

SENATE, No. 2008

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

SYNOPSIS

Prohibits disclosure of certain religious affiliation information by State or local government agencies.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the disclosure of religious affiliation
2 information, supplementing chapter 14 of Title 52 of the Revised
3 Statutes, and amending P.L.1966, c.37.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. (New section) a. Notwithstanding the provisions of any
9 other law to the contrary, a State or local government agency or
10 public employee acting under color of law shall not:

11 (1) provide or disclose to the federal government personally
12 identifiable information regarding the religious beliefs, practices, or
13 affiliation, or national origin or ethnicity, of any individual that the
14 federal government requests for compiling a list, registry, or
15 database of individuals based on religious belief, practice, or
16 affiliation, or national origin or ethnicity; or

17 (2) use State or local government agency money, facilities,
18 property, equipment, or personnel to assist in the creation,
19 implementation, or enforcement of any government program
20 compiling a list, registry, or database of personally identifiable
21 information about individuals based on religious belief, practice, or
22 affiliation, or national origin or ethnicity, for law enforcement or
23 immigration purposes.

24 b. Nothing in this section shall prevent a State or local
25 government agency from compiling aggregate information
26 regarding religious affiliation, national origin, or ethnicity or from
27 exchanging such information with other local, State, or federal
28 government agencies; provided that a State or local government
29 agency shall not compile or exchange any personally identifiable
30 information regarding religious affiliation, national origin, or
31 ethnicity.

32
33 2. Section 3 of P.L.1966, c.37 (C.52:17B-5.3) is amended to
34 read as follows:

35 3. a. All local and county police authorities shall submit a
36 quarterly report to the Attorney General, on forms prescribed by the
37 Attorney General, which report shall contain the number and nature
38 of offenses committed within their respective jurisdictions, the
39 disposition of such matters, information relating to criminal street
40 gang activities within their respective jurisdictions, information
41 relating to any offense directed against a person or group, or their
42 property, by reason of their race, color, religion, gender, disability,
43 sexual orientation, gender identity or expression, national origin, or
44 ethnicity and such other information as the Attorney General may
45 require, respecting information relating to the cause and prevention

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 of crime, recidivism, the rehabilitation of criminals and the proper
2 administration of criminal justice.

3 b. A law enforcement officer who responds to an offense
4 involving criminal street gang activity shall complete a gang related
5 incident offense report on a form prescribed by the Superintendent
6 of State Police. All information contained in the gang related
7 incident offense report shall be forwarded to the Superintendent of
8 State Police for inclusion in the Uniform Crime Report.

9 c. A law enforcement officer who seizes or recovers a firearm
10 that was unlawfully possessed, used for an unlawful purpose,
11 recovered from a crime scene or is reasonably believed to have been
12 used in or associated with the commission of a crime, or is
13 otherwise acquired as an abandoned or discarded firearm shall
14 complete, within 24 hours of the entering of the required
15 information relating to that firearm into the New Jersey Trace
16 System and such other State and federal database systems as
17 prescribed by the superintendent, a seized or recovered firearms
18 incident report on a form prescribed by the superintendent. The
19 incident report shall be filed with the State Police in a manner and
20 time prescribed by the superintendent.

21 d. Notwithstanding the provisions of this section or any other
22 law to the contrary, State and local law enforcement officers and
23 authorities shall not:

24 (1) collect information on the religious belief, practice, or
25 affiliation of any individual except:

26 (a) as part of a targeted investigation of an individual based on
27 reasonable suspicion to believe that the individual has engaged in
28 criminal activity and a clear nexus exists between the criminal
29 activity and the specific information collected about the individual's
30 religious belief, practice, or affiliation;

31 (b) as part of an investigation into a crime of bias intimidation
32 in violation of N.J.S.2C:16-1; or

33 (c) when necessary to provide religious accommodations; or

34 (2) use a law enforcement authority's money, facilities,
35 property, equipment, or personnel to investigate, enforce, or assist
36 in the investigation or enforcement of, any criminal, civil, or
37 administrative violation, or warrant for a violation, of any
38 requirement that individuals register their religion, national origin,
39 or ethnicity with the federal government.

40 (cf: P.L.2013, c.162, s.2)

41
42 3. This act shall take effect immediately.

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45 STATEMENT

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47 This bill directs State and local governments to refrain from
48 disclosing to the federal government personally identifiable

1 information, regarding the religious beliefs, practices, or affiliation,
2 or national origin or ethnicity, of any individual, which the federal
3 government requests for compiling a list, registry, or database of
4 individuals based on religious affiliation, national origin, or
5 ethnicity. The bill further prohibits the use of State or local
6 government agency money, facilities, property, equipment, or
7 personnel to assist in the creation, implementation, or enforcement
8 of any government program compiling a list, registry, or database of
9 personally identifiable information about individuals based on
10 religious affiliation, national origin, or ethnicity.

11 Additionally, the bill would prohibit State and local law
12 enforcement officers and authorities from collecting information
13 about an individual's religious beliefs, practices, or affiliations,
14 except when the information is specifically relevant to a targeted
15 investigation of that individual, when necessary to investigate a
16 crime of bias intimidation, or for purposes of providing religious
17 accommodations. The bill further prohibits the use of money,
18 facilities, property, equipment, or personnel by State and local law
19 enforcement authorities to investigate or enforce any criminal, civil,
20 or administrative violation, or warrant for a violation, of a
21 requirement that individuals register with the federal government or
22 any federal agency based on religion, national origin, or ethnicity.