

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1649

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 2020

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 1649.

This bill prohibits persons, State and local agencies, and businesses from posting or publishing on the Internet the home addresses or unpublished home telephone numbers of judicial officers, or State, county, or municipal prosecutors regardless of whether they are retired or in the workforce. This bill amends current law that already prohibits such disclosure for law enforcement officers.

Specifically, the bill makes it a crime for a person to knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of this exposure, to post or publish on the Internet the home address or unpublished telephone number of a judicial officer or State, county, or municipal prosecutor, regardless of whether they are retired or in the workforce, or their spouse or child. If the person recklessly violates this prohibition, it is a crime of the fourth degree. A fourth degree crime is punishable by a prison term of up to 18 months, a fine of up to \$10,000, or both. If the person purposefully violates this prohibition, it is a crime of the third degree. A third degree crime is punishable by a prison term of three to five years, a fine of up to \$15,000, or both.

The bill also prohibits State or local agencies from posting or publishing on the Internet a home address or telephone number of a judicial officer or State, county, or municipal prosecutor regardless of whether they are retired or in the workforce, without first obtaining written consent.

Persons, businesses, and associations also are prohibited by the bill from disclosing on the Internet a judicial officer's, or State, county, or municipal prosecutor's home address or unpublished home telephone number, regardless of whether they are retired or in the workforce, under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

The bill specifies that persons, businesses, or associations may be liable for violating this prohibition of the bill. The bill authorizes a civil action in Superior Court. The court may award: (1) actual damages, but not less than liquidated damages computed at the rate of

\$1,000 for each violation; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other preliminary and equitable relief as the court determines to be appropriate.

The bill defines "disclose" as soliciting, selling, manufacturing, giving, providing, lending, trading, mailing, delivering, transferring, publishing, distributing, circulating, disseminating, presenting, exhibiting, advertising or offering.

COMMITTEE AMENDMENTS

There are proposed committee amendments to the bill, including naming the bill "Daniel's law" in honor of the tragic killing of Daniel Anderl, the son of a U.S. District Court Judge who was shot and killed at the family's home by a person who had a fixation with the judge, and had access to the judge by way of her address being public.

The additional amendments:

add a definition of judicial officer;

add a definition of immediate family member;

make the protections of the bill applicable to federal, State county and municipal prosecutors;

exclude those portions of any document identifying a law enforcement officer's, a judicial officer's or a prosecutor's address from the definition of government record pursuant to the law commonly known as the open public records act;

require custodians of government records to redact a law enforcement officer's, a judicial officer's or prosecutor's address from any record prior to granting access to the record to a member of the public;

permit a law enforcement officer, judicial officer or prosecutor to request that the person, business, or association that disclosed the prohibited information to refrain from such disclosure and remove the information from the Internet;

require the request to refrain from disclosure to be in writing, addressed to the person, business, or association that disclosed the information, and may be made by the law enforcement officer, judicial officer, or prosecutor, or their employer with their consent;

provide that upon receipt of the written request, the person, business or association that made the disclosure will have 72 hours to remove the information from the Internet and must not disclose the information to anyone in any medium; and

provide that if the information is not timely removed or is disclosed on the Internet subsequent to receipt of a request to refrain from disclosure and to remove the information from the Internet, the law enforcement officer, judicial officer, or prosecutor, as appropriate, may bring an action seeking injunctive or declaratory relief in the Superior Court. If the court grants injunctive or declaratory relief, the

person or entity responsible for the violation will be required to pay reasonable attorney's fees and other litigation costs reasonably incurred.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.