

SENATE, No. 3209

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

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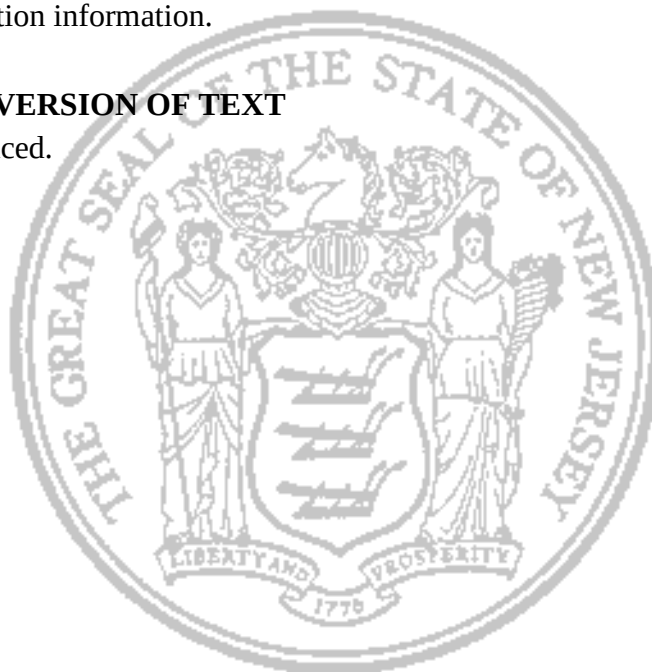
Senator Gopal

SYNOPSIS

Prohibits disclosure of certain personal information of probation officers, members of the Legislature, and their family members; establishes crime and civil action for disclosing such information; allows such persons to register to vote without disclosing their residential address; bars public disclosure of their voter registration information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/21/2020)

1 **AN ACT** prohibiting disclosure of certain information regarding
2 certain public officers, amending various parts of the statutory
3 law, and amending the title and body of, and supplementing,
4 P.L.2015, c.226.

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

8
9 1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
10 read as follows:

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

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

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

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

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

40 information received by a member of the Legislature from a
41 constituent or information held by a member of the Legislature
42 concerning a constituent, including but not limited to information in
43 written form or contained in any e-mail or computer data base, or in
44 any telephone record whatsoever, unless it is information the
45 constituent is required by law to transmit;

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 any memorandum, correspondence, notes, report or other
2 communication prepared by, or for, the specific use of a member of
3 the Legislature in the course of the member's official duties, except
4 that this provision shall not apply to an otherwise publicly-
5 accessible report which is required by law to be submitted to the
6 Legislature or its members;

7 any copy, reproduction or facsimile of any photograph, negative
8 or print, including instant photographs and videotapes of the body,
9 or any portion of the body, of a deceased person, taken by or for the
10 medical examiner at the scene of death or in the course of a post
11 mortem examination or autopsy made by or caused to be made by
12 the medical examiner except:

13 when used in a criminal action or proceeding in this State which
14 relates to the death of that person,

15 for the use as a court of this State permits, by order after good
16 cause has been shown and after written notification of the request
17 for the court order has been served at least five days before the
18 order is made upon the county prosecutor for the county in which
19 the post mortem examination or autopsy occurred,

20 for use in the field of forensic pathology or for use in medical or
21 scientific education or research, or

22 for use by any law enforcement agency in this State or any other
23 state or federal law enforcement agency;

24 criminal investigatory records;

25 victims' records, except that a victim of a crime shall have access
26 to the victim's own records;

27 any written request by a crime victim for a record to which the
28 victim is entitled to access as provided in this section, including,
29 but not limited to, any law enforcement agency report, domestic
30 violence offense report, and temporary or permanent restraining
31 order;

32 personal firearms records, except for use by any person
33 authorized by law to have access to these records or for use by any
34 government agency, including any court or law enforcement
35 agency, for purposes of the administration of justice;

