

[First Reprint]

ASSEMBLY, No. 1649

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 20 (Union)

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District 19 (Middlesex)

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SYNOPSIS

“Daniel’s Law;” Prohibits disclosure of home address or unpublished telephone number of certain law enforcement officers, judicial officers and prosecutors; establishes crime and civil action for disclosing such information.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on September 17, 2020, with amendments.

(Sponsorship Updated As Of: 9/24/2020)

1 AN ACT prohibiting disclosure of certain information regarding
2 certain ¹**[judges]** law enforcement officers, judicial officers¹ and
3 prosecutors¹, designated as Daniel's Law,¹ and amending
4 P.L.1995, c.23, P.L.2001, c.404, and the title and body of¹
5 P.L.2015, c.226¹, and supplementing Title 47 of the Revised
6 Statutes¹.

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

10
11 ¹1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
12 read as follows:

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

15 "Biotechnology" means any technique that uses living
16 organisms, or parts of living organisms, to make or modify
17 products, to improve plants or animals, or to develop micro-
18 organisms for specific uses; including the industrial use of
19 recombinant DNA, cell fusion, and novel bioprocessing techniques.

20 "Custodian of a government record" or "custodian" means in the
21 case of a municipality, the municipal clerk and in the case of any
22 other public agency, the officer officially designated by formal
23 action of that agency's director or governing body, as the case may
24 be.

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

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

42 information received by a member of the Legislature from a
43 constituent or information held by a member of the Legislature
44 concerning a constituent, including but not limited to information in
45 written form or contained in any e-mail or computer data base, or in

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 AAP committee amendments adopted September 17, 2020.

1 any telephone record whatsoever, unless it is information the
2 constituent is required by law to transmit;

3 any memorandum, correspondence, notes, report or other
4 communication prepared by, or for, the specific use of a member of
5 the Legislature in the course of the member's official duties, except
6 that this provision shall not apply to an otherwise publicly-
7 accessible report which is required by law to be submitted to the
8 Legislature or its members;

9 any copy, reproduction or facsimile of any photograph, negative
10 or print, including instant photographs and videotapes of the body,
11 or any portion of the body, of a deceased person, taken by or for the
12 medical examiner at the scene of death or in the course of a post
13 mortem examination or autopsy made by or caused to be made by
14 the medical examiner except:

15 when used in a criminal action or proceeding in this State which
16 relates to the death of that person,

17 for the use as a court of this State permits, by order after good
18 cause has been shown and after written notification of the request
19 for the court order has been served at least five days before the
20 order is made upon the county prosecutor for the county in which
21 the post mortem examination or autopsy occurred,

22 for use in the field of forensic pathology or for use in medical or
23 scientific education or research, or

24 for use by any law enforcement agency in this State or any other
25 state or federal law enforcement agency;

26 criminal investigatory records;

27 victims' records, except that a victim of a crime shall have access
28 to the victim's own records;

29 any written request by a crime victim for a record to which the
30 victim is entitled to access as provided in this section, including,
31 but not limited to, any law enforcement agency report, domestic
32 violence offense report, and temporary or permanent restraining
33 order;

34 personal firearms records, except for use by any person
35 authorized by law to have access to these records or for use by any
36 government agency, including any court or law enforcement
37 agency, for purposes of the administration of justice;

38 personal identifying information received by the Division of Fish
39 and Wildlife in the Department of Environmental Protection in
40 connection with the issuance of any license authorizing hunting
41 with a firearm. For the purposes of this paragraph, personal
42 identifying information shall include, but not be limited to, identity,
43 name, address, social security number, telephone number, fax
44 number, driver's license number, email address, or social media
45 address of any applicant or licensee;

46 trade secrets and proprietary commercial or financial information
47 obtained from any source. For the purposes of this paragraph, trade

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

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

19 a list of persons identifying themselves as being in need of
20 special assistance in the event of an emergency maintained by a
21 municipality for public safety purposes pursuant to section 1 of
22 P.L.2017, c.266 (C.40:48-2.67); and

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

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

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

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

44 records of pursuit of charitable contributions or records
45 containing the identity of a donor of a gift if the donor requires non-
46 disclosure of the donor's identity as a condition of making the gift
47 provided that the donor has not received any benefits of or from the

1 institution of higher education in connection with such gift other
2 than a request for memorialization or dedication;

3 valuable or rare collections of books **[and/or]** or documents
4 obtained by gift, grant, bequest or devise conditioned upon limited
5 public access;

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

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

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

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

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

45 "Judicial officer" means the Chief Justice or an Associate Justice
46 of the United States Supreme Court, a judge of the United States
47 Court of Appeals, a judge of a federal district court, including a
48 magistrate judge, a judge of any other court established by federal

1 law, the Chief Justice or an Associate Justice of the New Jersey
2 Supreme Court, a judge of the Superior Court, a judge of the Tax
3 Court, a judge of a municipal court, a judge of the Office of
4 Administrative Law, a judge of the Division of Workers'
5 Compensation, or a judge of any other court or who handles
6 proceedings in the executive branch of the State government or a
7 local government established by State law.

