

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2797 and 2925

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED OCTOBER 22, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

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Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

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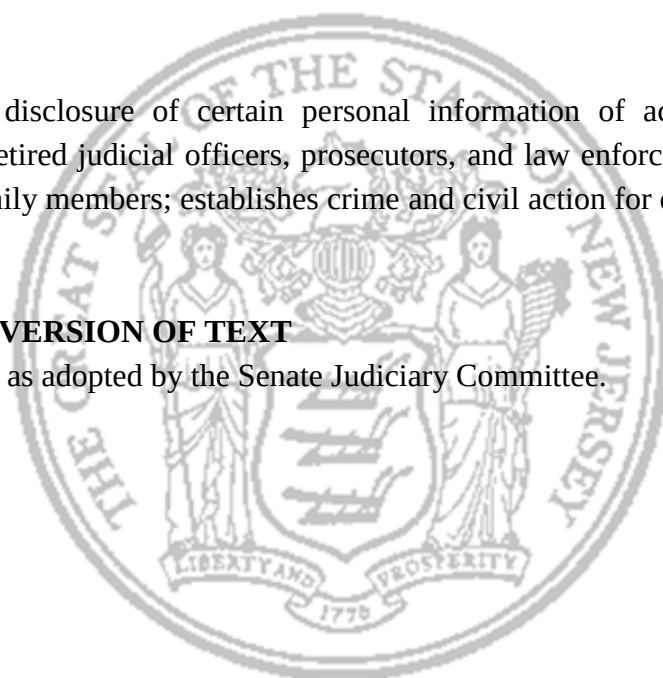
Senators Diegnan, Lagana and Greenstein

SYNOPSIS

Prohibits disclosure of certain personal information of active, formerly active, and retired judicial officers, prosecutors, and law enforcement officers, and their family members; establishes crime and civil action for disclosing such information.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Judiciary Committee.



(Sponsorship Updated As Of: 10/29/2020)

1 **AN ACT** prohibiting disclosure of certain information regarding
2 active, formerly active, and retired judicial officers, prosecutors,
3 and law enforcement officers, as well as disclosure of certain
4 information about their family members under certain
5 circumstances, and amending P.L.1995, c.23, P.L.2001, c.404,
6 and amending the title and body of, and supplementing,
7 P.L.2015, c.226.

8

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

11

12 1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
13 read as follows:

14 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended
15 and supplemented:

16 "Biotechnology" means any technique that uses living
17 organisms, or parts of living organisms, to make or modify
18 products, to improve plants or animals, or to develop micro-
19 organisms for specific uses; including the industrial use of
20 recombinant DNA, cell fusion, and novel bioprocessing techniques.

21 "Custodian of a government record" or "custodian" means in the
22 case of a municipality, the municipal clerk and in the case of any
23 other public agency, the officer officially designated by formal
24 action of that agency's director or governing body, as the case may
25 be.

26 "Government record" or "record" means any paper, written or
27 printed book, document, drawing, map, plan, photograph,
28 microfilm, data processed or image processed document,
29 information stored or maintained electronically or by sound-
30 recording or in a similar device, or any copy thereof, that has been
31 made, maintained or kept on file in the course of his or its official
32 business by any officer, commission, agency or authority of the
33 State or of any political subdivision thereof, including subordinate
34 boards thereof, or that has been received in the course of his or its
35 official business by any such officer, commission, agency, or
36 authority of the State or of any political subdivision thereof,
37 including subordinate boards thereof. The terms shall not include
38 inter-agency or intra-agency advisory, consultative, or deliberative
39 material.

