

P.L. 2021, CHAPTER 24, *approved February 22, 2021*
Senate, No. 3453

1 **AN ACT** concerning disclosure of certain information with respect to
2 certain public officials and amending various parts of the statutory
3 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.1995, c.23 (C.47:1A-1.1) is amended to read
9 as follows:

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

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

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

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

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

37 information received by a member of the Legislature from a
38 constituent or information held by a member of the Legislature
39 concerning a constituent, including but not limited to information in
40 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.

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-accessible
7 report which is required by law to be submitted to the Legislature or
8 its members;

9 any copy, reproduction or facsimile of any photograph, negative
10 or print, including instant photographs and videotapes of the body, or
11 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 the
14 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 for
19 the court order has been served at least five days before the order is
20 made upon the county prosecutor for the county in which the post
21 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, but
31 not limited to, any law enforcement agency report, domestic violence
32 offense report, and temporary or permanent restraining order;

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

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

45 trade secrets and proprietary commercial or financial information
46 obtained from any source. For the purposes of this paragraph, trade
47 secrets shall include data processing software obtained by a public
48 body under a licensing agreement which prohibits its disclosure;

1 any record within the attorney-client privilege. This paragraph
2 shall not be construed as exempting from access attorney or
3 consultant bills or invoices except that such bills or invoices may be
4 redacted to remove any information protected by the attorney-client
5 privilege;
6 administrative or technical information regarding computer
7 hardware, software and networks which, if disclosed, would
8 jeopardize computer security;
9 emergency or security information or procedures for any buildings
10 or facility which, if disclosed, would jeopardize security of the
11 building or facility or persons therein;
12 security measures and surveillance techniques which, if disclosed,
13 would create a risk to the safety of persons, property, electronic data
14 or software;
15 information which, if disclosed, would give an advantage to
16 competitors or bidders;
17 information generated by or on behalf of public employers or
18 public employees in connection with any sexual harassment
19 complaint filed with a public employer or with any grievance filed
20 by or against an individual or in connection with collective
21 negotiations, including documents and statements of strategy or
22 negotiating position;
23 information which is a communication between a public agency
24 and its insurance carrier, administrative service organization or risk
25 management office;
26 information which is to be kept confidential pursuant to court
27 order;
28 any copy of form DD-214, NGB-22, or that form, issued by the
29 United States Government, or any other certificate of honorable
30 discharge, or copy thereof, from active service or the reserves of a
31 branch of the Armed Forces of the United States, or from service in
32 the organized militia of the State, that has been filed by an individual
33 with a public agency, except that a veteran or the veteran's spouse or
34 surviving spouse shall have access to the veteran's own records;
35 any copy of an oath of allegiance, oath of office or any affirmation
36 taken upon assuming the duties of any public office, or that oath or
37 affirmation, taken by a current or former officer or employee in any
38 public office or position in this State or in any county or municipality
39 of this State, including members of the Legislative Branch, Executive
40 Branch, Judicial Branch, and all law enforcement entities, except that
41 the full name, title, and oath date of that person contained therein
42 shall not be deemed confidential;
43 that portion of any document which discloses the social security
44 number, credit card number, unlisted telephone number or driver
45 license number of any person, or that portion of any document which
46 discloses the home address, whether a primary or secondary
47 residence, of any active, formerly active, or retired judicial officer or
48 prosecutor, and **beginning 18 months after the effective date of**
49 **P.L.2020, c.125 (C.56:8-166.2 et al.),** any active, formerly active,

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

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

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

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

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

37 test questions, scoring keys and other examination data pertaining
38 to the administration of an examination for employment or academic
39 examination;

40 records of pursuit of charitable contributions or records containing
41 the identity of a donor of a gift if the donor requires non-disclosure
42 of the donor's identity as a condition of making the gift provided that
43 the donor has not received any benefits of or from the institution of
44 higher education in connection with such gift other than a request for
45 memorialization or dedication;

46 valuable or rare collections of books or documents obtained by
47 gift, grant, bequest or devise conditioned upon limited public access;
48 information contained on individual admission applications; and

1 information concerning student records or grievance or
2 disciplinary proceedings against a student to the extent disclosure
3 would reveal the identity of the student.