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

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

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

18 "Victim of a crime" means a person who has suffered personal or
19 psychological injury or death or incurs loss of or injury to personal
20 or real property as a result of a crime, or if such a person is
21 deceased or incapacitated, a member of that person's immediate
22 family.

23 "Victims' rights agency" means a public agency, or part thereof,
24 the primary responsibility of which is providing services, including
25 but not limited to food, shelter, or clothing, medical, psychiatric,
26 psychological or legal services or referrals, information and referral
27 services, counseling and support services, or financial services to
28 victims of crimes, including victims of sexual assault, domestic
29 violence, violent crime, child endangerment, child abuse or child
30 neglect, and the Victims of Crime Compensation Board, established
31 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
32 the Victims of Crime Compensation Office pursuant to P.L.2007,
33 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.¹
34 (cf: P.L.2019, c.255, s.4)

35
36 ¹2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
37 as follows:

38 6. a. The custodian of a government record shall permit the
39 record to be inspected, examined, and copied by any person during
40 regular business hours; or in the case of a municipality having a
41 population of 5,000 or fewer according to the most recent federal
42 decennial census, a board of education having a total district
43 enrollment of 500 or fewer, or a public authority having less than
44 \$10 million in assets, during not less than six regular business hours
45 over not less than three business days per week or the entity's
46 regularly-scheduled business hours, whichever is less; unless a
47 government record is exempt from public access by: P.L.1963, c.73
48 (C.47:1A-1 et seq.) as amended and supplemented; any other

1 statute; resolution of either or both houses of the Legislature;
2 regulation promulgated under the authority of any statute or
3 Executive Order of the Governor; Executive Order of the Governor;
4 Rules of Court; any federal law; federal regulation; or federal order.
5 Prior to allowing access to any government record, the custodian
6 thereof shall redact from that record any information which
7 discloses the social security number, credit card number, unlisted
8 telephone number, or driver license number of any person, or the
9 home address, whether a primary or secondary residence, of any
10 active or retired law enforcement officer, active or retired federal,
11 State, or municipal judicial officer, or active or retired federal,
12 State, county, or municipal prosecutor; except for use by any
13 government agency, including any court or law enforcement
14 agency, in carrying out its functions, or any private person or entity
15 acting on behalf thereof, or any private person or entity seeking to
16 enforce payment of court-ordered child support; except with respect
17 to the disclosure of driver information by the New Jersey Motor
18 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
19 (C.39:2-3.4); and except that a social security number contained in
20 a record required by law to be made, maintained or kept on file by a
21 public agency shall be disclosed when access to the document or
22 disclosure of that information is not otherwise prohibited by State
23 or federal law, regulation or order or by State statute, resolution of
24 either or both houses of the Legislature, Executive Order of the
25 Governor, rule of court or regulation promulgated under the
26 authority of any statute or executive order of the Governor. Except
27 where an agency can demonstrate an emergent need, a regulation
28 that limits access to government records shall not be retroactive in
29 effect or applied to deny a request for access to a government
30 record that is pending before the agency, the council or a court at
31 the time of the adoption of the regulation.

32 b. (1) A copy or copies of a government record may be
33 purchased by any person upon payment of the fee prescribed by law
34 or regulation. Except as otherwise provided by law or regulation
35 and except as provided in paragraph (2) of this subsection, the fee
36 assessed for the duplication of a government record embodied in the
37 form of printed matter shall be \$0.05 per letter size page or smaller,
38 and \$0.07 per legal size page or larger. If a public agency can
39 demonstrate that its actual costs for duplication of a government
40 record exceed the foregoing rates, the public agency shall be
41 permitted to charge the actual cost of duplicating the record. The
42 actual cost of duplicating the record, upon which all copy fees are
43 based, shall be the cost of materials and supplies used to make a
44 copy of the record, but shall not include the cost of labor or other
45 overhead expenses associated with making the copy except as
46 provided for in subsection c. of this section. Access to electronic
47 records and non-printed materials shall be provided free of charge,

1 but the public agency may charge for the actual costs of any needed
2 supplies such as computer discs.

