

ASSEMBLY, No. 5631

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 15, 2026

Sponsored by:

Assemblywoman HEATHER SIMMONS

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Exempts law enforcement body worn camera recordings from disclosure under State's open public records law under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning law enforcement body worn camera recordings
2 and amending P.L.1995, c.23.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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

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

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

16 "Body worn camera" means a mobile video recording system
17 worn by a law enforcement officer.

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

25 "Commercial purpose" means the direct or indirect use of any
26 part of a government record for sale, resale, solicitation, rent, or
27 lease of a service or any use by which the user expects a profit
28 either through commission, salary, or fee. "Commercial purpose"
29 shall not include the use of a government record for any purpose by:

30 (1) the news media, or any parent company, subsidiary, or
31 affiliate of any news media, as defined by section 2 of P.L.1977,
32 c.253 (C.2A:84A-21a);

33 (2) any news, journalistic, educational, scientific, scholarly, or
34 governmental organization;

35 (3) any person authorized to act on behalf of a candidate
36 committee, joint candidate committee, political committee,
37 continuing political committee, political party committee, or
38 legislative leadership committee, as defined by section 3 of
39 P.L.1973, c.83 (C.19:44A-3), registered with the New Jersey
40 Election Law Enforcement Commission;

41 (4) any labor organization;

42 (5) any contractor signatory to a collective bargaining
43 agreement seeking information material to the enforcement of State
44 or federal statutes or regulations regarding, but not limited to, wage
45 and hour protections, workplace safety, or public procurement and

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 public bidding, including, but not limited to, requests for certified
2 payrolls or information about all bids submitted in response to a
3 public procurement process subsequent to the deadline for the
4 submission of all bids for that solicitation;

5 (6) any employee, agent, contractor, or affiliates of any entity
6 identified in paragraphs (1) through (5) of this definition in this
7 section; or

8 (7) any non-profit entity, including organizations or individuals
9 qualified for exemption from federal taxation pursuant to section
10 501(c)(3) of the federal Internal Revenue Code, 26 U.S.C.
11 s.501(c)(3) and section 501(c)(4) of the federal Internal Revenue
12 Code, 26 U.S.C. s.501(c)(4), when the entity does not sell, resell,
13 solicit, rent, or lease a government record to an unaffiliated third
14 party in a way in which the entity expects a fee.

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

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

21 "Custodian of a government record" or "custodian" means in the
22 case of a municipality, the municipal clerk and in the case of any
23 other public agency, the officer officially designated by formal
24 action of that agency's director or governing body, as the case may
25 be.

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

40 "Labor organization" means any organization which exists and is
41 constituted for the purpose, in whole or in part, of collective
42 bargaining, of dealing with employers concerning grievances, terms
43 or conditions of employment, or of other mutual aid or protection in
44 connection with employment.

45 A government record shall not include the following information
46 which is deemed to be confidential for the purposes of P.L.1963,
47 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 for use by a legal next of kin, a legal
19 representative, or an attending physician of the deceased person, for
20 use as a court of this State permits, or for use by any law
21 enforcement agency in this State or any other state or federal law
22 enforcement agency;

23 criminal investigatory records;

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

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

47 any written request by a crime victim for a record to which the
48 victim is entitled to access as provided in this section, including,

1 but not limited to, any law enforcement agency report, domestic
2 violence offense report, and temporary or permanent restraining
3 order;

4 personal firearms records, except for use by any person
5 authorized by law to have access to these records or for use by any
6 government agency, including any court or law enforcement
7 agency, for purposes of the administration of justice;

8 personal identifying information received by the Division of Fish
9 and Wildlife in the Department of Environmental Protection in
10 connection with the issuance of any license authorizing hunting
11 with a firearm;

12 trade secrets and proprietary commercial or financial information
13 obtained from any source. For the purposes of this paragraph, trade
14 secrets shall include software, applications, and code obtained by a
15 public body under a licensing agreement which prohibits its
16 disclosure;

17 any record within the attorney-client privilege. This paragraph
18 shall not be construed as exempting from access attorney or
19 consultant bills or invoices except that such bills or invoices may be
20 redacted to remove any information protected by the attorney-client
21 privilege;

