

# ASSEMBLY, No. 306

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

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**District 29 (Essex)**

**Co-Sponsored by:**

**Assemblymen Webber, Rooney, DePhillips, Assemblywomen Murphy and DiMaso**

**SYNOPSIS**

Immunizes from civil liability first responders who forcibly enter property to provide emergency assistance.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT providing immunity from civil liability to first responders  
2 in certain circumstances and amending various parts of the  
3 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.1962, c.242 (C.2A:53A-12) is amended to  
9 read as follows:

10 1. No member of a volunteer first aid, rescue or emergency  
11 squad, or volunteer member of the National Ski Patrol System,  
12 which provides emergency public first aid and rescue services shall  
13 be liable in any civil action to respond in damages as a result of his  
14 acts of commission or omission arising out of and in the course of  
15 his rendering in good faith any such services as such member but  
16 such immunity from liability shall not extend to the operation of  
17 any motor vehicle in connection with such services. This immunity  
18 shall extend to any civil damages resulting from a forcible entry  
19 into a home, business, or other structure at which an emergency is  
20 reported if based upon a good faith belief that such entry is  
21 necessary to provide emergency medical care or to prevent  
22 imminent bodily harm and if no occupant of the property responds  
23 to requests for entry within a reasonable period of time.

24 Nothing herein shall be deemed to grant any such immunity to  
25 any person causing damage by his willful or wanton act of  
26 commission or omission.

27 (cf: P.L.1977, c.276, s.2)

28

29 2. Section 1 of P.L.1963, c.71 (C.2A:53A-13) is amended to  
30 read as follows:

31 1. No member of a volunteer fire company, which provides  
32 emergency public first aid and rescue services or services for the  
33 control and extinguishment of fires, or both, and no authorized  
34 active volunteer first aid or rescue squad worker who is not a  
35 member of the volunteer fire company within which the first aid or  
36 rescue squad may have been created, doing public first aid or rescue  
37 duty, shall be liable in any civil action to respond in damages as a  
38 result of his acts of commission or omission arising out of and in  
39 the course of his rendering in good faith any such services, or  
40 arising out of and in the course of participation in any authorized  
41 drill, but such immunity from liability shall not extend to the  
42 operation of any motor vehicle in connection with the rendering of  
43 any such services. This immunity shall extend to any civil damages  
44 resulting from a forcible entry into a home, business, or other  
45 structure at which an emergency is reported if based upon a good

**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 faith belief that such entry is necessary to provide emergency  
2 medical care or to prevent imminent bodily harm and if no occupant  
3 of the property responds to requests for entry within a reasonable  
4 period of time.

5 Nothing herein shall be deemed to grant any such immunity to  
6 any person causing damage by his willful or wanton act of  
7 commission or omission.

8 (cf: P.L.1983, c.29, s.1)

9

10 3. Section 1 of P.L.1975, c.196 (C.2A:53A-13.1) is amended to  
11 read as follows:

12 1. No volunteer fire company or volunteer first aid, rescue or  
13 emergency squad, civil defense unit, incorporated or  
14 unincorporated, which provides services for the control and  
15 extinguishment of fires or emergency public first aid and rescue  
16 services, or both, shall be liable in any civil action to respond in  
17 damages as a result of any acts of commission or omission arising  
18 out of and in the course of the rendition in good faith of any such  
19 services, or arising out of and in the course of participation in any  
20 authorized drill, by any member of the volunteer fire company or  
21 the volunteer first aid, rescue or emergency squad, or civil defense  
22 unit, and in the case of a volunteer fire company within which a  
23 first aid or rescue squad has been created, by any authorized active  
24 volunteer first aid or rescue squad worker therefor, notwithstanding  
25 that he is not a member of the volunteer fire company. This  
26 immunity shall extend to any civil damages resulting from a  
27 forcible entry into a home, business, or other structure at which an  
28 emergency is reported if based upon a good faith belief that such  
29 entry is necessary to provide emergency medical care or to prevent  
30 imminent bodily harm and if no occupant of the property responds  
31 to requests for entry within a reasonable period of time. No such  
32 immunity from liability shall extend to the operation of any motor  
33 vehicle in connection with the rendering of any such services.

34 (cf: P.L.1983, c.29, s.2)

35

36 4. Section 8 of P.L.1984, c.146 (C.26:2K-14) is amended to  
37 read as follows:

38 8. No mobile intensive care paramedic, licensed physician,  
39 hospital or its board of trustees, officers and members of the  
40 medical staff, nurses or other employees of the hospital, first aid,  
41 ambulance or rescue squad, or officers and members of a rescue  
42 squad shall be liable for any civil damages as the result of an act or  
43 the omission of an act committed while in training for or in the  
44 rendering of advanced life support services in good faith and in  
45 accordance with this act. This immunity shall extend to any civil  
46 damages resulting from a forcible entry into a home, business, or  
47 other structure at which an emergency is reported if based upon a  
48 good faith belief that such entry is necessary to provide emergency

1 medical care or to prevent imminent bodily harm and if no occupant  
2 of the property responds to requests for entry within a reasonable  
3 period of time.

