

ASSEMBLY, No. 114

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

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District 26 (Essex, Morris and Passaic)

SYNOPSIS

Bars public entities and public employees from entering into confidential settlements of claims against them; provides that such settlements constitute public records.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain settlements and supplementing Title 2A
2 of the New Jersey Statutes and Title 47 of the Revised Statutes.

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

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7 1. a. As used in this act:

8 “Public entity” means the State, and any county, municipality,
9 district, public authority, public agency, and any other political
10 subdivision or public body in the State.

11 “Public employee” means an employee of a public entity.

12 b. (1) Except as provided in paragraph (2) of this subsection,
13 no public entity or public employee may enter into any agreement
14 to settle a claim or action to which the public entity, or a public
15 employee in his capacity as a public employee, is a party if such
16 agreement provides that the terms or conditions of the settlement
17 are confidential.

18 (2) A public entity or public employee may enter into an
19 agreement that provides that the terms or conditions of settlement
20 are confidential if the settlement involves a matter of national
21 security.

22
23 2. Any agreement to settle a claim or action in which a public
24 entity, or a public employee in his capacity as a public employee, is
25 a party shall be considered a public record within the meaning of
26 P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5
27 et al.) except for matters involving national security.

28
29 3. Nothing in this act shall be deemed to affect the requirement
30 set out in P.L.1989, c.336 (C.2A:82-46), or in any other law or Rule
31 of Court, that in prosecutions for aggravated sexual assault, sexual
32 assault, aggravated criminal sexual contact, criminal sexual contact,
33 endangering the welfare of children under N.J.S.2C:24-4, or in any
34 action alleging an abused or neglected child under P.L.1974, c.119
35 (C.9:6-8.21 et seq.), the name, address, and identity of a victim who
36 was under the age of 18 at the time of the alleged commission of an
37 offense shall not appear on the indictment, complaint, or any other
38 public record.

39
40 4. Nothing in this act shall be deemed to preclude or otherwise
41 limit the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and
42 P.L.2001, c.404 (C.47:1A-5 et al.).

43
44 5. This act shall take effect on the 90th day following
45 enactment.

STATEMENT

This bill would bar public entities and public employees from entering into confidential settlements of claims or actions where the public entity is a party, except for matters involving national security. The bill also provides that such settlements constitute public records under the open public records laws.

Under current law, set out in P.L.1989, c.336 (C.2A:82-46), the name, address, and identity of a victim of a sex crime or child abuse who was under the age of 18 at the time of the offense shall not appear on the indictment, complaint, or any other public record. The bill specifically provides that it is not intended to affect this requirement.

The bill provides that it shall not be deemed to preclude or otherwise limit the provisions of the open public records laws.