22 administrative or technical information regarding computer
23 hardware, tablets, telephones, electronic computing devices,
24 software applications, and networks or devices which operate on or
25 as a part of a computer network or related technologies within the
26 same, which shall include system logs, event logs, transaction logs,
27 tracing logs, or any logs which are reasonably construed to be
28 similar to the same and generated by the devices or servers covered
29 within this paragraph, which, if disclosed, could jeopardize
30 computer security, or related technologies;

31 emergency or security information or procedures for any
32 buildings or facility which, if disclosed, would jeopardize security
33 of the building or facility or persons therein;

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

37 security alarm system activity and access reports, including
38 video footage, for any public building, facility, or grounds unless
39 the request identifies a specific incident that occurred, or a specific
40 date and limited time period at a particular public building, facility,
41 or grounds, and is deemed not to compromise the integrity of the
42 security system by revealing capabilities and vulnerabilities of the
43 system;

44 information which, if disclosed, would give an advantage to
45 competitors or bidders, including detailed or itemized cost estimates
46 prior to bid opening;

47 information generated by or on behalf of public employers or
48 public employees in connection with any sexual harassment

1 complaint filed with a public employer or with any grievance filed
2 by or against an individual or in connection with collective
3 negotiations, including documents and statements of strategy or
4 negotiating position;
5 information which is a communication between a public agency
6 and its insurance carrier, administrative service organization or risk
7 management office;
8 information which is to be kept confidential pursuant to court
9 order;
10 any copy of form DD-214, NGB-22, or that form, issued by the
11 United States Government, or any other certificate of honorable
12 discharge, or copy thereof, from active service or the reserves of a
13 branch of the Armed Forces of the United States, or from service in
14 the organized militia of the State, that has been filed by an
15 individual with a public agency, except that a veteran or the
16 veteran's spouse or surviving spouse shall have access to the
17 veteran's own records;
18 any copy of an oath of allegiance, oath of office or any
19 affirmation taken upon assuming the duties of any public office, or
20 that oath or affirmation, taken by a current or former officer or
21 employee in any public office or position in this State or in any
22 county or municipality of this State, including members of the
23 Legislative Branch, Executive Branch, Judicial Branch, and all law
24 enforcement entities, except that the full name, title, and oath date
25 of that person contained therein shall not be deemed confidential;
26 that portion of any document which discloses the social security
27 number, credit card number, debit card number, bank account
28 information, month and day of birth, any personal email address
29 required by a public agency for government applications, services,
30 or programs, any telephone number or driver license number of any
31 person, or, in accordance with section 2 of P.L.2021, c.371
32 (C.47:1B-2), that portion of any document which discloses the
33 home address, whether a primary or secondary residence, of any
34 active, formerly active, or retired judicial officer, law enforcement
35 officer, child protective investigator in the Division of Child
36 Protection and Permanency, or prosecutor, or, as defined in section
37 1 of P.L.2021, c.371 (C.47:1B-1), any immediate family member
38 thereof; except for use by any government agency, including any
39 court or law enforcement agency, in carrying out its functions, or
40 any private person or entity acting on behalf thereof, or any private
41 person or entity seeking to enforce payment of court-ordered child
42 support; except with respect to the disclosure of driver information
43 by the New Jersey Motor Vehicle Commission as permitted by
44 section 2 of P.L.1997, c.188 (C.39:2-3.4); except with respect to the
45 disclosure of information included in records and documents
46 maintained by the Department of the Treasury in connection with
47 the State's business registry programs; and except that a social
48 security number contained in a record required by law to be made,

1 maintained or kept on file by a public agency shall be disclosed
2 when access to the document or disclosure of that information is not
3 otherwise prohibited by State or federal law, regulation or order or
4 by State statute, resolution of either or both houses of the
5 Legislature, Executive Order of the Governor, rule of court or
6 regulation promulgated under the authority of any statute or
7 executive order of the Governor;

8 that portion of any document that discloses the personal
9 identifying information of any person provided to a public agency
10 for the sole purpose of receiving official notifications;

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

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) and their personal identifying information;

