43:21-4. Benefit eligibility conditions. An unemployed
individual shall be eligible to receive benefits with respect to any
week eligible only if:

(a) The individual has filed a claim at an unemployment
insurance claims office and thereafter continues to report at an
employment service office or unemployment insurance claims
office, as directed by the division in accordance with such
regulations as the division may prescribe, except that the division
may, by regulation, waive or alter either or both of the requirements
of this subsection as to individuals attached to regular jobs, and as
to such other types of cases or situations with respect to which the
division finds that compliance with such requirements would be
oppressive, or would be inconsistent with the purpose of this act;
provided that no such regulation shall conflict with subsection (a) of

(b) The individual has made a claim for benefits in accordance
with the provisions of subsection (a) of R.S.43:21-6.

(c) (1) The individual is able to work, and is available for work,
and has demonstrated to be actively seeking work, except as
hereinafter provided in this subsection or in subsection (f) of this
section.

(2) The director may modify the requirement of actively seeking
work if such modification of this requirement is warranted by
economic conditions.

(3) No individual, who is otherwise eligible, shall be deemed
ineligible, or unavailable for work, because the individual is on
vacation, without pay, during said week, if said vacation is not the
result of the individual's own action as distinguished from any
collective action of a collective bargaining agent or other action
beyond the individual's control.

(4) (A) Subject to such limitations and conditions as the division
may prescribe, an individual, who is otherwise eligible, shall not be
deemed unavailable for work or ineligible because the individual is
attending a training program approved for the individual by the
division to enhance the individual's employment opportunities or
because the individual failed or refused to accept work while
attending such program.

(B) For the purpose of this paragraph (4), any training program
shall be regarded as approved by the division for the individual if
the program and the individual meet the following requirements:

(i) The training is for a labor demand occupation and is likely to
enhance the individual's marketable skills and earning power,
except that the training may be for an occupation other than a labor
demand occupation if the individual is receiving short-time benefits pursuant to the provisions of P.L.2011, c.154 (C.43:21-20.3 et al.) and the training is necessary to prevent a likely loss of jobs;

(ii) The training is provided by a competent and reliable private or public entity approved by the Commissioner of Labor and Workforce Development pursuant to the provisions of section 8 of the “1992 New Jersey Employment and Workforce Development Act,” P.L.1992, c.43 (C.34:15D-8);

(iii) The individual can reasonably be expected to complete the program, either during or after the period of benefits;

(iv) The training does not include on the job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives benefits; and

(v) The individual enrolls in vocational training, remedial education or a combination of both on a full-time basis, except that the training or education may be on a part-time basis if the individual is receiving short-time benefits pursuant to the provisions of P.L.2011, c.154 (C.43:21-20.3 et al.).

(C) If the requirements of subparagraph (B) of this paragraph (4) are met, the division shall not withhold approval of the training program for the individual for any of the following reasons:

(i) The training includes remedial basic skills education necessary for the individual to successfully complete the vocational component of the training;

(ii) The training is provided in connection with a program under which the individual may obtain a college degree, including a post-graduate degree;

(iii) The length of the training period under the program; or

(iv) The lack of a prior guarantee of employment upon completion of the training.

(D) For the purpose of this paragraph (4), “labor demand occupation” means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers, including, but not limited to, an occupation designated as a labor demand occupation by the Center for Occupational Employment Information pursuant to the provisions of subsection d. of section 27 of P.L.2005, c.354 (C.34:1A-86).

(5) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual’s attendance before a court in response to a summons for service on a jury.

(6) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual’s attendance at the funeral of an immediate family member, provided that the duration of the attendance does not extend beyond a two-day period.
For purposes of this paragraph, "immediate family member" includes any of the following individuals: father, mother, mother-in-law, father-in-law, grandmother, grandfather, grandchild, spouse, child, child placed by the Division of Youth and Family Services in the Department of Children and Families, sister or brother of the unemployed individual and any relatives of the unemployed individual residing in the unemployed individual's household.

(7) No individual, who is otherwise eligible, shall be deemed ineligible or unavailable for work with respect to any week because, during that week, the individual fails or refuses to accept work while the individual is participating on a full-time basis in self-employment assistance activities authorized by the division, whether or not the individual is receiving a self-employment allowance during that week.

(8) Any individual who is determined to be likely to exhaust regular benefits and need reemployment services based on information obtained by the worker profiling system shall not be eligible to receive benefits if the individual fails to participate in available reemployment services to which the individual is referred by the division or in similar services, unless the division determines that:

(A) The individual has completed the reemployment services; or
(B) There is justifiable cause for the failure to participate, which shall include participation in employment and training, self-employment assistance activities or other activities authorized by the division to assist reemployment or enhance the marketable skills and earning power of the individual and which shall include any other circumstance indicated pursuant to this section in which an individual is not required to be available for and actively seeking work to receive benefits.

(9) An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's work as a board worker for a county board of elections on an election day.

(10) An individual who is employed by a shared work employer and is otherwise eligible for benefits shall not be deemed ineligible for short-time benefits because the individual is unavailable for work with employers other than the shared work employer, so long as:

(A) The individual is able to work and is available to work the individual's normal full-time hours for the shared work employer; or
(B) The individual is attending a training program which is in compliance with the provisions of paragraph (4) of subsection (c) of this section and the agreements and certifications required pursuant to the provisions of section 2 of P.L.2011, c.154 (C.43:21-20.4).

(d) With respect to any benefit year commencing before January 1, 2002, the individual has been totally or partially unemployed for
a waiting period of one week in the benefit year which includes that
week. When benefits become payable with respect to the third
consecutive week next following the waiting period, the individual
shall be eligible to receive benefits as appropriate with respect to
the waiting period. No week shall be counted as a week of
unemployment for the purposes of this subsection:
(1) If benefits have been paid, or are payable with respect
thereto; provided that the requirements of this paragraph shall be
waived with respect to any benefits paid or payable for a waiting
period as provided in this subsection;
(2) If it has constituted a waiting period week under the
et al.);
(3) Unless the individual fulfills the requirements of subsections
(a) and (c) of this section;
(4) If with respect thereto, claimant was disqualified for benefits
in accordance with the provisions of subsection (d) of R.S.43:21-5.
The waiting period provided by this subsection shall not apply to
benefit years commencing on or after January 1, 2002. An
individual whose total benefit amount was reduced by the
application of the waiting period to a claim which occurred on or
after January 1, 2002 and before the effective date of P.L.2002,
c.13, shall be permitted to file a claim for the additional benefits
attributable to the waiting period in the form and manner prescribed
by the division, but not later than the 180th day following the
effective date of P.L.2002, c.13 unless the division determines that
there is good cause for a later filing.
(e) (1) (Deleted by amendment, P.L.2001, c.17).
(2) (Deleted by amendment, P.L.2008, c.17).
(3) (Deleted by amendment, P.L.2008, c.17).
(4) With respect to benefit years commencing on or after
January 7, 2001, except as otherwise provided in paragraph (5) of
this subsection, the individual has, during his base year as defined
in subsection (c) of R.S.43:21-19:
(A) Established at least 20 base weeks as defined in paragraphs
(2) and (3) of subsection (t) of R.S.43:21-19; or
(B) If the individual has not met the requirements of
subparagraph (A) of this paragraph (4), earned remuneration not
less than an amount 1,000 times the minimum wage in effect
pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
1 of the calendar year preceding the calendar year in which the
benefit year commences, which amount shall be adjusted to the next
higher multiple of $100 if not already a multiple thereof.
(5) With respect to benefit years commencing on or after
January 7, 2001, notwithstanding the provisions of paragraph (4) of
this subsection, an unemployed individual claiming benefits on the
basis of service performed in the production and harvesting of
agricultural crops shall, subject to the limitations of subsection (i)
of R.S.43:21-19, be eligible to receive benefits if during his base
year, as defined in subsection (c) of R.S.43:21-19, the individual:

(A) Has established at least 20 base weeks as defined in
paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

(B) Has earned remuneration not less than an amount 1,000
times the minimum wage in effect pursuant to section 5 of
P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
preceding the calendar year in which the benefit year commences,
which amount shall be adjusted to the next higher multiple of $100
if not already a multiple thereof; or

(C) Has performed at least 770 hours of service in the
production and harvesting of agricultural crops.

