

SENATE, No. 1059

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Establishes publicly accessible domestic violence Internet registry.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT creating a publicly accessible domestic violence Internet
2 registry for certain offenses, amending P.L.1999, c.421 and
3 supplementing Title 2C of the New Jersey Statutes.

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.1999, c.421 (C.2C:25-34) is amended to
9 read as follows:

10 1. The Administrative Office of the Courts shall establish and
11 maintain a central registry of all persons who have had domestic
12 violence restraining orders entered against them, all persons who
13 have been charged with a crime or offense involving domestic
14 violence, **[and]** all persons who have been charged with a violation
15 of a court order involving domestic violence and all persons
16 convicted of a domestic violence-related homicide, sexual assault or
17 aggravated assault or a conspiracy or attempt to commit a domestic
18 violence-related homicide, sexual assault or aggravated assault.

19 **[All]** Except as provided in section 2 of P.L., c. (C.) (pending
20 before the Legislature as this bill), records made pursuant to this
21 section shall be kept confidential and shall be released only to:

22 a. A public agency authorized to investigate a report of
23 domestic violence;

24 b. A police or other law enforcement agency investigating a
25 report of domestic violence, or conducting a background
26 investigation involving a person's application for a firearm permit
27 or employment as a police or law enforcement officer or for any
28 other purpose authorized by law or the Supreme Court of the State
29 of New Jersey;

30 c. A court, upon its finding that access to such records may be
31 necessary for determination of an issue before the court;

32 d. A surrogate, in that person's official capacity as deputy clerk
33 of the Superior Court, in order to prepare documents that may be
34 necessary for a court to determine an issue in an adoption
35 proceeding; or

36 e. The Division of Child Protection and Permanency in the
37 Department of Children and Families when the division is
38 conducting a background investigation involving:

39 (1) an allegation of child abuse or neglect, to include any adult
40 member of the same household as the individual who is the subject
41 of the abuse or neglect allegation; or

42 (2) an out-of-home placement for a child being placed by the
43 Division of Child Protection and Permanency, to include any adult
44 member of the prospective placement household.

45 Any individual, agency, surrogate, or court which receives from

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 the Administrative Office of the Courts the records referred to in
2 this section shall keep the records and reports, or parts thereof,
3 confidential and shall not disseminate or disclose such records and
4 reports, or parts thereof; provided that nothing in this section shall
5 prohibit a receiving individual, agency, surrogate or court from
6 disclosing records and reports, or parts thereof, in a manner
7 consistent with and in furtherance of the purpose for which the
8 records and reports or parts thereof were received.

9 Any individual who disseminates or discloses a record or report,
10 or parts thereof, of the central registry, for a purpose other than
11 investigating a report of domestic violence, conducting a
12 background investigation involving a person's application for a
13 firearm permit or employment as a police or law enforcement
14 officer, making a determination of an issue before the court,
15 conducting a background investigation as specified in subsection e.
16 of this section, or for any other purpose other than that which is
17 authorized by law or the Supreme Court of the State of New Jersey,
18 shall be guilty of a crime of the fourth degree.

19 (cf: P.L.2012, c.16, s.9)

20
21 2. (New section) Development, maintenance of system on the
22 domestic violence Internet registry.

23 a. Pursuant to the provisions of this section, the Administrative
24 Office of the Courts in conjunction with the Superintendent of State
25 Police and the Attorney General shall develop and maintain a
26 system for making the information set forth in this section,
27 maintained in the central domestic violence registry established
28 pursuant to section 1 of P.L.1999, c.421 (C.2C:25-34), publicly
29 available by means of Internet technology.

30 b. The public may, without limitation, obtain access to the
31 Internet registry to view an individual record, any part of, or the
32 entire domestic violence Internet registry concerning all persons
33 who have had domestic violence restraining orders entered against
34 them for aggravated assault.

35 c. In the case of a person convicted of a homicide, sexual
36 assault or aggravated assault involving domestic violence, the
37 public may, without limitation, obtain access to the domestic
38 violence Internet registry to view an individual record, any part of,
39 or the entire domestic violence Internet registry including: the
40 defendant's name and any aliases the defendant has used or under
41 which the defendant may be or may have been known; any
42 aggravated assault offenses involving domestic violence for which
43 the defendant was convicted, the date and location of disposition; a
44 brief description of any such offense, a general description of the
45 defendant's modus operandi, if any; the defendant's age, race, sex,
46 date of birth, height, weight, hair, eye color and any distinguishing
47 scars or tattoos; a photograph of the defendant and the date on
48 which the photograph was entered into the registry; the make,

1 model, color, year and license plate number of any vehicle operated
2 by the defendant; and the zip code, municipality and county in
3 which the defendant resides.

4
5 3. (New section) Responsibilities of Attorney General.

6 The Attorney General shall:

7 a. Ensure that the system for publicly accessing the domestic
8 violence Internet registry established pursuant to section 2 of
9 P.L. , c. (C.) (pending before the Legislature as this bill)
10 contains warnings that any person who uses the information
11 contained therein to threaten, intimidate or harass another, or who
12 otherwise misuses that information may be criminally prosecuted;

13 b. Ensure that the domestic violence Internet registry contains
14 an explanation of its limitations, including statements advising that
15 a positive identification of an individual whose record has been
16 made available may be confirmed only by fingerprints; that some
17 information contained in the registry may be outdated or inaccurate;
18 and that the domestic violence Internet registry is not a
19 comprehensive listing of every person who has ever had domestic
20 violence restraining orders entered against them, committed a
21 domestic violence-related homicide, sexual assault or aggravated
22 assault, or a conspiracy or attempt to commit one of these acts in
23 New Jersey;

24 c. Strive to ensure the information contained in the domestic
25 violence Internet registry is accurate, and that the data therein is
26 revised and updated as appropriate in a timely and efficient manner;
27 and

28 d. Provide as part of the system for publicly accessing the
29 domestic violence Internet registry information designed to inform
30 and educate the public about domestic violence as well as pertinent
31 and appropriate information concerning domestic violence and
32 personal safety, with appropriate links to relevant web sites
33 operated by the State of New Jersey.