40 A government record shall not include the following information
41 which is deemed to be confidential for the purposes of
42 P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

43 information received by a member of the Legislature from a
44 constituent or information held by a member of the Legislature
45 concerning a constituent, including but not limited to information in

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 written form or contained in any e-mail or computer data base, or in
2 any telephone record whatsoever, unless it is information the
3 constituent is required by law to transmit;
4 any memorandum, correspondence, notes, report or other
5 communication prepared by, or for, the specific use of a member of
6 the Legislature in the course of the member's official duties, except
7 that this provision shall not apply to an otherwise publicly-
8 accessible report which is required by law to be submitted to the
9 Legislature or its members;
10 any copy, reproduction or facsimile of any photograph, negative
11 or print, including instant photographs and videotapes of the body,
12 or any portion of the body, of a deceased person, taken by or for the
13 medical examiner at the scene of death or in the course of a post
14 mortem examination or autopsy made by or caused to be made by
15 the medical examiner except:
16 when used in a criminal action or proceeding in this State which
17 relates to the death of that person,
18 for the use as a court of this State permits, by order after good
19 cause has been shown and after written notification of the request
20 for the court order has been served at least five days before the
21 order is made upon the county prosecutor for the county in which
22 the post mortem examination or autopsy occurred,
23 for use in the field of forensic pathology or for use in medical or
24 scientific education or research, or
25 for use by any law enforcement agency in this State or any other
26 state or federal law enforcement agency;
27 criminal investigatory records;
28 victims' records, except that a victim of a crime shall have access
29 to the victim's own records;
30 any written request by a crime victim for a record to which the
31 victim is entitled to access as provided in this section, including,
32 but not limited to, any law enforcement agency report, domestic
33 violence offense report, and temporary or permanent restraining
34 order;
35 personal firearms records, except for use by any person
36 authorized by law to have access to these records or for use by any
37 government agency, including any court or law enforcement
38 agency, for purposes of the administration of justice;
39 personal identifying information received by the Division of Fish
40 and Wildlife in the Department of Environmental Protection in
41 connection with the issuance of any license authorizing hunting
42 with a firearm. For the purposes of this paragraph, personal
43 identifying information shall include, but not be limited to, identity,
44 name, address, social security number, telephone number, fax
45 number, driver's license number, email address, or social media
46 address of any applicant or licensee;
47 trade secrets and proprietary commercial or financial information
48 obtained from any source. For the purposes of this paragraph, trade

1 secrets shall include data processing software obtained by a public
2 body under a licensing agreement which prohibits its disclosure;
3 any record within the attorney-client privilege. This paragraph
4 shall not be construed as exempting from access attorney or
5 consultant bills or invoices except that such bills or invoices may be
6 redacted to remove any information protected by the attorney-client
7 privilege;
8 administrative or technical information regarding computer
9 hardware, software and networks which, if disclosed, would
10 jeopardize computer security;
11 emergency or security information or procedures for any
12 buildings or facility which, if disclosed, would jeopardize security
13 of the building or facility or persons therein;
14 security measures and surveillance techniques which, if
15 disclosed, would create a risk to the safety of persons, property,
16 electronic data or software;
17 information which, if disclosed, would give an advantage to
18 competitors or bidders;
19 information generated by or on behalf of public employers or
20 public employees in connection with any sexual harassment
21 complaint filed with a public employer or with any grievance filed
22 by or against an individual or in connection with collective
23 negotiations, including documents and statements of strategy or
24 negotiating position;
25 information which is a communication between a public agency
26 and its insurance carrier, administrative service organization or risk
27 management office;
28 information which is to be kept confidential pursuant to court
29 order;
30 any copy of form DD-214, NGB-22, or that form, issued by the
31 United States Government, or any other certificate of honorable
32 discharge, or copy thereof, from active service or the reserves of a
33 branch of the Armed Forces of the United States, or from service in
34 the organized militia of the State, that has been filed by an
35 individual with a public agency, except that a veteran or the
36 veteran's spouse or surviving spouse shall have access to the
37 veteran's own records;
38 any copy of an oath of allegiance, oath of office or any
39 affirmation taken upon assuming the duties of any public office, or
40 that oath or affirmation, taken by a current or former officer or
41 employee in any public office or position in this State or in any
42 county or municipality of this State, including members of the
43 Legislative Branch, Executive Branch, Judicial Branch, and all law
44 enforcement entities, except that the full name, title, and oath date
45 of that person contained therein shall not be deemed confidential;
46 that portion of any document which discloses the social security
47 number, credit card number, unlisted telephone number or driver
48 license number of any person, or that portion of any document