36 personal identifying information received by the Division of Fish
37 and Wildlife in the Department of Environmental Protection in
38 connection with the issuance of any license authorizing hunting
39 with a firearm. For the purposes of this paragraph, personal
40 identifying information shall include, but not be limited to, identity,
41 name, address, social security number, telephone number, fax
42 number, driver's license number, email address, or social media
43 address of any applicant or licensee;

44 trade secrets and proprietary commercial or financial information
45 obtained from any source. For the purposes of this paragraph, trade
46 secrets shall include data processing software obtained by a public
47 body under a licensing agreement which prohibits its disclosure;

1 any record within the attorney-client privilege. This paragraph
2 shall not be construed as exempting from access attorney or
3 consultant bills or invoices except that such bills or invoices may be
4 redacted to remove any information protected by the attorney-client
5 privilege;

6 administrative or technical information regarding computer
7 hardware, software and networks which, if disclosed, would
8 jeopardize computer security;

9 emergency or security information or procedures for any
10 buildings or facility which, if disclosed, would jeopardize security
11 of the building or facility or persons therein;

12 security measures and surveillance techniques which, if
13 disclosed, would create a risk to the safety of persons, property,
14 electronic data or software;

15 information which, if disclosed, would give an advantage to
16 competitors or bidders;

17 information generated by or on behalf of public employers or
18 public employees in connection with any sexual harassment
19 complaint filed with a public employer or with any grievance filed
20 by or against an individual or in connection with collective
21 negotiations, including documents and statements of strategy or
22 negotiating position;

23 information which is a communication between a public agency
24 and its insurance carrier, administrative service organization or risk
25 management office;

26 information which is to be kept confidential pursuant to court
27 order;

28 any copy of form DD-214, NGB-22, or that form, issued by the
29 United States Government, or any other certificate of honorable
30 discharge, or copy thereof, from active service or the reserves of a
31 branch of the Armed Forces of the United States, or from service in
32 the organized militia of the State, that has been filed by an
33 individual with a public agency, except that a veteran or the
34 veteran's spouse or surviving spouse shall have access to the
35 veteran's own records;

36 any copy of an oath of allegiance, oath of office or any
37 affirmation taken upon assuming the duties of any public office, or
38 that oath or affirmation, taken by a current or former officer or
39 employee in any public office or position in this State or in any
40 county or municipality of this State, including members of the
41 Legislative Branch, Executive Branch, Judicial Branch, and all law
42 enforcement entities, except that the full name, title, and oath date
43 of that person contained therein shall not be deemed confidential;

44 that portion of any document which discloses the social security
45 number, credit card number, unlisted telephone number or driver
46 license number of any person, or that portion of any document
47 which discloses the home address, whether a primary or secondary
48 residence, of any active, formerly active, or retired probation officer

1 or member of the Legislature; except for use by any government
2 agency, including any court or law enforcement agency, in carrying
3 out its functions, or any private person or entity acting on behalf
4 thereof, or any private person or entity seeking to enforce payment
5 of court-ordered child support; except with respect to the disclosure
6 of driver information by the New Jersey Motor Vehicle
7 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-
8 3.4); and except that a social security number contained in a record
9 required by law to be made, maintained or kept on file by a public
10 agency shall be disclosed when access to the document or
11 disclosure of that information is not otherwise prohibited by State
12 or federal law, regulation or order or by State statute, resolution of
13 either or both houses of the Legislature, Executive Order of the
14 Governor, rule of court or regulation promulgated under the
15 authority of any statute or executive order of the Governor;

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

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

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

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

38 test questions, scoring keys and other examination data
39 pertaining to the administration of an examination for employment
40 or academic examination;

41 records of pursuit of charitable contributions or records
42 containing the identity of a donor of a gift if the donor requires non-
43 disclosure of the donor's identity as a condition of making the gift
44 provided that the donor has not received any benefits of or from the
45 institution of higher education in connection with such gift other
46 than a request for memorialization or dedication;

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

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

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

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

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

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

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

47 "Criminal investigatory record" means a record which is not
48 required by law to be made, maintained or kept on file that is held

1 by a law enforcement agency which pertains to any criminal
2 investigation or related civil enforcement proceeding.