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

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

34 "Law enforcement agency" means a public agency, or part thereof,
35 determined by the Attorney General to have law enforcement
36 responsibilities.

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

39 "Judicial officer" means any active, formerly active, or retired
40 federal, state, county, or municipal judge, including a judge of the
41 Tax Court and any other court of limited jurisdiction established,
42 altered, or abolished by law, a judge of the Office of Administrative
43 Law, a judge of the Division of Workers' Compensation, and any
44 other judge established by law who serves in the executive branch.

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

47 "Criminal investigatory record" means a record which is not
48 required by law to be made, maintained or kept on file that is held by

1 a law enforcement agency which pertains to any criminal
2 investigation or related civil enforcement proceeding.

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

7 "Victim of a crime" means a person who has suffered personal or
8 psychological injury or death or incurs loss of or injury to personal
9 or real property as a result of a crime, or if such a person is deceased
10 or incapacitated, a member of that person's immediate family.

11 "Victims' rights agency" means a public agency, or part thereof,
12 the primary responsibility of which is providing services, including
13 but not limited to food, shelter, or clothing, medical, psychiatric,
14 psychological or legal services or referrals, information and referral
15 services, counseling and support services, or financial services to
16 victims of crimes, including victims of sexual assault, domestic
17 violence, violent crime, child endangerment, child abuse or child
18 neglect, and the Victims of Crime Compensation Board, established
19 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the
20 Victims of Crime Compensation Office pursuant to P.L.2007, c.95
21 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
22 (cf: P.L.2020, c.125, s.1)

23

24 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
25 as follows:

26 6. a. The custodian of a government record shall permit the
27 record to be inspected, examined, and copied by any person during
28 regular business hours; or in the case of a municipality having a
29 population of 5,000 or fewer according to the most recent federal
30 decennial census, a board of education having a total district
31 enrollment of 500 or fewer, or a public authority having less than \$10
32 million in assets, during not less than six regular business hours over
33 not less than three business days per week or the entity's regularly-
34 scheduled business hours, whichever is less; unless a government
35 record is exempt from public access by: P.L.1963, c.73 (C.47:1A-1
36 et seq.) as amended and supplemented; any other statute; resolution
37 of either or both houses of the Legislature; regulation promulgated
38 under the authority of any statute or Executive Order of the
39 Governor; Executive Order of the Governor; Rules of Court; any
40 federal law; federal regulation; or federal order. Prior to allowing
41 access to any government record, the custodian thereof shall redact
42 from that record any information which discloses the social security
43 number, credit card number, unlisted telephone number, or driver
44 license number of any person, or the home address, whether a
45 primary or secondary residence, of any active, formerly active, or
46 retired judicial officer or prosecutor, and **beginning 18 months after**
47 **the effective date of P.L.2020, c.125 (C.56:8-166.2 et al.),** any
48 active, formerly active, or retired law enforcement officer; except for
49 use by any government agency, including any court or law

1 enforcement agency, in carrying out its functions, or any private
2 person or entity acting on behalf thereof, or any private person or
3 entity seeking to enforce payment of court-ordered child support;
4 except with respect to the disclosure of driver information by the
5 New Jersey Motor Vehicle Commission as permitted by section 2 of
6 P.L.1997, c.188 (C.39:2-3.4); and except that a social security
7 number contained in a record required by law to be made, maintained
8 or kept on file by a public agency shall be disclosed when access to
9 the document or disclosure of that information is not otherwise
10 prohibited by State or federal law, regulation or order or by State
11 statute, resolution of either or both houses of the Legislature,
12 Executive Order of the Governor, rule of court or regulation
13 promulgated under the authority of any statute or executive order of
14 the Governor. Except where an agency can demonstrate an emergent
15 need, a regulation that limits access to government records shall not
16 be retroactive in effect or applied to deny a request for access to a
17 government record that is pending before the agency, the council or
18 a court at the time of the adoption of the regulation.

