

ASSEMBLY, No. 3843

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 23, 2014

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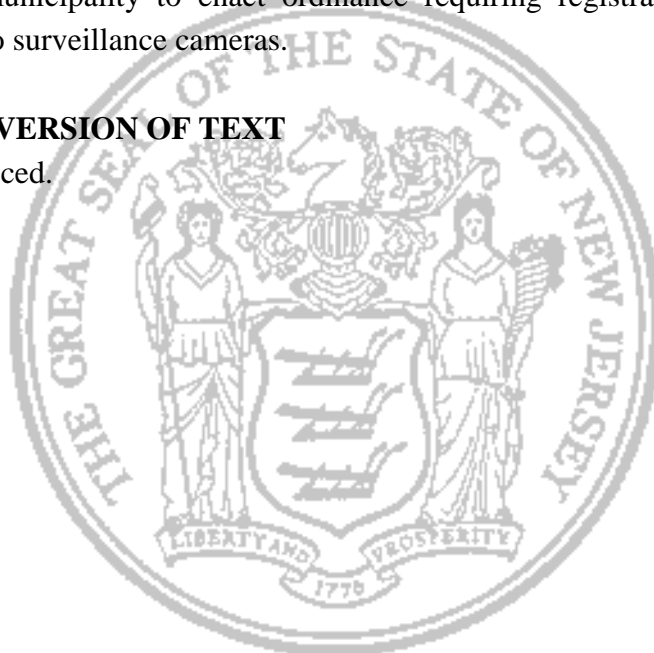
Assemblymen Wimberly, Cryan and Garcia

SYNOPSIS

Permits municipality to enact ordinance requiring registration of private outdoor video surveillance cameras.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning private outdoor video surveillance cameras,
2 supplementing Title 40 of the Revised Statutes, and amending
3 R.S.40:48-1.

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

7
8 1. (New section) The Legislature finds and declares that:

9 a. The ability of law enforcement officials to timely investigate
10 criminal activity is essential to apprehending culpable criminals and
11 ensuring public safety.

12 b. Footage from private outdoor video surveillance cameras
13 may provide useful information for law enforcement officials
14 investigating incidents of criminal activity that occurred within the
15 vicinity of these cameras.

16 c. The purpose of this act is to facilitate law enforcement
17 investigations into criminal activity and save valuable time and
18 resources by permitting a municipality to enact an ordinance
19 requiring all owners of private outdoor video surveillance cameras
20 in the municipality to register their cameras with the municipal
21 police department or force.

22
23 2. (New section) a. A municipality may enact an ordinance to
24 establish a private outdoor video surveillance camera registry and to
25 require any person who owns a private outdoor video surveillance
26 camera on a residential or business property in the municipality to
27 register the camera with the municipal police department or force
28 for the purpose of assisting law enforcement investigations of
29 criminal activity that occurred within the vicinity of the camera's
30 location. The ordinance shall provide that a person who does not
31 register a camera in violation of the ordinance shall be punished by
32 a fine not exceeding \$100.

33 b. The municipal ordinance shall require the following
34 information to be included in the private outdoor video surveillance
35 camera registry:

36 (1) the name of the person who owns the camera;

37 (2) the most recent contact information, including the street
38 address and telephone number of the person who owns the camera;

39 (3) the street address of the residence or business where the
40 camera is installed;

41 (4) the number of cameras located at the residence or business;

42 (5) the outdoor areas recorded by the camera;

43 (6) the means by which the camera's footage is saved or stored,
44 and the duration of time for which the footage is saved or stored;
45 and

46 (7) any additional information the municipality deems

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 necessary.

2 c. Information stored in the municipal registry pursuant to
3 subsection b. of this section shall be available for the exclusive use
4 by law enforcement officials to investigate criminal activity within
5 the vicinity of camera's location. Information stored in the registry
6 shall not be considered a public record pursuant to P.L.1963,
7 c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or
8 common law concerning access to public records and shall not be
9 discoverable as a public record by any person, entity, or
10 governmental agency, except upon a subpoena issued by a grand
11 jury or a court order in a criminal matter.

12 d. A State, county, or municipal law enforcement agency may
13 contact a person whose information appears in the municipal
14 registry established pursuant to subsection a. of this section, in
15 order to request access to any camera's footage which may assist an
16 investigation of criminal activity that occurred within the vicinity of
17 the camera's location.