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

7 "Victim of a crime" means a person who has suffered personal or
8 psychological injury or death or incurs loss of or injury to personal
9 or real property as a result of a crime, or if such a person is
10 deceased or incapacitated, a member of that person's immediate
11 family.

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

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

25

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

28 6. a. The custodian of a government record shall permit the
29 record to be inspected, examined, and copied by any person during
30 regular business hours; or in the case of a municipality having a
31 population of 5,000 or fewer according to the most recent federal
32 decennial census, a board of education having a total district
33 enrollment of 500 or fewer, or a public authority having less than
34 \$10 million in assets, during not less than six regular business hours
35 over not less than three business days per week or the entity's
36 regularly-scheduled business hours, whichever is less; unless a
37 government record is exempt from public access by: P.L.1963, c.73
38 (C.47:1A-1 et seq.) as amended and supplemented; any other
39 statute; resolution of either or both houses of the Legislature;
40 regulation promulgated under the authority of any statute or
41 Executive Order of the Governor; Executive Order of the Governor;
42 Rules of Court; any federal law; federal regulation; or federal order.
43 Prior to allowing access to any government record, the custodian
44 thereof shall redact from that record any information which
45 discloses the social security number, credit card number, unlisted
46 telephone number, or driver license number of any person, or the
47 home address, whether a primary or secondary residence, of any
48 active, formerly active, or retired probation officer or member of

1 the Legislature; except for use by any government agency,
2 including any court or law enforcement agency, in carrying out its
3 functions, or any private person or entity acting on behalf thereof,
4 or any private person or entity seeking to enforce payment of court-
5 ordered child support; except with respect to the disclosure of driver
6 information by the New Jersey Motor Vehicle Commission as
7 permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except
8 that a social security number contained in a record required by law
9 to be made, maintained or kept on file by a public agency shall be
10 disclosed when access to the document or disclosure of that
11 information is not otherwise prohibited by State or federal law,
12 regulation or order or by State statute, resolution of either or both
13 houses of the Legislature, Executive Order of the Governor, rule of
14 court or regulation promulgated under the authority of any statute or
15 executive order of the Governor. Except where an agency can
16 demonstrate an emergent need, a regulation that limits access to
17 government records shall not be retroactive in effect or applied to
18 deny a request for access to a government record that is pending
19 before the agency, the council or a court at the time of the adoption
20 of the regulation.

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

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

42 c. Whenever the nature, format, manner of collation, or volume
43 of a government record embodied in the form of printed matter to
44 be inspected, examined, or copied pursuant to this section is such
45 that the record cannot be reproduced by ordinary document copying
46 equipment in ordinary business size or involves an extraordinary
47 expenditure of time and effort to accommodate the request, the
48 public agency may charge, in addition to the actual cost of

1 duplicating the record, a special service charge that shall be
2 reasonable and shall be based upon the actual direct cost of
3 providing the copy or copies; provided, however, that in the case of
4 a municipality, rates for the duplication of particular records when
5 the actual cost of copying exceeds the foregoing rates shall be
6 established in advance by ordinance. The requestor shall have the
7 opportunity to review and object to the charge prior to it being
8 incurred.

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

24 e. Immediate access ordinarily shall be granted to budgets,
25 bills, vouchers, contracts, including collective negotiations
26 agreements and individual employment contracts, and public
27 employee salary and overtime information.