(6) The individual applying for benefits in any successive
benefit year has earned at least six times his previous weekly
benefit amount and has had four weeks of employment since the
beginning of the immediately preceding benefit year. This
provision shall be in addition to the earnings requirements specified
in paragraph (4) or (5) of this subsection, as applicable.

(f) (1) The individual has suffered any accident or sickness not
compensable under the workers' compensation law, R.S.34:15-1 et
seq. and resulting in the individual's total disability to perform any
work for remuneration, and would be eligible to receive benefits
under this chapter (R.S.43:21-1 et seq.) (without regard to the
maximum amount of benefits payable during any benefit year)
except for the inability to work and has furnished notice and proof
of claim to the division, in accordance with its rules and
regulations, and payment is not precluded by the provisions of
R.S.43:21-3(d); provided, however, that benefits paid under this
subsection (f) shall be computed on the basis of only those base
year wages earned by the claimant as a "covered individual," as
defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-
27); provided further that no benefits shall be payable under this
subsection to any individual:

(A) For any period during which such individual is not under the
care of a legally licensed physician, dentist, optometrist, podiatrist,
practicing psychologist, advanced practice nurse, or chiropractor,
who, when requested by the division, shall certify within the scope
of the practitioner's practice, the disability of the individual, the
probable duration thereof, and, where applicable, the medical facts
within the practitioner's knowledge;

(B) (Deleted by amendment, P.L.1980, c.90.)

(C) For any period of disability due to willfully or intentionally
self-inflicted injury, or to injuries sustained in the perpetration by
the individual of a crime of the first, second or third degree;

(D) For any week with respect to which or a part of which the
individual has received or is seeking benefits under any
unemployment compensation or disability benefits law of any other
state or of the United States; provided that if the appropriate agency
of such other state or the United States finally determines that the
individual is not entitled to such benefits, this disqualification shall
not apply;

(E) For any week with respect to which or part of which the
individual has received or is seeking disability benefits under the
"Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-
25 et al.);

(F) For any period of disability commencing while such
individual is a "covered individual," as defined in subsection (b) of
section 3 of the "Temporary Disability Benefits Law," P.L.1948,
c.110 (C.43:21-27).

(2) The individual is taking family temporary disability leave to
provide care for a family member with a serious health condition or
to be with a child during the first 12 months after the child's birth or
placement of the child for adoption or as a foster child with the
individual, and the individual would be eligible to receive benefits
under R.S.43:21-1 et seq. (without regard to the maximum amount
of benefits payable during any benefit year) except for the
individual's unavailability for work while taking the family
temporary disability leave, and the individual has furnished notice
and proof of claim to the division, in accordance with its rules and
regulations, and payment is not precluded by the provisions of
R.S.43:21-3(d) provided, however, that benefits paid under this
subsection (f) shall be computed on the basis of only those base
year wages earned by the claimant as a "covered individual," as
defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-
27); provided further that no benefits shall be payable under this
subsection to any individual:

(A) For any week with respect to which or a part of which the
individual has received or is seeking benefits under any
unemployment compensation or disability benefits law of any other
state or of the United States; provided that if the appropriate agency
of such other state or the United States finally determines that the
individual is not entitled to such benefits, this disqualification shall
not apply;

(B) For any week with respect to which or part of which the
individual has received or is seeking disability benefits for a
disability of the individual under the "Temporary Disability

(C) For any period of family temporary disability leave
commencing while the individual is a "covered individual," as
defined in subsection (b) of section 3 of the "Temporary Disability
Benefits Law," P.L.1948, c.110 (C.43:21-27); or

(D) For any period of family temporary disability leave for a
serious health condition of a family member of the claimant during
which the family member is not receiving inpatient care in a
hospital, hospice, or residential medical care facility and is not
subject to continuing medical treatment or continuing supervision
by a health care provider, who, when requested by the division, shall certify within the scope of the provider's practice, the serious health condition of the family member, the probable duration thereof, and, where applicable, the medical facts within the provider's knowledge.

(3) Benefit payments under this subsection (f) shall be charged to and paid from the State disability benefits fund established by the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the "unemployment compensation law"; except that, notwithstanding any other provisions of the "unemployment compensation law":

(1) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(2) With respect to weeks of unemployment beginning after September 3, 1982, on the basis of service performed in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if benefits are denied to any individual under this paragraph (2) and the individual was not offered an opportunity to perform these services for the educational institution for the second of any academic years or terms, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this clause;

(3) With respect to those services described in paragraphs (1) and (2) above, benefits shall not be paid on the basis of such services to any individual for any week which commences during
an established and customary vacation period or holiday recess if
such individual performs such services in the period immediately
before such vacation period or holiday recess, and there is a
reasonable assurance that such individual will perform such
services in the period immediately following such period or holiday
recess;

(4) With respect to any services described in paragraphs (1) and
(2) above, benefits shall not be paid as specified in paragraphs (1),
(2), and (3) above to any individual who performed those services
in an educational institution while in the employ of an educational
service agency, and for this purpose the term "educational service
agency" means a governmental agency or governmental entity
which is established and operated exclusively for the purpose of
providing those services to one or more educational institutions;

(5) As used in this subsection (g) in order for there to be a
"reasonable assurance" all of the following requirements shall be
met:

(A) The educational institution has made an offer of employment
in the following academic year or term that is either written, oral, or
implied;

(B) The offer of employment in the following academic year or
term was made by an individual with actual authority to offer
employment;

(C) The employment offered in the following academic year or
term shall be in the same capacity;

(D) The economic conditions of the employment offered may not
be considerably less in the following academic year or term than in
the then current academic year or term. For the purpose of this
paragraph, "considerably less" means that the claimant will earn
less than 90 percent of the amount the claimant earned in the then
current academic year or term;

(E) The offer of employment in the following academic year or
term is not contingent upon a factor or factors that are within the
educational institution's control, including but not limited to, course
programming, decisions on how to allocate available funding, final
course offerings, program changes, and facility availability; and

(F) Based on a totality of the circumstances, it is highly
probable that there is a job available for the claimant in the
following academic year or term. If a job offer contains a
contingency, primary weight should be given to the contingent
nature of the offer of employment. Contingencies that are not
necessarily within the educational institution's control, such as
funding, enrollment and seniority, may be taken into consideration
but the existence of any one contingency should not determine
whether it is highly probable that there is a job available for the
claimant in the following academic year or term.

