ASSEMBLY, No. 5815

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED NOVEMBER 16, 2026

Sponsored by:
Assemblywoman DAWN FANTASIA
District 24 (Morris, Sussex and Warren)

SYNOPSIS

Redefines covered person under Daniel's Law protection to include persons employed in other states.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning privacy protection for certain persons and amending P.L. 2021, c.371 and P.L.2015, c.226.

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

1. Section 1 of P.L. 2020, c.371 (C.47:1B-1) is amended to read as follows:

1. a. As used in this act, P.L.2021, c.371 (C.47:1B-1 et al.):

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

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

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

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

"Covered person" means an active, formerly active, or retired judicial officer, law enforcement officer, or child protective investigator in the Division of Child Protection and Permanency, as those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor, and any immediate family member residing in the same household as the judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor<u>, whether the person attained that status, or a substantially equivalent status, in this State or in any other state</u>.

"Immediate family member" means a spouse, child, or parent of, or any other family member related by blood or by law to, an active, formerly active, or retired judicial officer, law enforcement officer, or child protective investigator in the Division of Child Protection and Permanency, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and who resides in the same household

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 <u>thus</u> is new matter.

as the judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor.

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

c. The director shall establish:

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

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

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

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

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

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

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

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

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

1. a. For the purposes of this section:

"Authorized person" means a covered person or any of the following persons hereby authorized to submit or revoke a request for the redaction or nondisclosure of a home address or unpublished

telephone number on behalf of a covered person pursuant to subsection c. of this section:

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

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

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

"Covered person" means an active, formerly active, or retired judicial officer, law enforcement officer, or child protective investigator in the Division of Child Protection and Permanency, as those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and any immediate family member residing in the same household as the judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor<u>, whether the person attained that status, or a substantially equivalent status, in this State or in any other state</u>.

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

"Immediate family member" means a spouse, child, or parent of, or any other family member related by blood or by law to, an active, formerly active, or retired judicial officer, law enforcement officer, or child protective investigator in the Division of Child Protection and Permanency, as those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and who resides in the same household as the judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor.

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

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

b. Upon notification pursuant to subsection c. of this section, and not later than 10 business days after receipt thereof, a person shall not knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of such exposure, post, repost, publish, or republish on the Internet, or otherwise make available, the home address or

unpublished home telephone number of any covered person, except in compliance with any court order, law enforcement investigation, or request by a government agency or person duly acting on behalf of the agency.

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

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

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

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

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

3. a. Section 3 of P.L.2015 c.226 (C.56:8-166.1) is amended to read as follows:

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

(2) An authorized person seeking to prohibit the disclosure of the home address or unpublished home telephone number of any covered person consistent with paragraph (1) of this subsection shall provide written notice to the person from whom the authorized person is seeking nondisclosure that the authorized person is an

authorized person and requesting that the person cease the disclosure of the information and remove the protected information from the Internet or where otherwise made available.

(3) An immediate family member who has provided notice pursuant to paragraph (2) of this subsection and who no longer resides with the judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor shall provide notice to that effect to the person, business, or association not later than 30 days from the date on which the immediate family member no longer resided with the judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor.

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

c. The court shall award:

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

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

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

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

d. For the purposes of this section:

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

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

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

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

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

"Covered person" means an active, formerly active, or retired judicial officer, law enforcement officer, or child protective investigator in the Division of Child Protection and Permanency, as

those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor, and any immediate family member residing in the same household as such judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor, whether the person attained that status, or a substantially equivalent status, in this State or in any other state.

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

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

"Immediate family member" means a spouse, child, or parent of, or any other family member related by blood or by law to, an active, formerly active, or retired judicial officer, law enforcement officer, or child protective investigator in the Division of Child Protection and Permanency, as those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor and who resides in the same household as such judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor.

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

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

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

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

directory and directory assistance by the applicable publication deadline.
(cf: P.L.2023, c.113, s.6)

4. This act shall take effect immediately.

STATEMENT

Currently, various public officials in the criminal and civil justice systems for this State and for the federal government, are covered under "Daniel's Law," P.L.2020, c.125 (C.56:8-166.2 et al.). Daniel's Law: (1) prohibits the disclosure, by both governmental entities and private parties, of the home addresses of any covered person; (2) expands an existing crime concerning the disclosure of home addresses and unlisted telephone numbers of covered persons; and (3) permits criminal prosecutions and statutory civil actions concerning any prohibited disclosure. "Covered persons" includes active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer.

This bill expands the definition of covered persons under Daniel's Law to include persons who attained the status as a covered person, whether in this State or in any other state. Thus, a law enforcement officer who qualified as a law enforcement officer or as a covered person in any other state, could qualify for the privacy protection under Daniel's Law.

Under Daniel's Law, a failure to comply with a request to cease disclosure and removal of information of a covered person would subject the person, business, or association to possible criminal penalties for committing a third degree crime (punishable by three to five years' imprisonment; a fine of up to $15,000; or both) or fourth degree crime (up to 18 months' imprisonment; a fine of up to $10,000; or both), or civil penalties (including either liquid damages of $1,000 for each violation, or actual damages if greater).

It is the intention of the sponsor to ensure that the privacy protections for a "covered person" under Daniel's Law shall apply, regardless of where that status, or a substantially similar status, was obtained.