3 (2) No fee shall be charged to a victim of a crime for a copy or
4 copies of a record to which the crime victim is entitled to access, as
5 provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

6 c. Whenever the nature, format, manner of collation, or volume
7 of a government record embodied in the form of printed matter to
8 be inspected, examined, or copied pursuant to this section is such
9 that the record cannot be reproduced by ordinary document copying
10 equipment in ordinary business size or involves an extraordinary
11 expenditure of time and effort to accommodate the request, the
12 public agency may charge, in addition to the actual cost of
13 duplicating the record, a special service charge that shall be
14 reasonable and shall be based upon the actual direct cost of
15 providing the copy or copies; provided, however, that in the case of
16 a municipality, rates for the duplication of particular records when
17 the actual cost of copying exceeds the foregoing rates shall be
18 established in advance by ordinance. The requestor shall have the
19 opportunity to review and object to the charge prior to it being
20 incurred.

21 d. A custodian shall permit access to a government record and
22 provide a copy thereof in the medium requested if the public agency
23 maintains the record in that medium. If the public agency does not
24 maintain the record in the medium requested, the custodian shall
25 either convert the record to the medium requested or provide a copy
26 in some other meaningful medium. If a request is for a record: (1)
27 in a medium not routinely used by the agency; (2) not routinely
28 developed or maintained by an agency; or (3) requiring a substantial
29 amount of manipulation or programming of information technology,
30 the agency may charge, in addition to the actual cost of duplication,
31 a special charge that shall be reasonable and shall be based on the
32 cost for any extensive use of information technology, or for the
33 labor cost of personnel providing the service, that is actually
34 incurred by the agency or attributable to the agency for the
35 programming, clerical, and supervisory assistance required, or both.

36 e. Immediate access ordinarily shall be granted to budgets,
37 bills, vouchers, contracts, including collective negotiations
38 agreements and individual employment contracts, and public
39 employee salary and overtime information.

40 f. The custodian of a public agency shall adopt a form for the
41 use of any person who requests access to a government record held
42 or controlled by the public agency. The form shall provide space
43 for the name, address, and phone number of the requestor and a
44 brief description of the government record sought. The form shall
45 include space for the custodian to indicate which record will be
46 made available, when the record will be available, and the fees to be
47 charged. The form shall also include the following: (1) specific
48 directions and procedures for requesting a record; (2) a statement as

1 to whether prepayment of fees or a deposit is required; (3) the time
2 period within which the public agency is required by P.L.1963, c.73
3 (C.47:1A-1 et seq.) as amended and supplemented, to make the
4 record available; (4) a statement of the requestor's right to challenge
5 a decision by the public agency to deny access and the procedure
6 for filing an appeal; (5) space for the custodian to list reasons if a
7 request is denied in whole or in part; (6) space for the requestor to
8 sign and date the form; (7) space for the custodian to sign and date
9 the form if the request is fulfilled or denied. The custodian may
10 require a deposit against costs for reproducing documents sought
11 through an anonymous request whenever the custodian anticipates
12 that the information thus requested will cost in excess of \$5 to
13 reproduce.

14 g. A request for access to a government record shall be in
15 writing and hand-delivered, mailed, transmitted electronically, or
16 otherwise conveyed to the appropriate custodian. A custodian shall
17 promptly comply with a request to inspect, examine, copy, or
18 provide a copy of a government record. If the custodian is unable
19 to comply with a request for access, the custodian shall indicate the
20 specific basis therefor on the request form and promptly return it to
21 the requestor. The custodian shall sign and date the form and
22 provide the requestor with a copy thereof. If the custodian of a
23 government record asserts that part of a particular record is exempt
24 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
25 as amended and supplemented, the custodian shall delete or excise
26 from a copy of the record that portion which the custodian asserts is
27 exempt from access and shall promptly permit access to the
28 remainder of the record. If the government record requested is
29 temporarily unavailable because it is in use or in storage, the
30 custodian shall so advise the requestor and shall make arrangements
31 to promptly make available a copy of the record. If a request for
32 access to a government record would substantially disrupt agency
33 operations, the custodian may deny access to the record after
34 attempting to reach a reasonable solution with the requestor that
35 accommodates the interests of the requestor and the agency.

36 h. Any officer or employee of a public agency who receives a
37 request for access to a government record shall forward the request
38 to the custodian of the record or direct the requestor to the
39 custodian of the record.