(6) Determinations by the department whether claimants have a
"reasonable assurance" shall be done on a case-by-case basis.
(7) Each educational institution shall provide the following to
the department, in a form, including electronic form, prescribed by
the commissioner, no less than 10 business days prior to the end of
the academic year or term:
   (A) A list of all employees who the educational institution has
concluded do not have a reasonable assurance of employment in the
following academic year or term, along with information prescribed
by the commissioner regarding each such employee, which
information shall include, but not be limited to, name and social
security number; and
   (B) For each employee that the educational institution maintains
does have a reasonable assurance of employment in the following
academic year or term, a statement explaining the manner in which
the employee was given a reasonable assurance of employment, that
is, whether it was in writing, oral, or implied, and what information
about the offer, including contingencies, was communicated to the
individual.
   (8) The statement required under subparagraph (B) of paragraph
(7) of this subsection (g) may be used by the department in its
analysis under paragraphs (5) and (6) of this subsection (g), but it
does not conclusively demonstrate that the claimant has a
reasonable assurance of employment in the following academic year
or term.
   (9) Failure of an educational institution to provide the statement
required under subparagraph (B) of paragraph (7) of this subsection
(g) not less than 10 business days prior to the end of the academic
year or term shall result in a rebuttable presumption that the
claimant does not have a reasonable assurance of employment in the
following academic year or term. This rebuttable presumption shall
give rise to an inference that the claimant does not have a
reasonable assurance of employment in the following academic year
or term, but shall not conclusively demonstrate that the claimant
does not have a reasonable assurance of employment in the
following academic year or term.
   (10) If any part of P.L.2020, c.122 is found to be in conflict with
federal requirements that are a prescribed condition to the allocation
of federal funds to the State or the eligibility of employers in this
State for federal unemployment tax credits, the conflicting part of
that act is inoperative solely to the extent of the conflict, and the
finding or determination does not affect the operation of the
remainder of this act. Rules adopted under this act shall meet
federal requirements that are a necessary condition to the receipt of
federal funds by the State or the granting of federal unemployment
tax credits to employers in this State.
   (h) Benefits shall not be paid to any individual on the basis of
any services, substantially all of which consist of participating in
sports or athletic events or training or preparing to so participate,
for any week which commences during the period between two
successive sports seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(i) (1) Benefits shall not be paid on the basis of services performed by an alien a noncitizen unless such alien the noncitizen is an individual who was lawfully admitted for permanent residence at the time the services were performed and was lawfully present for the purpose of performing the services or otherwise was permanently residing in the United States under color of law at the time the services were performed (including an alien a noncitizen who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and Nationality Act (8 U.S.C. s.1101 et seq.)); provided that any modifications of the provisions of section 3304(a)(14) of the Federal Unemployment Tax Act (26 U.S.C. s. 3304 (a) (14)) as provided by Pub.L.94-566, which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens noncitizens and which modifications are required to be implemented under State law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien noncitizen status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of alien noncitizen status shall be made except upon a preponderance of the evidence.

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that it may be deemed efficient and economical, provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

(cf: P.L.2020, c.122, s.1)

26. R.S.44:1-97 is amended to read as follows:

44:1-97. Record as to every applicant for relief Overseers shall in respect to all applicants for relief keep a record which may be by card index and which shall state:

a. The name, age, sex and residence;

b. The number and names of children and their ages;
c. The time and place of last employment and the family income;

d. Whether citizen or [alien] noncitizen and the place of nativity;

e. The place of abode for the ten years preceding the application for relief;

f. The cause direct and indirect which has operated to make relief necessary so far as can be ascertained;

g. The relief or aid given, and such relief as may have been or is being provided by all organizations as ascertained;

h. The name of the overseer or deputy and helper having particular knowledge and charge of the case, and of witnesses of the fact with their addresses; and

i. The name of those responsible by law for the support of the poor person and the name of any relative agreeing or likely to agree to contribute in whole or in part to, or assist in, the support of the poor person.

(cf: R.S.44:1-97)

27. R.S.44:4-50 is amended to read as follows:

Directors of welfare shall keep a record which may be by card index and which shall state in respect to all applicants for relief:

a. The name, age, sex and residence;

b. The number and names of children and their ages;

c. The time and place of last employment, and the family income;

d. Whether citizen or [alien] noncitizen and the place of nativity;

e. The place of abode for the ten years preceding the application for relief;

f. The causes direct and indirect which operated to make relief necessary so far as can be ascertained;

g. The relief or aid given, and such relief as may have been or is being provided by all organizations as ascertained;

h. The names of the director or deputy and helper having particular knowledge and charge of the case, and of witnesses of the fact with their addresses; and

i. The names of those responsible by law for the support of the poor person and of any relative agreeing or likely to agree to contribute in whole or in part to, or assist in, the support of the poor person.

(cf: R.S.44:4-50)

28. Section 7 of P.L.1997, c.13 (C.44:10-40) is amended to read as follows:

7. a. Single adults and couples without dependent children shall not be eligible for medical assistance for inpatient or
outpatient hospital care or long-term care under the program, except that medical assistance shall be provided for the following, in accordance with regulations adopted by the commissioner:

(1) inpatient hospitalization costs for a recipient of general public assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.) who is admitted to a special hospital licensed by the Department of Health and Senior Services which is not eligible to receive a charity care subsidy from the Health Care Subsidy Fund established pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.) and to which payments were made prior to July 1, 1991 on behalf of patients receiving general public assistance;

(2) nursing home costs for a person residing in a non-Medicaid certified nursing facility prior to July 1, 1995, whose income is above the Medicaid institutional cap and who does not otherwise qualify for State-funded nursing home care as a medically needy person pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), to be paid for out of a separate account from the Medicaid program; which assistance shall continue until the person is no longer eligible for long-term care; and

(3) nursing home costs for an alien residing in a Medicaid certified nursing facility prior to the effective date of this act who is not Medicaid-eligible under Pub.L.104-193; which assistance shall continue until the person is no longer eligible for long-term care.

b. The provisions of this section shall not affect the eligibility of a single adult or a couple without dependent children for the New Jersey FamilyCare Health Coverage Program established pursuant to section 4 of P.L.2000, c.71 (C.30:4J-4).

(cf: P.L.2000, c.71, s.8)

29. Section 1 of P.L.1997, c.14, (C.44:10-44) is amended to read as follows:

1. As used in this act:

"Applicant" means an applicant for benefits provided by the Work First New Jersey program.

"Assistance unit" means: a single person without dependent children; a couple without dependent children; dependent children only; or a person or couple with one or more dependent children who are legally or blood-related, or who is their legal guardian, and who live together as a household unit.

"Benefits" means any assistance provided to needy persons and their dependent children and needy single persons and couples without dependent children under the Work First New Jersey program.

"Commissioner" means the Commissioner of Human Services.

"County agency" means the county agency that was administering the aid to families with dependent children program at the time the federal "Personal Responsibility and Work
Opportunity Reconciliation Act of 1996,” Pub.L.104-193, was enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-44 et al.) shall also administer the Work First New Jersey program in that county.

"Dependent child" means a child:

a. under the age of 18;

b. under the age of 19 and a full-time student in a secondary school or an equivalent level of vocational or technical training, if, before the student attains age 19, the student may reasonably be expected to complete the student’s program of secondary school or training; or

c. under the age of 21 and enrolled in a special education program, who is living in New Jersey with the child’s natural or adoptive parent or legal guardian, or with a relative designated by the commissioner in a place of residence maintained by the relative as the relative’s home.

"Eligible [alien] noncitizen" means one of the following:

a. a qualified [alien] noncitizen admitted to the United States prior to August 22, 1996, who is eligible for means-tested, federally funded public benefits pursuant to federal law;

b. a refugee, asylee, victim of human trafficking, or person granted withholding of deportation under federal law for the person’s first five years after receiving that classification in the United States pursuant to federal law;

c. a qualified [alien] noncitizen who is a veteran of, or on active duty in, the armed forces of the United States, or the spouse or dependent child of that person pursuant to federal law;

d. a recipient of refugee and entrant assistance activities or a Cuban or Haitian entrant pursuant to federal law;

e. a legal permanent resident [alien] noncitizen who has worked 40 qualifying quarters of coverage as defined under Title II of the federal Social Security Act; except that, for any period after December 31, 1996, a quarter during which an individual received means-tested, federally funded public benefits shall not count toward the total number of quarters;

f. a qualified [alien] noncitizen admitted to the United States on or after August 22, 1996, who has lived in the United States for at least five years and is eligible for means-tested, federally funded public benefits pursuant to federal law; or

g. a qualified [alien] noncitizen who has been battered or subjected to extreme cruelty in the United States by a spouse, parent or a member of the spouse or parent’s family residing in the same household as the [alien] noncitizen, or a qualified [alien] noncitizen whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the [alien] noncitizen, without the active participation of the [alien]
noncitizen, or by a member of the spouse or parent’s family residing in the same household as the [alien] noncitizen. In either case, the spouse or parent shall have consented or acquiesced to the battery or cruelty and there shall be a substantial connection between the battery or cruelty and the need for benefits to be provided. The provisions of this subsection shall not apply to [an alien] a noncitizen during any period in which the individual responsible for the battery or cruelty resides in the same household or assistance unit as the individual subjected to the battery or cruelty. Benefits shall be provided to the extent and for the period of time that the [alien] noncitizen or [alien's] noncitizen’s child is eligible for the program.

