

SENATE, No. 2744

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 28, 2020

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Requires municipal police departments maintain copies of complaint-summonses filed with Judiciary as government records.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring municipal police departments to maintain copies
2 of certain public records and supplementing P.L.1963, c.73.

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

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7 1. Every municipal police department and force established
8 pursuant to the provisions of N.J.S.40A:14-118 shall maintain
9 copies of all complaints electronically filed by a police officer of
10 the department and force with the Judiciary pursuant to Rules of the
11 Court. These copies shall be considered a public or government
12 record pursuant to P.L.1963, c.73 (C. 47:1A-1 et seq.) and
13 P.L.2001, c.404 (C.47:1A-5 et al.) and shall be provided upon
14 request by the police department or force.

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16 2. This act shall take effect on the first day of the fourth month
17 next following enactment.

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20 STATEMENT

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22 This bill requires police departments to maintain copies of
23 criminal complaints electronically filed by police officers with the
24 Judiciary. The bill provides that these complaints are to be
25 considered public or government records under the State's Open
26 Public Records Act (OPRA).

27 Under current law, Rules of Court and Attorney General
28 guidelines govern the filing of complaints by police officers against
29 criminal defendants. The arresting police officer inputs the required
30 information on an electronic form developed by the Administrative
31 Office of the Courts. The completed form is entered into the
32 Judiciary's case management system and a judicial officer
33 determines the type of complaint-summons that is to be generated.
34 The municipal police department has access to the case
35 management system, but the Judiciary is responsible for
36 maintaining the record. Based on this arrangement, the Appellate
37 Division of the Superior Court of New Jersey held in the recent case
38 of Simmons v. Mercado, 2020 N.J. Super. LEXIS 125, that requests
39 for these records are to be submitted to the Judiciary; municipal
40 police departments should not be burdened with producing records
41 when those records are maintained by the Judiciary.

42 This bill reverses the holding in Simmons v. Mercado by
43 requiring municipal police departments to maintain copies of these
44 records and, by clarifying that these are public records under
45 OPRA, requiring the municipal police departments to produce these
46 records upon request.