18 e. As used in this act, "private outdoor video surveillance
19 camera" or "camera" means a device installed outside a residence or
20 business, which, for security purposes, captures footage of an area
21 outside the residence or business.

22

23 3. R.S.40:48-1 is amended to read as follows:

24 40:48-1. Ordinances; general purpose. The governing body of
25 every municipality may make, amend, repeal and enforce
26 ordinances to:

27 Finances and property. 1. Manage, regulate and control the
28 finances and property, real and personal, of the municipality;

29 Contracts and contractor's bonds. 2. Prescribe the form and
30 manner of execution and approval of all contracts to be executed by
31 the municipality and of all bonds to be given to it;

32 Officers and employees; duties, terms and salaries. 3. Prescribe
33 and define, except as otherwise provided by law, the duties and
34 terms of office or employment, of all officers and employees; and to
35 provide for the employment and compensation of such officials and
36 employees, in addition to those provided for by statute, as may be
37 deemed necessary for the efficient conduct of the affairs of the
38 municipality;

39 Fees. 4. Fix the fees of any officer or employee of the
40 municipality for any service rendered in connection with his office
41 or position, for which no specific fee or compensation is provided.
42 In the case of salaried officers or employees, such fee shall be paid
43 into the municipal treasury;

44 Salaries instead of fees; disposition of fees. 5. Provide that any
45 officer or employee receiving compensation for his services, in
46 whole or in part by fees, whether paid by the municipality or
47 otherwise, shall be paid a salary to be fixed in the ordinance, and

1 thereafter all fees received by such officer or employee shall be
2 paid into the municipal treasury;

3 Maintain order. 6. Prevent vice, drunkenness and immorality; to
4 preserve the public peace and order; to prevent and quell riots,
5 disturbances and disorderly assemblages; to prohibit the
6 consumption of alcoholic beverages by underage persons on private
7 property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

8 Punish beggars; prevention of loitering. 7. Restrain and punish
9 drunkards, vagrants, mendicants and street beggars; to prevent
10 loitering, lounging or sleeping in the streets, parks or public places;

11 Auctions and noises. 8. Regulate the ringing of bells and the
12 crying of goods and other commodities for sale at auction or
13 otherwise, and to prevent disturbing noises;

14 Swimming; bathing costume; prohibition of public nudity.
15 9. Regulate or prohibit swimming or bathing in the waters of, in,
16 or bounding the municipality, and to regulate or prohibit persons
17 from appearing upon the public streets, parks and places clad in
18 bathing costumes or robes, or costumes of a similar character;
19 regulate or prohibit persons from appearing in a state of nudity
20 upon all lands within its borders which are under the jurisdiction of
21 the State including, without limitation, all lands owned by,
22 controlled by, managed by or leased by the State;

23 Prohibit annoyance of persons or animals. 10. Regulate or
24 prohibit any practice tending to frighten animals, or to annoy or
25 injure persons in the public streets;

26 Animals; pounds; establishment and regulation. 11. Establish
27 and regulate one or more pounds, and to prohibit or regulate the
28 running at large of horses, cattle, dogs, swine, goats and other
29 animals, and to authorize their impounding and sale for the penalty
30 incurred, and the costs of impounding, keeping and sale; to regulate
31 or prohibit the keeping of cattle, goats or swine in any part of the
32 municipality; to authorize the destruction of dogs running at large
33 therein;

34 Hucksters. 12. Prescribe and regulate the place of vending or
35 exposing for sale articles of merchandise from vehicles;

36 Building regulations; wooden structures. 13. Regulate and
37 control the construction, erection, alteration and repair of buildings
38 and structures of every kind within the municipality; and to
39 prohibit, within certain limits, the construction, erection or
40 alteration of buildings or structures of wood or other combustible
41 material;

42 Inflammable materials; inspect docks and buildings.
43 14. Regulate the use, storage, sale and disposal of inflammable or
44 combustible materials, and to provide for the protection of life and
45 property from fire, explosions and other dangers; to provide for
46 inspections of buildings, docks, wharves, warehouses and other
47 places, and of goods and materials contained therein, to secure the
48 proper enforcement of such ordinance;

