

[First Reprint]

SENATE, No. 3125

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

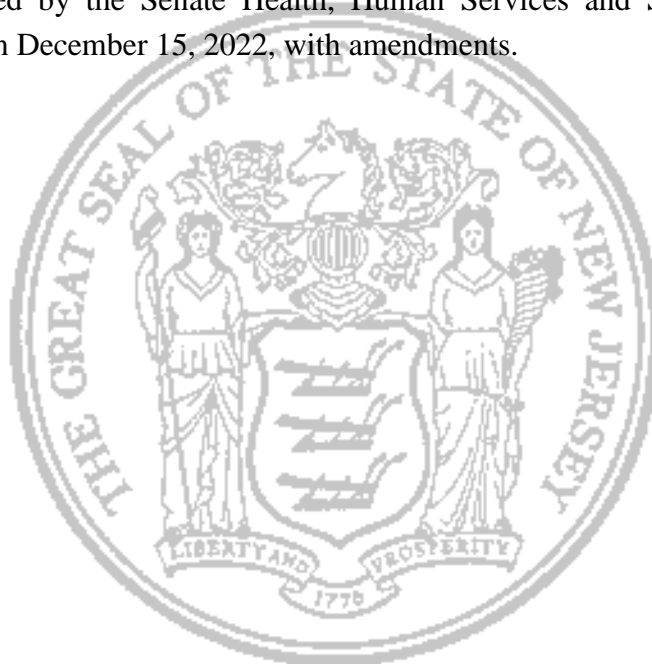
Senators Diegnan, Codey, Durr and Greenstein

SYNOPSIS

Expands “Daniel’s Law” to prohibit disclosure of personal information concerning child protective investigators.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on December 15, 2022, with amendments.



(Sponsorship Updated As Of: 2/2/2023)

1 AN ACT prohibiting disclosure of personal information with respect
 2 to child protective investigators and amending various parts of
 3 the 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.1995, c.23 (C.47:1A-1.1) is amended to read
 9 as follows:

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

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

17 ¹"Child protective investigator in the Division of Child Protection
 18 and Permanency" means an employee of the Division of Child
 19 Protection and Permanency in the Department of Children and
 20 Families whose primary duty is to investigate reports of child abuse
 21 and neglect, or a representative of the Office of the Public Defender
 22 acting as the division's agent.

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

25 "Criminal investigatory record" means a record which is not
 26 required by law to be made, maintained or kept on file that is held by a
 27 law enforcement agency which pertains to any criminal investigation
 28 or related civil enforcement proceeding.¹

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

33 "Government record" or "record" means any paper, written or
 34 printed book, document, drawing, map, plan, photograph, microfilm,
 35 data processed or image processed document, information stored or
 36 maintained electronically or by sound-recording or in a similar device,
 37 or any copy thereof, that has been made, maintained or kept on file in
 38 the course of his or its official business by any officer, commission,
 39 agency or authority of the State or of any political subdivision thereof,
 40 including subordinate boards thereof, or that has been received in the
 41 course of his or its official business by any such officer, commission,
 42 agency, or 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.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted December 15, 2022.

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

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

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

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

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

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

29 for use in the field of forensic pathology or for use in medical or
30 scientific education or research, or

31 for use by any law enforcement agency in this State or any other
32 state or federal law enforcement agency;

33 criminal investigatory records;

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

1 disposition of marijuana or hashish in violation of paragraph (3) or (4)
2 of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10,
3 or for a violation of any of those provisions and a violation of
4 N.J.S.2C:36-2 for using or possessing with intent to use drug
5 paraphernalia with that marijuana or hashish;

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

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

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

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

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

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

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

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

38 security measures and surveillance techniques which, if disclosed,
39 would create a risk to the safety of persons, property, electronic data or
40 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 complaint
45 filed with a public employer or with any grievance filed by or against
46 an individual or in connection with collective negotiations, including
47 documents and statements of strategy or 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 the
10 organized militia of the State, that has been filed by an individual with
11 a public agency, except that a veteran or the veteran's spouse or
12 surviving spouse shall have access to the veteran's own records;

