

CHAPTER 56

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.38A:3-59 Assistance for certain service members with petitions to change discharge designations.

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

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

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

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

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

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

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

e. The Adjutant General shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any rules and regulations as the Adjutant General deems necessary to carry out the provisions of this act, P.L.2021, c.56.

2. This act shall take effect immediately.

Approved April 19, 2021.