1 which discloses the home address, whether a primary or secondary
2 residence, of any active, formerly active, or retired judicial officer
3 or prosecutor, and beginning 18th months after the effective date of
4 P.L. , c. (C.) (pending before the Legislature as this bill),
5 any active, formerly active, or retired law enforcement officer;
6 except for use by any government agency, including any court or
7 law enforcement agency, in carrying out its functions, or any
8 private person or entity acting on behalf thereof, or any private
9 person or entity seeking to enforce payment of court-ordered child
10 support; except with respect to the disclosure of driver information
11 by the New Jersey Motor Vehicle Commission as permitted by
12 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social
13 security number contained in a record required by law to be made,
14 maintained or kept on file by a public agency shall be disclosed
15 when access to the document or disclosure of that information is not
16 otherwise prohibited by State or federal law, regulation or order or
17 by State statute, resolution of either or both houses of the
18 Legislature, Executive Order of the Governor, rule of court or
19 regulation promulgated under the authority of any statute or
20 executive order of the Governor;

21 a list of persons identifying themselves as being in need of
22 special assistance in the event of an emergency maintained by a
23 municipality for public safety purposes pursuant to section 1 of
24 P.L.2017, c.266 (C.40:48-2.67); and

25 a list of persons identifying themselves as being in need of
26 special assistance in the event of an emergency maintained by a
27 county for public safety purposes pursuant to section 6 of
28 P.L.2011, c.178 (C.App.A:9-43.13).

29 A government record shall not include, with regard to any public
30 institution of higher education, the following information which is
31 deemed to be privileged and confidential:

32 pedagogical, scholarly and/or academic research records and/or
33 the specific details of any research project conducted under the
34 auspices of a public higher education institution in New Jersey,
35 including, but not limited to research, development information,
36 testing procedures, or information regarding test participants,
37 related to the development or testing of any pharmaceutical or
38 pharmaceutical delivery system, except that a custodian may not
39 deny inspection of a government record or part thereof that gives
40 the name, title, expenditures, source and amounts of funding and
41 date when the final project summary of any research will be
42 available;

43 test questions, scoring keys and other examination data
44 pertaining to the administration of an examination for employment
45 or academic examination;

46 records of pursuit of charitable contributions or records
47 containing the identity of a donor of a gift if the donor requires non-
48 disclosure of the donor's identity as a condition of making the gift

1 provided that the donor has not received any benefits of or from the
2 institution of higher education in connection with such gift other
3 than a request for memorialization or dedication;

4 valuable or rare collections of books **【and/or】** or documents
5 obtained by gift, grant, bequest or devise conditioned upon limited
6 public access;

7 information contained on individual admission applications; and
8 information concerning student records or grievance or
9 disciplinary proceedings against a student to the extent disclosure
10 would reveal the identity of the student.

11 "Personal firearms record" means any information contained in a
12 background investigation conducted by the chief of police, the
13 county prosecutor, or the Superintendent of State Police, of any
14 applicant for a permit to purchase a handgun, firearms identification
15 card license, or firearms registration; any application for a permit to
16 purchase a handgun, firearms identification card license, or firearms
17 registration; any document reflecting the issuance or denial of a
18 permit to purchase a handgun, firearms identification card license,
19 or firearms registration; and any permit to purchase a handgun,
20 firearms identification card license, or any firearms license,
21 certification, certificate, form of register, or registration statement.
22 For the purposes of this paragraph, information contained in a
23 background investigation shall include, but not be limited to,
24 identity, name, address, social security number, phone number, fax
25 number, driver's license number, email address, social media
26 address of any applicant, licensee, registrant or permit holder.

27 "Public agency" or "agency" means any of the principal
28 departments in the Executive Branch of State Government, and any
29 division, board, bureau, office, commission or other instrumentality
30 within or created by such department; the Legislature of the State
31 and any office, board, bureau or commission within or created by
32 the Legislative Branch; and any independent State authority,
33 commission, instrumentality or agency. The terms also mean any
34 political subdivision of the State or combination of political
35 subdivisions, and any division, board, bureau, office, commission or
36 other instrumentality within or created by a political subdivision of
37 the State or combination of political subdivisions, and any
38 independent authority, commission, instrumentality or agency
39 created by a political subdivision or combination of political
40 subdivisions.

