

[First Reprint]

ASSEMBLY, No. 306

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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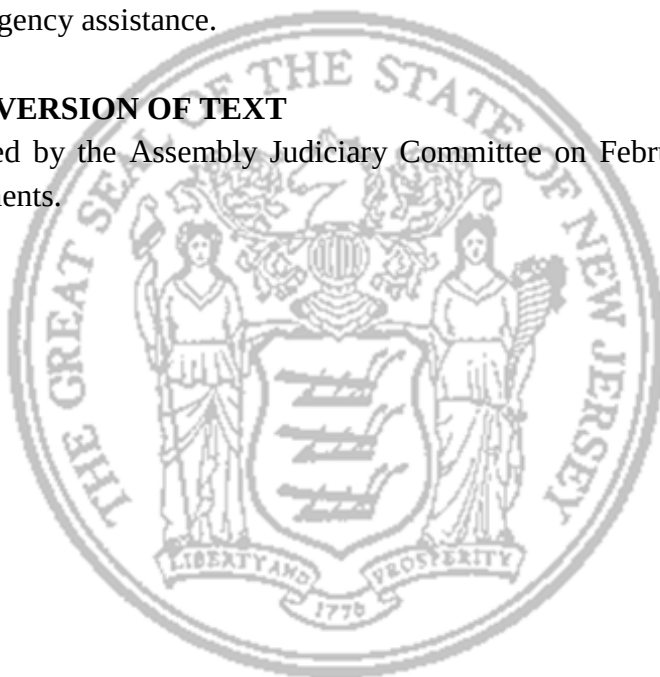
**Assemblymen Webber, Rooney, DePhillips, Assemblywomen Murphy,
DiMaso, Quijano and Jimenez**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on February 13, 2020, with amendments.



(Sponsorship Updated As Of: 7/30/2020)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted February 13, 2020.

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)

1 ¹9. (New section) Notwithstanding the provisions of any law to
2 the contrary, a police officer duly appointed by the governing body
3 of an independent institution of higher education pursuant to section
4 1 of P.L.1970, c.211 (C.18A:6-4.2) shall have immunity from any
5 civil damages resulting from a forcible entry into a home, business,
6 or other structure at which an emergency is reported if based upon a
7 good faith belief that such entry is necessary to provide emergency
8 medical care or to prevent imminent bodily harm and if no occupant
9 of the property responds to requests for entry within a reasonable
10 period of time.¹

11

12 ¹**[9.] 10.**¹ This act shall take effect immediately.