19 b. (1) A copy or copies of a government record may be
20 purchased by any person upon payment of the fee prescribed by law
21 or regulation. Except as otherwise provided by law or regulation and
22 except as provided in paragraph (2) of this subsection, the fee
23 assessed for the duplication of a government record embodied in the
24 form of printed matter shall be \$0.05 per letter size page or smaller,
25 and \$0.07 per legal size page or larger. If a public agency can
26 demonstrate that its actual costs for duplication of a government
27 record exceed the foregoing rates, the public agency shall be
28 permitted to charge the actual cost of duplicating the record. The
29 actual cost of duplicating the record, upon which all copy fees are
30 based, shall be the cost of materials and supplies used to make a copy
31 of the record, but shall not include the cost of labor or other overhead
32 expenses associated with making the copy except as provided for in
33 subsection c. of this section. Access to electronic records and non-
34 printed materials shall be provided free of charge, but the public
35 agency may charge for the actual costs of any needed supplies such
36 as computer discs.

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

40 c. Whenever the nature, format, manner of collation, or volume
41 of a government record embodied in the form of printed matter to be
42 inspected, examined, or copied pursuant to this section is such that
43 the record cannot be reproduced by ordinary document copying
44 equipment in ordinary business size or involves an extraordinary
45 expenditure of time and effort to accommodate the request, the public
46 agency may charge, in addition to the actual cost of duplicating the
47 record, a special service charge that shall be reasonable and shall be
48 based upon the actual direct cost of providing the copy or copies;
49 provided, however, that in the case of a municipality, rates for the

1 duplication of particular records when the actual cost of copying
2 exceeds the foregoing rates shall be established in advance by
3 ordinance. The requestor shall have the opportunity to review and
4 object to the charge prior to it being incurred.

5 d. A custodian shall permit access to a government record and
6 provide a copy thereof in the medium requested if the public agency
7 maintains the record in that medium. If the public agency does not
8 maintain the record in the medium requested, the custodian shall
9 either convert the record to the medium requested or provide a copy
10 in some other meaningful medium. If a request is for a record: (1) in
11 a medium not routinely used by the agency; (2) not routinely
12 developed or maintained by an agency; or (3) requiring a substantial
13 amount of manipulation or programming of information technology,
14 the agency may charge, in addition to the actual cost of duplication,
15 a special charge that shall be reasonable and shall be based on the
16 cost for any extensive use of information technology, or for the labor
17 cost of personnel providing the service, that is actually incurred by
18 the agency or attributable to the agency for the programming,
19 clerical, and supervisory assistance required, or both.

20 e. Immediate access ordinarily shall be granted to budgets, bills,
21 vouchers, contracts, including collective negotiations agreements
22 and individual employment contracts, and public employee salary
23 and overtime information.

24 f. The custodian of a public agency shall adopt a form for the
25 use of any person who requests access to a government record held
26 or controlled by the public agency. The form shall provide space for
27 the name, address, and phone number of the requestor and a brief
28 description of the government record sought. The form shall include
29 space for the custodian to indicate which record will be made
30 available, when the record will be available, and the fees to be
31 charged. The form shall also include the following: (1) specific
32 directions and procedures for requesting a record; (2) a statement as
33 to whether prepayment of fees or a deposit is required; (3) the time
34 period within which the public agency is required by P.L.1963, c.73
35 (C.47:1A-1 et seq.) as amended and supplemented, to make the
36 record available; (4) a statement of the requestor's right to challenge
37 a decision by the public agency to deny access and the procedure for
38 filing an appeal; (5) space for the custodian to list reasons if a request
39 is denied in whole or in part; (6) space for the requestor to sign and
40 date the form; (7) space for the custodian to sign and date the form if
41 the request is fulfilled or denied. The custodian may require a deposit
42 against costs for reproducing documents sought through an
43 anonymous request whenever the custodian anticipates that the
44 information thus requested will cost in excess of \$5 to reproduce.

