

SENATE, No. 3232

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 13, 2024

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Expands “Daniel’s Law” to prohibit disclosure of personal information concerning court administrators and deputy court administrators.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT prohibiting the disclosure of personal information of
2 certain public officials and employees and amending various
3 parts of statutory law.

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

7
8 1. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
9 read as follows:

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

11 "Authorized person" means a covered person or any of the
12 following persons hereby authorized to submit or revoke a request
13 for the redaction or nondisclosure of a home address or unpublished
14 telephone number on behalf of a covered person pursuant to
15 subsection c. of this section:

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

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

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

28 "Covered person" means an active, formerly active, or retired
29 judicial officer, law enforcement officer, **[or]** child protective
30 investigator in the Division of Child Protection and Permanency, or
31 municipal court administrator, as those terms are defined by section
32 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any immediate
33 family member residing in the same household as the judicial
34 officer, law enforcement officer, child protective investigator in the
35 Division of Child Protection and Permanency, **[or]** prosecutor, or
36 municipal court administrator.

37 "Home telephone number" means any telephone number used
38 primarily for personal communications, including a landline or
39 cellular telephone number.

40 "Immediate family member" means a spouse, child, or parent of,
41 or any other family member related by blood or by law to, an active,
42 formerly active, or retired judicial officer, law enforcement officer,
43 **[or]** child protective investigator in the Division of Child
44 Protection and Permanency, or municipal court administrator, as
45 those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-

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 1.1), or prosecutor and who resides in the same household as the
2 judicial officer, law enforcement officer, child protective
3 investigator in the Division of Child Protection and Permanency,
4 **【or】** prosecutor, municipal court administrator.

5 "News media" means newspapers, magazines, press associations,
6 news agencies, wire services, or other similar printed means of
7 disseminating news to the general public.

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

11 b. Upon notification pursuant to subsection c. of this section,
12 and not later than 10 business days after receipt thereof, a person
13 shall not knowingly, with purpose to expose another to harassment
14 or risk of harm to life or property, or in reckless disregard of the
15 probability of such exposure, post, repost, publish, or republish on
16 the Internet, or otherwise make available, the home address or
17 unpublished home telephone number of any covered person, except
18 in compliance with any court order, law enforcement investigation,
19 or request by a government agency or person duly acting on behalf
20 of the agency.

21 c. An authorized person, as defined in subsection a. of this
22 section, seeking to prohibit the disclosure of the home address or
23 unpublished home telephone number of any covered person
24 consistent with subsection b. of this section shall provide written
25 notice to the person from whom the authorized person is seeking
26 nondisclosure that the authorized person is an authorized person and
27 requesting that such person cease the disclosure of such information
28 and remove the protected information from the Internet or where
29 otherwise made available.

30 d. A reckless violation of subsection b. of this section is a
31 crime of the fourth degree. A purposeful violation of subsection b.
32 of this section is a crime of the third degree.

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

43 f. Nothing herein shall be construed to impose liability on the
44 news media for failure to remove information from previously
45 printed newspapers, and nothing herein shall be construed to impose
46 liability relating to telephone directories or directory assistance
47 unless the covered person has requested to be unpublished in the

1 directory and directory assistance by the applicable publication
2 deadline.

3 (cf: P.L.2023, c.113, s.5)

4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 for use in the field of forensic pathology or for use in medical or
27 scientific education or research, or

28 for use by any law enforcement agency in this State or any other
29 state or federal law enforcement agency;

30 criminal investigatory records;

31 the portion of any criminal record concerning a person's
32 detection, apprehension, arrest, detention, trial or disposition for
33 unlawful manufacturing, distributing, or dispensing, or possessing
34 or having under control with intent to manufacture, distribute, or
35 dispense, marijuana or hashish in violation of paragraph (11) of
36 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
37 hashish in violation of paragraph (12) of subsection b. of that
38 section, or a violation of either of those paragraphs and a violation
39 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
40 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
41 distributing, dispensing, or possessing, or having under control with
42 intent to distribute or dispense, on or within 1,000 feet of any
43 school property, or on or within 500 feet of the real property
44 comprising a public housing facility, public park, or public
45 building, or for obtaining, possessing, using, being under the
46 influence of, or failing to make lawful disposition of marijuana or
47 hashish in violation of paragraph (3) or (4) of subsection a., or
48 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation

1 of any of those provisions and a violation of N.J.S.2C:36-2 for
2 using or possessing with intent to use drug paraphernalia with that
3 marijuana or hashish;

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

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

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

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

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

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

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

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

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

41 information which, if disclosed, would give an advantage to
42 competitors or bidders;

43 information generated by or on behalf of public employers or
44 public employees in connection with any sexual harassment
45 complaint filed with a public employer or with any grievance filed
46 by or against an individual or in connection with collective
47 negotiations, including documents and statements of strategy or
48 negotiating position;

1 information which is a communication between a public agency
2 and its insurance carrier, administrative service organization or risk
3 management office;

4 information which is to be kept confidential pursuant to court
5 order;

6 any copy of form DD-214, NGB-22, or that form, issued by the
7 United States Government, or any other certificate of honorable
8 discharge, or copy thereof, from active service or the reserves of a
9 branch of the Armed Forces of the United States, or from service in
10 the organized militia of the State, that has been filed by an
11 individual with a public agency, except that a veteran or the
12 veteran's spouse or surviving spouse shall have access to the
13 veteran's own records;

14 any copy of an oath of allegiance, oath of office or any
15 affirmation taken upon assuming the duties of any public office, or
16 that oath or affirmation, taken by a current or former officer or
17 employee in any public office or position in this State or in any
18 county or municipality of this State, including members of the
19 Legislative Branch, Executive Branch, Judicial Branch, and all law
20 enforcement entities, except that the full name, title, and oath date
21 of that person contained therein shall not be deemed confidential;

22 that portion of any document which discloses the social security
23 number, credit card number, unlisted telephone number or driver
24 license number of any person, or, in accordance with section 2 of
25 P.L.2021, c.371 (C.47:1B-2), that portion of any document which
26 discloses the home address, whether a primary or secondary
27 residence, of any active, formerly active, or retired judicial officer,
28 law enforcement officer, child protective investigator in the
29 Division of Child Protection and Permanency, **[or]** prosecutor, or
30 municipal court administrator, or, as defined in section 1 of
31 P.L.2021, c.371 (C.47:1B-1), any immediate family member
32 thereof; except for use by any government agency, including any
33 court or law enforcement agency, in carrying out its functions, or
34 any private person or entity acting on behalf thereof, or any private
35 person or entity seeking to enforce payment of court-ordered child
36 support; except with respect to the disclosure of driver information
37 by the New Jersey Motor Vehicle Commission as permitted by
38 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social
39 security number contained in a record required by law to be made,
40 maintained or kept on file by a public agency shall be disclosed
41 when access to the document or disclosure of that information is not
42 otherwise prohibited by State or federal law, regulation or order or
43 by State statute, resolution of either or both houses of the
44 Legislature, Executive Order of the Governor, rule of court or
45 regulation promulgated under the authority of any statute or
46 executive order of the Governor;

47 a list of persons identifying themselves as being in need of
48 special assistance in the event of an emergency maintained by a

1 municipality for public safety purposes pursuant to section 1 of
2 P.L.2017, c.266 (C.40:48-2.67); and

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

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

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

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

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

30 valuable or rare collections of books or documents obtained by
31 gift, grant, bequest or devise conditioned upon limited public
32 access;

33 information contained on individual admission applications; and
34 information concerning student records or grievance or
35 disciplinary proceedings against a student to the extent disclosure
36 would reveal the identity of the student.

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

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

46 "Law enforcement officer" means a person whose public duties
47 include the power to act as an officer for the detection,

1 apprehension, arrest, and conviction of offenders against the laws of
2 this State.

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

5 "Municipal court administrator" means a person employed by a
6 county or municipality in accordance with subsection a. of
7 N.J.S.2B:12-10. "Municipal court administrator" includes a deputy
8 administrator and acting administrator designed as such in
9 accordance with subsection b. of N.J.S.2B:12-10.

