

ASSEMBLY, No. 4623

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Co-Sponsored by:

Assemblyman Peters and Assemblywoman Vainieri Huttle

SYNOPSIS

Requires DMVA assist service members discharged solely due to LGBTQ status with petitions to change discharge designation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/1/2021)

1 AN ACT requiring the Department of Military and Veterans Affairs
2 to assist certain service members with petitions to change
3 discharge designations, and supplementing chapter 3 of Title
4 38A of the New Jersey Statutes.

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

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9 1. a. All former service members of the Armed Forces who
10 were separated from the service with a general or other than
11 honorable discharge due solely to their sexual orientation, or gender
12 identity or expression, may request that the New Jersey Department
13 of Military and Veterans Affairs assist them to have the designation
14 of his or her discharge changed and recorded as honorable.

15 b. The Department of Military and Veterans Affairs shall:

16 (1) create, publish, and distribute material to all public agencies
17 of the availability of the assistance; and

18 (2) create a consistent and uniform process to assist a former
19 service member with the appropriate and necessary forms and
20 conditions prescribed by federal law, so that he or she may petition
21 the United States Department of Veterans Affairs, or its successor
22 agency, to change the designation of his or her discharge to
23 honorable.

24 At no time shall a fee be charged to a former service member for
25 seeking assistance to have the designation of his or her discharge
26 changed to honorable.

27 c. A former service member who has the designation of his or
28 her discharge changed to honorable shall be afforded the same
29 rights, privileges, and benefits authorized by State law to service
30 members who were honorably discharged.

31 d. Information related to the change in the designation of a
32 discharge, including, but not limited to, a request for assistance,
33 shall be confidential and not accessible to the public as a
34 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

35 e. The Adjutant General shall, in accordance with the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), adopt any rules and regulations as the Adjutant General
38 deems necessary to carry out the provisions of this act, P.L. , c.
39 (pending before the Legislature as this bill).

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41 2. This act shall take effect immediately.

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STATEMENT

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46 This bill requires the New Jersey Department of Military and
47 Veterans Affairs to assist former service members of the Armed
48 Forces who were separated from the service with a general or other

1 than honorable discharge due solely to their LGBTQ status with the
2 appropriate and necessary forms and conditions to petition the
3 United States Department of Veterans Affairs to have the
4 designation of the discharge changed and recorded as honorable.
5 The department will create, publish, and distribute material to all
6 public agencies of the availability of the assistance, and create a
7 uniform process to provide the assistance.

8 Under the bill, former service members who have the designation
9 of their discharge changed will be eligible for the same rights,
10 privileges, and benefits currently offered to service members who
11 were honorably discharged. No fee will be charged to a former
12 service member for seeking assistance, and information related to
13 the change in the designation of a discharge will be confidential and
14 not accessible to the public as a government record.

15 An estimated 100,000 LGBTQ service members were discharged
16 from the military under less than honorable conditions. Too many
17 service members have been shamed, and left without the benefits
18 they earned. These service members lost their rights to both state
19 and federal benefits. This bill will help ensure that they get the
20 benefits and respect that they deserve.