20 that portion of any document that requires and would disclose
21 personal identifying information of persons under the age of 18
22 years, except with respect to the disclosure of driver information by
23 the New Jersey Motor Vehicle Commission as permitted by section
24 2 of P.L.1997, c.188 (C.39:2-3.4) or the disclosure of driver
25 information to any insurer or insurance support organization, or a
26 self-insured entity, or its agents, employees, or contractors, for use
27 in connection with claims investigation activities, antifraud
28 activities, rating, or underwriting, and except with respect to the
29 disclosure of voter information on voter and election records
30 pursuant to section 8 of P.L.2024, c.16 (C.47:1A-5.3);

31 personal identifying information disclosed on domestic animal
32 permits, licenses, and registration;

33 structured reference data that helps to sort and identify attributes
34 of the information it describes, referred to as metadata, or any
35 extrapolation or compilation thereof, which shall include the SMTP
36 header properties of emails, except that portion that identifies
37 authorship, identity of editor, and time of change;

38 New Jersey State Firemen's Association financial relief
39 applications;

40 owner and maintenance manuals;

41 data classified under the "Health Insurance Portability and
42 Accountability Act of 1996," Pub.L.104-191; **[and]**

43 any indecent or graphic images of a person's intimate parts, as
44 defined in section 10 of P.L.2024, c.16 (C.47:1A-5.2), that are
45 captured in a photograph or video recording without the prior
46 written consent of the subject of the photograph or video footage, as
47 defined in section 10 of P.L.2024, c.16 (C.47:1A-5.2); and

1 any body worn camera recording that is requested for a
2 commercial purpose.

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

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

17 test questions, scoring keys and other examination data
18 pertaining to the administration of an examination for employment
19 or academic examination;

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

26 valuable or rare collections of books or documents obtained by
27 gift, grant, bequest or devise conditioned upon limited public
28 access;

29 information contained on individual admission applications; and
30 information concerning student records or grievance or
31 disciplinary proceedings against a student to the extent disclosure
32 would reveal the identity of the student.

33 Nothing in this section shall be construed to limit the
34 requirements to provide and make publicly available the
35 information pursuant to section 5 of P.L.1963, c.150 (C.34:11-
36 56.29) and section 5 of P.L.1999, c.238 (C.34:11-56.52).

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

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

35 "Victim of a crime" means a person who has suffered personal or
36 psychological injury or death or incurs loss of or injury to personal
37 or real property as a result of a crime, or if such a person is
38 deceased or incapacitated, a member of that person's immediate
39 family.

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

44 "Victims' rights agency" means a public agency, or part thereof,
45 the primary responsibility of which is providing services, including,
46 but not limited to, food, shelter, or clothing, medical, psychiatric,
47 psychological or legal services or referrals, information and referral
48 services, counseling and support services, or financial services to

1 victims of crimes, including victims of sexual assault, domestic
2 violence, violent crime, child endangerment, child abuse or child
3 neglect, and the Victims of Crime Compensation Board, established
4 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
5 the Victims of Crime Compensation Office pursuant to P.L.2007,
6 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

7 As used in this section, "personal identifying information" means
8 information that may be used, alone or in conjunction with any
9 other information, to identify a specific individual. Personal
10 identifying information shall include, but shall not be limited to, the
11 following data elements: name, social security number, credit card
12 number, debit card number, bank account information, month and
13 day of birth, any personal email address required by a public agency
14 for government applications, services, or programs, personal
15 telephone number, the street address portion of any person's
16 primary or secondary home address, or driver license number of any
17 person. "Personal identifying information" shall not include any
18 street address, mailing address, email address, or telephone number
19 of a public agency. "Personal identifying information" shall not
20 include the email address of a governmental affairs agent.

21 (cf: P.L.2024, c.16, s.1)

22
23 2. This act shall take effect immediately.

24 25 26 STATEMENT

27
28 This bill exempts law enforcement body worn camera recordings
29 from disclosure under the State's open public records act (OPRA) if
30 the recording was requested for a commercial purpose.

31 Under current law, "commercial purpose" is defined as the direct
32 or indirect use of any part of a government record for sale, resale,
33 solicitation, rent, or lease of a service or any use by which the user
34 expects a profit either through commission, salary, or fee. In
35 addition to certain other exceptions, "commercial purpose" does not
36 include the use of a government record for any purpose by the news
37 media, or any parent company, subsidiary, or affiliate of any news
38 media, as defined under current law or any news, journalistic,
39 educational, scientific, scholarly, or governmental organization.