1 Dangerous structures; removal or destruction; procedure.
2 15. Provide for the removal or destruction of any building, wall or
3 structure which is or may become dangerous to life or health, or
4 might tend to extend a conflagration; and to assess the cost thereof
5 as a municipal lien against the premises;
6 Chimneys and boilers. 16. Regulate the construction and setting
7 up of chimneys, furnaces, stoves, boilers, ovens and other
8 contrivances in which fire is used;
9 Explosives. 17. Regulate, in conformity with the statutes of this
10 State, the manufacture, storage, sale, keeping or conveying of
11 gunpowder, nitroglycerine, dynamite and other explosives;
12 Firearms and fireworks. 18. Regulate and prohibit the sale and
13 use of guns, pistols, firearms, and fireworks of all descriptions;
14 Soft coal. 19. Regulate the use of soft coal in locomotives,
15 factories, power houses and other places;
16 Theaters, schools, churches and public places. 20. Regulate the
17 use of theaters, cinema houses, public halls, schools, churches, and
18 other places where numbers of people assemble, and the exits
19 therefrom, so that escape therefrom may be easily and safely made
20 in case of fire or panic; and to regulate any machinery, scenery,
21 lights, wires and other apparatus, equipment or appliances used in
22 all places of public amusement;
23 Excavations. 21. Regulate excavations below the established
24 grade or curb line of any street, not greater than eight feet, which
25 the owner of any land may make, in the erection of any building
26 upon his own property; and to provide for the giving of notice, in
27 writing, of such intended excavation to any adjoining owner or
28 owners, and that they will be required to protect and care for their
29 several foundation walls that may be endangered by such
30 excavation; and to provide that in case of the neglect or refusal, for
31 10 days, of such adjoining owner or owners to take proper action to
32 secure and protect the foundations of any adjacent building or other
33 structure, that the party or parties giving such notice, or their
34 agents, contractors or employees, may enter into and upon such
35 adjoining property and do all necessary work to make such
36 foundations secure, and may recover the cost of such work and
37 labor in so protecting such adjacent property; and to make such
38 further and other provisions in relation to the proper conduct and
39 performance of said work as the governing body or board of the
40 municipality may deem necessary and proper;
41 Sample medicines. 22. Regulate and prohibit the distribution,
42 depositing or leaving on the public streets or highways, public
43 places or private property, or at any private place or places within
44 any such municipality, any medicine, medicinal preparation or
45 preparations represented to cure ailments or diseases of the body or
46 mind, or any samples thereof, or any advertisements or circulars
47 relating thereto, but no ordinance shall prohibit a delivery of any

1 such article to any person above the age of 12 years willing to
2 receive the same;

3 Boating. 23. Regulate the use of motor and other boats upon
4 waters within or bounding the municipality;

5 Fire escapes. 24. Provide for the erection of fire escapes on
6 buildings in the municipality, and to provide rules and regulations
7 concerning the construction and maintenance of the same, and for
8 the prevention of any obstruction thereof or thereon;

9 Care of injured employees. 25. Provide for the payment of
10 compensation and for medical attendance to any officer or
11 employee of the municipality injured in the performance of his
12 duty;

13 Bulkheads and other structures. 26. Fix and determine the lines
14 of bulkheads or other works or structures to be erected, constructed
15 or maintained by the owners of lands facing upon any navigable
16 water in front of their lands, and in front of or along any highway or
17 public lands of said municipality, and to designate the materials to
18 be used, and the type, height and dimensions thereof;

19 Lifeguard. 27. Establish, maintain, regulate and control a
20 lifeguard upon any beach within or bordering on the municipality;

21 Appropriation for life-saving apparatus. 28. Appropriate
22 moneys to safeguard people from drowning within its borders, by
23 location of apparatus or conduct of educational work in harmony
24 with the plans of the United States volunteer life-saving corps in
25 this State;

26 Fences. 29. Regulate the size, height and dimensions of any
27 fences between the lands of adjoining owners, whether built or
28 erected as division or partition fences between such lands, and
29 whether the same exist or be erected entirely or only partly upon the
30 lands of any such adjoining owners, or along or immediately
31 adjacent to any division or partition line of such lands. To provide,
32 in such ordinance, the manner of securing, fastening or shoring such
33 fences, and for surveying the land when required by statute, and to
34 prohibit in any such ordinance the use at a height of under 10 feet
35 from the ground, of any device, such as wire or cable, that would be
36 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
37 the-road vehicles, unless that device is clearly visible to pedestrians,
38 equestrians, bicyclists or drivers of off-the-road vehicles. In the
39 case of fences thereafter erected contrary to the provisions thereof,
40 the governing body may provide for a penalty for the violation of
41 such ordinance, and in the case of such fence or fences erected or
42 existing at the time of the passage of any such ordinance, may
43 provide therein for the removal, change or alteration thereof, so as
44 to make such fence or fences comply with the provisions of any
45 such ordinance;