45 g. A request for access to a government record shall be in writing
46 and hand-delivered, mailed, transmitted electronically, or otherwise
47 conveyed to the appropriate custodian. A custodian shall promptly
48 comply with a request to inspect, examine, copy, or provide a copy
49 of a government record. If the custodian is unable to comply with a

1 request for access, the custodian shall indicate the specific basis
2 therefor on the request form and promptly return it to the requestor.
3 The custodian shall sign and date the form and provide the requestor
4 with a copy thereof. If the custodian of a government record asserts
5 that part of a particular record is exempt from public access pursuant
6 to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented,
7 the custodian shall delete or excise from a copy of the record that
8 portion which the custodian asserts is exempt from access and shall
9 promptly permit access to the remainder of the record. If the
10 government record requested is temporarily unavailable because it is
11 in use or in storage, the custodian shall so advise the requestor and
12 shall make arrangements to promptly make available a copy of the
13 record. If a request for access to a government record would
14 substantially disrupt agency operations, the custodian may deny
15 access to the record after attempting to reach a reasonable solution
16 with the requestor that accommodates the interests of the requestor
17 and the agency.

18 h. Any officer or employee of a public agency who receives a
19 request for access to a government record shall forward the request
20 to the custodian of the record or direct the requestor to the custodian
21 of the record.

22 i. (1) Unless a shorter time period is otherwise provided by
23 statute, regulation, or executive order, a custodian of a government
24 record shall grant access to a government record or deny a request
25 for access to a government record as soon as possible, but not later
26 than seven business days after receiving the request, provided that
27 the record is currently available and not in storage or archived. In
28 the event a custodian fails to respond within seven business days after
29 receiving a request, the failure to respond shall be deemed a denial
30 of the request, unless the requestor has elected not to provide a name,
31 address or telephone number, or other means of contacting the
32 requestor. If the requestor has elected not to provide a name, address,
33 or telephone number, or other means of contacting the requestor, the
34 custodian shall not be required to respond until the requestor
35 reappears before the custodian seeking a response to the original
36 request. If the government record is in storage or archived, the
37 requestor shall be so advised within seven business days after the
38 custodian receives the request. The requestor shall be advised by the
39 custodian when the record can be made available. If the record is not
40 made available by that time, access shall be deemed denied.

41 (2) During a period declared pursuant to the laws of this State as
42 a state of emergency, public health emergency, or state of local
43 disaster emergency, the deadlines by which to respond to a request
44 for, or grant or deny access to, a government record under paragraph
45 (1) of this subsection or subsection e. of this section shall not apply,
46 provided, however, that the custodian of a government record shall
47 make a reasonable effort, as the circumstances permit, to respond to
48 a request for access to a government record within seven business
49 days or as soon as possible thereafter.

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

8 k. The files maintained by the Office of the Public Defender that
9 relate to the handling of any case shall be considered confidential and
10 shall not be open to inspection by any person unless authorized by
11 law, court order, or the State Public Defender.

12 (cf: P.L.2020, c.125, s.2)

13
14 3. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
15 as follows:

16 2. A State or local governmental agency shall not knowingly
17 post or publish on the Internet, or repost, republish, or otherwise
18 make available, the home address or unpublished home telephone
19 number of any active, formerly active, or retired judicial officer, as
20 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or
21 law enforcement officer without first obtaining the written
22 permission of that person.

23 **【The amendatory provisions of this section, enacted by P.L.2020,**
24 **c.125 (C.56:8-166.2 et al.), shall not be operative and enforceable**
25 **with respect to any active, formerly active, or retired law**
26 **enforcement officer until 18 months after the effective date of that**
27 **act; but the provisions of this section, prior to being amended, shall**
28 **remain operative and enforceable with respect to any active or retired**
29 **law enforcement officer during that 18-month period.】**

30 (cf: P.L.2020, c.125, s.4)

31
32 4. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
33 read as follows:

34 1. A person shall not knowingly, with purpose to expose another
35 to harassment or risk of harm to life or property, or in reckless
36 disregard of the probability of such exposure, post or publish on the
37 Internet, or repost, republish, or otherwise make available, the home
38 address or unpublished home telephone number of any active,
39 formerly active, or retired judicial officer, as defined by section 1 of
40 P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement
41 officer, or the spouse or child thereof. A reckless violation of this
42 section is a crime of the fourth degree. A purposeful violation of this
43 section is a crime of the third degree.