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

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

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

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

3 a list of persons identifying themselves as being in need of special
4 assistance in the event of an emergency maintained by a county for
5 public safety purposes pursuant to section 6 of P.L.2011, c.178
6 (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 the
11 specific details of any research project conducted under the auspices of
12 a public higher education institution in New Jersey, including, but not
13 limited to, research, development information, testing procedures, or
14 information regarding test participants, related to the development or
15 testing of any pharmaceutical or pharmaceutical delivery system,
16 except that a custodian may not deny inspection of a government
17 record or part thereof that gives the name, title, expenditures, source
18 and amounts of funding and date when the final project summary of
19 any research will be available;

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

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

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

31 information contained on individual admission applications; and

32 information concerning student records or grievance or
33 disciplinary proceedings against a student to the extent disclosure
34 would reveal the identity of the student.

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

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

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

47 "Member of the Legislature" means any person elected or selected
48 to serve in the New Jersey Senate or General Assembly.¹

1 "Personal firearms record" means any information contained in a
2 background investigation conducted by the chief of police, the county
3 prosecutor, or the Superintendent of State Police, of any applicant for a
4 permit to purchase a handgun, firearms identification card license, or
5 firearms registration; any application for a permit to purchase a
6 handgun, firearms identification card license, or firearms registration;
7 any document reflecting the issuance or denial of a permit to purchase
8 a handgun, firearms identification card license, or firearms
9 registration; and any permit to purchase a handgun, firearms
10 identification card license, or any firearms license, certification,
11 certificate, form of register, or registration statement. For the purposes
12 of this paragraph, information contained in a background investigation
13 shall include, but not be limited to, identity, name, address, social
14 security number, phone number, fax number, driver's license number,
15 email address, ¹or¹ social media address of any applicant, licensee,
16 registrant or permit holder.

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

30 ¹["Law enforcement agency" means a public agency, or part
31 thereof, determined by the Attorney General to have law enforcement
32 responsibilities.

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

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

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

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

46 "Criminal investigatory record" means a record which is not
47 required by law to be made, maintained or kept on file that is held by a

1 law enforcement agency which pertains to any criminal investigation
2 or related civil enforcement proceeding.

3 "Victim's record" means an individually-identifiable file or
4 document held by a victims' rights agency which pertains directly to a
5 victim of a crime except that a victim of a crime shall have access to
6 the victim's own records.】¹

7 "Victim of a crime" means a person who has suffered personal or
8 psychological injury or death or incurs loss of or injury to personal or
9 real property as a result of a crime, or if such a person is deceased or
10 incapacitated, a member of that person's immediate family.

11 ¹"Victim's record" means an individually-identifiable file or
12 document held by a victims' rights agency which pertains directly to a
13 victim of a crime except that a victim of a crime shall have access to
14 the victim's own records.¹

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

26 ¹["Division" means the Division of Child Protection and
27 Permanency in the Department of Children and Families.

28 "Child protective investigator in the Division of Child Protection
29 and Permanency" means an employee at the division whose primary
30 duty is to investigate reports of child abuse and neglect; the term shall
31 include a representative of the Office of the Public Defender acting as
32 the division's agent.】¹

33 (cf: P.L.2021, c.371, s.10)

34
35 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read as
36 follows:

37 6. a. The custodian of a government record shall permit the
38 record to be inspected, examined, and copied by any person during
39 regular business hours; or in the case of a municipality having a
40 population of 5,000 or fewer according to the most recent federal
41 decennial census, a board of education having a total district
42 enrollment of 500 or fewer, or a public authority having less than \$10
43 million in assets, during not less than six regular business hours over
44 not less than three business days per week or the entity's regularly-
45 scheduled business hours, whichever is less; unless a government
46 record is exempt from public access by: P.L.1963, c.73 (C.47:1A-1 et
47 seq.) as amended and supplemented; any other statute; resolution of

