

SENATE, No. 2875

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JANUARY 9, 2017

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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District 14 (Mercer and Middlesex)

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Senators Beck, Beach and Ruiz

SYNOPSIS

Authorizes municipal governing body to create and maintain list of municipal residents in need of special assistance in case of emergency for public safety purposes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/8/2017)

1 AN ACT authorizing the governing body of a municipality to create
2 and maintain a list of municipal residents in need of special
3 assistance in case of an emergency for public safety purposes,
4 supplementing various parts of the statutory law and amending
5 P.L.1995, c.23 and P.L.2011, c.178.

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

9
10 1. (New section) The governing body of a municipality, by
11 ordinance, may require the clerk, the police chief, or the municipal
12 emergency management coordinator, to maintain a list containing
13 the names and addresses of municipal residents who identify
14 themselves as being in need of special assistance in the event of an
15 emergency, and who request that this information be maintained on
16 their behalf, for public safety purposes. The list shall be cross-
17 indexed by name and address of each resident requesting to be on
18 the list, and shall identify the special circumstances of each
19 individual. The clerk shall provide the list solely and strictly for the
20 purposes of P.L. , c. (C.) (now before the Legislature as
21 this bill) to the municipal police department, to each fire department
22 or fire district serving the municipality, and to each first aid or
23 rescue squad serving the municipality, and shall ensure that they are
24 provided with updates at least monthly.

25 A notice to municipal residents advising them that such a list is
26 being maintained by the clerk, the police chief, or the municipal
27 emergency management coordinator, as designated by the
28 ordinance, for public safety purposes shall be included annually
29 with the tax bills mailed to local property taxpayers. The notice
30 shall include information as to how a municipal resident may add
31 his or her name and address to the municipal list.

32 The municipal clerk, the police chief, or the municipal
33 emergency management coordinator, as appropriate, shall notify
34 each landlord who has filed a certificate of registration with the
35 municipality pursuant to section 2 of P.L.1974, c.50 (C.46:8-28) of
36 the existence of the list, and shall provide the landlord with a copy
37 of a notice to be provided to the landlord's tenants, including
38 information as to how a tenant may be added to the list.

39
40 2. (New section) Within 30 days following notification by the
41 municipal clerk pursuant to section 1 of P.L. , c. (C.)
42 (pending before the Legislature as this bill), and thereafter, at the
43 time of creation of a tenancy, a landlord shall advise each tenant
44 that the clerk, the police chief, or the municipal emergency
45 management coordinator, as appropriate, maintains a list containing

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 names and addresses of municipal residents who identify
2 themselves as being in need of special assistance in the event of an
3 emergency, and who request that this information be maintained on
4 their behalf, for public safety purposes.

5 The landlord shall provide each tenant with a copy of the notice
6 including information as to how a tenant may be added to the list.
7

8 3. (New section) The Commissioner of Community Affairs,
9 not later than the first day of the sixth month next following
10 enactment of P.L. , c. (C.) (pending before the
11 Legislature as this bill), shall promulgate a model notice to be used
12 by municipalities that determine to maintain a list pursuant to
13 section 1 of P.L. , c. (C.) (pending before the
14 Legislature as this bill).
15

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

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

20 "Biotechnology" means any technique that uses living
21 organisms, or parts of living organisms, to make or modify
22 products, to improve plants or animals, or to develop micro-
23 organisms for specific uses; including the industrial use of
24 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

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

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

47 information received by a member of the Legislature from a
48 constituent or information held by a member of the Legislature

1 concerning a constituent, including but not limited to information in
2 written form or contained in any e-mail or computer data base, or in
3 any telephone record whatsoever, unless it is information the
4 constituent is required by law to transmit;
5 any memorandum, correspondence, notes, report or other
6 communication prepared by, or for, the specific use of a member of
7 the Legislature in the course of the member's official duties, except
8 that this provision shall not apply to an otherwise publicly-
9 accessible report which is required by law to be submitted to the
10 Legislature or its members;
11 any copy, reproduction or facsimile of any photograph, negative
12 or print, including instant photographs and videotapes of the body,
13 or any portion of the body, of a deceased person, taken by or for the
14 medical examiner at the scene of death or in the course of a post
15 mortem examination or autopsy made by or caused to be made by
16 the medical examiner except:
17 when used in a criminal action or proceeding in this State which
18 relates to the death of that person,
19 for the use as a court of this State permits, by order after good
20 cause has been shown and after written notification of the request
21 for the court order has been served at least five days before the
22 order is made upon the county prosecutor for the county in which
23 the post mortem examination or autopsy occurred,
24 for use in the field of forensic pathology or for use in medical or
25 scientific education or research, or
26 for use by any law enforcement agency in this State or any other
27 state or federal law enforcement agency;
28 criminal investigatory records;
29 victims' records, except that a victim of a crime shall have access
30 to the victim's own records;
31 any written request by a crime victim for a record to which the
32 victim is entitled to access as provided in this section, including,
33 but not limited to, any law enforcement agency report, domestic
34 violence offense report, and temporary or permanent restraining
35 order;
36 personal firearms records, except for use by any person
37 authorized by law to have access to these records or for use by any
38 government agency, including any court or law enforcement
39 agency, for purposes of the administration of justice;
40 personal identifying information received by the Division of Fish
41 and Wildlife in the Department of Environmental Protection in
42 connection with the issuance of any license authorizing hunting
43 with a firearm. For the purposes of this paragraph, personal
44 identifying information shall include, but not be limited to, identity,
45 name, address, social security number, telephone number, fax
46 number, driver's license number, email address, or social media
47 address of any applicant or licensee;