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

26 "Public agency" or "agency" means any of the principal
27 departments in the Executive Branch of State Government, and any
28 division, board, bureau, office, commission or other instrumentality
29 within or created by such department; the Legislature of the State
30 and any office, board, bureau or commission within or created by
31 the Legislative Branch; and any independent State authority,
32 commission, instrumentality or agency. The terms also mean any
33 political subdivision of the State or combination of political
34 subdivisions, and any division, board, bureau, office, commission or
35 other instrumentality within or created by a political subdivision of
36 the State or combination of political subdivisions, and any
37 independent authority, commission, instrumentality or agency
38 created by a political subdivision or combination of political
39 subdivisions.

40 "Victim of a crime" means a person who has suffered personal or
41 psychological injury or death or incurs loss of or injury to personal
42 or real property as a result of a crime, or if such a person is
43 deceased or incapacitated, a member of that person's immediate
44 family.

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

1 "Victims' rights agency" means a public agency, or part thereof,
2 the primary responsibility of which is providing services, including,
3 but not limited to, food, shelter, or clothing, medical, psychiatric,
4 psychological or legal services or referrals, information and referral
5 services, counseling and support services, or financial services to
6 victims of crimes, including victims of sexual assault, domestic
7 violence, violent crime, child endangerment, child abuse or child
8 neglect, and the Victims of Crime Compensation Board, established
9 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
10 the Victims of Crime Compensation Office pursuant to P.L.2007,
11 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
12 (cf: P.L.2023, c.113, s.1)

13
14 3. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
15 as follows:

16 6. a. The custodian of a government record shall permit the
17 record to be inspected, examined, and copied by any person during
18 regular business hours; or in the case of a municipality having a
19 population of 5,000 or fewer according to the most recent federal
20 decennial census, a board of education having a total district
21 enrollment of 500 or fewer, or a public authority having less than
22 \$10 million in assets, during not less than six regular business hours
23 over not less than three business days per week or the entity's
24 regularly-scheduled business hours, whichever is less; unless a
25 government record is exempt from public access by: P.L.1963, c.73
26 (C.47:1A-1 et seq.) as amended and supplemented; any other
27 statute; resolution of either or both houses of the Legislature;
28 regulation promulgated under the authority of any statute or
29 Executive Order of the Governor; Executive Order of the Governor;
30 Rules of Court; any federal law; federal regulation; or federal order.
31 Prior to allowing access to any government record, the custodian
32 thereof shall redact from that record any information which
33 discloses the social security number, credit card number, unlisted
34 telephone number, or driver license number of any person, or, in
35 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the home
36 address, whether a primary or secondary residence, of any active,
37 formerly active, or retired judicial officer, prosecutor, law
38 enforcement officer, or child protective investigator in the Division
39 of Child Protection and Permanency, or a municipal court
40 administrator, or, as defined in section 1 of P.L.2021, c.371
41 (C.47:1B-1), any immediate family member thereof; except for use
42 by any government agency, including any court or law enforcement
43 agency, in carrying out its functions, or any private person or entity
44 acting on behalf thereof, or any private person or entity seeking to
45 enforce payment of court-ordered child support; except with respect
46 to the disclosure of driver information by the New Jersey Motor
47 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
48 (C.39:2-3.4); and except that a social security number contained in

1 a record required by law to be made, maintained or kept on file by a
2 public agency shall be disclosed when access to the document or
3 disclosure of that information is not otherwise prohibited by State
4 or federal law, regulation or order or by State statute, resolution of
5 either or both houses of the Legislature, Executive Order of the
6 Governor, rule of court or regulation promulgated under the
7 authority of any statute or executive order of the Governor. Except
8 where an agency can demonstrate an emergent need, a regulation
9 that limits access to government records shall not be retroactive in
10 effect or applied to deny a request for access to a government
11 record that is pending before the agency, the council or a court at
12 the time of the adoption of the regulation.