1 either or both houses of the Legislature; regulation promulgated under
2 the authority of any statute or Executive Order of the Governor;
3 Executive Order of the Governor; Rules of Court; any federal law;
4 federal regulation; or federal order. Prior to allowing access to any
5 government record, the custodian thereof shall redact from that record
6 any information which discloses the social security number, credit card
7 number, unlisted telephone number, or driver license number of any
8 person, or, in accordance with section 2 of P.L.2021, c.371 (C.47:1B-
9 2), the home address, whether a primary or secondary residence, of
10 any active, formerly active, or retired judicial officer, prosecutor, **[or]**
11 law enforcement officer, or child protective investigator in the
12 Division of Child Protection and Permanency ¹**[in the Department of**
13 **Children and Families]**¹, or, as defined in section 1 of P.L.2021,
14 c.371 (C.47:1B-1), any immediate family member thereof; except for
15 use by any government agency, including any court or law
16 enforcement agency, in carrying out its functions, or any private
17 person or entity acting on behalf thereof, or any private person or
18 entity seeking to enforce payment of court-ordered child support;
19 except with respect to the disclosure of driver information by the New
20 Jersey Motor Vehicle Commission as permitted by section 2 of
21 P.L.1997, c.188 (C.39:2-3.4); and except that a social security number
22 contained in a record required by law to be made, maintained or kept
23 on file by a public agency shall be disclosed when access to the
24 document or disclosure of that information is not otherwise prohibited
25 by State or federal law, regulation or order or by State statute,
26 resolution of either or both houses of the Legislature, Executive Order
27 of the Governor, rule of court or regulation promulgated under the
28 authority of any statute or executive order of the Governor. Except
29 where an agency can demonstrate an emergent need, a regulation that
30 limits access to government records shall not be retroactive in effect or
31 applied to deny a request for access to a government record that is
32 pending before the agency, the council or a court at the time of the
33 adoption of the regulation.

34 b. (1) A copy or copies of a government record may be
35 purchased by any person upon payment of the fee prescribed by law or
36 regulation. Except as otherwise provided by law or regulation and
37 except as provided in paragraph (2) of this subsection, the fee assessed
38 for the duplication of a government record embodied in the form of
39 printed matter shall be \$0.05 per letter size page or smaller, and \$0.07
40 per legal size page or larger. If a public agency can demonstrate that
41 its actual costs for duplication of a government record exceed the
42 foregoing rates, the public agency shall be permitted to charge the
43 actual cost of duplicating the record. The actual cost of duplicating the
44 record, upon which all copy fees are based, shall be the cost of
45 materials and supplies used to make a copy of the record, but shall not
46 include the cost of labor or other overhead expenses associated with
47 making the copy except as provided for in subsection c. of this section.
48 Access to electronic records and non-printed materials shall be

1 provided free of charge, but the public agency may charge for the
2 actual costs of any needed supplies such as computer discs.

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

6 c. Whenever the nature, format, manner of collation, or volume of
7 a government record embodied in the form of printed matter to be
8 inspected, examined, or copied pursuant to this section is such that the
9 record cannot be reproduced by ordinary document copying equipment
10 in ordinary business size or involves an extraordinary expenditure of
11 time and effort to accommodate the request, the public agency may
12 charge, in addition to the actual cost of duplicating the record, a
13 special service charge that shall be reasonable and shall be based upon
14 the actual direct cost of providing the copy or copies; provided,
15 however, that in the case of a municipality, rates for the duplication of
16 particular records when the actual cost of copying exceeds the
17 foregoing rates shall be established in advance by ordinance. The
18 requestor shall have the opportunity to review and object to the charge
19 prior to it being incurred.

20 d. A custodian shall permit access to a government record and
21 provide a copy thereof in the medium requested if the public agency
22 maintains the record in that medium. If the public agency does not
23 maintain the record in the medium requested, the custodian shall either
24 convert the record to the medium requested or provide a copy in some
25 other meaningful medium. If a request is for a record: (1) in a
26 medium not routinely used by the agency; (2) not routinely developed
27 or maintained by an agency; or (3) requiring a substantial amount of
28 manipulation or programming of information technology, the agency
29 may charge, in addition to the actual cost of duplication, a special
30 charge that shall be reasonable and shall be based on the cost for any
31 extensive use of information technology, or for the labor cost of
32 personnel providing the service, that is actually incurred by the agency
33 or attributable to the agency for the programming, clerical, and
34 supervisory assistance required, or both.