1 trade secrets and proprietary commercial or financial information
2 obtained from any source. For the purposes of this paragraph, trade
3 secrets shall include data processing software obtained by a public
4 body under a licensing agreement which prohibits its disclosure;
5 any record within the attorney-client privilege. This paragraph
6 shall not be construed as exempting from access attorney or
7 consultant bills or invoices except that such bills or invoices may be
8 redacted to remove any information protected by the attorney-client
9 privilege;
10 administrative or technical information regarding computer
11 hardware, software and networks which, if disclosed, would
12 jeopardize computer security;
13 emergency or security information or procedures for any
14 buildings or facility which, if disclosed, would jeopardize security
15 of the building or facility or persons therein;
16 security measures and surveillance techniques which, if
17 disclosed, would create a risk to the safety of persons, property,
18 electronic data or software;
19 information which, if disclosed, would give an advantage to
20 competitors or bidders;
21 information generated by or on behalf of public employers or
22 public employees in connection with any sexual harassment
23 complaint filed with a public employer or with any grievance filed
24 by or against an individual or in connection with collective
25 negotiations, including documents and statements of strategy or
26 negotiating position;
27 information which is a communication between a public agency
28 and its insurance carrier, administrative service organization or risk
29 management office;
30 information which is to be kept confidential pursuant to court
31 order;
32 any copy of form DD-214, or that form, issued by the United
33 States Government, or any other certificate of honorable discharge,
34 or copy thereof, from active service or the reserves of a branch of
35 the Armed Forces of the United States, or from service in the
36 organized militia of the State, that has been filed by an individual
37 with a public agency, except that a veteran or the veteran's spouse
38 or surviving spouse shall have access to the veteran's own records;
39 any copy of an oath of allegiance, oath of office or any
40 affirmation taken upon assuming the duties of any public office, or
41 that oath or affirmation, taken by a current or former officer or
42 employee in any public office or position in this State or in any
43 county or municipality of this State, including members of the
44 Legislative Branch, Executive Branch, Judicial Branch, and all law
45 enforcement entities, except that the full name, title, and oath date
46 of that person contained therein shall not be deemed confidential;
47 **[and]**

1 that portion of any document which discloses the social security
2 number, credit card number, unlisted telephone number or driver
3 license number of any person; except for use by any government
4 agency, including any court or law enforcement agency, in carrying
5 out its functions, or any private person or entity acting on behalf
6 thereof, or any private person or entity seeking to enforce payment
7 of court-ordered child support; except with respect to the disclosure
8 of driver information by the New Jersey Motor Vehicle
9 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-
10 3.4); and except that a social security number contained in a record
11 required by law to be made, maintained or kept on file by a public
12 agency shall be disclosed when access to the document or
13 disclosure of that information is not otherwise prohibited by State
14 or federal law, regulation or order or by State statute, resolution of
15 either or both houses of the Legislature, Executive Order of the
16 Governor, rule of court or regulation promulgated under the
17 authority of any statute or executive order of the Governor;

18 A list of persons identifying themselves as being in need of
19 special assistance in the event of an emergency maintained by a
20 municipality for public safety purposes pursuant to section 1 of
21 P.L. , c. (C.) (pending before the Legislature as this bill); and

22 A list of persons identifying themselves as being in need of
23 special assistance in the event of an emergency maintained by a
24 county for public safety purposes pursuant to section 6 of P.L.2011,
25 c.178 (C.App.A:9-43.13).

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

29 pedagogical, scholarly and/or academic research records and/or
30 the specific details of any research project conducted under the
31 auspices of a public higher education institution in New Jersey,
32 including, but not limited to research, development information,
33 testing procedures, or information regarding test participants,
34 related to the development or testing of any pharmaceutical or
35 pharmaceutical delivery system, except that a custodian may not
36 deny inspection of a government record or part thereof that gives
37 the name, title, expenditures, source and amounts of funding and
38 date when the final project summary of any research will be
39 available;

40 test questions, scoring keys and other examination data
41 pertaining to the administration of an examination for employment
42 or academic examination;

43 records of pursuit of charitable contributions or records
44 containing the identity of a donor of a gift if the donor requires non-
45 disclosure of the donor's identity as a condition of making the gift
46 provided that the donor has not received any benefits of or from the
47 institution of higher education in connection with such gift other
48 than a request for memorialization or dedication;

1 valuable or rare collections of books and/or documents obtained
2 by gift, grant, bequest or devise conditioned upon limited public
3 access;

4 information contained on individual admission applications; and
5 information concerning student records or grievance or
6 disciplinary proceedings against a student to the extent disclosure
7 would reveal the identity of the student.