13 b. (1) A copy or copies of a government record may be
14 purchased by any person upon payment of the fee prescribed by law
15 or regulation. Except as otherwise provided by law or regulation
16 and except as provided in paragraph (2) of this subsection, the fee
17 assessed for the duplication of a government record embodied in the
18 form of printed matter shall be \$0.05 per letter size page or smaller,
19 and \$0.07 per legal size page or larger. If a public agency can
20 demonstrate that its actual costs for duplication of a government
21 record exceed the foregoing rates, the public agency shall be
22 permitted to charge the actual cost of duplicating the record. The
23 actual cost of duplicating the record, upon which all copy fees are
24 based, shall be the cost of materials and supplies used to make a
25 copy of the record, but shall not include the cost of labor or other
26 overhead expenses associated with making the copy except as
27 provided for in subsection c. of this section. Access to electronic
28 records and non-printed materials shall be provided free of charge,
29 but the public agency may charge for the actual costs of any needed
30 supplies such as computer discs.

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

34 c. Whenever the nature, format, manner of collation, or volume
35 of a government record embodied in the form of printed matter to
36 be inspected, examined, or copied pursuant to this section is such
37 that the record cannot be reproduced by ordinary document copying
38 equipment in ordinary business size or involves an extraordinary
39 expenditure of time and effort to accommodate the request, the
40 public agency may charge, in addition to the actual cost of
41 duplicating the record, a special service charge that shall be
42 reasonable and shall be based upon the actual direct cost of
43 providing the copy or copies; provided, however, that in the case of
44 a municipality, rates for the duplication of particular records when
45 the actual cost of copying exceeds the foregoing rates shall be
46 established in advance by ordinance. The requestor shall have the
47 opportunity to review and object to the charge prior to it being
48 incurred.

1 d. A custodian shall permit access to a government record and
2 provide a copy thereof in the medium requested if the public agency
3 maintains the record in that medium. If the public agency does not
4 maintain the record in the medium requested, the custodian shall
5 either convert the record to the medium requested or provide a copy
6 in some other meaningful medium. If a request is for a record: (1)
7 in a medium not routinely used by the agency; (2) not routinely
8 developed or maintained by an agency; or (3) requiring a substantial
9 amount of manipulation or programming of information technology,
10 the agency may charge, in addition to the actual cost of duplication,
11 a special charge that shall be reasonable and shall be based on the
12 cost for any extensive use of information technology, or for the
13 labor cost of personnel providing the service, that is actually
14 incurred by the agency or attributable to the agency for the
15 programming, clerical, and supervisory assistance required, or both.

16 e. Immediate access ordinarily shall be granted to budgets,
17 bills, vouchers, contracts, including collective negotiations
18 agreements and individual employment contracts, and public
19 employee salary and overtime information.

20 f. The custodian of a public agency shall adopt a form for the
21 use of any person who requests access to a government record held
22 or controlled by the public agency. The form shall provide space
23 for the name, address, and phone number of the requestor and a
24 brief description of the government record sought. The form shall
25 include space for the custodian to indicate which record will be
26 made available, when the record will be available, and the fees to be
27 charged. The form shall also include the following: (1) specific
28 directions and procedures for requesting a record; (2) a statement as
29 to whether prepayment of fees or a deposit is required; (3) the time
30 period within which the public agency is required by P.L.1963, c.73
31 (C.47:1A-1 et seq.) as amended and supplemented, to make the
32 record available; (4) a statement of the requestor's right to challenge
33 a decision by the public agency to deny access and the procedure
34 for filing an appeal; (5) space for the custodian to list reasons if a
35 request is denied in whole or in part; (6) space for the requestor to
36 sign and date the form; (7) space for the custodian to sign and date
37 the form if the request is fulfilled or denied. The custodian may
38 require a deposit against costs for reproducing documents sought
39 through an anonymous request whenever the custodian anticipates
40 that the information thus requested will cost in excess of \$5 to
41 reproduce.

42 g. A request for access to a government record shall be in
43 writing and hand-delivered, mailed, transmitted electronically, or
44 otherwise conveyed to the appropriate custodian. A custodian shall
45 promptly comply with a request to inspect, examine, copy, or
46 provide a copy of a government record. If the custodian is unable
47 to comply with a request for access, the custodian shall indicate the
48 specific basis therefor on the request form and promptly return it to

1 the requestor. The custodian shall sign and date the form and
2 provide the requestor with a copy thereof. If the custodian of a
3 government record asserts that part of a particular record is exempt
4 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
5 as amended and supplemented, the custodian shall delete or excise
6 from a copy of the record that portion which the custodian asserts is
7 exempt from access and shall promptly permit access to the
8 remainder of the record. If the government record requested is
9 temporarily unavailable because it is in use or in storage, the
10 custodian shall so advise the requestor and shall make arrangements
11 to promptly make available a copy of the record. If a request for
12 access to a government record would substantially disrupt agency
13 operations, the custodian may deny access to the record after
14 attempting to reach a reasonable solution with the requestor that
15 accommodates the interests of the requestor and the agency.