41 "Law enforcement agency" means a public agency, or part
42 thereof, determined by the Attorney General to have law
43 enforcement responsibilities.

44 "Constituent" means any State resident or other person
45 communicating with a member of the Legislature.

46 "Judicial officer" means any active, formerly active, or retired
47 federal, state, county, or municipal judge, including a judge of the
48 Tax Court and any other court of limited jurisdiction established,

1 altered, or abolished by law, a judge of the Office of Administrative
2 Law, a judge of the Division of Workers' Compensation, and any
3 other judge established by law who serves in the executive branch.

4 "Member of the Legislature" means any person elected or
5 selected to serve in the New Jersey Senate or General Assembly.

6 "Criminal investigatory record" means a record which is not
7 required by law to be made, maintained or kept on file that is held
8 by a law enforcement agency which pertains to any criminal
9 investigation or related civil enforcement proceeding.

10 "Victim's record" means an individually-identifiable file or
11 document held by a victims' rights agency which pertains directly to
12 a victim of a crime except that a victim of a crime shall have access
13 to the victim's own records.

14 "Victim of a crime" means a person who has suffered personal or
15 psychological injury or death or incurs loss of or injury to personal
16 or real property as a result of a crime, or if such a person is
17 deceased or incapacitated, a member of that person's immediate
18 family.

19 "Victims' rights agency" means a public agency, or part thereof,
20 the primary responsibility of which is providing services, including
21 but not limited to food, shelter, or clothing, medical, psychiatric,
22 psychological or legal services or referrals, information and referral
23 services, counseling and support services, or financial services to
24 victims of crimes, including victims of sexual assault, domestic
25 violence, violent crime, child endangerment, child abuse or child
26 neglect, and the Victims of Crime Compensation Board, established
27 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
28 the Victims of Crime Compensation Office pursuant to
29 P.L.2007, c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No.
30 001-2008.

31 (cf: P.L.2019, c.255, s.4)

32
33 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
34 as follows:

35 6. a. The custodian of a government record shall permit the
36 record to be inspected, examined, and copied by any person during
37 regular business hours; or in the case of a municipality having a
38 population of 5,000 or fewer according to the most recent federal
39 decennial census, a board of education having a total district
40 enrollment of 500 or fewer, or a public authority having less than
41 \$10 million in assets, during not less than six regular business hours
42 over not less than three business days per week or the entity's
43 regularly-scheduled business hours, whichever is less; unless a
44 government record is exempt from public access by: P.L.1963, c.73
45 (C.47:1A-1 et seq.) as amended and supplemented; any other
46 statute; resolution of either or both houses of the Legislature;
47 regulation promulgated under the authority of any statute or
48 Executive Order of the Governor; Executive Order of the Governor;

1 Rules of Court; any federal law; federal regulation; or federal order.
2 Prior to allowing access to any government record, the custodian
3 thereof shall redact from that record any information which
4 discloses the social security number, credit card number, unlisted
5 telephone number, or driver license number of any person, or the
6 home address, whether a primary or secondary residence, of any
7 active, formerly active, or retired judicial officer or prosecutor, and
8 beginning 18th months after the effective date of
9 P.L. , c. (C.) (pending before the Legislature as this bill),
10 any active, formerly active, or retired law enforcement officer;
11 except for use by any government agency, including any court or
12 law enforcement agency, in carrying out its functions, or any
13 private person or entity acting on behalf thereof, or any private
14 person or entity seeking to enforce payment of court-ordered child
15 support; except with respect to the disclosure of driver information
16 by the New Jersey Motor Vehicle Commission as permitted by
17 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social
18 security number contained in a record required by law to be made,
19 maintained or kept on file by a public agency shall be disclosed
20 when access to the document or disclosure of that information is not
21 otherwise prohibited by State or federal law, regulation or order or
22 by State statute, resolution of either or both houses of the
23 Legislature, Executive Order of the Governor, rule of court or
24 regulation promulgated under the authority of any statute or
25 executive order of the Governor. Except where an agency can
26 demonstrate an emergent need, a regulation that limits access to
27 government records shall not be retroactive in effect or applied to
28 deny a request for access to a government record that is pending
29 before the agency, the council or a court at the time of the adoption
30 of the regulation.

