

[First Reprint]

ASSEMBLY, No. 2741

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblywoman Pinkin, Senators Beck, Beach and Ruiz

SYNOPSIS

Authorizes municipal governing body to create and maintain list of municipal residents in need of special assistance in case of emergency for public safety purposes.

CURRENT VERSION OF TEXT

As reported by the Assembly Homeland Security and State Preparedness Committee on September 19, 2016, with amendments.

(Sponsorship Updated As Of: 12/8/2017)

1 AN ACT authorizing the governing body of a municipality to create
2 and maintain a list of municipal residents in need of special
3 assistance in case of an emergency for public safety purposes,
4 supplementing various parts of the statutory law and amending
5 P.L.1995, c.23.

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

9
10 1. (New section) The governing body of a municipality, by
11 ordinance, may require the clerk of the municipality to maintain a
12 list containing the names and addresses of municipal residents who
13 identify themselves as being in need of special assistance in the
14 event of an emergency, and who request that this information be
15 maintained on their behalf, for public safety purposes. The list shall
16 be cross-indexed by name and address of each resident requesting to
17 be on the list, and shall identify the special circumstances of each
18 individual. The clerk shall provide the list solely and strictly for the
19 purposes of P.L. , c. (C.) (now before the Legislature as
20 this bill) to the municipal police department, to each fire department
21 or fire district serving the municipality, and to each first aid or
22 rescue squad serving the municipality, and shall ensure that they are
23 provided with updates at least monthly.

24 A notice to municipal residents advising them that such a list is
25 being maintained by the clerk for public safety purposes shall be
26 included annually with the tax bills mailed to local property
27 taxpayers. The notice shall include information as to how a
28 municipal resident may add his or her name and address to the
29 municipal list.

30 The municipal clerk shall notify each landlord who has filed a
31 certificate of registration with the municipality pursuant to section 2
32 of P.L.1974, c.50 (C.46:8-28) of the existence of the list, and shall
33 provide the landlord with a copy of a notice to be provided to the
34 landlord's tenants, including information as to how a tenant may be
35 added to the list.

36
37 2. (New section) Within 30 days following notification by the
38 municipal clerk pursuant to section 1 of P.L. , c. (C.)
39 (pending before the Legislature as this bill), and thereafter, at the
40 time of creation of a tenancy, a landlord shall advise each tenant
41 that the clerk of the municipality maintains a list containing the
42 names and addresses of municipal residents who identify
43 themselves as being in need of special assistance in the event of an
44 emergency, and who request that this information be maintained on
45 their behalf, for public safety purposes.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHS committee amendments adopted September 19, 2016.

1 The landlord shall provide each tenant with a copy of the notice
2 including information as to how a tenant may be added to the list.

3
4 3. (New section) The Commissioner of Community Affairs,
5 not later than the first day of the sixth month next following
6 enactment of P.L. , c. (C.) (pending before the
7 Legislature as this bill), shall promulgate a model notice to be used
8 by municipalities that determine to maintain a list pursuant to
9 section 1 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11
12 4. 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 P.L.1963,
42 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
46 written form or contained in any e-mail or computer data base, or in
47 any telephone record whatsoever, unless it is information the
48 constituent is required by law to transmit;

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

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

43 **[and]**

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; except for use by any government
47 agency, including any court or law enforcement agency, in carrying
48 out its functions, or any private person or entity acting on behalf

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

14 A list of persons identifying themselves as being in need of
15 special assistance in the event of an emergency maintained by a
16 municipality for public safety purposes pursuant to section 1 of
17 P.L. , c. (C.) (pending before the Legislature as this bill) ¹;
18 and

19 A list of persons identifying themselves as being in need of
20 special assistance in the event of an emergency maintained by a
21 county for public safety purposes pursuant to section 6 of P.L.2011,
22 c.178 (C.App.A:9-43.13)¹.

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

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

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

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

46 valuable or rare collections of books and/or documents obtained
47 by gift, grant, bequest or devise conditioned upon limited public
48 access;

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

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

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

35 "Law enforcement agency" means a public agency, or part
36 thereof, determined by the Attorney General to have law
37 enforcement responsibilities.

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

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

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

46 "Victim's record" means an individually-identifiable file or
47 document held by a victims' rights agency which pertains directly to

1 a victim of a crime except that a victim of a crime shall have access
2 to the victim's own records.

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

8 "Victims' rights agency" means a public agency, or part thereof,
9 the primary responsibility of which is providing services, including
10 but not limited to food, shelter, or clothing, medical, psychiatric,
11 psychological or legal services or referrals, information and referral
12 services, counseling and support services, or financial services to
13 victims of crimes, including victims of sexual assault, domestic
14 violence, violent crime, child endangerment, child abuse or child
15 neglect, and the Victims of Crime Compensation Board, established
16 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
17 the Victims of Crime Compensation Office pursuant to P.L.2007,
18 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
19 (cf: P.L.2015, c.59, s.1)

20

21 ¹⁵. Section 6 of P.L.2011, c.178 (C.App.A:9-43.13) is amended
22 to read as follows:

23 6. a. Each county in the State may establish a central registry
24 for residents with special needs who require additional assistance
25 provided to them during an emergency. A central registry created
26 pursuant to this section shall be maintained by each county office of
27 emergency management, and shall be composed of information
28 voluntarily provided by each registrant that includes, but is not
29 limited to, the registrant's address, telephone number, and particular
30 condition or assistance needs.

31 b. Each county that creates such a registry shall conduct a
32 public awareness campaign, utilizing the Internet and any other
33 available resources, to inform the general public of the importance
34 of identifying and registering individuals with special needs prior to
35 an emergency so that appropriate preparations may be made to
36 ensure that these individuals receive necessary assistance during an
37 evacuation. Information collected for purposes of a central registry
38 created pursuant to this section shall be used only by the county
39 office of emergency management that collected the information to
40 prepare for and provide assistance to residents with special needs in
41 an emergency, and shall not otherwise be divulged or made publicly
42 available; provided however, that the director may, at the director's
43 discretion, access and obtain information from a central registry
44 maintained by a county office of emergency management if the
45 information is used directly and exclusively by the director to
46 prepare an Emergency Operations Plan required pursuant to section
47 19 of P.L.1989, c.222 (C.App.A:9-43.2).

1 c. A central registry maintained by a county office of
2 emergency management and any information contained therein, or
3 accessed and obtained by the director in accordance with subsection
4 b. of this section, shall not be included under materials available to
5 public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
6 P.L.2001, c.404 (C.47:1A-5 et al.).

7 d. Each municipality in the State may maintain a list containing
8 the names and addresses of municipal residents who identify
9 themselves as being in need of special assistance in the event of an
10 emergency in accordance with the provisions of section 1 of
11 P.L. c. (C.) (pending before the Legislature as this bill.)¹
12 (cf: P.L.2011, c.178, s.6.)
13

14 ¹**[5.]** 6.¹ This act shall take effect immediately.