40 i. (1) Unless a shorter time period is otherwise provided by
41 statute, regulation, or executive order, a custodian of a government
42 record shall grant access to a government record or deny a request
43 for access to a government record as soon as possible, but not later
44 than seven business days after receiving the request, provided that
45 the record is currently available and not in storage or archived. In
46 the event a custodian fails to respond within seven business days
47 after receiving a request, the failure to respond shall be deemed a
48 denial of the request, unless the requestor has elected not to provide

1 a name, address or telephone number, or other means of contacting
2 the requestor. If the requestor has elected not to provide a name,
3 address, or telephone number, or other means of contacting the
4 requestor, the custodian shall not be required to respond until the
5 requestor reappears before the custodian seeking a response to the
6 original request. If the government record is in storage or archived,
7 the requestor shall be so advised within seven business days after
8 the custodian receives the request. The requestor shall be advised
9 by the custodian when the record can be made available. If the
10 record is not made available by that time, access shall be deemed
11 denied.

12 (2) During a period declared pursuant to the laws of this State as
13 a state of emergency, public health emergency, or state of local
14 disaster emergency, the deadlines by which to respond to a request
15 for, or grant or deny access to, a government record under
16 paragraph (1) of this subsection or subsection e. of this section shall
17 not apply, provided, however, that the custodian of a government
18 record shall make a reasonable effort, as the circumstances permit,
19 to respond to a request for access to a government record within
20 seven business days or as soon as possible thereafter.

21 j. A custodian shall post prominently in public view in the part
22 or parts of the office or offices of the custodian that are open to or
23 frequented by the public a statement that sets forth in clear, concise
24 and specific terms the right to appeal a denial of, or failure to
25 provide, access to a government record by any person for
26 inspection, examination, or copying or for purchase of copies
27 thereof and the procedure by which an appeal may be filed.

28 k. The files maintained by the Office of the Public Defender
29 that relate to the handling of any case shall be considered
30 confidential and shall not be open to inspection by any person
31 unless authorized by law, court order, or the State Public Defender.¹
32 (cf: P.L.2020, c.10, s.1)

33
34 ¹3. The title of P.L.2015, c.226 is amended to read as follows:
35 **AN ACT** concerning certain information regarding **[law**
36 **enforcement]** certain public officers and supplementing Title 2C
37 of the New Jersey Statutes and Titles 47 and 56 of the Revised
38 Statutes.¹

39 (cf: P.L.2015, c.226, title)

40
41 ¹**[2.] 4.**¹ Section 2 of P.L.2015, c.226 (C.47:1-17) is amended
42 to read as follows:

43 2. A State or local governmental agency shall not knowingly
44 post or publish on the Internet the home address or unpublished
45 home telephone number of any active or retired law enforcement
46 officer **[or law enforcement officer]**, ¹**[judge of any court of law of**
47 **this State, or State, county]** any active or retired federal, State, or

1 municipal judicial officer, as defined by section 1 of P.L.1995, c.23
 2 (C.47:1A-1.1)¹, or ¹['municipal'] any active or retired federal, State,
 3 county or municipal¹ prosecutor without first obtaining the written
 4 permission of that **['law enforcement officer or retired law**
 5 **enforcement officer'] individual.**
 6 (cf: P.L.2015, c.226, s.2)

7
 8 ¹**['1] 5.¹** Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is
 9 amended to read as follows:

10 1. A person shall not knowingly, with purpose to expose
 11 another to harassment or risk of harm to life or property, or in
 12 reckless disregard of the probability of such exposure, post or
 13 publish on the Internet the home address or unpublished home
 14 telephone number of any active or retired law enforcement officer,
 15 **['law enforcement officer'] ¹['judge of any court of law of this State,**
 16 **or'] any active or retired federal, State, or municipal judicial officer,**
 17 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or any
 18 active or retired federal,¹ State, county or municipal prosecutor, or
 19 the spouse or child ['of a law enforcement officer'] thereof. A
 20 reckless violation of this section is a crime of the fourth degree. A
 21 purposeful violation of this section is a crime of the third degree.
 22 (cf: P.L.2015, c.226, s.1)

23
 24 ¹**['3.] 6.¹** Section 3 of P.L.2015, c.226 (C.56:8-166.1) is
 25 amended to read as follows:

26 3. a. A person, business, or association shall not disclose on
 27 the Internet the home address or unpublished home telephone
 28 number of **['a law enforcement officer or'] an active or retired law**
 29 **enforcement officer, ¹['judge of any court of law of this State, or']**
 30 **an active or retired federal, State, or municipal judicial officer, as**
 31 **defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or an active**
 32 **or retired federal,¹ State, county or municipal prosecutor** under
 33 circumstances in which a reasonable person would believe that
 34 providing that information would expose another to harassment or
 35 risk of harm to life or property.

