

SENATE, No. 4234

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 3, 2025

Sponsored by:

Senator BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Requires safeguards for anonymity and confidentiality with respect to communications presented through phone lines, electronic communication systems, or websites dedicated to accepting anonymous tips for use by law enforcement in criminal investigations.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning anonymous informants and tips related to
2 criminal investigations, and supplementing Title 2C of the New
3 Jersey Statutes.

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

7
8 1. a. Any governmental entity, including a law enforcement
9 agency, and any private entity that operates, or contracts or
10 coordinates with another party that operates a phone line, electronic
11 communications system, or website dedicated to accepting
12 anonymous tips for use by law enforcement in criminal
13 investigations, that are communicated aurally or through other
14 means by telephone, cellular telephone, wireless mobile device,
15 computer, or other electronic means shall utilize an electronic,
16 mechanical or other device, as defined in subsection d. of section 2
17 of P.L.1968, c.409 (C.2A:156A-2), or a computer program, as
18 defined in subsection e. of section 1 of P.L.1984, c.182 (C.2A:38A-
19 1), to encrypt the communication so that the identity of the
20 individual making the communication, the identifying information
21 concerning the means of communication, and the location of the
22 individual or means of communication, other than location within a
23 municipality, are not included in the information made available to
24 the investigating law enforcement agency. At the time of the
25 communication and thereafter, the operator of the phone line,
26 electronic communications system, or website, as well as the
27 investigating law enforcement agency, shall not request the
28 individual's identity, identifying information concerning the
29 individual's means of communication, or location information that
30 is more detailed than that provided with the communication as to
31 municipality; however, nothing herein shall be deemed to prohibit
32 the individual from volunteering any of this information to the
33 operator or law enforcement agency.

34 b. (1) Any communication described in subsection a. of this
35 section, and any report or information on that communication, if
36 made, maintained or kept on file by the operator of the phone line,
37 electronic communications system, or website, or by the
38 investigating law enforcement agency, shall not be deemed a public
39 record under P.L.1963, c.73 (C.47:1A-1 et seq.). Additionally, the
40 communication, and any report or information on that
41 communication shall not be subject to discovery or admissible in
42 evidence in any criminal or civil action or proceeding undertaken
43 by any governmental entity, private entity, or individual, except
44 upon a subpoena issued by a grand jury or a court order for a matter
45 concerning the crime or offense of false reports to law enforcement
46 pursuant to N.J.S.2C:28-4, false public alarms pursuant to
47 N.J.S.2C:33-3, or any other crime or offense committed by the
48 individual making the communication.

1 (2) The provisions of this subsection shall not be deemed to
2 prohibit an operator or law enforcement agency from disclosing the
3 number of anonymous tips for use by law enforcement in criminal
4 investigations that were received by a phone line, electronic
5 communications system, or website dedicated to accepting these
6 tips.

7 c. (1) An individual is guilty of a crime of the fourth degree if
8 that individual discloses to another, in violation of this section, any
9 communication described in subsection a. of this section, or any
10 report or information on that communication, or attempts to obtain
11 the communication, or report or information on that communication
12 with the intent of making a disclosure to another in violation of this
13 section.

14 (2) In addition, if the disclosing individual is a governmental
15 official, officer, or employee acting under color of law, then the
16 governmental entity for whom the individual is an official, officer,
17 or employee shall be liable, in a civil action, to the individual
18 whose anonymity or other information was disclosed, for damages
19 arising from the disclosure, or \$25,000, whichever amount is
20 greater, plus attorney's fees and costs. The fact that a prosecution
21 for a violation of paragraph (1) of this subsection is not instituted
22 or, whenever instituted, terminates without a conviction, shall not
23 preclude a civil action pursuant to this paragraph.

24
25 2. This act shall take effect on the first day of the fourth month
26 next following the date of enactment.
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29 STATEMENT

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31 This bill imposes safeguards to preserve anonymity and
32 confidentiality of anonymous tips that are used by law enforcement
33 in criminal investigations.

34 Specifically, the safeguards:

- 35 - require private or governmental entities that operate, or
36 coordinate with another party to operate, an anonymous tip system
37 to encrypt the communication to ensure that information made
38 available to the investigating law enforcement agency does not
39 include: the identity of the tipster; information concerning the
40 means of communication (such as a telephone number); and the
41 location of the individual or means of communication, other than
42 location within a municipality provided with the communication;
- 43 - prohibit the system operator and investigating law enforcement
44 agency from requesting information concerning: the identity of the
45 tipster; information concerning the means of communication; or
46 location information, other than location within a municipality;
- 47 - provide that any communication and any related report or
48 information that is maintained by the operator or law enforcement

1 agency is not deemed a public record under the State's Open Public
2 Records Act, P.L.1963, c.73 (C.47:1A-1 et seq.); and
3 - provide that any communication and related report or
4 information is not subject to discovery or admissible in evidence in
5 any criminal or civil action or proceeding, except upon a subpoena
6 issued by a grand jury, or a court order for a matter concerning a
7 false report to law enforcement pursuant to N.J.S.2C:28-4, false
8 public alarm pursuant to N.J.S.2C:33-3, or another offense
9 committed by the individual disclosing the information.
10 An individual who violates the bill's provisions by disclosing a
11 tipster's identity or other information is guilty of a crime of the
12 fourth degree. A crime of the fourth degree is punishable by a term
13 of imprisonment of up to 18 months, a fine of up to \$10,000, or
14 both. The bill also provides that if the disclosing individual is a
15 governmental official, officer, or employee acting under color of
16 law, the governmental entity is liable in a civil action to the
17 individual whose information was disclosed. The entity is
18 responsible for damages arising from the disclosure or \$25,000,
19 whichever amount is greater, in addition to attorney's fees and
20 costs.investigations.
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