28 f. The custodian of a public agency shall adopt a form for the
29 use of any person who requests access to a government record held
30 or controlled by the public agency. The form shall provide space
31 for the name, address, and phone number of the requestor and a
32 brief description of the government record sought. The form shall
33 include space for the custodian to indicate which record will be
34 made available, when the record will be available, and the fees to be
35 charged. The form shall also include the following: (1) specific
36 directions and procedures for requesting a record; (2) a statement as
37 to whether prepayment of fees or a deposit is required; (3) the time
38 period within which the public agency is required by P.L.1963, c.73
39 (C.47:1A-1 et seq.) as amended and supplemented, to make the
40 record available; (4) a statement of the requestor's right to challenge
41 a decision by the public agency to deny access and the procedure
42 for filing an appeal; (5) space for the custodian to list reasons if a
43 request is denied in whole or in part; (6) space for the requestor to
44 sign and date the form; (7) space for the custodian to sign and date
45 the form if the request is fulfilled or denied. The custodian may
46 require a deposit against costs for reproducing documents sought
47 through an anonymous request whenever the custodian anticipates

1 that the information thus requested will cost in excess of \$5 to
2 reproduce.

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

25 h. Any officer or employee of a public agency who receives a
26 request for access to a government record shall forward the request
27 to the custodian of the record or direct the requestor to the
28 custodian of the record.

29 i. (1) Unless a shorter time period is otherwise provided by
30 statute, regulation, or executive order, a custodian of a government
31 record shall grant access to a government record or deny a request
32 for access to a government record as soon as possible, but not later
33 than seven business days after receiving the request, provided that
34 the record is currently available and not in storage or archived. In
35 the event a custodian fails to respond within seven business days
36 after receiving a request, the failure to respond shall be deemed a
37 denial of the request, unless the requestor has elected not to provide
38 a name, address or telephone number, or other means of contacting
39 the requestor. If the requestor has elected not to provide a name,
40 address, or telephone number, or other means of contacting the
41 requestor, the custodian shall not be required to respond until the
42 requestor reappears before the custodian seeking a response to the
43 original request. If the government record is in storage or archived,
44 the requestor shall be so advised within seven business days after
45 the custodian receives the request. The requestor shall be advised
46 by the custodian when the record can be made available. If the
47 record is not made available by that time, access shall be deemed
48 denied.

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

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

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

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

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

2. A State or local governmental agency shall not knowingly post or publish on the Internet, or repost, republish, or otherwise make available, the home address or unpublished home telephone number of any active, formerly active, or retired probation officer, law enforcement officer **or law enforcement officer**, or member of the Legislature without first obtaining the written permission of that **law enforcement officer or retired law enforcement officer** person.

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

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

1. A person shall not knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of such exposure, post or publish on the Internet, or repost, republish, or otherwise make available, the home address or unpublished home telephone number

1 of any active, formerly active, or retired probation officer, law
2 enforcement officer, **law enforcement officer** or member of the
3 Legislature, or the spouse or child **of a law enforcement officer**
4 thereof. A reckless violation of this section is a crime of the fourth
5 degree. A purposeful violation of this section is a crime of the third
6 degree.

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

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

11 3. a. A person, business, or association shall not disclose on
12 the Internet, or re-disclose or otherwise make available, the home
13 address or unpublished home telephone number of **a** any active,
14 formerly active, or retired probation officer, law enforcement
15 officer **or retired law enforcement officer** , or member of the
16 Legislature under circumstances in which a reasonable person
17 would believe that providing that information would expose another
18 to harassment or risk of harm to life or property.

19 b. A person, business, or association that violates subsection a.
20 of this section shall be liable to the **law enforcement officer,**
21 **retired law enforcement officer,** aggrieved person or any other
22 person residing at the home address of the **law enforcement officer**
23 **or retired law enforcement officer** aggrieved person, who may
24 bring a civil action in the Superior Court.

25 c. The court may award:

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

28 (2) punitive damages upon proof of willful or reckless disregard
29 of the law;

30 (3) reasonable attorney's fees and other litigation costs
31 reasonably incurred; and

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

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

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

39
40 7. (New section) a. Any active, formerly active, or retired
41 probation officer or member of the Legislature whose home address
42 or unpublished home telephone number is disclosed on the Internet,
43 or re-disclosed or otherwise made available, by any person,
44 business, or association, or whose immediate family member's
45 name, home address, or unpublished telephone number is disclosed
46 on the Internet, or re-disclosed or otherwise made available, by any
47 person, business, or association, which in the case of a family

1 member's name or home address may be used, alone or in
2 conjunction with any other information, to identify the person as the
3 family member of a probation officer or member of the Legislature,
4 may request that the person, business, or association that disclosed,
5 re-disclosed, or otherwise made available that information refrain
6 from that action and remove the information from the Internet or
7 where otherwise made available.