16 h. Any officer or employee of a public agency who receives a
17 request for access to a government record shall forward the request
18 to the custodian of the record or direct the requestor to the
19 custodian of the record.

20 i. (1) Unless a shorter time period is otherwise provided by
21 statute, regulation, or executive order, a custodian of a government
22 record shall grant access to a government record or deny a request
23 for access to a government record as soon as possible, but not later
24 than seven business days after receiving the request, provided that
25 the record is currently available and not in storage or archived. In
26 the event a custodian fails to respond within seven business days
27 after receiving a request, the failure to respond shall be deemed a
28 denial of the request, unless the requestor has elected not to provide
29 a name, address or telephone number, or other means of contacting
30 the requestor. If the requestor has elected not to provide a name,
31 address, or telephone number, or other means of contacting the
32 requestor, the custodian shall not be required to respond until the
33 requestor reappears before the custodian seeking a response to the
34 original request. If the government record is in storage or archived,
35 the requestor shall be so advised within seven business days after
36 the custodian receives the request. The requestor shall be advised
37 by the custodian when the record can be made available. If the
38 record is not made available by that time, access shall be deemed
39 denied.

40 (2) During a period declared pursuant to the laws of this State as
41 a state of emergency, public health emergency, or state of local
42 disaster emergency, the deadlines by which to respond to a request
43 for, or grant or deny access to, a government record under
44 paragraph (1) of this subsection or subsection e. of this section shall
45 not apply, provided, however, that the custodian of a government
46 record shall make a reasonable effort, as the circumstances permit,
47 to respond to a request for access to a government record within
48 seven business days or as soon as possible thereafter.

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

8 k. The files maintained by the Office of the Public Defender
9 that relate to the handling of any case shall be considered
10 confidential and shall not be open to inspection by any person
11 unless authorized by law, court order, or the State Public Defender.
12 (cf: P.L.2023, c.113, s.2)

13
14 4. Section 1 of P.L.2021, c.371 (C.47:1B-1) is amended to read
15 as follows:

16 1. a. As used in **【this act】**, P.L.2021, c.371 (C.47:1B-1 et al.),
17 as amended and supplemented:

18 "Authorized person" means a covered person or any of the
19 following persons hereby authorized to submit or revoke a request
20 for the redaction or nondisclosure of a home address on behalf of a
21 covered person:

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

28 (2) on behalf of any covered person who is deceased or
29 medically or psychologically incapacitated, a person acting on
30 behalf of the covered person as a designated trustee, as an estate
31 executor, or pursuant to a written power of attorney or other legal
32 instrument, provided that the person signs and submits the
33 affirmation required under subsection d. of section 2 of P.L.2021,
34 c.371 (C.47:1B-2) in the stead of the covered person; and

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

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

47 "Immediate family member" means a spouse, child, or parent of,
48 or any other family member related by blood or by law to, an active,

1 formerly active, or retired judicial officer, law enforcement officer,
2 **【or】** child protective investigator in the Division of Child
3 Protection and Permanency, or municipal court administrator, as
4 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
5 and who resides in the same household as the judicial officer, law
6 enforcement officer, child protective investigator in the Division of
7 Child Protection and Permanency, **【or】** prosecutor, or municipal
8 court administrator.

9 b. There is established in the Department of Community
10 Affairs an office to be known as the Office of Information Privacy.
11 The office shall be led by a director, who shall be appointed by and
12 serve at the pleasure of the Commissioner of Community Affairs
13 and who may hire staff as necessary.