4 (cf: P.L.1984, c.146, s.8)

5

6 5. Section 10 of P.L.1985, c.351 (C.26:2K-29) is amended to  
7 read as follows:

8 10. No EMT-intermediate, licensed physician, hospital or its  
9 board of trustees, officers and members of the medical staff, nurses  
10 or other employees of the hospital, or officers and members of a  
11 first aid, ambulance or rescue squad shall be liable for any civil  
12 damages as the result of an act or the omission of an act committed  
13 while in training for or in the rendering of intermediate life support  
14 services in good faith and in accordance with this act. This  
15 immunity shall extend to any civil damages resulting from a  
16 forcible entry into a home, business, or other structure at which an  
17 emergency is reported if based upon a good faith belief that such  
18 entry is necessary to provide emergency medical care or to prevent  
19 imminent bodily harm and if no occupant of the property responds  
20 to requests for entry within a reasonable period of time.

21 (cf: P.L.1985, c.351, s.10)

22

23 6. Section 4 of P.L.1986, c.106 (C.26:2K-38) is amended to  
24 read as follows:

25 4. No mobile intensive care paramedic, licensed physician,  
26 hospital or its board of trustees, officers and members of the  
27 medical staff, nurses or other employees of the hospital, first aid,  
28 ambulance or rescue squad members or officers is liable for any  
29 civil damages as the result of an act or the omission of an act  
30 committed while training for or in rendering advanced life support  
31 services in good faith and in accordance with this amendatory and  
32 supplementary act. This immunity shall extend to any civil  
33 damages resulting from a forcible entry into a home, business, or  
34 other structure at which an emergency is reported if based upon a  
35 good faith belief that such entry is necessary to provide emergency  
36 medical care or to prevent imminent bodily harm and if no occupant  
37 of the property responds to requests for entry within a reasonable  
38 period of time.

39 (cf: P.L.1986, c.106, s.4)

40

41 7. N.J.S.59:3-9 is amended to read as follows:

42 59:3-9. Entry upon property. A public employee is not liable for  
43 his entry upon any property where such entry is expressly or  
44 impliedly authorized by law. This immunity shall extend to all  
45 public emergency response personnel for any civil damages  
46 resulting from a forcible entry into a home, business, or other  
47 structure at which an emergency is reported if based upon a good  
48 faith belief that such entry is necessary to provide emergency

1 medical care or to prevent imminent bodily harm and if no occupant  
2 of the property responds to requests for entry within a reasonable  
3 period of time. Nothing in this section exonerates a public  
4 employee from liability for an injury proximately caused  
5 subsequent to such entry by his own negligent or wrongful act or  
6 omission.  
7 (cf: N.J.S.59:3-9)

8  
9 8. Section 20 of P.L.1942, c.251 (App.A:9-52) is amended to  
10 read as follows:

11 20. Neither the State nor any political subdivision of the State  
12 under any circumstances, nor the agents, officers, employees,  
13 servants or representatives of the State or any political subdivision  
14 thereof, including all volunteers, in good faith carrying out,  
15 complying with, or attempting to comply with, any order, rule or  
16 regulation promulgated pursuant to the provisions of this act or  
17 performing any authorized service in connection therewith, shall be  
18 liable for any injury or death to persons or damage to property as  
19 the result of any such activity. This immunity shall extend to all  
20 public emergency response personnel for any civil damages  
21 resulting from a forcible entry into a home, business, or other  
22 structure at which an emergency is reported if based upon a good  
23 faith belief that such entry is necessary to provide emergency  
24 medical care or to prevent imminent bodily harm and if no occupant  
25 of the property responds to requests for entry within a reasonable  
26 period of time. No person owning, possessing or managing any real  
27 property which has been designated, pursuant to the provisions of  
28 this act or of any order, rule or regulation promulgated thereunder,  
29 as a shelter from destructive operations or attacks by enemies of the  
30 United States, shall be liable in any civil action for death or injury  
31 to any person who, because such real property has been designated  
32 a shelter as aforesaid, enters upon it solely for the purpose of  
33 seeking refuge therein during such destructive operations or attacks  
34 or during civil defense tests ordered by lawful authority, except  
35 where such death or injury is caused by the willful act of such  
36 owner, possessor or manager, or his agents or employees. The  
37 foregoing shall not affect the right of any person to receive benefits  
38 or compensation which may be specifically provided by the  
39 provisions of this or any other State or Federal Statute, nor shall it  
40 affect the right of any person to recover under the terms of any  
41 policy of insurance. The provisions of this section shall apply but  
42 shall not be limited to establishing or developing a Code Blue alert  
43 plan, or implementing, carrying out, or providing services under a  
44 Code Blue alert plan, pursuant to the provisions of P.L.2017, c.68  
45 (C.App.A:9-43.18 et al.).  
46 (cf: P.L.2017, c.68, s.4)

47  
48 9. This act shall take effect immediately.

1 STATEMENT

2

3 This bill provides compensated and volunteer public and private  
4 first responders, including emergency medical services personnel,  
5 law enforcement officers, and firefighters, with immunity from civil  
6 liability for any damages that may result from a forcible entry into a  
7 home, business, or other structure at which an emergency is  
8 reported. This immunity applies only where the first responder's  
9 decision is based upon a good faith belief that forcible entry is  
10 necessary to provide emergency medical care or to prevent  
11 imminent bodily harm and where no occupant of the property  
12 responds to the first responder's requests for entry within a  
13 reasonable period of time.