

**ASSEMBLY, No. 3594**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED FEBRUARY 12, 2024

**Sponsored by:**

**Assemblyman JAY WEBBER**

**District 26 (Morris and Passaic)**

**Assemblywoman MICHELE MATSIKLOUDIS**

**District 21 (Middlesex, Morris, Somerset and Union)**

**SYNOPSIS**

Prohibits release of personal identifying information of violent crime victims and witnesses under State's open public records law.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/10/2024)**

1 AN ACT prohibiting the public release of personal identifying  
2 information of violent crime victims and witnesses, and  
3 amending P.L.1995, c.23 and P.L.1963, c.73.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to read as  
9 follows:

10 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended  
11 and supplemented:

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

35 criminal investigatory records;

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

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

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

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

16 personal identifying information of a victim of or witness to a  
17 violent crime. For the purposes of this paragraph, personal identifying  
18 information shall include, but not be limited to, identity, name, home  
19 and work addresses, home and work telephone numbers, home and  
20 work fax numbers, social security number, driver's license number,  
21 email address, or social media address of a violent crime victim or  
22 witness;

23 personal firearms records, except for use by any person  
24 authorized by law to have access to these records or for use by any  
25 government agency, including any court or law enforcement  
26 agency, for purposes of the administration of justice;

27 personal identifying information received by the Division of Fish  
28 and Wildlife in the Department of Environmental Protection in  
29 connection with the issuance of any license authorizing hunting  
30 with a firearm. For the purposes of this paragraph, personal  
31 identifying information shall include, but not be limited to, identity,  
32 name, address, social security number, telephone number, fax  
33 number, driver's license number, email address, or social media  
34 address of any applicant or licensee;

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

39 any record within the attorney-client privilege. This paragraph  
40 shall not be construed as exempting from access attorney or  
41 consultant bills or invoices except that such bills or invoices may be  
42 redacted to remove any information protected by the attorney-client  
43 privilege;

44 administrative or technical information regarding computer  
45 hardware, software and networks which, if disclosed, would  
46 jeopardize computer security;

1 emergency or security information or procedures for any  
2 buildings or facility which, if disclosed, would jeopardize security  
3 of the building or facility or persons therein;  
4 security measures and surveillance techniques which, if  
5 disclosed, would create a risk to the safety of persons, property,  
6 electronic data or software;  
7 information which, if disclosed, would give an advantage to  
8 competitors or bidders;  
9 information generated by or on behalf of public employers or  
10 public employees in connection with any sexual harassment  
11 complaint filed with a public employer or with any grievance filed  
12 by or against an individual or in connection with collective  
13 negotiations, including documents and statements of strategy or  
14 negotiating position;  
15 information which is a communication between a public agency  
16 and its insurance carrier, administrative service organization or risk  
17 management office;  
18 information which is to be kept confidential pursuant to court  
19 order;  
20 any copy of form DD-214, NGB-22, or that form, issued by the  
21 United States Government, or any other certificate of honorable  
22 discharge, or copy thereof, from active service or the reserves of a  
23 branch of the Armed Forces of the United States, or from service in  
24 the organized militia of the State, that has been filed by an  
25 individual with a public agency, except that a veteran or the  
26 veteran's spouse or surviving spouse shall have access to the  
27 veteran's own records;  
28 any copy of an oath of allegiance, oath of office or any  
29 affirmation taken upon assuming the duties of any public office, or  
30 that oath or affirmation, taken by a current or former officer or  
31 employee in any public office or position in this State or in any  
32 county or municipality of this State, including members of the  
33 Legislative Branch, Executive Branch, Judicial Branch, and all law  
34 enforcement entities, except that the full name, title, and oath date  
35 of that person contained therein shall not be deemed confidential;  
36 that portion of any document which discloses the social security  
37 number, credit card number, unlisted telephone number or driver  
38 license number of any person, or, in accordance with section 2 of  
39 P.L.2021, c.371 (C.47:1B-2), that portion of any document which  
40 discloses the home address, whether a primary or secondary  
41 residence, of any active, formerly active, or retired judicial officer,  
42 law enforcement officer, child protective investigator in the  
43 Division of Child Protection and Permanency, or prosecutor, or, as  
44 defined in section 1 of P.L.2021, c.371 (C.47:1B-1), any immediate  
45 family member thereof; except for use by any government agency,  
46 including any court or law enforcement agency, in carrying out its  
47 functions, or any private person or entity acting on behalf thereof,  
48 or any private person or entity seeking to enforce payment of court-