8 For purposes of this section, "immediate family member" shall
9 include a spouse, child, or parent of an active, formerly active, or
10 retired probation officer or member of the Legislature, or any other
11 family member related by blood or by law to the probation officer
12 or member of the Legislature who lives in the same residence.

13 b. (1) A request to refrain and remove information pursuant to
14 subsection a. of this section shall be made in writing, addressed to
15 the person, business, or association that disclosed, re-disclosed, or
16 otherwise made available the information, and may be made by the
17 probation officer or member of the Legislature, as appropriate, or
18 by the person's employer with the consent of that person.

19 (2) Upon receipt of a written request to refrain and remove
20 information, the person, business, or association that disclosed, re-
21 disclosed, or otherwise made available the information shall have
22 72 hours to remove that information from the Internet or where
23 otherwise made available, and shall not disclose, re-disclose, or
24 otherwise make available that information to any other person,
25 business, or association through any medium.

26 c. An active, formerly active, or retired probation officer or
27 member of the Legislature whose own information, or immediate
28 family member's information, was not timely removed from the
29 Internet or where otherwise made available within 72 hours by a
30 person, business, or association following receipt of a written
31 request to refrain and remove that information, or the person,
32 business, or association re-discloses on the Internet or otherwise
33 makes available the same information at any time subsequent to
34 receipt of the written request, may bring an action seeking
35 injunctive or declaratory relief in the Superior Court. If the court
36 grants injunctive or declaratory relief, the person, business, or
37 association responsible for the violation shall be required to pay
38 reasonable attorney's fees and other litigation costs reasonably
39 incurred by the probation officer or member of the Legislature, as
40 appropriate.

41

42 8. (New section) a. A person who is an active, formerly active,
43 or retired probation officer or member of the Legislature shall be
44 allowed to register to vote without disclosing the person's street
45 address. The person registering to vote shall leave the space for a
46 street address on the original permanent registration form blank and
47 shall, instead, attach to the form a document showing proof that the
48 person qualifies to register to vote pursuant to this subsection. The

1 form shall contain a mailing address, post office box, or other
2 contact point where mail can be received by the person registering
3 to vote.

4 b. Upon receipt of a voter registration form completed pursuant
5 to subsection a. of this section, the commissioner of registration in
6 all counties having a superintendent of elections, and the county
7 board of elections in all other counties, shall provide the person
8 registering to vote with a map of the municipality in which the
9 person resides which shows the various voting districts. The person
10 shall indicate to the commissioner or board, as appropriate, the
11 voting district in which the person resides and shall be permitted to
12 vote at the polling place for that district. If such a person thereafter
13 changes residences, and the person continues to qualify to register
14 to vote pursuant to subsection a. of this section, the person shall so
15 inform the commissioner or board by completing a new permanent
16 registration form in the manner described in this section.

17 c. Any person who makes public any information which has
18 been provided by a registrant pursuant to this section concerning the
19 mailing address, post office box, or other contact point of the
20 registrant, or concerning the election district in which the registrant
21 resides, is guilty of a crime of the fourth degree.

22 d. The Secretary of State, in consultation with the county boards
23 of elections and county superintendents of elections, shall develop
24 guidelines and criteria to be used for the implementation of the
25 voter registration provisions authorized under this section, which
26 shall include, but may not be limited to, the documents that may be
27 submitted as proof that a person qualifies to register to vote
28 pursuant to subsection a. of this section.