44 **【The amendatory provisions of this section, enacted by P.L.2020,**
45 **c.125 (C.56:8-166.2 et al.), shall not be operative and enforceable**
46 **with respect to any active, formerly active, or retired law**
47 **enforcement officer, or the spouse or child thereof, until 18 months**
48 **after the effective date of that act; but the provisions of this section,**

1 prior to being amended, shall remain operative and enforceable with
2 respect to any active or retired law enforcement officer, or the spouse
3 or child of a law enforcement officer, during that 18-month period.】
4 (cf: P.L.2020, c.125, s.5)

5
6 5. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to
7 read as follows:

8 3. a. A person, business, or association shall not disclose on the
9 Internet, or re-disclose or otherwise make available, the home
10 address or unpublished home telephone number of any active,
11 formerly active, or retired judicial officer, as defined by section 1 of
12 P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement officer
13 under circumstances in which a reasonable person would believe that
14 providing that information would expose another to harassment or
15 risk of harm to life or property.

16 【The amendatory provisions of this section, enacted by P.L.2020,
17 c.125 (C.56:8-166.2 et al.), shall not be operative and enforceable
18 with respect to any active, formerly active, or retired law
19 enforcement officer until 18 months after the effective date of that
20 act; but the provisions of this section, prior to being amended, shall
21 remain operative and enforceable with respect to any active or retired
22 law enforcement officer during that 18-month period.】

23 b. A person, business, or association that violates subsection a.
24 of this section shall be liable to the aggrieved person or any other
25 person residing at the home address of the aggrieved person, who
26 may bring a civil action in the Superior Court.

27 c. The court may award:

28 (1) actual damages, but not less than liquidated damages
29 computed at the rate of \$1,000 for each violation of this act;

30 (2) punitive damages upon proof of willful or reckless disregard
31 of the law;

32 (3) reasonable attorney's fees and other litigation costs
33 reasonably incurred; and

34 (4) any other preliminary and equitable relief as the court
35 determines to be appropriate.

36 d. For the purposes of this section, "disclose" shall mean to
37 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
38 transfer, post, publish, distribute, circulate, disseminate, present,
39 exhibit, advertise or offer.

40 (cf: P.L.2020, c.125, s.6)

41
42 6. Section 7 of P.L.2020, c.125 (C.56:8-166.2) is amended to
43 read as follows:

44 7. a. (1) Any active, formerly active, or retired judicial officer,
45 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or
46 prosecutor, whose home address or unpublished telephone number is
47 disclosed on the Internet, or re-disclosed or otherwise made
48 available, by any person, business, or association, or whose

1 immediate family member's name, home address, or unpublished
2 telephone number is disclosed on the Internet, or re-disclosed or
3 otherwise made available, by any person, business, or association,
4 which in the case of a family member's name or home address may
5 be used, alone or in conjunction with any other information, to
6 identify the person as the family member of a judicial officer or
7 prosecutor, may request that the person, business, or association that
8 disclosed, re-disclosed, or otherwise made available that information
9 refrain from that action and remove the information from the Internet
10 or where otherwise made available.

11 (2) Beginning 18 months after the **effective date** enactment of
12 P.L.2020, c.125 (C.56:8-166.2 et al.), any law enforcement officer
13 whose home address or unpublished home telephone number is
14 disclosed on the Internet, or re-disclosed or otherwise made
15 available, by any person, business, or association, or whose
16 immediate family member's name, home address, or unpublished
17 telephone number is disclosed on the Internet, or re-disclosed or
18 otherwise made available, by any person, business, or association,
19 which in the case of a family member's name or home address may
20 be used, alone or in conjunction with any other information, to
21 identify the person as the family member of a law enforcement
22 officer, may request that the person, business, or association that
23 disclosed, re-disclosed, or otherwise made available that information
24 refrain from that action and remove the information from the Internet
25 or where otherwise made available.

26 For purposes of this section, "immediate family member" shall
27 include a spouse, child, or parent of an active, formerly active, or
28 retired judicial officer, as defined by section 1 of P.L.1995, c.23
29 (C.47:1A-1.1), prosecutor, or law enforcement officer, or any other
30 family member related by blood or by law to the judicial officer,
31 prosecutor, or law enforcement officer who lives in the same
32 residence.