31 b. (1) A copy or copies of a government record may be
32 purchased by any person upon payment of the fee prescribed by law
33 or regulation. Except as otherwise provided by law or regulation
34 and except as provided in paragraph (2) of this subsection, the fee
35 assessed for the duplication of a government record embodied in the
36 form of printed matter shall be \$0.05 per letter size page or smaller,
37 and \$0.07 per legal size page or larger. If a public agency can
38 demonstrate that its actual costs for duplication of a government
39 record exceed the foregoing rates, the public agency shall be
40 permitted to charge the actual cost of duplicating the record. The
41 actual cost of duplicating the record, upon which all copy fees are
42 based, shall be the cost of materials and supplies used to make a
43 copy of the record, but shall not include the cost of labor or other
44 overhead expenses associated with making the copy except as
45 provided for in subsection c. of this section. Access to electronic
46 records and non-printed materials shall be provided free of charge,
47 but the public agency may charge for the actual costs of any needed
48 supplies such as computer discs.

1 (2) No fee shall be charged to a victim of a crime for a copy or
2 copies of a record to which the crime victim is entitled to access, as
3 provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

4 c. Whenever the nature, format, manner of collation, or volume
5 of a government record embodied in the form of printed matter to
6 be inspected, examined, or copied pursuant to this section is such
7 that the record cannot be reproduced by ordinary document copying
8 equipment in ordinary business size or involves an extraordinary
9 expenditure of time and effort to accommodate the request, the
10 public agency may charge, in addition to the actual cost of
11 duplicating the record, a special service charge that shall be
12 reasonable and shall be based upon the actual direct cost of
13 providing the copy or copies; provided, however, that in the case of
14 a municipality, rates for the duplication of particular records when
15 the actual cost of copying exceeds the foregoing rates shall be
16 established in advance by ordinance. The requestor shall have the
17 opportunity to review and object to the charge prior to it being
18 incurred.

19 d. A custodian shall permit access to a government record and
20 provide a copy thereof in the medium requested if the public agency
21 maintains the record in that medium. If the public agency does not
22 maintain the record in the medium requested, the custodian shall
23 either convert the record to the medium requested or provide a copy
24 in some other meaningful medium. If a request is for a record: (1)
25 in a medium not routinely used by the agency; (2) not routinely
26 developed or maintained by an agency; or (3) requiring a substantial
27 amount of manipulation or programming of information technology,
28 the agency may charge, in addition to the actual cost of duplication,
29 a special charge that shall be reasonable and shall be based on the
30 cost for any extensive use of information technology, or for the
31 labor cost of personnel providing the service, that is actually
32 incurred by the agency or attributable to the agency for the
33 programming, clerical, and supervisory assistance required, or both.

34 e. Immediate access ordinarily shall be granted to budgets,
35 bills, vouchers, contracts, including collective negotiations
36 agreements and individual employment contracts, and public
37 employee salary and overtime information.

38 f. The custodian of a public agency shall adopt a form for the
39 use of any person who requests access to a government record held
40 or controlled by the public agency. The form shall provide space
41 for the name, address, and phone number of the requestor and a
42 brief description of the government record sought. The form shall
43 include space for the custodian to indicate which record will be
44 made available, when the record will be available, and the fees to be
45 charged. The form shall also include the following: (1) specific
46 directions and procedures for requesting a record; (2) a statement as
47 to whether prepayment of fees or a deposit is required; (3) the time
48 period within which the public agency is required by P.L.1963, c.73

1 (C.47:1A-1 et seq.) as amended and supplemented, to make the
2 record available; (4) a statement of the requestor's right to challenge
3 a decision by the public agency to deny access and the procedure
4 for filing an appeal; (5) space for the custodian to list reasons if a
5 request is denied in whole or in part; (6) space for the requestor to
6 sign and date the form; (7) space for the custodian to sign and date
7 the form if the request is fulfilled or denied. The custodian may
8 require a deposit against costs for reproducing documents sought
9 through an anonymous request whenever the custodian anticipates
10 that the information thus requested will cost in excess of \$5 to
11 reproduce.