14 c. The director shall establish:

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

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

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

28 (4) a process for the evaluation of any other exceptions to the
29 requirement for redaction or nondisclosure pursuant to section 2 of
30 P.L.2021, c.371 (C.47:1B-2), whether categorical or individualized.
31 The director may grant an exception to any person or entity for the
32 receipt of the unredacted records or information pursuant to this
33 process.

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

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

39 (2) The director may issue any guidance, guidelines, decisions,
40 or rules and regulations necessary to effectuate the purposes of this
41 act. The rules and regulations shall be effective immediately upon
42 filing with the Office of Administrative Law for a period not to
43 exceed 18 months, and shall, thereafter, be amended, adopted, or
44 readopted in accordance with the provisions of the "Administrative
45 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

46 (cf: P.L.2023, c.113, s.3)

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

3 2. a. An authorized person seeking the redaction or
4 nondisclosure of the home address of any covered person from
5 certain records and Internet postings consistent with section 2 of
6 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
7 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
8 request in accordance with section 1 of P.L.2021, c.371 (C.47:1B-1)
9 to the Office of Information Privacy through the secure portal
10 established by the office. The address shall only be subject to
11 redaction or nondisclosure if a request is submitted to and approved
12 by the Director of the Office of Information Privacy.

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

21 c. An immediate family member who has sought and received
22 approval under subsection a. of this section and who no longer
23 resides with the active, formerly active, or retired judicial officer,
24 law enforcement officer, child protective investigator in the
25 Division of Child Protection and Permanency, **[or]** prosecutor, or
26 municipal court administrator shall submit through the portal a
27 revocation request not later than 30 days from the date on which the
28 immediate family member no longer resided with the judicial
29 officer, law enforcement officer, child protective investigator in the
30 Division of Child Protection and Permanency, **[or]** prosecutor, or
31 municipal court administrator.

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

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

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

41 (3) the eligibility or requirements related to seeking or accepting
42 the nomination for election or election to public office, or the
43 appointment to any public position;

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

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

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

5 (cf: P.L.2023, c.113, s.4)

6
7 6. Section 3 of P.L.2015, c.225 (C.56:8-166.1) is amended to
8 read as follows:

9 3. a. (1) Upon notification pursuant to paragraph (2) of this
10 subsection, and not later than 10 business days following receipt
11 thereof, a person, business, or association shall not disclose or re-
12 disclose on the Internet or otherwise make available, the home
13 address or unpublished home telephone number of any covered
14 person, as defined in subsection d. of this section.

15 (2) An authorized person seeking to prohibit the disclosure of
16 the home address or unpublished home telephone number of any
17 covered person consistent with paragraph (1) of this subsection
18 shall provide written notice to the person from whom the authorized
19 person is seeking nondisclosure that the authorized person is an
20 authorized person and requesting that the person cease the
21 disclosure of the information and remove the protected information
22 from the Internet or where otherwise made available.

23 (3) An immediate family member who has provided notice
24 pursuant to paragraph (2) of this subsection and who no longer
25 resides with the judicial officer, law enforcement officer, child
26 protective investigator in the Division of Child Protection and
27 Permanency, **[or]** prosecutor, or municipal court administrator shall
28 provide notice to that effect to the person, business, or association
29 not later than 30 days from the date on which the immediate family
30 member no longer resided with the judicial officer, law enforcement
31 officer, child protective investigator in the Division of Child
32 Protection and Permanency, **[or]** prosecutor, or municipal court
33 administrator.

34 b. A person, business, or association that violates subsection a.
35 of this section shall be liable to the covered person or the covered
36 person's assignee, who may bring a civil action in the Superior
37 Court.

38 c. The court shall award:

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

41 (2) punitive damages upon proof of willful or reckless disregard
42 of the law;

43 (3) reasonable attorney's fees and other litigation costs
44 reasonably incurred; and

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

47 d. For the purposes of this section:

1 "Assignee" means a person or entity to whom or which an
2 authorized person has assigned, in writing, a covered person's right
3 to bring a civil action for a violation of subsection a. of this section.