For the purposes of this section, "qualified [alien] noncitizen " [is] shall have the same meaning as “qualified aliens” as defined pursuant to the provisions of section 431 of Title IV of Pub.L.104-193.

"Income" means, but is not limited to, commissions, salaries, self-employed earnings, child support and alimony payments, interest and dividend earnings, wages, receipts, unemployment compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, temporary disability claims, estate income, trusts, federal income tax refunds, State income tax refunds, homestead rebates, lottery prizes, casino and racetrack winnings, annuities, retirement benefits, veterans’ benefits, union benefits, or other sources that may be defined as income by the commissioner; except that in the event that individual development accounts for recipients are established by regulation of the commissioner, any interest or dividend earnings from such an account shall not be considered income.

"Income eligibility standard" means the income eligibility threshold based on assistance unit size established by regulation of the commissioner for benefits provided within the limit of funds appropriated by the Legislature.

"Legal guardian" means a person who exercises continuing control over the person or property, or both, of a child, including any specific right of control over an aspect of the child’s upbringing, pursuant to a court order.

"Non-needy caretaker" means a relative caring for a dependent child, or a legal guardian of a minor child who, in the absence of a natural or adoptive parent, assumes parental responsibility and has income which exceeds the income eligibility standard but is less than 150% of the State median income adjusted for household size.

"Recipient" means a recipient of benefits under the Work First New Jersey program.

"Resources" means all real and personal property as defined by the commissioner; except that in the event that individual
development accounts for recipients are established by regulation of
the commissioner, all funds in such an account, up to the limit
determined by the commissioner, including any interest or dividend
earnings from such an account, shall not be considered to be a
resource.

"Services" means any Work First New Jersey benefits that are
not provided in the form of cash assistance.

"Title IV-D" means the provisions of Title IV-D of the federal
Social Security Act governing paternity establishment and child
support enforcement activities and requirements.

"Work First New Jersey program" or "program" means the
program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

(cf: P.L.2007, c.96, s.3)

30. Section 2 of P.L.1997, c.14 (C.44:10-45) is amended to read
as follows:

2. a. Benefits under the Work First New Jersey program shall
be determined according to standards of income and resources
established by the commissioner. These standards shall take into
account, for the determination of eligibility and the provision of
benefits, all income and resources of all persons in the assistance
unit of which the applicant or recipient is a member, except as
provided by law governing the Work First New Jersey program and
as prescribed by the commissioner. The benefits to be granted shall
be governed by standards established by regulation of the
commissioner. The commissioner may set income and resource
eligibility and benefits standards that differ with respect to types of
assistance units.

b. A recipient, as a condition of eligibility for benefits, shall,
subject to good cause exceptions as defined by the commissioner,
be required to: do all acts stated herein necessary to establish the
paternity of a child born out-of-wedlock, and to establish and
participate in the enforcement of child support obligations;
cooperate with work requirements established by the commissioner;
make application for any other assistance for which members of the
assistance unit may be eligible; be income and resource eligible as
defined by the commissioner, including the deeming of income and
resources as appropriate; provide all necessary documentation
which shall include the federal Social Security number for all
assistance unit members, except for an eligible [alien] noncitizen
who cannot be assigned a Social Security number due to his status,
or make application for same; sign an agreement to repay benefits
in the event of receipt of income or resources; and comply with
personal identification requirements as a condition of receiving
benefits, which may employ the use of high technology processes
for the detection of fraud.
c. Notwithstanding any other provision of law or regulation to the contrary, an applicant shall not be eligible for benefits when the applicant's eligibility is the result of a voluntary cessation of employment without good cause, as determined by the commissioner, within 90 days prior to the date of application for benefits.

d. A voluntary assignment or transfer of income or resources within one year prior to the time of application for benefits for the purpose of qualifying therefor shall render the applicant and the applicant's assistance unit members ineligible for benefits for a period of time determined by regulation of the commissioner.

e. Any income or resources that are exempted by federal law for purposes of eligibility for benefits shall not reduce the amount of benefits received by a recipient and shall not be subject to a lien or be available for repayment to the State or county agency for benefits received by the individual.

(cf: P.L.1997, c.14, s.2)

31. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read as follows:

5. a. Only those persons who are United States citizens or eligible [aliens] noncitizens shall be eligible for benefits under the Work First New Jersey program. Single adults or couples without dependent children who are legal [aliens] noncitizens who meet federal requirements and have applied for citizenship, shall not receive benefits for more than six months unless (1) they attain citizenship, or (2) they have passed the English language and civics components for citizenship, and are awaiting final determination of citizenship by the federal Immigration and Naturalization Service.

b. The following persons shall not be eligible for assistance and shall not be considered to be members of an assistance unit:

(1) non-needy caretakers, except that the eligibility of a dependent child shall not be affected by the income or resources of a non-needy caretaker;

(2) Supplemental Security Income recipients, except for the purposes of receiving emergency assistance benefits pursuant to section 8 of P.L.1997, c.14 (C.44:10-51);

(3) illegal [aliens] noncitizens;

(4) other [aliens] noncitizens who are not eligible [aliens] noncitizens;

(5) a person absent from the home who is incarcerated in a federal, State, county or local corrective facility or under the custody of correctional authorities, except as provided by regulation of the commissioner;

(6) a person who: is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the jurisdiction from which the person has fled, for a crime or an attempt to commit a crime which is a felony or a high misdemeanor under the laws of
the jurisdiction from which the person has fled; or is violating a
condition of probation or parole imposed under federal or state law;

(7) a person convicted on or after August 22, 1996 under federal
or state law of any offense which is classified as a felony or crime,
as appropriate, under the laws of the jurisdiction involved and
which has as an element the possession, use, or distribution of a
controlled substance as defined in section 102(6) of the federal
"Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
otherwise be eligible for general public assistance pursuant to
P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
is convicted of any such offense which has as an element the
possession or use only of such a controlled substance may be
eligible for Work First New Jersey general public assistance
benefits if the person enrolls in or has completed a licensed
residential or outpatient drug treatment program. An otherwise
eligible individual who has a past drug conviction shall be eligible
for general public assistance without enrolling in or completing a
drug treatment program if either: (1) an appropriate treatment
program is not available; or (2) the person is excused from enrolling
in a treatment program for good cause pursuant to regulation.

Eligibility for benefits for a person entering a licensed drug
treatment program which does not operate in a State correctional
facility or county jail shall commence upon the person's enrollment
in the drug treatment program, and shall continue during the
person's active participation in, and upon completion of, the drug
treatment program, except that during the person's active
participation in a drug treatment program and the first 60 days after
completion of a drug treatment program, the commissioner shall
provide for testing of the person to determine if the person is free of
any controlled substance. If the person is determined to not be free
of any controlled substance during the 60-day period, the person's
eligibility for benefits pursuant to this paragraph shall be
terminated; except that this provision shall not apply to the use of
prescription drugs by a person who is actively participating in a
drug treatment program, as prescribed by the drug treatment
program. The commissioner shall adopt regulations to carry out the
provisions of this paragraph, which shall include the criteria for
determining active participation in and completion of a drug
treatment program.

Eligibility for benefits for a person who completes a licensed
residential drug treatment program which operates in a State
correctional facility or county jail, in accordance with section 1 of
P.L.2014, c.1 (C.26:2B-40), shall commence upon release from
incarceration.