12 g. A request for access to a government record shall be in
13 writing and hand-delivered, mailed, transmitted electronically, or
14 otherwise conveyed to the appropriate custodian. A custodian shall
15 promptly comply with a request to inspect, examine, copy, or
16 provide a copy of a government record. If the custodian is unable
17 to comply with a request for access, the custodian shall indicate the
18 specific basis therefor on the request form and promptly return it to
19 the requestor. The custodian shall sign and date the form and
20 provide the requestor with a copy thereof. If the custodian of a
21 government record asserts that part of a particular record is exempt
22 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
23 as amended and supplemented, the custodian shall delete or excise
24 from a copy of the record that portion which the custodian asserts is
25 exempt from access and shall promptly permit access to the
26 remainder of the record. If the government record requested is
27 temporarily unavailable because it is in use or in storage, the
28 custodian shall so advise the requestor and shall make arrangements
29 to promptly make available a copy of the record. If a request for
30 access to a government record would substantially disrupt agency
31 operations, the custodian may deny access to the record after
32 attempting to reach a reasonable solution with the requestor that
33 accommodates the interests of the requestor and the agency.

34 h. Any officer or employee of a public agency who receives a
35 request for access to a government record shall forward the request
36 to the custodian of the record or direct the requestor to the
37 custodian of the record.

38 i. (1) Unless a shorter time period is otherwise provided by
39 statute, regulation, or executive order, a custodian of a government
40 record shall grant access to a government record or deny a request
41 for access to a government record as soon as possible, but not later
42 than seven business days after receiving the request, provided that
43 the record is currently available and not in storage or archived. In
44 the event a custodian fails to respond within seven business days
45 after receiving a request, the failure to respond shall be deemed a
46 denial of the request, unless the requestor has elected not to provide
47 a name, address or telephone number, or other means of contacting
48 the requestor. If the requestor has elected not to provide a name,

1 address, or telephone number, or other means of contacting the
2 requestor, the custodian shall not be required to respond until the
3 requestor reappears before the custodian seeking a response to the
4 original request. If the government record is in storage or archived,
5 the requestor shall be so advised within seven business days after
6 the custodian receives the request. The requestor shall be advised
7 by the custodian when the record can be made available. If the
8 record is not made available by that time, access shall be deemed
9 denied.

10 (2) During a period declared pursuant to the laws of this State as
11 a state of emergency, public health emergency, or state of local
12 disaster emergency, the deadlines by which to respond to a request
13 for, or grant or deny access to, a government record under
14 paragraph (1) of this subsection or subsection e. of this section shall
15 not apply, provided, however, that the custodian of a government
16 record shall make a reasonable effort, as the circumstances permit,
17 to respond to a request for access to a government record within
18 seven business days or as soon as possible thereafter.

19 j. A custodian shall post prominently in public view in the part
20 or parts of the office or offices of the custodian that are open to or
21 frequented by the public a statement that sets forth in clear, concise
22 and specific terms the right to appeal a denial of, or failure to
23 provide, access to a government record by any person for
24 inspection, examination, or copying or for purchase of copies
25 thereof and the procedure by which an appeal may be filed.

26 k. The files maintained by the Office of the Public Defender
27 that relate to the handling of any case shall be considered
28 confidential and shall not be open to inspection by any person
29 unless authorized by law, court order, or the State Public Defender.
30 (cf: P.L.2020, c.10, s.1)

31
32 3. The title of P.L.2015, c.226 is amended to read as follows:
33 **AN ACT** concerning certain information regarding **law**
34 **enforcement】** certain public officers and supplementing Title 2C
35 of the New Jersey Statutes and Titles 47 and 56 of the Revised
36 Statutes.