35 e. Immediate access ordinarily shall be granted to budgets, bills,
36 vouchers, contracts, including collective negotiations agreements and
37 individual employment contracts, and public employee salary and
38 overtime information.

39 f. The custodian of a public agency shall adopt a form for the use
40 of any person who requests access to a government record held or
41 controlled by the public agency. The form shall provide space for the
42 name, address, and phone number of the requestor and a brief
43 description of the government record sought. The form shall include
44 space for the custodian to indicate which record will be made
45 available, when the record will be available, and the fees to be
46 charged. The form shall also include the following: (1) specific
47 directions and procedures for requesting a record; (2) a statement as to
48 whether prepayment of fees or a deposit is required; (3) the time

1 period within which the public agency is required by P.L.1963, c.73
2 (C.47:1A-1 et seq.) as amended and supplemented, to make the record
3 available; (4) a statement of the requestor's right to challenge a
4 decision by the public agency to deny access and the procedure for
5 filing an appeal; (5) space for the custodian to list reasons if a request
6 is denied in whole or in part; (6) space for the requestor to sign and
7 date the form; (7) space for the custodian to sign and date the form if
8 the request is fulfilled or denied. The custodian may require a deposit
9 against costs for reproducing documents sought through an anonymous
10 request whenever the custodian anticipates that the information thus
11 requested will cost in excess of \$5 to reproduce.

12 g. A request for access to a government record shall be in writing
13 and hand-delivered, mailed, transmitted electronically, or otherwise
14 conveyed to the appropriate custodian. A custodian shall promptly
15 comply with a request to inspect, examine, copy, or provide a copy of
16 a government record. If the custodian is unable to comply with a
17 request for access, the custodian shall indicate the specific basis
18 therefor on the request form and promptly return it to the requestor.
19 The custodian shall sign and date the form and provide the requestor
20 with a copy thereof. If the custodian of a government record asserts
21 that part of a particular record is exempt from public access pursuant
22 to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented,
23 the custodian shall delete or excise from a copy of the record that
24 portion which the custodian asserts is exempt from access and shall
25 promptly permit access to the remainder of the record. If the
26 government record requested is temporarily unavailable because it is
27 in use or in storage, the custodian shall so advise the requestor and
28 shall make arrangements to promptly make available a copy of the
29 record. If a request for access to a government record would
30 substantially disrupt agency operations, the custodian may deny access
31 to the record after attempting to reach a reasonable solution with the
32 requestor that accommodates the interests of the requestor and the
33 agency.

34 h. Any officer or employee of a public agency who receives a
35 request for access to a government record shall forward the request to
36 the custodian of the record or direct the requestor to the custodian of
37 the record.

38 i. (1) Unless a shorter time period is otherwise provided by
39 statute, regulation, or executive order, a custodian of a government
40 record shall grant access to a government record or deny a request for
41 access to a government record as soon as possible, but not later than
42 seven business days after receiving the request, provided that the
43 record is currently available and not in storage or archived. In the
44 event a custodian fails to respond within seven business days after
45 receiving a request, the failure to respond shall be deemed a denial of
46 the request, unless the requestor has elected not to provide a name,
47 address or telephone number, or other means of contacting the
48 requestor. If the requestor has elected not to provide a name, address,

1 or telephone number, or other means of contacting the requestor, the
2 custodian shall not be required to respond until the requestor reappears
3 before the custodian seeking a response to the original request. If the
4 government record is in storage or archived, the requestor shall be so
5 advised within seven business days after the custodian receives the
6 request. The requestor shall be advised by the custodian when the
7 record can be made available. If the record is not made available by
8 that time, access shall be deemed denied.

9 (2) During a period declared pursuant to the laws of this State as a
10 state of emergency, public health emergency, or state of local disaster
11 emergency, the deadlines by which to respond to a request for, or grant
12 or deny access to, a government record under paragraph (1) of this
13 subsection or subsection e. of this section shall not apply, provided,
14 however, that the custodian of a government record shall make a
15 reasonable effort, as the circumstances permit, to respond to a request
16 for access to a government record within seven business days or as
17 soon as possible thereafter.