34
35 4. (New section) Immunity for failure to investigate, disclose
36 information.

37 No action shall be brought against any person for failure to
38 investigate or disclose any information from the domestic violence
39 Internet registry that is compiled or made available to the public
40 pursuant to section 2 of P.L. c. (C.) (pending before the
41 Legislature as this bill).

42
43 5. (New section) Authorized use of disclosed information;
44 prohibited uses.

45 a. Any information disclosed pursuant to P.L. , c. (C.)
46 (pending before the Legislature as this bill) may be used in any
47 manner by any person or by any public, governmental or private

1 entity, organization or official, or any agent thereof, for any lawful
2 purpose consistent with the enhancement of public safety.

3 b. Any person who uses information disclosed pursuant to
4 P.L. , c. (C.) (pending before the Legislature as this bill) to
5 commit a crime shall be guilty of a crime of the third degree. Any
6 person who uses information disclosed pursuant to P.L. , c. (C.)
7 (pending before the Legislature as this bill) to commit a disorderly
8 persons or petty disorderly persons offense shall be guilty of a
9 disorderly persons offense and shall be fined not less than \$500 or
10 more than \$1,000, in addition to any other penalty or fine imposed.

11 c. Whenever there is reasonable cause to believe that any
12 person or group of persons is engaged in a pattern or practice of
13 misuse of the information disclosed pursuant to P.L. , c. (C.)
14 (pending before the Legislature as this bill), the Attorney General,
15 or any county or municipal prosecutor having jurisdiction, or any
16 person aggrieved by the misuse of that information is authorized to
17 bring a civil action in the appropriate court requesting preventive
18 relief, including an application for a permanent or temporary
19 injunction, restraining order, or other order against the person or
20 group of persons responsible for the pattern or practice of misuse.
21 The foregoing remedies shall be independent of and in addition to
22 any other remedies or procedures that may be available under other
23 provisions of law.

24 d. Evidence that a person obtained information about a
25 defendant from the domestic violence Internet registry within one
26 year prior to committing a criminal offense against that defendant
27 shall give rise to an inference that the person used information in
28 violation of subsection b. of this section.

29

30 6. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill requires the Administrative Office of the Courts in
36 conjunction with the State Police and the Attorney General to
37 develop and maintain a system to make certain domestic violence
38 registry information publicly available over the Internet. Under the
39 bill, the public would be able to gain access through the Internet to
40 all available information concerning an individual record, any part
41 of, or the entire domestic violence Internet registry concerning all
42 persons who have had domestic violence restraining orders entered
43 against them for aggravated assault.

44 In the case of a person convicted of homicide, sexual assault or
45 aggravated assault involving domestic violence the public may,
46 without limitation, obtain access to the domestic violence Internet
47 registry to view an individual record, any part of, or the entire
48 domestic violence Internet registry including: the defendant's name

1 and any aliases the defendant has used or under which the defendant
2 may be or may have been known; any aggravated assault offense
3 involving domestic violence for which the defendant was convicted;
4 the date and location of disposition; a brief description of any such
5 offense, a general description of the defendant's modus operandi, if
6 any; the defendant's age, race, sex, date of birth, height, weight,
7 hair, eye color and any distinguishing scars or tattoos; a photograph
8 of the defendant and the date on which the photograph was entered
9 into the registry; the make, model, color, year and license plate
10 number of any vehicle operated by the defendant; and the street
11 address, zip code, municipality and county in which the defendant
12 resides.

13 The bill requires the Attorney General to ensure that the system
14 for publicly accessing the domestic violence Internet registry
15 contains (1) warnings that any person who uses the information to
16 threaten, intimidate or harass another, or who misuses the
17 information may be criminally prosecuted, and (2) an explanation of
18 the registry's limitations. The Attorney General is further required
19 to strive to ensure that the information contained in the Internet
20 registry is accurate, and that the registry is revised and updated as
21 appropriate in a timely and efficient manner.

22 The bill also provides that no action is to be brought against any
23 person for failure to investigate or disclose any information from
24 the registry that is compiled or made available to the public through
25 the domestic violence Internet registry. The bill provides that any
26 information disclosed from the domestic violence Internet registry
27 may be used in any manner by any person or by any public,
28 governmental or private entity, organization or official, or any agent
29 thereof, for any lawful purpose consistent with the enhancement of
30 public safety. A person who uses that information to commit a
31 crime is guilty of a crime of the third degree. A person who uses
32 that information to commit a disorderly persons or petty disorderly
33 persons offense is guilty of a disorderly persons offense and would
34 be fined at least \$500 but not more than \$1,000, in addition to the
35 other applicable penalties. Whenever there is reasonable cause to
36 believe that any person or group of persons is engaged in a pattern
37 or practice of misuse of the information disclosed pursuant to the
38 bill, the Attorney General, or any county or municipal prosecutor
39 having jurisdiction, or any person aggrieved by the misuse of that
40 information is authorized to bring a civil action in the appropriate
41 court requesting preventive relief, including an application for a
42 permanent or temporary injunction, restraining order, or other order
43 against any person responsible for the pattern or practice of misuse.
44 These remedies would be independent of and in addition to any
45 other remedies or procedures that may be available under other
46 provisions of law.