Cash benefits, less a personal needs allowance, for a person
receiving general public assistance benefits under the Work First
New Jersey program who is enrolled in and actively participating in
a licensed drug treatment program shall be issued directly to the
drug treatment provider to offset the cost of treatment. Upon
completion of the drug treatment program, the cash benefits shall be
then issued to the person. In the case of a delay in issuing cash
benefits to a person receiving Work First New Jersey general public
assistance benefits who has completed the drug treatment program,
the drug treatment provider shall transmit to the person those funds
received on behalf of that person after completion of the drug
treatment program;
(8) a person found to have fraudulently misrepresented his
residence in order to obtain means-tested, public benefits in two or
more states or jurisdictions, who shall be ineligible for benefits for
a period of 10 years from the date of conviction in a federal or state
court; or
(9) a person who intentionally makes a false or misleading
statement or misrepresents, conceals or withholds facts for the
purpose of receiving benefits, who shall be ineligible for benefits
for a period of six months for the first violation, 12 months for the
second violation, and permanently for the third violation.
c. A person who makes a false statement with the intent to
qualify for benefits and by reason thereof receives benefits for
which the person is not eligible is guilty of a crime of the fourth
degree.
d. Pursuant to the authorization provided to the states under 21
U.S.C. s.862a(d)(1), this State elects to exempt from the application
of 21 U.S.C. s.862a(a):
(1) needy persons and their dependent children domiciled in
New Jersey for the purposes of receiving benefits under the Work
First New Jersey program and food assistance under the federal
(7 U.S.C. s.2011 et seq.); and
(2) single persons and married couples without dependent
children domiciled in New Jersey for the purposes of receiving food
assistance under Pub.L.110-234.
(cf: P.L.2016, c.69, s.1)
32. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
as follows:
3. As used in this act:
"Alternative work experience" means unpaid work and training
only with a public, private nonprofit or private charitable employer
that provides a recipient with the experience necessary to adjust to,
and learn how to function in, an employment setting and the
opportunity to combine that experience with education and job
training. An alternative work experience participant shall not be
assigned to work for a private, for profit employer.
"Applicant" means an applicant for benefits provided by the
Work First New Jersey program.
"Assistance unit" means: a single person without dependent children; a couple without dependent children; dependent children only; or a person or couple with one or more dependent children who are legally or blood-related, or who is their legal guardian, and who live together as a household unit.

"Benefits" means any assistance provided to needy persons and their dependent children and needy single persons and couples without dependent children under the Work First New Jersey program.

"Case management" means the provision of certain services to Work First New Jersey recipients, which shall include an assessment and development of an individual responsibility plan.

"Commissioner" means the Commissioner of Human Services.

"Community work experience" means unpaid work and training only with a public, private nonprofit or private charitable employer provided to a recipient when, and to the extent, that such experience is necessary to enable the recipient to adjust to, and learn how to function in, an employment setting. A community work experience participant shall not be assigned to work for a private, for profit employer.

"County agency" means the county agency that was administering the aid to families with dependent children program at the time the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, was enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-55 et seq.) shall also administer the Work First New Jersey program in that county.

"Dependent child" means a child:

a. under the age of 18;

b. under the age of 19 and a full-time student in a secondary school or an equivalent level of vocational or technical training, if, before the student attains age 19, the student may reasonably be expected to complete the student's program of secondary school or training; or

c. under the age of 21 and enrolled in a special education program, who is living in New Jersey with the child's natural or adoptive parent or legal guardian, or with a relative designated by the commissioner in a place of residence maintained by the relative as the relative's home.

"Eligible [alien] noncitizen" means one of the following:

a. a qualified [alien] noncitizen admitted to the United States prior to August 22, 1996, who is eligible for means-tested, federally funded public benefits pursuant to federal law;

b. a refugee, asylee, or person granted withholding of deportation under federal law for the person's first five years after receiving that classification in the United States pursuant to federal law;
c. a qualified [alien] noncitizen who is a veteran of, or on active duty in, the armed forces of the United States, or the spouse or dependent child of that person pursuant to federal law;
d. a recipient of refugee and entrant assistance activities or a Cuban or Haitian entrant pursuant to federal law;
e. a legal permanent resident [alien] noncitizen who has worked 40 qualifying quarters of coverage as defined under Title II of the federal Social Security Act; except that, for any period after December 31, 1996, a quarter during which an individual received means-tested, federally funded public benefits shall not count toward the total number of quarters;
f. a qualified [alien] noncitizen admitted to the United States on or after August 22, 1996, who has lived in the United States for at least five years and is eligible for means-tested, federally funded public benefits pursuant to federal law ; or
g. a qualified [alien] noncitizen who has been battered or subjected to extreme cruelty in the United States by a spouse, parent or a member of the spouse or parent's family residing in the same household as the [alien] noncitizen, or a qualified [alien] noncitizen whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the [alien] noncitizen, without the active participation of the [alien] noncitizen, or by a member of the spouse or parent's family residing in the same household as the [alien] noncitizen. In either case, the spouse or parent shall have consented or acquiesced to the battery or cruelty and there shall be a substantial connection between the battery or cruelty and the need for benefits to be provided. The provisions of this subsection shall not apply to [an alien] a noncitizen during any period in which the individual responsible for the battery or cruelty resides in the same household or assistance unit as the individual subjected to the battery or cruelty. Benefits shall be provided to the extent and for the period of time that the [alien] noncitizen or [alien's] noncitizen's child is eligible for the program.

For the purposes of this section, "qualified [alien] is] noncitizen" shall have the same meaning as "qualified alien" as defined pursuant to the provisions of section 431 of Title IV of Pub.L. 104-193.

"Full-time post-secondary student" means a student enrolled for a minimum of 12 credit hours in a post-secondary school.

"Income" means, but is not limited to, commissions, salaries, self-employed earnings, child support and alimony payments, interest and dividend earnings, wages, receipts, unemployment compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, temporary disability claims, estate income, trusts, federal income tax refunds, State income tax refunds,
homestead rebates, lottery prizes, casino and racetrack winnings, annuities, retirement benefits, veterans' benefits, union benefits, or other sources that may be defined as income by the commissioner; except that in the event that individual development accounts for recipients are established by regulation of the commissioner, any interest or dividend earnings from such an account shall not be considered income.

"Legal guardian" means a person who exercises continuing control over the person or property, or both, of a child, including any specific right of control over an aspect of the child's upbringing, pursuant to a court order.

"Program" means the Work First New Jersey program established pursuant to this act.

"Recipient" means a recipient of benefits under the Work First New Jersey program.

"Resources" means all real and personal property as defined by the commissioner; except that in the event that individual development accounts for recipients are established by regulation of the commissioner, all funds in such an account, up to the limit determined by the commissioner, including any interest or dividend earnings from such an account, shall not be considered to be a resource.

"Title IV-D" means the provisions of Title IV-D of the federal Social Security Act governing paternity establishment and child support enforcement activities and requirements.

"Work activity" includes, but is not limited to, the following, as defined by regulation of the commissioner: employment; on-the-job training; job search and job readiness assistance; vocational educational training; job skills training related directly to employment; community work experience; alternative work experience; supportive work; community service programs, including the provision of child care as a community service project; in the case of teenage parents or recipients under the age of 19 who are expected to graduate or complete their course of study by their 19th birthday, satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence; and education that is necessary for employment in the case of a person who has not received a high school diploma or a certificate of high school equivalency, a course of study leading to a certificate of general equivalence, or post-secondary education, when combined with community work experience participation or another work activity approved by the commissioner, including employment.

