

# ASSEMBLY, No. 1375

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Exempts traffic summons records from public access under State's open public records law.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A1375 STENDER

2

1 AN ACT concerning traffic summons records and amending  
2 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  
8 read 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 "Custodian of a government record" or "custodian" means in the  
17 case of a municipality, the municipal clerk and in the case of any  
18 other public agency, the officer officially designated by formal  
19 action of that agency's director or governing body, as the case may  
20 be.

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

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

38 information received by a member of the Legislature from a  
39 constituent or information held by a member of the Legislature  
40 concerning a constituent, including but not limited to information in  
41 written form or contained in any e-mail or computer data base, or in  
42 any telephone record whatsoever, unless it is information the  
43 constituent is required by law to transmit;

44 any memorandum, correspondence, notes, report or other  
45 communication prepared by, or for, the specific use of a member of

**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 the Legislature in the course of the member's official duties, except  
2 that this provision shall not apply to an otherwise publicly-  
3 accessible report which is required by law to be submitted to the  
4 Legislature or its members;  
5 any copy, reproduction or facsimile of any photograph, negative  
6 or print, including instant photographs and videotapes of the body,  
7 or any portion of the body, of a deceased person, taken by or for the  
8 medical examiner at the scene of death or in the course of a post  
9 mortem examination or autopsy made by or caused to be made by  
10 the medical examiner except:  
11 when used in a criminal action or proceeding in this State which  
12 relates to the death of that person,  
13 for the use as a court of this State permits, by order after good  
14 cause has been shown and after written notification of the request  
15 for the court order has been served at least five days before the  
16 order is made upon the county prosecutor for the county in which  
17 the post mortem examination or autopsy occurred,  
18 for use in the field of forensic pathology or for use in medical or  
19 scientific education or research, or  
20 for use by any law enforcement agency in this State or any other  
21 state or federal law enforcement agency;  
22 criminal investigatory records;  
23 victims' records, except that a victim of a crime shall have access  
24 to the victim's own records;  
25 traffic summons records;  
26 personal firearms records, except for use by any person  
27 authorized by law to have access to these records or for use by any  
28 government agency, including any court or law enforcement  
29 agency, for purposes of the administration of justice;  
30 personal identifying information received by the Division of Fish  
31 and Wildlife in the Department of Environmental Protection in  
32 connection with the issuance of any license authorizing hunting  
33 with a firearm. For the purposes of this paragraph, personal  
34 identifying information shall include, but not be limited to, identity,  
35 name, address, social security number, telephone number, fax  
36 number, driver's license number, email address, or social media  
37 address of any applicant or licensee;  
38 trade secrets and proprietary commercial or financial information  
39 obtained from any source. For the purposes of this paragraph, trade  
40 secrets shall include data processing software obtained by a public  
41 body under a licensing agreement which prohibits its disclosure;  
42 any record within the attorney-client privilege. This paragraph  
43 shall not be construed as exempting from access attorney or  
44 consultant bills or invoices except that such bills or invoices may be  
45 redacted to remove any information protected by the attorney-client  
46 privilege;

A1375 STENDER

1 administrative or technical information regarding computer  
2 hardware, software and networks which, if disclosed, would  
3 jeopardize computer security;  
4 emergency or security information or procedures for any  
5 buildings or facility which, if disclosed, would jeopardize security  
6 of the building or facility or persons therein;  
7 security measures and surveillance techniques which, if  
8 disclosed, would create a risk to the safety of persons, property,  
9 electronic data or software;  
10 information which, if disclosed, would give an advantage to  
11 competitors or bidders;  
12 information generated by or on behalf of public employers or  
13 public employees in connection with any sexual harassment  
14 complaint filed with a public employer or with any grievance filed  
15 by or against an individual or in connection with collective  
16 negotiations, including documents and statements of strategy or  
17 negotiating position;  
18 information which is a communication between a public agency  
19 and its insurance carrier, administrative service organization or risk  
20 management office;  
21 information which is to be kept confidential pursuant to court  
22 order;  
23 any copy of form DD-214, or that form, issued by the United  
24 States Government, or any other certificate of honorable discharge,  
25 or copy thereof, from active service or the reserves of a branch of  
26 the Armed Forces of the United States, or from service in the  
27 organized militia of the State, that has been filed by an individual  
28 with a public agency, except that a veteran or the veteran's spouse  
29 or surviving spouse shall have access to the veteran's own records;  
30 and  
31 that portion of any document which discloses the social security  
32 number, credit card number, unlisted telephone number or driver  
33 license number of any person; except for use by any government  
34 agency, including any court or law enforcement agency, in carrying  
35 out its functions, or any private person or entity acting on behalf  
36 thereof, or any private person or entity seeking to enforce payment  
37 of court-ordered child support; except with respect to the disclosure  
38 of driver information by the New Jersey Motor Vehicle  
39 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-  
40 3.4); and except that a social security number contained in a record  
41 required by law to be made, maintained or kept on file by a public  
42 agency shall be disclosed when access to the document or  
43 disclosure of that information is not otherwise prohibited by State  
44 or federal law, regulation or order or by State statute, resolution of  
45 either or both houses of the Legislature, Executive Order of the  
46 Governor, rule of court or regulation promulgated under the  
47 authority of any statute or executive order of the Governor.