37 (cf: P.L.2015, c.226, title)

38
39 4. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
40 as follows:

41 2. A State or local governmental agency shall not knowingly
42 post or publish on the Internet, or repost, republish, or otherwise
43 make available, the home address or unpublished home telephone
44 number of any active, formerly active, or retired judicial officer, as
45 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or
46 law enforcement officer **【or law enforcement officer】** without first

1 obtaining the written permission of that **law enforcement officer or**
2 retired law enforcement officer **person**.

3 The amendatory provisions of this section, enacted by P.L. , c.
4 (C.) (pending before the Legislature as this bill), shall not be
5 operative and enforceable with respect to any active, formerly
6 active, or retired law enforcement officer until 18 months after the
7 effective date of that act; but the provisions of this section, prior to
8 being amended, shall remain operative and enforceable with respect
9 to any active or retired law enforcement officer during that 18-
10 month period.

11 (cf: P.L.2015, c.226, s.2)

12
13 5. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
14 read as follows:

15 1. A person shall not knowingly, with purpose to expose
16 another to harassment or risk of harm to life or property, or in
17 reckless disregard of the probability of such exposure, post or
18 publish on the Internet, or repost, republish, or otherwise make
19 available, the home address or unpublished home telephone number
20 of any active, formerly active, or retired judicial officer, as defined
21 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
22 enforcement officer, law enforcement officer or the spouse or
23 child **of a law enforcement officer** thereof. A reckless violation
24 of this section is a crime of the fourth degree. A purposeful
25 violation of this section is a crime of the third degree.

26 The amendatory provisions of this section, enacted by
27 P.L. , c. (C.) (pending before the Legislature as this bill),
28 shall not be operative and enforceable with respect to any active,
29 formerly active, or retired law enforcement officer, or the spouse or
30 child thereof, until 18 months after the effective date of that act; but
31 the provisions of this section, prior to being amended, shall remain
32 operative and enforceable with respect to any active or retired law
33 enforcement officer, or the spouse or child of a law enforcement
34 officer, during that 18-month period.

35 (cf: P.L.2015, c.226, s.1)

36
37 6. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to
38 read as follows:

39 3. a. A person, business, or association shall not disclose on
40 the Internet, or re-disclose or otherwise make available, the home
41 address or unpublished home telephone number of **a** any active,
42 formerly active, or retired judicial officer, as defined by section 1 of
43 P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement
44 officer or retired law enforcement officer under circumstances in
45 which a reasonable person would believe that providing that
46 information would expose another to harassment or risk of harm to
47 life or property.

1 The amendatory provisions of this section, enacted by
2 P.L. , c. (C.) (pending before the Legislature as this bill),
3 shall not be operative and enforceable with respect to any active,
4 formerly active, or retired law enforcement officer until 18 months
5 after the effective date of that act; but the provisions of this section,
6 prior to being amended, shall remain operative and enforceable with
7 respect to any active or retired law enforcement officer during that
8 18-month period.

9 b. A person, business, or association that violates subsection a.
10 of this section shall be liable to the [law enforcement officer,
11 retired law enforcement officer,] aggrieved person or any other
12 person residing at the home address of the [law enforcement officer
13 or retired law enforcement officer] aggrieved person, who may
14 bring a civil action in the Superior Court.

15 c. The court may award:

16 (1) actual damages, but not less than liquidated damages
17 computed at the rate of \$1,000 for each violation of this act;

18 (2) punitive damages upon proof of willful or reckless disregard
19 of the law;

20 (3) reasonable attorney's fees and other litigation costs
21 reasonably incurred; and

22 (4) any other preliminary and equitable relief as the court
23 determines to be appropriate.

24 d. For the purposes of this section, "disclose" shall mean to
25 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
26 transfer, post, publish, distribute, circulate, disseminate, present,
27 exhibit, advertise or offer.