29

30 9. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to
31 read as follows:

32 24. a. The Secretary of State, with the assistance of the Chief
33 Administrator of the New Jersey Motor Vehicle Commission, shall
34 provide for an eligible applicant to simultaneously apply for a
35 motor vehicle driver's license, an examination permit, a
36 probationary driver's license, or a non-driver identification card, as
37 applicable, and be automatically registered to vote, or have an
38 existing voter registration updated, in a manner which satisfies both
39 the requirements necessary to receive a license to operate a motor
40 vehicle, pursuant to R.S.39:3-10, or an examination permit, a
41 probationary driver's license, or a non-driver identification card, as
42 applicable, and to register to vote, pursuant to R.S.19:4-1. The
43 applicant shall be offered an opportunity to decline the automatic
44 voter registration under this section.

45 b. (1) Pursuant to subsection a. of this section, for every
46 application for a motor vehicle driver's license, an examination
47 permit, a probationary driver's license, or a non-driver identification
48 card, and each related update, renewal, or change of address, except

1 as provided in paragraphs (2) and (3) of this subsection, the Chief
2 Administrator shall ensure that the information necessary for voter
3 registration is collected from the application and promptly
4 transmitted electronically to the Secretary of State. The Chief
5 Administrator shall ensure that electronic records are not
6 transmitted to the Secretary of State for any applicant who has
7 declined registration. The Commissioner of Registration shall
8 register to vote or update an existing registration for any eligible
9 applicant who has not declined voter registration.

10 (2) Voter registration information from an application received
11 online for the renewal of a motor vehicle driver's license or non-
12 driver identification card shall be collected and promptly
13 transmitted electronically to the Secretary of State upon the
14 implementation by the Secretary of State of online voter
15 registration. Subsection c. of this section shall be inapplicable to
16 such applications until that time.

17 (3) Voter registration information from an application received
18 through the mail for the renewal of a motor vehicle driver's license
19 or non-driver identification card shall be exempt from collection
20 and electronic transmission to the Secretary of State until such time
21 as the Chief Administrator determines that the prompt electronic
22 transmission of the information is practicable. Subsection c. of this
23 section shall be inapplicable to such applications until that time.
24 Following the effective date of P.L.2018, c.6, the Chief
25 Administrator shall inform the Governor and the Legislature every
26 six months of the practicability of collecting and transmitting to the
27 Secretary of State voter registration information from such
28 applications. This paragraph shall not be construed to preclude the
29 Motor Vehicle Commission from processing voter registration
30 applications received in the manner in which such applications were
31 processed in connection with such renewals prior to the effective
32 date of P.L.2018, c.6.

33 c. The Chief Administrator shall provide for the following
34 notices to be provided with every application for a motor vehicle
35 driver's license, an examination permit, a probationary driver's
36 license, or a non-driver identification card and every related update,
37 renewal, or change of address:

38 (1) a notice that the applicant will be registered to vote, if
39 eligible, unless the applicant specifically declines the automatic
40 voter registration;

41 (2) a notice of the voter eligibility requirements under R.S.19:4-
42 1 and the penalties for false registration and illegal voting under
43 Title 19 of the Revised Statutes, which notice shall contain an
44 affirmation that the applicant meets each such requirement and shall
45 require the signature of the applicant, under penalty of law; **[and]**

46 (3) a notice that an applicant who is a victim of domestic
47 violence or stalking may decline the automatic voter registration

1 and register to vote without disclosing the applicant's street address
2 pursuant to section 1 of P.L.1994, c.148 (C.19:31-3.2); and

3 (4) a notice that an applicant who is an active, formerly active, or
4 retired probation officer or member of the Legislature may decline
5 the automatic voter registration and register to vote without
6 disclosing the applicant's street address pursuant to section 1 of
7 P.L. , c. (C.) (pending before the Legislature as this bill).

8 d. For each applicant already registered to vote, any change of
9 address notification submitted to the Chief Administrator for the
10 purpose of maintaining current information on an applicant shall be
11 promptly reported to the Secretary of State. A change of address
12 notification received by the Chief Administrator in paper format
13 shall be reported to the Secretary of State no later than the 10th day
14 following its receipt by the Chief Administrator. The Commissioner
15 of Registration shall use the change of address notification to
16 update an existing voter registration unless the applicant declines
17 the automatic voter registration pursuant to this section and
18 indicates that the change of address is not for voter registration
19 purposes. A change of address notification submitted to the
20 commission, which is used for voter registration purposes, shall be
21 subject to the provisions of section 1 of P.L.1994, c.148 (C.19:31-
22 3.2) if the person submitting the change of address notification
23 previously registered to vote in accordance with that section.