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

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

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

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

24 valuable or rare collections of books and/or documents obtained  
25 by gift, grant, bequest or devise conditioned upon limited public  
26 access;

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

31 "Personal firearms record" means any information contained in a  
32 background investigation conducted by the chief of police, the  
33 county prosecutor, or the Superintendent of State Police, of any  
34 applicant for a permit to purchase a handgun, firearms identification  
35 card license, or firearms registration; any application for a permit to  
36 purchase a handgun, firearms identification card license, or firearms  
37 registration; any document reflecting the issuance or denial of a  
38 permit to purchase a handgun, firearms identification card license,  
39 or firearms registration; and any permit to purchase a handgun,  
40 firearms identification card license, or any firearms license,  
41 certification, certificate, form of register, or registration statement.  
42 For the purposes of this paragraph, information contained in a  
43 background investigation shall include, but not be limited to,  
44 identity, name, address, social security number, phone number, fax  
45 number, driver's license number, email address, social media  
46 address of any applicant, licensee, registrant or permit holder.

1 "Public agency" or "agency" means any of the principal  
2 departments in the Executive Branch of State Government, and any  
3 division, board, bureau, office, commission or other instrumentality  
4 within or created by such department; the Legislature of the State  
5 and any office, board, bureau or commission within or created by  
6 the Legislative Branch; and any independent State authority,  
7 commission, instrumentality or agency. The terms also mean any  
8 political subdivision of the State or combination of political  
9 subdivisions, and any division, board, bureau, office, commission or  
10 other instrumentality within or created by a political subdivision of  
11 the State or combination of political subdivisions, and any  
12 independent authority, commission, instrumentality or agency  
13 created by a political subdivision or combination of political  
14 subdivisions.

15 "Law enforcement agency" means a public agency, or part  
16 thereof, determined by the Attorney General to have law  
17 enforcement responsibilities.

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

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

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

26 "Victim's record" means an individually-identifiable file or  
27 document held by a victims' rights agency which pertains directly to  
28 a victim of a crime except that a victim of a crime shall have access  
29 to the victim's own records.

30 "Victim of a crime" means a person who has suffered personal or  
31 psychological injury or death or incurs loss of or injury to personal  
32 or real property as a result of a crime, or if such a person is  
33 deceased or incapacitated, a member of that person's immediate  
34 family.

35 "Victims' rights agency" means a public agency, or part thereof,  
36 the primary responsibility of which is providing services, including  
37 but not limited to food, shelter, or clothing, medical, psychiatric,  
38 psychological or legal services or referrals, information and referral  
39 services, counseling and support services, or financial services to  
40 victims of crimes, including victims of sexual assault, domestic  
41 violence, violent crime, child endangerment, child abuse or child  
42 neglect, and the Victims of Crime Compensation Board, established  
43 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.).

44 (cf: P.L.2013, c.116, s.1)

45

46 2. This act shall take effect immediately.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

STATEMENT

This bill would exclude traffic summonses from government records that are subject to public access under the Open Public Records Act. Currently, many attorneys in the State with municipal court practices mine traffic summons records in order to identify persons receiving traffic tickets for the purpose of direct solicitation of legal representation by mail. Persons receiving these solicitations are often greatly embarrassed that their traffic ticket seems to be a matter of extensive public knowledge and concern.