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

25 k. The files maintained by the Office of the Public Defender that
26 relate to the handling of any case shall be considered confidential and
27 shall not be open to inspection by any person unless authorized by law,
28 court order, or the State Public Defender.

29 (cf: P.L.2021, c.371, s.11)

30
31 3. Section 1 of P.L.2021, c.371 (C.47:1B-1) is amended to read as
32 follows:

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

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

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

43 (2) on behalf of any covered person who is deceased or medically
44 or psychologically incapacitated, a person acting on behalf of the
45 covered person as a designated trustee, as an estate executor, or
46 pursuant to a written power of attorney or other legal instrument,
47 provided that the person signs and submits the affirmation required

1 under subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2) in the
2 stead of the covered person; and

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

6 "Covered person" means an active, formerly active, or retired
7 judicial officer, ¹**or**¹ law enforcement officer, or child protective
8 investigator in the Division of Child Protection and Permanency ¹**in**
9 the Department of Children and Families¹, as those terms are defined
10 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor ¹, ¹ and any
11 immediate family member residing in the same household as the
12 judicial officer, law enforcement officer, child protective investigator
13 in the Division of Child Protection and Permanency ¹**in** the
14 Department of Children and Families¹, or prosecutor.

15 "Immediate family member" means a spouse, child, or parent of, or
16 any other family member related by blood or by law to, an active,
17 formerly active, or retired judicial officer, ¹**or**¹ law enforcement
18 officer, or child protective investigator in the Division of Child
19 Protection and Permanency ¹**in** the Department of Children and
20 Families¹, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),
21 or prosecutor ¹, ¹ and who resides in the same household as the judicial
22 officer, law enforcement officer, child protective investigator in the
23 Division of Child Protection and Permanency ¹**in** the Department of
24 Children and Families¹, or prosecutor.

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

30 c. The director shall establish:

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

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

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

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

1 receipt of the unredacted records or information pursuant to this
2 process.

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

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

8 (2) The director may issue any guidance, guidelines, decisions, or
9 rules and regulations necessary to effectuate the purposes of this act.
10 The rules and regulations shall be effective immediately upon filing
11 with the Office of Administrative Law for a period not to exceed 18
12 months, and shall, thereafter, be amended, adopted, or readopted in
13 accordance with the provisions of the "Administrative Procedure Act,"
14 P.L.1968, c.410 (C.52:14B-1 et seq.).
15 (cf: P.L.2021, c.371, s.1)
16

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

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

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

37 c. An immediate family member who has sought and received
38 approval under subsection a. of this section and who no longer resides
39 with the active, formerly active, or retired judicial officer,
40 ¹prosecutor,¹ or ¹law enforcement officer, ¹or ¹child protective
41 investigator in the Division of Child Protection and Permanency ¹in
42 the Department of Children and Families] , or prosecutor¹ , shall
43 submit through the portal a revocation request not later than 30 days
44 from the date on which the immediate family member no longer
45 resided with the judicial officer, ¹prosecutor, or¹ law enforcement
46 officer ¹, child protective investigator in the Division of Child
47 Protection and Permanency, or prosecutor¹ .

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

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

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

10 (3) the eligibility or requirements related to seeking or accepting
11 the nomination for election or election to public office, or the
12 appointment to any public position;

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

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

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

22 (cf: P.L.2021, c.371, s.2)

23
24 5. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
25 read as follows:

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

27 "Authorized person" means a covered person or any of the
28 following persons hereby authorized to submit or revoke a request for
29 the redaction or nondisclosure of a home address or unpublished
30 telephone number on behalf of a covered person pursuant to subsection
31 c. of this section:

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

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

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

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

1 in the Division of Child Protection and Permanency ¹["in the
2 Department of Children and Families"]¹, or prosecutor.