24 e. If a person who is not entitled to vote becomes registered to
25 vote pursuant to this section, that person's registration shall be
26 presumed to have been effected with official authorization, and the
27 person shall not be deemed to have committed a crime under
28 R.S.19:34-1. This subsection shall not apply to a person who
29 knowingly and willfully makes a false statement to effectuate voter
30 registration.

31 f. The Secretary of State, with the assistance of the Chief
32 Administrator, shall take appropriate measures to educate the public
33 about voter registration under this section.

34 For the purposes of this section, "eligible applicant" means a
35 person submitting to the commission an application for a motor
36 vehicle driver's license, an examination permit, a probationary
37 driver's license, or a non-driver identification card who meets all
38 requirements for eligibility to vote under R.S.19:4-1.

39 (cf: P.L.2018, c.6, s.3)

40
41 10. (New section) This act shall be liberally construed in order
42 to accomplish its purpose and the public policy of this State, which
43 is to enhance the safety and security of certain public officials who
44 actively serve or have served the people of New Jersey, and the
45 immediate family members of these persons, to foster the ability of
46 these public servants, who play critical roles, to carry out their
47 official duties without fear of personal reprisal from affected
48 individuals related to the performance of their public functions.

1 11. This act shall take effect immediately.

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3

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STATEMENT

5

6 This bill would: (1) prohibit the disclosure, by both
7 governmental entities and private parties, of the home addresses of
8 any active, formerly active, or retired probation officer or member
9 of the Legislature; (2) expand an existing crime concerning the
10 disclosure of home addresses and unlisted telephone numbers for
11 active or retired law enforcement officers to also cover active,
12 formerly active, or retired probation officers and members of the
13 Legislature; (3) permit criminal prosecutions and statutory civil
14 actions concerning any prohibited disclosure; (4) allow active,
15 formerly active, or retired probation officers and members of the
16 Legislature to register to vote without disclosing their residential
17 address; and (5) prohibit the public disclosure of the voter
18 registration information of those persons.

19 To prohibit the government's disclosure of a home address (all
20 persons' unlisted telephone numbers are already protected from
21 disclosure), the bill would exclude those portions of any document
22 identifying an address, whether a primary or secondary residence,
23 from the definition of "government record" pursuant to P.L.1963,
24 c.73 (C.47:1A-1 et seq.), commonly known as the Open Public
25 Records Act, thereby deeming such information confidential. The
26 bill would also require custodians of government records under that
27 act to redact the address of an active, formerly active, or retired
28 probation officer or member of the Legislature from any record
29 prior to granting access to the record by a member of the public.
30 However, an address would still be shared if it was sought for use
31 by a governmental agency in carrying out its functions, or a private
32 person or entity seeking to enforce a child support order.

33 The bill would also prohibit the State or a local governmental
34 agency from posting or publishing on the Internet, or reposting,
35 republishing, or otherwise making available, a home address or
36 unlisted telephone number of an active, formerly active, or retired
37 probation officer or member of the Legislature, expanding the scope
38 of section 2 of P.L.2015, c.226 (C.47:1-17), which already prohibits
39 such actions with respect to law enforcement officers.

40 It would establish the same prohibition for individuals,
41 businesses, and associations, who under current law are prohibited
42 from posting or publishing such information about current and
43 retired law enforcement officers, and would subject a party who
44 violated the law to the same criminal and civil liabilities that apply
45 to violations involving law enforcement officers.