1 ordered child support; except with respect to the disclosure of driver  
2 information by the New Jersey Motor Vehicle Commission as  
3 permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except  
4 that a social security number contained in a record required by law  
5 to be made, maintained or kept on file by a public agency shall be  
6 disclosed when access to the document or disclosure of that  
7 information is not otherwise prohibited by State or federal law,  
8 regulation or order or by State statute, resolution of either or both  
9 houses of the Legislature, Executive Order of the Governor, rule of  
10 court or regulation promulgated under the authority of any statute or  
11 executive order of the Governor;

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

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

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

23 pedagogical, scholarly and/or academic research records and/or  
24 the specific details of any research project conducted under the  
25 auspices of a public higher education institution in New Jersey,  
26 including, but not limited to, research, development information,  
27 testing procedures, or information regarding test participants,  
28 related to the development or testing of any pharmaceutical or  
29 pharmaceutical delivery system, except that a custodian may not  
30 deny inspection of a government record or part thereof that gives  
31 the name, title, expenditures, source and amounts of funding and  
32 date when the final project summary of any research will be  
33 available;

34 test questions, scoring keys and other examination data  
35 pertaining to the administration of an examination for employment  
36 or academic examination;

37 records of pursuit of charitable contributions or records  
38 containing the identity of a donor of a gift if the donor requires non-  
39 disclosure of the donor's identity as a condition of making the gift  
40 provided that the donor has not received any benefits of or from the  
41 institution of higher education in connection with such gift other  
42 than a request for memorialization or dedication;

43 valuable or rare collections of books or documents obtained by  
44 gift, grant, bequest or devise conditioned upon limited public  
45 access;

46 information contained on individual admission applications; and

1 information concerning student records or grievance or  
2 disciplinary proceedings against a student to the extent disclosure  
3 would reveal the identity of the student.

4 "Judicial officer" means any active, formerly active, or retired  
5 federal, state, county, or municipal judge, including a judge of the  
6 Tax Court and any other court of limited jurisdiction established,  
7 altered, or abolished by law, a judge of the Office of Administrative  
8 Law, a judge of the Division of Workers' Compensation, and any  
9 other judge established by law who serves in the executive branch.

10 "Law enforcement agency" means a public agency, or part  
11 thereof, determined by the Attorney General to have law  
12 enforcement responsibilities.

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

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

19 "Personal firearms record" means any information contained in a  
20 background investigation conducted by the chief of police, the  
21 county prosecutor, or the Superintendent of State Police, of any  
22 applicant for a permit to purchase a handgun, firearms identification  
23 card license, or firearms registration; any application for a permit to  
24 purchase a handgun, firearms identification card license, or firearms  
25 registration; any document reflecting the issuance or denial of a  
26 permit to purchase a handgun, firearms identification card license,  
27 or firearms registration; and any permit to purchase a handgun,  
28 firearms identification card license, or any firearms license,  
29 certification, certificate, form of register, or registration statement.  
30 For the purposes of this paragraph, information contained in a  
31 background investigation shall include, but not be limited to,  
32 identity, name, address, social security number, phone number, fax  
33 number, driver's license number, email address, or social media  
34 address of any applicant, licensee, registrant, or permit holder.

35 "Public agency" or "agency" means any of the principal  
36 departments in the Executive Branch of State Government, and any  
37 division, board, bureau, office, commission or other instrumentality  
38 within or created by such department; the Legislature of the State  
39 and any office, board, bureau or commission within or created by  
40 the Legislative Branch; and any independent State authority,  
41 commission, instrumentality or agency. The terms also mean any  
42 political subdivision of the State or combination of political  
43 subdivisions, and any division, board, bureau, office, commission or  
44 other instrumentality within or created by a political subdivision of  
45 the State or combination of political subdivisions, and any  
46 independent authority, commission, instrumentality or agency  
47 created by a political subdivision or combination of political  
48 subdivisions.