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

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

38 "Law enforcement agency" means a public agency, or part
39 thereof, determined by the Attorney General to have law
40 enforcement responsibilities.

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

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

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

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

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

10 "Victims' rights agency" means a public agency, or part thereof,
11 the primary responsibility of which is providing services, including
12 but not limited to food, shelter, or clothing, medical, psychiatric,
13 psychological or legal services or referrals, information and referral
14 services, counseling and support services, or financial services to
15 victims of crimes, including victims of sexual assault, domestic
16 violence, violent crime, child endangerment, child abuse or child
17 neglect, and the Victims of Crime Compensation Board, established
18 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
19 the Victims of Crime Compensation Office pursuant to P.L.2007,
20 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
21 (cf: P.L.2015, c.59, s.1)

22
23 5. Section 6 of P.L.2011, c.178 (C.App.A:9-43.13) is amended
24 to read as follows:

25 6. a. Each county in the State may establish a central registry
26 for residents with special needs who require additional assistance
27 provided to them during an emergency. A central registry created
28 pursuant to this section shall be maintained by each county office of
29 emergency management, and shall be composed of information
30 voluntarily provided by each registrant that includes, but is not
31 limited to, the registrant's address, telephone number, and particular
32 condition or assistance needs.

33 b. Each county that creates such a registry shall conduct a
34 public awareness campaign, utilizing the Internet and any other
35 available resources, to inform the general public of the importance
36 of identifying and registering individuals with special needs prior to
37 an emergency so that appropriate preparations may be made to
38 ensure that these individuals receive necessary assistance during an
39 evacuation. Information collected for purposes of a central registry
40 created pursuant to this section shall be used only by the county
41 office of emergency management that collected the information to
42 prepare for and provide assistance to residents with special needs in
43 an emergency, and shall not otherwise be divulged or made publicly
44 available; provided however, that the director may, at the director's
45 discretion, access and obtain information from a central registry
46 maintained by a county office of emergency management if the
47 information is used directly and exclusively by the director to

1 prepare an Emergency Operations Plan required pursuant to section
2 19 of P.L.1989, c.222 (C.App.A:9-43.2).

3 c. A central registry maintained by a county office of
4 emergency management and any information contained therein, or
5 accessed and obtained by the director in accordance with subsection
6 b. of this section, shall not be included under materials available to
7 public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
8 P.L.2001, c.404 (C.47:1A-5 et al.).

9 d. Each municipality in the State may maintain a list containing
10 the names and addresses of municipal residents who identify
11 themselves as being in need of special assistance in the event of an
12 emergency in accordance with the provisions of section 1 of
13 P.L. c. (C.) (pending before the Legislature as this bill.)
14 (cf: P.L.2011, c.178, s.6)

15

16 6. This act shall take effect immediately.

17

18

19 STATEMENT

20

21 This bill would authorize a municipal governing body, by
22 ordinance, to require the municipal clerk, the police chief, or the
23 municipal emergency management coordinator, to create and
24 maintain a list of municipal residents who identify themselves as being
25 in need of special assistance in the event of an emergency, for public
26 safety purposes.

27 The list maintained by the clerk, the police chief, or the municipal
28 emergency management coordinator, as designated by the
29 ordinance, would contain the name, address and special circumstance
30 of each municipal resident who is identified as needing special
31 assistance in the event of an emergency, and who requests that this
32 information be maintained for public safety purposes. The list would
33 be cross-indexed by name and address of each resident requesting to
34 be on the list. The clerk, the police chief, or the municipal
35 emergency management coordinator, as appropriate, would provide a
36 copy of the list solely to the municipal police department, to each fire
37 department or fire district serving the municipality, and to each first
38 aid or rescue squad serving the municipality, and update the list
39 monthly, strictly for the purposes of the bill.

40 A notice to municipal residents advising them that such a list is
41 being maintained by the clerk, the police chief, or the municipal
42 emergency management coordinator, as appropriate, for public
43 safety purposes, would be included annually with the tax bills mailed
44 to local property taxpayers, and would include information as to how a
45 municipal resident may add his or her name and address to the
46 municipal list.

47 The municipal clerk, the police chief, or the municipal
48 emergency management coordinator, as appropriate, would notify

1 each landlord who has filed a certificate of registration with the
2 municipality pursuant to section 2 of P.L.1974, c.50 (C.46:8-28) of the
3 existence of the list, and would also provide the landlord with a copy
4 of the notice to be forwarded on to tenants, including information as to
5 how a tenant may be added to the municipal list. Within 30 days
6 following that notification, and upon the creation of a tenancy
7 thereafter, a landlord would be required to advise each tenant of the
8 existence of the list, and provide a copy of the notice from the clerk.
9 The Commissioner of Community Affairs would be required to
10 promulgate a model notice.

11 The list of residents created by a municipal clerk pursuant to the
12 bill would not be a public record for the purposes of P.L.1963, c.73
13 (C.47:1A-1 et seq.).