(cf: P.L.1997, c.38, s.3)

33. Section 5 of P.L.1997, c.38 (C.44:10-59) is amended to read as follows:
5. a. All adult persons, except as otherwise provided by law
governing the Work First New Jersey program, are charged with the
primary responsibility of supporting and maintaining themselves
and their dependents; the primary responsibility for the support and
maintenance of minor children is that of the parents and family of
those children; and benefits shall be provided only when other
means of support and maintenance are not present to support the
assistance unit.

b. Benefits shall be temporary and serve the primary goal of
fostering self-sufficiency. Failure to cooperate with any of the
program eligibility requirements without good cause, as determined
by the commissioner, shall result in ineligibility for benefits for
some or all assistance unit members.

c. If the county agency or municipal welfare agency, as
appropriate, determines, based upon an applicant's written statement
signed under oath, that the applicant is in immediate need of
benefits because the applicant's available resources are insufficient,
as determined by the commissioner, to meet the minimal current
living expenses pursuant to regulations adopted by the
commissioner, of the applicant's assistance unit, the county agency
or municipal welfare agency shall issue cash assistance benefits to
the applicant on the date of application, subject to the applicant
meeting all other program eligibility requirements.

d. The commissioner shall establish by regulation, standards
and procedures to screen and identify recipients with a history of
being subjected to domestic violence and refer these recipients to
counseling and supportive services. The commissioner may waive
program requirements, including, but not limited to, the time limit
on benefits pursuant to section 2 of P.L.1997, c.37 (C.44:10-72),
residency requirements pursuant to section 6 of P.L.1997, c.38
(C.44:10-60), child support cooperation requirements pursuant to
subsection b. of section 2 of P.L.1997, c.14 (C.44:10-45) and the
limitation on increase of cash assistance benefits as a result of the
birth of a child pursuant to section 7 of P.L.1997, c.38 (C.44:10-
61), in cases where compliance with such requirements would make
it more difficult for a recipient to escape domestic violence or
unfairly penalize the recipient who is or has been victimized by
such violence, or who is at risk of further domestic violence.

e. The commissioner shall establish regulations determining
eligibility and other requirements of the Work First New Jersey
program. Regulations shall include provisions for the deeming of
income, when appropriate, which include situations involving the
sponsor of an eligible [alien] noncitizen in accordance with federal
law, and legally responsible relatives of assistance unit members.
(cf: P.L.1997, c.38, s.5)

34. R.S. 46:3-18 is amended to read as follows:
defined: right to acquire, hold and transfer real estate

[Alien] Noncitizen friends shall have the same rights, powers
and privileges and be subject to the same burdens, duties, liabilities
and restrictions in respect of real estate situate in this State as
native-born citizens. Any [alien] noncitizen who shall be
domiciled and resident in the United States and licensed or
permitted by the government of the United States to remain in and
engage in business transactions in the United States, and who shall
not be arrested or interned or his property taken by the United
States, shall be considered [an alien] a noncitizen friend within the
meaning of this act.

Nothing contained in this section shall be construed to:

a. Entitle any [alien] noncitizen to be elected into any office of
trust or profit in this State, or to vote at any town meeting or
election of members of the Senate and General Assembly, or other
officers, within this State, or for Representatives in Congress or
electors of the President and Vice-President of the United States; or

b. Prevent the sequestration, seizure or disposal by either the
State or National government of any real estate or interest therein so
long as the same is owned or held by any [alien] noncitizen, made
pursuant to duly enacted legislation, during the continuance of war
between the United States and the government of the country of
which any such [alien] noncitizen is a citizen or subject; but any
bona fide conveyance, mortgage or devise made by such [alien]
citizen shall be valid, if made to a citizen of the United States
or to [an alien] a noncitizen friend.

(cf: P.L.1943, c.145, s.1)

35. Section 44 of P.L.1961, c. 32 (C54:8A-44) is amended to
read as follows:

(a) On or before the filing date prescribed in section 18
(C. 54:8A-18) of this act, an income tax return shall be made and
filed by or for every individual having a gross income derived from
sources within his source state in excess of the sum of his personal
exemptions allowed in section 10 (C. 54:8A-10) of this act, or
having any items of tax preference derived from or connected with
New Jersey sources in excess of the specific deduction provided in
section 6.2(c) (C. 54:8A-6.2(c)).

(b) (1) If the Federal income tax liability of husband or wife is
determined on a separate Federal return, their New Jersey income
tax liabilities and returns shall be separate.

(2) If the Federal income tax liabilities of husband and wife
(other than a husband and wife described in paragraph (3)) are
determined on a joint Federal return, or if neither files a Federal
return:
(A) They shall file a joint New Jersey income tax return, and
their tax liabilities shall be joint and several, or
(B) They may elect to file separate New Jersey income tax
returns on a single form if they comply with the requirements of the
Division of Taxation in setting forth information, and in such event
their tax liabilities shall be separate.
(3) If either husband or wife is a resident and the other is a
nonresident, they shall file separate New Jersey income tax returns
on such single or separate forms as may be required by the
Division of Taxation, and in such event their tax liabilities shall be
separate.
(4) Marital or other status. An individual’s marital or other
status under subsection 2(c) (C. 54:8A-2(c)), subsection 9(b) of
P.L.1961, c. 32 (C. 54:8A-9(b)) and subsection 7(a)(3)(B) of this
amendatory and supplementary act shall be presumed to be the
same as his marital or other status for purposes of establishing the
applicable Federal income tax rates. However, an individual who
is a nonresident
[alien] noncitizen, which shall have the same
meaning as “nonresident alien” as defined in Section 7701 of Title
26 of the United States Code, for Federal income tax purposes and
who fails to qualify under subsection 2(c), or subsection 9(b) of
P.L.1961, c. 32 or subsection 7(a)(3)(B) of this amendatory and
supplementary act solely by reason of his status for purposes of
establishing the applicable Federal income tax rates shall,
nevertheless, qualify under such provisions provided he files a
statement with his return setting forth such information in respect to
his status as the director shall prescribe.
(c) The return for any deceased individual shall be made and
filed by his fiduciary or other person charged with his property.
(d) The return for an individual who is unable to make a return
by reason of minority or other disability shall be made and filed by
his fiduciary or other person charged with the care of his person or
property (other than a receiver in possession of only a part of his
property), or by his duly authorized agent.
(e) Any tax under this act, and any increase, interest or penalty
thereon, shall, from the time it is due and payable, be a personal
debt of the person liable to pay the same, to the State of New
Jersey.
(f) If the amount of net income or Federal items of tax
preference for any year of any taxpayer as returned to the United
States Treasury Department or to an appropriate State officer is
changed or corrected by the taxpayer or the Commissioner of
Internal Revenue or other officer of the United States or other
competent authority, or where a renegotiation of a contract or
subcontract with the United States results in a change in net
income, or Federal items of tax preference such taxpayer shall
report such change or corrected net income, or Federal items of tax
preference or the results of such renegotiation, within 90 days after
the final determination of such change or correction orenegotiation, or as required by regulation, and shall concede the
accuracy of such determination or state wherein it is erroneous.
Any taxpayer filing an amended return with such department or
officer shall also file within 90 days thereafter an amended return
in this State which shall contain such information as the regulations
shall require.
(cf: P.L.1978, c.131, s.5)

36. N.J.S.54A:2-1 is amended to read as follows:

54A:2-1. Imposition of tax. There is hereby imposed a tax for
each taxable year (which shall be the same as the taxable year for
federal income tax purposes) on the New Jersey gross income as
herein defined of every individual, estate or trust (other than a
charitable trust or a trust forming part of a pension or profit-sharing
plan), subject to the deductions, limitations and modifications
hereinafter provided, determined in accordance with the following
tables with respect to taxpayers’ taxable income:

a. For married individuals filing a joint return and individuals
filing as head of household or as surviving spouse for federal
income tax purposes:

1) For taxable years beginning on or after January 1, 1991 but
before January 1, 1994:

<table>
<thead>
<tr>
<th>Taxable Income</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not over $20,000.00</td>
<td>2% of taxable income</td>
</tr>
<tr>
<td>Over $20,000.00 but not</td>
<td></td>
</tr>
<tr>
<td>over $50,000.00</td>
<td>$400.00 plus 2.5% of the excess over $20,000.00</td>
</tr>
<tr>
<td>Over $50,000.00 but not</td>
<td></td>
</tr>
<tr>
<td>over $70,000.00</td>
<td>$1,150.00 plus 3.5% of the excess over $50,000.00</td>
</tr>
<tr>
<td>Over $70,000.00 but not</td>
<td></td>
</tr>
<tr>
<td>over $80,000.00</td>
<td>$1,850.00 plus 5.0% of the excess over $70,000.00</td>
</tr>
<tr>
<td>Over $80,000.00 but not</td>
<td></td>
</tr>
<tr>
<td>over $150,000.00</td>
<td>$2,350.00 plus 6.5% of the excess over $80,000.00</td>
</tr>
<tr>
<td>Over $150,000.00</td>
<td>$6,900.00 plus 7.0% of the excess over $150,000.00</td>
</tr>
</tbody>
</table>