33 b. (1) A request to refrain and remove information pursuant to
34 subsection a. of this section shall be made in writing, addressed to
35 the person, business, or association that disclosed, re-disclosed, or
36 otherwise made available the information, and may be made by the
37 judicial officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-
38 1.1), prosecutor, or law enforcement officer, as appropriate, or by the
39 person's employer with the consent of that person.

40 (2) Upon receipt of a written request to refrain and remove
41 information, the person, business, or association that disclosed, re-
42 disclosed, or otherwise made available the information shall have 72
43 hours to remove that information from the Internet or where
44 otherwise made available, and shall not disclose, re-disclose, or
45 otherwise make available that information to any other person,
46 business, or association through any medium.

47 c. An active, formerly active, or retired judicial officer,
48 prosecutor, or law enforcement officer whose own information, or
49 immediate family member's information, was not timely removed

1 from the Internet or where otherwise made available within 72 hours
2 by a person, business, or association following receipt of a written
3 request to refrain and remove that information, or the person,
4 business, or association re-discloses on the Internet or otherwise
5 makes available the same information at any time subsequent to
6 receipt of the written request, may bring an action seeking injunctive
7 or declaratory relief in the Superior Court. If the court grants
8 injunctive or declaratory relief, the person, business, or association
9 responsible for the violation shall be required to pay reasonable
10 attorney's fees and other litigation costs reasonably incurred by the
11 judicial officer, prosecutor, or law enforcement officer, as
12 appropriate.

13 (cf: P.L.2020, c.125, s.7)

14
15 7. Section 9 of P.L.2020, c.125 is amended to read as follows:

16 9. This act shall take effect **【immediately, but for those**
17 **provisions of the act which do】** on December 10, 2021, except that
18 the amendments enacted by P.L.2020, c.125 to section 1 of P.L.1995,
19 c.23 (C.47:1A-1.1), section 6 of P.L.2001, c.404 (C.47:1A-5),
20 section 2 of P.L.2015, c.226 (C.47:1-17), section 1 of P.L.2015, c.226
21 (C.2C:20-31.1), and section 3 of P.L.2015, c.226 (C.56:8-166.1)
22 concerning law enforcement officers shall not become operative
23 **【and】** or enforceable 【with respect to law enforcement officers】 until
24 18 months 【after the effective date, any】 thereafter, and except that
25 section 7 of P.L.2020, c.125 (C.56:8-166.2) shall take effect
26 immediately. Any anticipatory administrative action may be taken
27 in advance of the operative date of any provision of P.L.2020, c.125
28 that is necessary for the implementation of those provisions.

29
30 8. Any regulations or amendments to regulations necessary to
31 effectuate the purposes of this act, P.L. , c. (pending before the
32 Legislature as this bill), or of P.L.2020, c.125 shall be effective
33 immediately upon filing with the Office of Administrative Law for a
34 period not to exceed 30 months, and may, thereafter, be amended,
35 adopted, or readopted in accordance with the provisions of the
36 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
37 seq.).

38
39 9. This act shall take effect immediately and shall be retroactive
40 to November 20, 2020.

41
42
43 STATEMENT

44
45 This bill amends certain provisions and the effective date
46 applicable to disclosure of personal information of judicial officers,
47 prosecutors, and law enforcement officers.

1 This bill changes to December 10, 2021 the effective date of
2 certain provisions of P.L.2020, c.125, known as “Daniel’s Law,”
3 applicable to any active, formerly active, or retired judicial officer or
4 prosecutor. That law prohibited the disclosure by both governmental
5 entities and private parties, of the home addresses of any active,
6 formerly active, or retired federal, State, county, or municipal
7 judicial officer, prosecutor, or law enforcement officer. The
8 provisions applicable to law enforcement officers take effect 18
9 months after the effective date applicable to the provisions governing
10 judges and prosecutors.

11 This bill does not change the effective date of the section of law
12 permitting any active, formerly active, or retired judicial officer or
13 prosecutor, or their immediate family member, whose home address
14 or unpublished home telephone number is disclosed or re-disclosed
15 on the Internet, or otherwise made available, by any person, business,
16 or association to request removal or redaction of that information.
17 The request must be honored within 72 hours.

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22 Amends certain provisions and effective date applicable to
23 disclosure of personal information of judicial officers, prosecutors,
24 and law enforcement officers.