4 "Authorized person" means a covered person or any of the
5 following persons hereby authorized to submit or revoke a request
6 for the redaction or nondisclosure of a home address on behalf of a
7 covered person:

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

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

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

19 "Covered person" means an active, formerly active, or retired
20 judicial officer, law enforcement officer, **[or]** child protective
21 investigator in the Division of Child Protection and Permanency, or
22 municipal court administrator, as those terms are defined by section
23 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor, and any
24 immediate family member residing in the same household as such
25 judicial officer, law enforcement officer, child protective
26 investigator in the Division of Child Protection and Permanency,
27 **[or]** prosecutor, or municipal court administrator.

28 "Disclose" shall mean to solicit, sell, manufacture, give, provide,
29 lend, trade, mail, deliver, transfer, post, publish, distribute,
30 circulate, disseminate, present, exhibit, advertise, or offer, and shall
31 include making available or viewable within a searchable list or
32 database, regardless of whether a search of such list or database is
33 actually performed.

34 "Home telephone number" means any telephone number used
35 primarily for personal communications, including a landline or
36 cellular telephone number.

37 "Immediate family member" means a spouse, child, or parent of,
38 or any other family member related by blood or by law to, an active,
39 formerly active, or retired judicial officer, law enforcement officer,
40 **[or]** child protective investigator in the Division of Child
41 Protection and Permanency, or municipal court administrator, as
42 those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-
43 1.1), or prosecutor and who resides in the same household as such
44 judicial officer, law enforcement officer, child protective
45 investigator in the Division of Child Protection and Permanency,
46 **[or]** prosecutor, or municipal court administrator.

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

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

7 e. This section shall not be construed to prohibit a person,
8 business, or association that has received information as unredacted
9 pursuant to the provisions of sections 1 through 3 of P.L.2021,
10 c.371 (C.47:1B-1 through C.47:1B-3) from making the information
11 available consistent with the purposes for which the person,
12 business, or association received the information. A person,
13 business, or association that uses or makes available the information
14 in a way that is inconsistent with the purposes for which the person,
15 business, or association received the information shall be liable as
16 provided pursuant to subsection c. of this section.

17 f. Nothing herein shall be construed to impose liability on the
18 news media for failure to remove information from previously
19 printed newspapers, and nothing herein shall be construed to impose
20 liability relating to telephone directories or directory assistance
21 unless the covered person has requested to be unpublished in the
22 directory and directory assistance by the applicable publication
23 deadline.

24 (cf: P.L.2023, c.113, s.6)

25

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

28 8. This act shall be liberally construed in order to accomplish
29 its purpose and the public policy of this State, which is to enhance
30 the safety and security of certain public officials in the justice
31 system, including judicial officers, law enforcement officers, child
32 protective investigators in the Division of Child Protection and
33 Permanency, **【and】** prosecutors, and municipal court
34 administrators, who serve or have served the people of New Jersey,
35 and the immediate family members of these individuals, to foster
36 the ability of these public servants who perform critical roles in the
37 justice system to carry out their official duties without fear of
38 personal reprisal from affected individuals related to the
39 performance of their public functions. For the purposes of this
40 section, "child protective investigator in the Division of Child
41 Protection and Permanency" and "municipal court administrator"
42 has the same meaning as is provided in section 1 of P.L.1995, c.23
43 (C.47:1A-1.1).

44 (cf: P.L.2023, c.113, s.7)

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46 8. This act shall take effect immediately.

STATEMENT

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This bill expands “Daniel’s Law,” P.L.2020, c.125 (C.56:8-166.2 et al.), to prohibit the disclosure of personal information of municipal court administrators.

The bill defines a municipal court administrator as a person employed by a county or municipality in accordance with subsection a. of N.J.S.A.2B:12-10 and includes an employee designated as an acting or deputy administrator in accordance with subsection b. of N.J.S.A.2B:12-10.

Currently, Daniel’s Law:

(1) prohibits the disclosure, by both governmental entities and private parties, of the home address of any active, formerly active, or retired federal, State, county, or municipal judicial officers, prosecutors, law enforcement officers, or child protective investigators and employees of the Department of Children and Families;

(2) prohibits disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers, child protective investigators and employees of the Department of Children and Families, as well as active, formerly active, or retired judicial officers or prosecutors; and

(3) permits criminal prosecution and statutory civil action concerning prohibited disclosures.

The bill expands the scope of Daniel’s Law to also include municipal court administrators and deputy administrators.