3 ¹"Home telephone number" means any telephone number used
4 primarily for personal communications, including a landline or cellular
5 telephone number.¹

6 "Immediate family member" means a spouse, child, or parent of, or
7 any other family member related by blood or by law to, an active,
8 formerly active, or retired judicial officer, ¹["or"]¹ law enforcement
9 officer, or child protective investigator in the Division of Child
10 Protection and Permanency ¹["in the Department of Children and
11 Families"]¹, as those terms are defined by section 1 of P.L.1995, c.23
12 (C.47:1A-1.1), or prosecutor ¹,¹ and who resides in the same
13 household as the judicial officer, law enforcement officer, child
14 protective investigator in the Division of Child Protection and
15 Permanency ¹["in the Department of Children and Families"]¹, or
16 prosecutor.

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

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

23 b. Upon notification pursuant to subsection c. of this section, and
24 not later than 10 business days after receipt thereof, a person shall not
25 knowingly, with purpose to expose another to harassment or risk of
26 harm to life or property, or in reckless disregard of the probability of
27 such exposure, post, repost, publish, or republish on the Internet, or
28 otherwise make available, the home address or unpublished home
29 telephone number of any covered person, except in compliance with
30 any court order, law enforcement investigation, or request by a
31 government agency or person duly acting on behalf of the agency.

32 c. An authorized person, as defined in subsection a. of this
33 section, seeking to prohibit the disclosure of the home address or
34 unpublished home telephone number of any covered person consistent
35 with subsection b. of this section shall provide written notice to the
36 person from whom ¹["they are"] the authorized person is¹ seeking
37 nondisclosure that ¹["they are"] the authorized person is¹ an authorized
38 person and requesting that such person cease the disclosure of such
39 information and remove the protected information from the Internet or
40 where otherwise made available.

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

44 e. This section shall not be construed to prohibit a person,
45 business, or association ¹["who"] that¹ has received information as
46 unredacted pursuant to the provisions of sections 1 through 3 of
47 P.L.2021, c.371 (C.47:1B-1 through C.47:1B-3) from making the

1 information available consistent with the purposes for which the
2 person, business, or association received the information. A person,
3 business, or association that uses or makes available the information in
4 a way that is inconsistent with the purposes for which the person,
5 business, or association received the information shall be liable as
6 provided pursuant to subsection d. of this section.

7 f. Nothing herein shall be construed to impose liability on the
8 news media for failure to remove information from previously printed
9 newspapers ¹['. As used in this subsection, "news media" means
10 newspapers, magazines, press associations, news agencies, wire
11 services, or other similar printed means of disseminating news to the
12 general public'] , and nothing herein shall be construed to impose
13 liability relating to telephone directories or directory assistance unless
14 the covered person has requested to be unpublished in the directory
15 and directory assistance by the applicable publication deadline¹ .

16 (cf: P.L.2021, c.371, s.5)

17
18 6. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to read
19 as follows:

20 3. a. (1) Upon notification pursuant to paragraph (2) of this
21 subsection, and not later than 10 business days following receipt
22 thereof, a person, business, or association shall not disclose or re-
23 disclose on the Internet or otherwise make available, the home address
24 or unpublished home telephone number of any covered person, as
25 defined in subsection d. of this section, who has received approval
26 from the Office of Information Privacy for the redaction or
27 nondisclosure of the covered person's address.

28 (2) An authorized person seeking to prohibit the disclosure of the
29 home address or unpublished home telephone number of any covered
30 person consistent with paragraph (1) of this subsection shall provide
31 written notice to the person from whom ¹['they are'] the authorized
32 person is¹ seeking nondisclosure that ¹['they are'] the authorized
33 person is¹ an authorized person and requesting that the person cease
34 the disclosure of the information and remove the protected information
35 from the Internet or where otherwise made available.

36 (3) An immediate family member who has provided notice
37 pursuant to paragraph (2) of this subsection and who no longer resides
38 with the judicial officer, ¹['prosecutor,'] ¹['or'] law enforcement officer,
39 ¹['or'] ¹child protective investigator in the Division of Child Protection
40 and Permanency ¹['in the Department of Children and Families'] , or
41 prosecutor¹ shall provide notice to that effect to the person, business,
42 or association not later than 30 days from the date on which the
43 immediate family member no longer resided with the judicial officer,
44 ¹['prosecutor, child protective investigator in the Division of Child
45 Protection and Permanency in the Department of Children and
46 Families, or'] ¹ law enforcement officer ¹, child protective investigator
47 in the Division of Child Protection and Permanency, or prosecutor¹ .

