SENATE, No. 175

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator KRISTIN M. CORRADO
District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Bars public entities and public employees from entering into confidential settlements of claims against them; provides that such settlements constitute public records.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning certain settlements and supplementing Title 2A of the New Jersey Statutes and Title 47 of the Revised Statutes.

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

1. a. As used in this act:

"Public entity" means the State, and any county, municipality, district, public authority, public agency, and any other political subdivision or public body in the State.

"Public employee" means an employee of a public entity.

b. (1) Except as provided in paragraph (2) of this subsection, no public entity or public employee may enter into any agreement to settle a claim or action to which the public entity, or a public employee in his capacity as a public employee, is a party if such agreement provides that the terms or conditions of the settlement are confidential.

(2) A public entity or public employee may enter into an agreement that provides that the terms or conditions of settlement are confidential if the settlement involves a matter of national security.

2. Any agreement to settle a claim or action in which a public entity, or a public employee in his capacity as a public employee, is a party shall be considered a public record within the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.) except for matters involving national security.

3. Nothing in this act shall be deemed to affect the requirement set out in P.L.1989, c.336 (C.2A:82-46), or in any other law or Rule of Court, that in prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, endangering the welfare of children under N.J.S.2C:24-4, or in any action alleging an abused or neglected child under P.L.1974, c.119 (C.9:6-8.21 et seq.), the name, address, and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense shall not appear on the indictment, complaint, or any other public record.

4. Nothing in this act shall be deemed to preclude or otherwise limit the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.).

5. This act shall take effect on the 90th day following enactment.

STATEMENT

This bill would bar public entities and public employees from entering into confidential settlements of claims or actions where the public entity is a party, except for matters involving national security. The bill also provides that such settlements constitute public records under the open public records laws.

Under current law, set out in P.L.1989, c.336 (C.2A:82-46), the name, address, and identity of a victim of a sex crime or child abuse who was under the age of 18 at the time of the offense shall not appear on the indictment, complaint, or any other public record. The bill specifically provides that it is not intended to affect this requirement.

The bill provides that it shall not be deemed to preclude or otherwise limit the provisions of the open public records laws.