28 (cf: P.L.2015, c.226, s.3)

29
30 7. (New section) a. (1) Any active, formerly active, or
31 retired judicial officer, as defined by section 1 of P.L.1995, c.23
32 (C.47:1A-1.1), or prosecutor, whose home address or unpublished
33 home telephone number is disclosed on the Internet, or re-disclosed
34 or otherwise made available, by any person, business, or
35 association, or whose immediate family member's name, home
36 address, or unpublished telephone number is disclosed on the
37 Internet, or re-disclosed or otherwise made available, by any
38 person, business, or association, which in the case of a family
39 member's name or home address may be used, alone or in
40 conjunction with any other information, to identify the person as the
41 family member of a judicial officer or prosecutor, may request that
42 the person, business, or association that disclosed, re-disclosed, or
43 otherwise made available that information refrain from that action
44 and remove the information from the Internet or where otherwise
45 made available.

46 (2) Beginning 18 months after the effective date of
47 P.L. , c. (C.) (pending before the Legislature as this bill),
48 any law enforcement officer whose home address or unpublished

1 home telephone number is disclosed on the Internet, or re-disclosed
2 or otherwise made available, by any person, business, or
3 association, or whose immediate family member's name, home
4 address, or unpublished telephone number is disclosed on the
5 Internet, or re-disclosed or otherwise made available, by any
6 person, business, or association, which in the case of a family
7 member's name or home address may be used, alone or in
8 conjunction with any other information, to identify the person as the
9 family member of a law enforcement officer, may request that the
10 person, business, or association that disclosed, re-disclosed, or
11 otherwise made available that information refrain from that action
12 and remove the information from the Internet or where otherwise
13 made available.

14 For purposes of this section, "immediate family member" shall
15 include a spouse, child, or parent of an active, formerly active, or
16 retired judicial officer, as defined by section 1 of P.L.1995, c.23
17 (C.47:1A-1.1), prosecutor, or law enforcement officer, or any other
18 family member related by blood or by law to the judicial officer,
19 prosecutor, or law enforcement officer who lives in the same
20 residence.

21 b. (1) A request to refrain and remove information pursuant to
22 subsection a. of this section shall be made in writing, addressed to
23 the person, business, or association that disclosed, re-disclosed, or
24 otherwise made available the information, and may be made by the
25 judicial officer, prosecutor, or law enforcement officer, as
26 appropriate, or by the person's employer with the consent of that
27 person.

28 (2) Upon receipt of a written request to refrain and remove
29 information, the person, business, or association that disclosed, re-
30 disclosed, or otherwise made available the information shall have
31 72 hours to remove that information from the Internet or where
32 otherwise made available, and shall not disclose, re-disclose, or
33 otherwise make available that information to any other person,
34 business, or association through any medium.

35 c. An active, formerly active, or retired judicial officer,
36 prosecutor, or law enforcement officer whose own information, or
37 immediate family member's information, was not timely removed
38 from the Internet or where otherwise made available within 72
39 hours by a person, business, or association following receipt of a
40 written request to refrain and remove that information, or the
41 person, business, or association re-discloses on the Internet or
42 otherwise makes available the same information at any time
43 subsequent to receipt of the written request, may bring an action
44 seeking injunctive or declaratory relief in the Superior Court. If the
45 court grants injunctive or declaratory relief, the person, business, or
46 association responsible for the violation shall be required to pay
47 reasonable attorney's fees and other litigation costs reasonably

1 incurred by the judicial officer, prosecutor, or law enforcement
2 officer, as appropriate.

3
4 8. (New section) This act shall be liberally construed in order
5 to accomplish its purpose and the public policy of this State, which
6 is to enhance the safety and security of certain public officials in the
7 justice system, including judicial officers, prosecutors, and law
8 enforcement officers, who actively serve or have served the people
9 of New Jersey, and the immediate family members of these persons,
10 to foster the ability of these public servants, who perform critical
11 roles in the justice system, to carry out their official duties without
12 fear of personal reprisal from affected individuals related to the
13 performance of their public functions.

14
15 9. This act shall take effect immediately, but for those
16 provisions of the act which do not become operative and
17 enforceable with respect to law enforcement officers until 18
18 months after the effective date, any anticipatory administrative
19 action may be taken in advance of the operative date that is
20 necessary for the implementation of those provisions.