2) For taxable years beginning on or after January 1, 1994 but before January 1, 1995:

<table>
<thead>
<tr>
<th>Taxable Income</th>
<th>Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not over $20,000.00</td>
<td>1.900% of taxable income</td>
</tr>
<tr>
<td>Taxable Income Range</td>
<td>Tax Calculation</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Over $20,000.00 but not over $50,000.00</td>
<td>$380.00 plus 2.375% of excess over $20,000.00</td>
</tr>
<tr>
<td>Over $50,000.00 but not over $70,000.00</td>
<td>$1,092.50 plus 3.325% of excess over $50,000.00</td>
</tr>
<tr>
<td>Over $70,000.00 but not over $80,000.00</td>
<td>$1,757.50 plus 4.750% of excess over $70,000.00</td>
</tr>
<tr>
<td>Over $80,000.00 but not over $150,000.00</td>
<td>$2,232.50 plus 6.175% of excess over $80,000.00</td>
</tr>
<tr>
<td>Over $150,000.00</td>
<td>$6,555.00 plus 6.650% of excess over $150,000.00</td>
</tr>
</tbody>
</table>

(3) For taxable years beginning on or after January 1, 1995 but before January 1, 1996:
- If the taxable income is:
  - Not over $20,000.00: 1.700% of taxable income
  - Over $20,000.00 but not over $50,000.00: $340.00 plus 2.125% of excess over $20,000.00
  - Over $50,000.00 but not over $70,000.00: $977.50 plus 2.975% of excess over $50,000.00
  - Over $70,000.00 but not over $80,000.00: $1,572.50 plus 4.250% of excess over $70,000.00
  - Over $80,000.00 but not over $150,000.00: $1,997.50 plus 6.013% of excess over $80,000.00
  - Over $150,000.00: $6,206.60 plus 6.580% of excess over $150,000.00

(4) For taxable years beginning on or after January 1, 1996 but before January 1, 2004:
- If the taxable income is:
  - Not over $20,000.00: 1.400% of taxable income
  - Over $20,000.00 but not over $50,000.00: $280.00 plus 1.750% of excess over $20,000.00

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If the taxable income is: The tax is:

**Over $50,000.00 but not over $70,000.00**

$805.00 plus 2.450% of the excess over $50,000.00

**Over $70,000.00 but not over $80,000.00**

$1,295.50 plus 3.500% of the excess over $70,000.00

**Over $80,000.00 but not over $150,000.00**

$1,645.00 plus 5.525% of the excess over $80,000.00

**Over $150,000.00 but not over $500,000.00**

$5,512.50 plus 6.370% of the excess over $150,000.00

**Over $500,000.00**

$27,807.50 plus 8.970% of the excess over $500,000.00

(5) for taxable years beginning on or after January 1, 2004 but before January 1, 2018:

If the taxable income is: The tax is:

**Not over $20,000.00**

1.400% of taxable income

**Over $20,000.00 but not over $50,000.00**

$280.00 plus 1.750% of the excess over $20,000.00

**Over $50,000.00 but not over $70,000.00**

$805.00 plus 2.450% of the excess over $50,000.00

**Over $70,000.00 but not over $80,000.00**

$1,295.50 plus 3.500% of the excess over $70,000.00

**Over $80,000.00 but not over $150,000.00**

$1,645.00 plus 5.525% of the excess over $80,000.00

(6) for taxable years beginning on or after January 1, 2018, but before January 1, 2020:

If the taxable income is: The tax is:

**Not over $20,000.00**

1.400% of taxable income

**Over $20,000.00 but not over $50,000.00**

$280.00 plus 1.750% of the excess over $20,000.00

**Over $50,000.00 but not over $70,000.00**

$805.00 plus 2.450% of the excess over $50,000.00

**Over $70,000.00 but not over $80,000.00**

$1,295.50 plus 3.500% of the excess over $70,000.00

**Over $80,000.00 but not over $150,000.00**

$1,645.00 plus 5.525% of the excess over $80,000.00

**Over $150,000.00 but not over $500,000.00**

$5,512.50 plus 6.370% of the excess over $150,000.00

**Over $500,000.00**

$27,807.50 plus 8.970% of the excess over $500,000.00
<table>
<thead>
<tr>
<th>Over $50,000.00 but not</th>
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<th>excess over $50,000.00</th>
</tr>
</thead>
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</table>

If the taxable income is:
Not over $20,000.00....... $280.00 plus 1.750% of the excess over $20,000.00
Over $20,000.00 but not over $50,000.00.... $805.00 plus 2.450% of the excess over $70,000.00
Over $50,000.00 but not over $80,000.00... $1,295.50 plus 3.500% of the excess over $80,000.00
Over $70,000.00 but not over $80,000.00... $1,645.00 plus 5.525% of the excess over $150,000.00
Over $80,000.00 but not over $150,000.00.. $5,512.50 plus 6.370% of the excess over $500,000.00
Over $150,000.00 but not over $500,000.00.. $27,807.50 plus 8.970% of the excess over $5,000,000.00
Over $500,000.00 but not over $5,000,000.00. $431,457.50 plus 10.75% of the excess over $5,000,000.00.

(7) for taxable years beginning on or after January 1, 2020:
of the excess over

$150,000.00

Over $500,000.00 but not over $1,000,000.00... $27,807.50 plus 8.970% of the excess over

$500,000.00

Over $1,000,000.00... $72,657.50 plus 10.750% of the excess over $1,000,000.00

b. For married individuals filing separately, unmarried individuals other than individuals filing as head of household or as a surviving spouse for federal income tax purposes, and estates and trusts:

(1) for taxable years beginning on or after January 1, 1991 but before January 1, 1994:

If the taxable income is: The tax is:

Not over $20,000.00........... 2% of taxable income

Over $20,000.00 but not over $35,000.00....... $400.00 plus 2.5% of the excess over $20,000.00

Over $35,000.00 but not over $40,000.00....... $775.00 plus 5.0% of the excess over $35,000.00

Over $40,000.00 but not over $75,000.00....... $1,025.00 plus 6.5% of the excess over $40,000.00

Over $75,000.00 ........... $3,300.00 plus 7.0% of the excess over $75,000.00

(2) for taxable years beginning on or after January 1, 1994 but before January 1, 1995:

If the taxable income is: The tax is:

Not over $20,000.00........... 1.900% of taxable income

Over $20,000.00 but not over $35,000.00....... $380.00 plus 2.375% of the excess over $20,000.00

Over $35,000.00 but not over $40,000.00....... $736.25 plus 4.750% of the excess over $35,000.00

Over $40,000.00 but not over $75,000.00....... $973.75 plus 6.175% of the excess over $40,000.00
Over $75,000.00 .......... $3,135.00 plus 6.650% of the excess over $75,000.00

(3) for taxable years beginning on or after January 1, 1995 but before January 1, 1996:
If the taxable income is: The tax is:
Not over $20,000.00......... 1.700% of taxable income
Over $20,000.00 but not over $35,000.00....... $340.00 plus 2.125% of
the excess over $20,000.00
Over $35,000.00 but not over $40,000.00......... $658.75 plus 4.250% of
the excess over $35,000.00
Over $40,000.00 but not over $75,000.00....... $871.25 plus 6.013% of
the excess over $40,000.00
Over $75,000.00 .......... $2,975.80 plus 6.580% of the excess over $75,000.00