1 b. A person, business, or association that violates subsection a. of
2 this section shall be liable to the ¹**["aggrieved"] covered¹ person ¹or the**
3 **covered person's assignee¹**, who may bring a civil action in the
4 Superior Court.

5 c. The court ¹**["may"] shall¹** award:

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

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

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

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

14 d. For the purposes of this section:

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

18 "Authorized person" means a covered person or any of the
19 following persons hereby authorized to submit or revoke a request for
20 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 States
23 Marshals Service or of the clerk of any United States District Court;

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

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

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

40 "Disclose" shall mean to solicit, sell, manufacture, give, provide,
41 lend, trade, mail, deliver, transfer, post, publish, distribute, circulate,
42 disseminate, present, exhibit, advertise or offer ¹, **and shall include**
43 **making available or viewable within a searchable list or database,**
44 **regardless of whether a search of such list or database is actually**
45 **performed.**

1 "Home telephone number" means any telephone number used
2 primarily for personal communications, including a landline or cellular
3 telephone number¹ .

4 "Immediate family member" means a spouse, child, or parent of, or
5 any other family member related by blood or by law to, an active,
6 formerly active, or retired judicial officer, ¹**["or"]** ¹law enforcement
7 officer, or child protective investigator in the Division of Child
8 Protection and Permanency ¹**["in the Department of Children and**
9 **Families"]** ¹, as those terms are defined by section 1 of P.L.1995, c.23
10 (C.47:1A-1.1), or prosecutor ¹, ¹and who resides in the same
11 household as such judicial officer, ¹**["prosecutor, child protective**
12 **investigator in the Division of Child Protection and Permanency in the**
13 **Department of Children and Families, or"]** ¹law enforcement officer ¹,
14 child protective investigator in the Division of Child Protection and
15 Permanency, or prosecutor¹ .

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

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

22 e. This section shall not be construed to prohibit a person,
23 business, or association ¹**["who"]** that¹ has received information as
24 unredacted pursuant to the provisions of sections 1 through 3 of
25 P.L.2021, c.371 (C.47:1B-1 through C.47:1B-3) from making the
26 information available consistent with the purposes for which the
27 person, business, or association received the information. A person,
28 business, or association that uses or makes available the information in
29 a way that is inconsistent with the purposes for which the person,
30 business, or association received the information shall be liable as
31 provided pursuant to subsection c. of this section.

32 f. Nothing herein shall be construed to impose liability on the
33 news media for failure to remove information from previously printed
34 newspapers ¹**["**. As used in this subsection, "news media" means
35 newspapers, magazines, press associations, news agencies, wire
36 services, or other similar printed means of disseminating news to the
37 general public**"]** , and nothing herein shall be construed to impose
38 liability relating to telephone directories or directory assistance unless
39 the covered person has requested to be unpublished in the directory
40 and directory assistance by the applicable publication deadline¹ .
41 (cf: P.L.2021, c.371, s.8)

42
43 7. Section 8 of P.L.2020, c.125 (C.56:8-166.3) is amended to read
44 as follows:

45 8. This act shall be liberally construed in order to accomplish its
46 purpose and the public policy of this State, which is to enhance the
47 safety and security of certain public officials in the justice system,

1 including judicial officers, ¹~~prosecutors,~~¹ ~~and~~ law enforcement
2 officers, ¹~~and~~¹ child protective ¹~~investigator~~ investigators¹ in the
3 Division of Child Protection and Permanency ¹~~in the Department of~~
4 Children and Families ¹, and prosecutors¹, who served or have served
5 the people of New Jersey, and the immediate family members of these
6 individuals, to foster the ability of these public servants who perform
7 critical roles in the justice system to carry out their official duties
8 without fear of personal reprisal from affected individuals related to
9 the performance of their public functions. ¹For the purposes of this
10 section, “child protective investigator in the Division of Child
11 Protection and Permanency” has the same meaning as is provided in
12 section 1 of P.L.1995, c.23 (C.47:1A-1.1).¹
13 (cf: P.L.2020, c.125, s.8)

14

15 8. This act shall take effect immediately.