1 "Victim of a crime" means a person who has suffered personal or  
2 psychological injury or death or incurs loss of or injury to personal  
3 or real property as a result of a crime, or if such a person is  
4 deceased or incapacitated, a member of that person's immediate  
5 family.

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

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

21 "Violent crime" means a crime involving force or the threat of  
22 force.

23 (cf: P.L.2023, c.113, s.1)  
24

25 2. Section 3 of P.L.1963, c.73 (C.47:1A-3) is amended to read  
26 as follows:

27 3. a. Notwithstanding the provisions of P.L.1963, c.73  
28 (C.47:1A-1 et seq.) as amended and supplemented, where it shall  
29 appear that the record or records which are sought to be inspected,  
30 copied, or examined shall pertain to an investigation in progress by  
31 any public agency, the right of access provided for in P.L.1963,  
32 c.73 (C.47:1A-1 et seq.) as amended and supplemented may be  
33 denied if the inspection, copying or examination of such record or  
34 records shall be inimical to the public interest; provided, however,  
35 that this provision shall not be construed to allow any public agency  
36 to prohibit access to a record of that agency that was open for  
37 public inspection, examination, or copying before the investigation  
38 commenced. Whenever a public agency, during the course of an  
39 investigation, obtains from another public agency a government  
40 record that was open for public inspection, examination or copying  
41 before the investigation commenced, the investigating agency shall  
42 provide the other agency with sufficient access to the record to  
43 allow the other agency to comply with requests made pursuant to  
44 P.L.1963, c.73 (C.47:1A-1 et seq.).

45 b. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-  
46 1 et seq.), as amended and supplemented, the following information  
47 concerning a criminal investigation shall be available to the public



1 within 24 hours or as soon as practicable, of a request for such  
2 information:

3 where a crime has been reported but no arrest yet made,  
4 information as to the type of crime, time, location and type of  
5 weapon, if any;

6 if an arrest has been made, information as to the name, address  
7 and age of any victims unless **【**there has not been sufficient  
8 opportunity for notification of next of kin of any victims of injury  
9 and/or death to any such victim**】** the crime was a violent crime or  
10 **【where】** the release of the names of any victim would be contrary  
11 to existing law or court rule. In deciding on the release of  
12 information as to the identity of a victim, the safety of the victim  
13 and the victim's family, and the integrity of any ongoing  
14 investigation, shall be considered;

15 if an arrest has been made, information as to the defendant's  
16 name, age, residence, occupation, marital status and similar  
17 background information and, the identity of the complaining party  
18 unless the release of such information is contrary to existing law or  
19 court rule;

20 information as to the text of any charges such as the complaint,  
21 accusation and indictment unless sealed by the court or unless the  
22 release of such information is contrary to existing law or court rule;

23 information as to the identity of the investigating and arresting  
24 personnel and agency and the length of the investigation;

25 information of the circumstances immediately surrounding the  
26 arrest, including but not limited to the time and place of the arrest,  
27 resistance, if any, pursuit, possession and nature and use of  
28 weapons and ammunition by the suspect and by the police; and

29 information as to circumstances surrounding bail, whether it was  
30 posted and the amount thereof.

31 Notwithstanding any other provision of this subsection, where it  
32 shall appear that the information requested or to be examined will  
33 jeopardize the safety of any person or jeopardize any investigation  
34 in progress or may be otherwise inappropriate to release, such  
35 information may be withheld. This exception shall be narrowly  
36 construed to prevent disclosure of information that would be  
37 harmful to a bona fide law enforcement purpose or the public  
38 safety. Whenever a law enforcement official determines that it is  
39 necessary to withhold information, the official shall issue a brief  
40 statement explaining the decision.

41 (cf: P.L.2001, c.404, s.5)

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43 3. This act shall take effect immediately.

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STATEMENT

This bill would prohibit the release of any personal identifying information of violent crime victims and witnesses under P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the "Open Public Records Act." Current law specifically provides that the name, address, and age of any victims of crime are public record. This bill would delete that provision and clarify that all manner of personal identifying information of violent crime victims and witnesses are confidential for purposes of public records requests to bolster the safety and privacy of violent crime victims and witnesses.