36 b. A person, business, or association that violates subsection a.
 37 of this section shall be liable to the **['law enforcement officer,']**
 38 **¹['active or retired law enforcement officer, judge of any court of**
 39 **law of this State, or State, county, or municipal prosecutor, or any**
 40 **other person residing at the home address of the ['law enforcement**
 41 **officer'] active or retired law enforcement officer, judge of any**
 42 **court of law of this State, or State, county, or municipal**
 43 **prosecutor,'] aggrieved person¹** who may bring a civil action in the
 44 Superior Court.

45 c. The court may award:

- 1 (1) actual damages, but not less than liquidated damages
2 computed at the rate of \$1,000 for each violation of this act;
- 3 (2) punitive damages upon proof of willful or reckless disregard
4 of the law;
- 5 (3) reasonable attorney's fees and other litigation costs
6 reasonably incurred; and
- 7 (4) any other preliminary and equitable relief as the court
8 determines to be appropriate.
- 9 d. For the purposes of this section, "disclose" shall mean to
10 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
11 transfer, publish, distribute, circulate, disseminate, present, exhibit,
12 advertise or offer.
13 (cf: P.L.2015, c.226, s.3)

14

15 17. (New section) a. An active or retired law enforcement
16 officer, an active or retired federal, State, or municipal judicial
17 officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or
18 an active or retired federal, State, county or municipal prosecutor
19 whose home address or unpublished telephone number or whose
20 immediate family member's name, home address or unpublished
21 telephone number is disclosed on the Internet by any person,
22 business, or association may request that the person, business, or
23 association that disclosed that information refrain from such
24 disclosure and remove that information from the Internet.

25 b. A request to refrain from disclosure and remove information
26 from the Internet pursuant to subsection a. of this section shall be
27 made in writing, addressed to the person, business, or association
28 that disclosed the information, and may be made by the law
29 enforcement officer, the federal, State, or municipal judicial officer,
30 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or the
31 federal, State, county or municipal prosecutor, as appropriate, or by
32 the employer of the law enforcement officer, judicial officer or
33 prosecutor with the consent of that individual.

34 c. Upon receipt of a written request to refrain from disclosure
35 and remove information from the Internet pursuant to this section,
36 the person, business or association that made such disclosure shall
37 have 72 hours to remove that information from the Internet and
38 shall not disclose that information to any other person, business, or
39 association through any medium.

40 d. An active or retired law enforcement officer, an active or
41 retired federal, State, or municipal judicial officer, as defined by
42 section 1 of P.L.1995, c.23 (C.47:1A-1.1), or an active or retired
43 federal, State, county, or municipal prosecutor whose home address
44 or unpublished telephone number or whose immediate family
45 member's name, home address or unpublished telephone number
46 was not timely removed from the Internet in violation of the
47 provisions of subsection c. of this section or was disclosed on the
48 Internet subsequent to receipt of a request pursuant to subsection b.

1 of this section may bring an action seeking injunctive or declaratory
2 relief in the Superior Court. If the court grants injunctive or
3 declaratory relief, the person, business, or association responsible
4 for the violation shall be required to pay reasonable attorney's fees
5 and other litigation costs reasonably incurred by the law
6 enforcement officer, judicial officer, or prosecutor, as appropriate.

7 e. For purposes of this section, "immediate family member"
8 shall include a spouse, child or parent of a law enforcement officer,
9 a judicial officer, as defined by section 1 of P.L.1995, c.23
10 (C.47:1A-1.1), or a federal, State, county, or municipal prosecutor,
11 or any blood relative of a law enforcement officer, a judicial officer
12 or a prosecutor or of that individual's spouse who lives in the same
13 residence as the law enforcement officer, judicial officer or
14 prosecutor.¹

15
16 ¹8. (New section) This act shall be liberally construed in order
17 to accomplish its purpose and the public policy of this State, which
18 is to enhance the safety and security of certain public officials in the
19 justice system, including law enforcement officers, judicial officers
20 and prosecutors who served or have served the people of New
21 Jersey, and the immediate family members of these individuals, to
22 foster the ability of these public servants who perform critical roles
23 in the justice system to carry out their official duties without fear of
24 personal reprisal from affected individuals related to the
25 performance of their public functions.¹

26
27 ¹9. (New section) If any section, subsection, clause, sentence,
28 paragraph, or part of this act, P.L. , c. (pending before the
29 Legislature as this bill), or the application thereof to any person or
30 circumstances, shall, for any reason, be adjudged by a court of
31 competent jurisdiction to be invalid, such judgment shall not affect,
32 impair, or invalidate the remainder of this act, P.L. , c. (pending
33 before the Legislature as this bill).¹

34
35 ¹[4.] 10.¹ This act shall take effect immediately.