46 Specifically, it would be a crime to knowingly, with purpose to
47 expose another to harassment or risk of harm to life or property, or
48 in reckless disregard of the probability of this exposure, to post or

1 publish on the Internet, repost, republish, or otherwise make
2 available, the home address or unpublished telephone number of an
3 active, formerly active, or retired probation officer or member of
4 the Legislature or any such person's spouse or child. A reckless
5 violation would be graded a crime of the fourth degree, punishable
6 by a term of imprisonment of up to 18 months, a fine of up to
7 \$10,000, or both. A purposeful violation would be a crime of the
8 third degree, punishable by a term of imprisonment of three to five
9 years, a fine of up to \$15,000, or both.

10 Individuals, businesses, and associations would be prohibited
11 from disclosing on the Internet, or re-disclosing or otherwise
12 making available, the information about an active, formerly active,
13 or retired, probation officer or member of the Legislature under any
14 circumstances in which a reasonable person would believe that
15 providing such information would expose another to harassment or
16 risk of harm to life or property. As a result of a violation, a court
17 could award: (1) actual damages, but not less than liquidated
18 damages computed at the rate of \$1,000 for each violation; (2)
19 punitive damages upon proof of willful or reckless disregard of the
20 law; (3) reasonable attorney's fees and other litigation costs
21 reasonably incurred; and (4) any other preliminary and equitable
22 relief as the court determines to be appropriate.

23 Additionally, the bill would provide a means by which a
24 probation officer or member of the Legislature would be able to
25 make a request to cease a disclosure to an individual, business, or
26 association that disclosed the public officer's home address or
27 unpublished phone number, or the name, home address, or
28 unpublished number of an immediate family member of the public
29 officer (someone residing in the same residence); with respect to a
30 family member's name or home address, the basis for ceasing the
31 disclosure would be that the disclosed information, alone or in
32 conjunction with any other information, could be used to identify
33 the person as the family member of the public officer. The request
34 would be required to be made in writing by the public officer, or
35 that public officer's employer with the officer's consent. The
36 recipient of the request would have 72 hours to remove any
37 disclosed information from the Internet or where otherwise made
38 available, and refrain from disclosing the information to any other
39 person or entity through any medium.

40 If the recipient did not timely remove the information from the
41 Internet or where otherwise made available, or made a subsequent
42 disclosure in any medium after receipt of the request to cease
43 disclosure, the aggrieved public officer could bring an action
44 seeking injunctive or declaratory relief in the Superior Court. The
45 party responsible for the continued disclosure would be required to
46 pay reasonable attorney's fees and other litigation costs reasonably
47 incurred for the action brought.

1 The bill also would permit a probation officer or member of the
2 Legislature to register to vote without disclosing their street
3 address. Such registrants would leave the space for a street address
4 on the voter registration form blank and would, instead, attach to
5 the form a document showing proof that the person qualifies to
6 register to vote as permitted under the bill. The form would contain
7 a mailing address, post office box, or other contact point where mail
8 can be received by the person registering to vote. Upon receiving a
9 voter registration form, the commissioner of registration or county
10 board of elections, as the case may be, would provide the person
11 registering to vote with a map of the municipality in which the
12 person resides to select the voting district in which the registrant
13 will be permitted to vote. Future address updates to the qualified
14 registrant's voter registration form would be conducted in the same
15 manner.

16 Under the bill, any person who makes public any information
17 which has been provided by a registrant concerning the mailing
18 address, post office box, or other contact point of the registrant, or
19 concerning the election district in which the registrant resides, is
20 guilty of a crime of the fourth degree. The bill directs the Secretary
21 of State, in consultation with the county boards of elections and
22 county superintendents of elections, to develop implementation
23 guidelines and criteria including, but not be limited to, the required
24 documentation and proof of eligibility.

25 The bill also amends current law concerning automatic voter
26 registration services at the New Jersey Motor Vehicle Commission
27 to require that a notice be provided to eligible applicants to inform
28 them that they may decline the automatic voter registration and may
29 register to vote without disclosing the applicant's street address as
30 provided by the bill.

31 This provision of the bill is modeled after the privacy protections
32 afforded under current law for victims of domestic violence and
33 stalking with respect to their voter registration.