(4) for taxable years beginning on or after January 1, 1996 but before January 1, 2004:
If the taxable income is: The tax is:
Not over $20,000.00......... 1.400% of taxable income
Over $20,000.00 but not over $35,000.00....... $280.00 plus 1.750% of
the excess over $20,000.00
Over $35,000.00 but not over $40,000.00......... $542.50 plus 3.500% of
the excess over $35,000.00
Over $40,000.00 but not over $75,000.00....... $717.50 plus 5.525% of
the excess over $40,000.00
Over $75,000.00.......... $2,651.25 plus 6.370% of the excess over $75,000.00

(5) for taxable years beginning on or after January 1, 2004 but before January 1, 2018:
If the taxable income is: The tax is:
Not over $20,000.00......... 1.400% of taxable income
Over $20,000.00 but not over $35,000.00....... $280.00 plus 1.750% of
<table>
<thead>
<tr>
<th>Taxable Income</th>
<th>Tax Calculation</th>
</tr>
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<tbody>
<tr>
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<td>Over $20,000.00 but not over $35,000.00</td>
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<td>Over $75,000.00 but not over $500,000.00</td>
<td>$2,651.25 plus 6.370% of the excess over $75,000.00</td>
</tr>
<tr>
<td>Over $500,000.00</td>
<td>$29,723.75 plus 8.970% of the excess over $500,000.00</td>
</tr>
<tr>
<td>Over $5,000,000.00</td>
<td>$433,373.75 plus 10.75% of the excess over $5,000,000.00</td>
</tr>
</tbody>
</table>

(7) for taxable years beginning on or after January 1, 2020:

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<tr>
<th>Taxable Income</th>
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<tbody>
<tr>
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<td>Over $20,000.00 but not</td>
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<td>Over $50,000.00 but not</td>
<td>$2,651.25 plus 6.370% of the excess over $50,000.00</td>
</tr>
<tr>
<td>Over $1,000,000.00 but not</td>
<td>$74,573.75 plus 10.750% of the excess over $1,000,000.00</td>
</tr>
</tbody>
</table>

For the purposes of this section, an individual who would be eligible to file as a head of household for federal income tax purposes but for the fact that such taxpayer is a nonresident alien, which shall hold the same meaning as “nonresident alien” as defined in Section 7701 of Title 26 of the United States Code, shall determine tax pursuant to subsection a. of this section.

d. For the purposes of this section, for taxable year 2018, withholding by every employer from salaries, wages and other remuneration paid by an employer for services rendered described in subsections a. and b. of this section, in excess of $5,000,000 during that taxable year, shall be at the rate of 15.6% as soon as practicable but no later than September 1, 2018. The Director of the Division of Taxation is authorized to do all things necessary to implement the withholding tax prescribed by this section for taxable year 2018.

e. No additions to tax or penalty shall be imposed under N.J.S.54A:9-6 for insufficient payment of estimated tax that may otherwise be due on salaries, wages and other remuneration.
received before September 1, 2018, on which there is a rate of tax imposed pursuant to subsections a. and b. of this section.

f. An employer maintaining an office or transacting business within this State and making payment of any salaries, wages and remuneration subject to New Jersey gross income tax or making payment of any remuneration for employment subject to contribution under the New Jersey “unemployment compensation law,” pursuant to R.S.43:21-1 et seq., that is subject to New Jersey gross income tax shall not be subject to interest, penalties or other costs that may otherwise be imposed for insufficient withholding of salaries, wages and other remuneration made before September 1, 2018, that is directly attributable to the enactment of the taxable income tables and tax rates in subsections a. and b. of this section.

(cf: P.L.2020, c.94, s.1)

37. The provisions of this act shall be severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

38. This act shall take effect on the first day of the fourth month next following the date of enactment, but the Attorney General may take any anticipatory action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill builds confidence in State, county, and municipal agencies. The bill also ensures that entities open to the public remain safe and accessible to all New Jersey residents, regardless of immigration status.

Specifically, the bill prohibits State, county, or municipal law enforcement agencies or officials from stopping, questioning, arresting, searching, or detaining any individual based on actual or suspected citizenship or immigration status, or actual or suspected violations of federal civil immigration law. Law enforcement agencies or officials also would be prohibited from inquiring or recording any information about an individual’s immigration status, citizenship, or place of birth or making arrests based on civil immigration warrants. The bill also prohibits the use of law enforcement agency or department moneys, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, immigration status, citizenship, or national or ethnic origin.
In addition, the bill prohibits law enforcement agencies from making agency or department databases available to anyone or any entity for the purpose of immigration enforcement or investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, immigration status, citizenship, or national or ethnic origin. Any agreements made prior to the bill’s enactment that require an agency or department database to be available to federal immigration authorities are to be void.

The bill also prohibits State, county, and municipal law enforcement agencies from providing assistance to federal immigration authorities by:

1. participating in civil immigration enforcement operations;
2. providing to federal immigration authorities any personal identifying information as defined by the Open Public Records Act or confidential personal identifiers as defined by the Rules of Court about an individual;
3. providing access to any State, county, or municipal law enforcement equipment, office space, database, or property;
4. providing access to a detained individual for an interview;
5. responding to or otherwise complying with immigration detainers, notification requests, and transfer requests from federal immigration authorities;
6. continuing to detain a person past the time the person would otherwise be eligible for release from custody based solely on an immigration detainer or civil immigration warrant;
7. entering into, modifying, renewing, or extending any agreement to exercise federal immigration authority or conduct immigration enforcement pursuant to section 287(g) agreements; or
8. providing or sharing funds, property, equipment, personnel, or access to facilities or real property not open to the general public for purposes of engaging in, assisting, supporting, or facilitating immigration enforcement.

The bill also requires State, county, and municipal law enforcement agencies to submit an annual report to the Attorney General no later than 30 days after the end of each State fiscal year. The annual report is to provide certain information related to requests by law federal immigration authorities for assistance from State, county, and municipal law enforcement agencies. The Attorney General is to publish the information on the Internet website of the Department of Law and Public Safety. The bill also requires the Attorney General to promulgate regulations to ensure compliance by State, county, and municipal law enforcement agencies with the annual reporting requirements established pursuant to this section. The Attorney General also is to report annually to the Governor and the Legislature a summary of the law enforcement agencies that complied with the provisions of this
section. The report is to append the information submitted by State, county, and municipal law enforcement agencies.

Under the bill, State, county, and municipal agencies and divisions and healthcare facilities may collect information on immigration and citizenship status only as required to assess eligibility for public services or programs requested or used by the person seeking those services. However, all types of information, whether written or oral, concerning a person solicited, made, or kept by any public agency or officer thereof for the purpose of assessing eligibility for or administering those services would not be a government record under the open public records act or disclosed unless otherwise required by law. The bill requires State agencies to review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties, and is not used, shared, or disclosed for any other purpose. Any necessary changes to those policies are to be made as expeditiously as possible and no later than one calendar year following the bill’s enactment.

The bill also requires the Attorney General, in consultation with the appropriate public and private entities, to develop model policies for public schools, health care facilities, public libraries, youth shelters, emergency shelters, and domestic violence shelters to ensure that these institutions remain safe and accessible to all New Jersey residents, regardless of immigration status. The model policies would ensure that eligible individuals are not deterred from seeking services or engaging with State, county, or municipal public agencies. In addition, the model policies are to limit immigration enforcement on the premises of these institutions and information sharing between these institutions and federal immigration enforcement authorities, to the fullest extent possible consistent with State and federal law. The Attorney General would be required to publish these model policies on the Internet website of the Department of Law and Public Safety no later than one calendar year following the bill’s enactment. All public schools, health care facilities, public libraries, youth shelters, emergency shelters, and domestic violence shelters are to adopt the model policies or equivalent or more protective policies no later than January 1, 2023.

Finally, the bill replaces the outdated statutory references to “alien” with the preferred term “noncitizen” when referring a person who is not a United States citizen.