46 Advertise municipality. 30. Appropriate funds for advertising
47 the advantages of the municipality;

1 Government Energy Aggregation Programs. 31. Establish
2 programs and procedures pursuant to which the municipality may
3 act as a government aggregator pursuant to sections 40 through 43
4 of P.L.1999,c.23 (C.48:3-89 through C.48:3-92), section 45 of
5 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,
6 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the
7 provisions of any other law, rule or regulation to the contrary, a
8 municipality acting as a government aggregator pursuant to
9 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public
10 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed
11 to be operating any form of public utility service pursuant to
12 R.S.40:62-1 et seq., to the extent such municipality is solely
13 engaged in the provision of such aggregation service and not
14 otherwise owning or operating any plant or facility for the
15 production or distribution of gas, electricity, steam or other product
16 as provided in R.S.40:62-12;

17 Joint municipal action on consent for the provision of cable
18 television service. 32. Establish programs and procedures pursuant
19 to which a municipality may act together with one or more
20 municipalities in granting municipal consent for the provision of
21 cable television service pursuant to the provisions of the "Cable
22 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
23 and supplemented. Notwithstanding the provisions of any other
24 law, rule or regulation to the contrary, two or more municipalities
25 acting jointly pursuant to the provisions of P.L.1972,
26 c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility
27 pursuant to R.S.48:1-1 et seq., to the extent those municipalities are
28 solely engaged in granting municipal consent jointly and are not
29 otherwise owning or operating any facility for the provision of
30 cable television service as provided in P.L.1972, c.186 (C.48:5A-1
31 et seq.);

32 Private cable television service aggregation programs.
33 33. Establish programs and procedures pursuant to which a
34 municipality may employ the services of a private aggregator for
35 the purpose of facilitating the joint action of two or more
36 municipalities in granting municipal consent for the provision of
37 cable television service provided that any such municipality shall
38 adhere to the provisions of the "Cable Television Act," P.L.1972,
39 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the
40 provisions of the "Local Public Contracts Law," P.L.1971,
41 c.198 (C.40A:11-1 et seq.) as amended and supplemented.
42 Notwithstanding the provisions of any other law, rule or regulation
43 to the contrary, a municipality that employs the services of a private
44 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-
45 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-
46 1 et seq., to the extent that the municipality is solely engaged in
47 employing the services of a private aggregator for the purpose of
48 facilitating the joint action of two or more municipalities in

1 granting municipal consent and is not otherwise owning or
2 operating any facility for the provision of cable television service as
3 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

4 Protective Custody. 34. Provide protective custody to persons
5 arrested for operating a motor vehicle under the influence of
6 alcoholic beverages, any chemical substance, or any controlled
7 dangerous substance in violation of R.S.39:4-50 as provided in
8 section 1 of P.L.2003, c.164 (C.40:48-1.3);

9 Private Outdoor Video Surveillance Camera Registry.
10 35. Establish a private outdoor video surveillance camera registry
11 and require registration of private outdoor video surveillance
12 cameras as provided in P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14 (cf: P.L.2003, c.164, s.2)

15

16 4. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill permits a municipality to enact an ordinance
22 establishing a private outdoor video surveillance camera registry
23 and requiring any owner of a private outdoor video surveillance
24 camera to register the camera with the municipal police department
25 or force. In the view of the sponsor, this bill will assist law
26 enforcement officials with investigations of criminal activity and
27 will save valuable time and resources by providing law enforcement
28 a registry to determine whether such a camera is located near an
29 area where criminal activity occurred and captured footage that will
30 assist an investigation.

31 Under provisions of this bill, any ordinance enacted under the
32 bill is to require the following information to be provided in the
33 municipal registry: 1) the name of the person who owns a private
34 outdoor video surveillance camera, 2) the person's most recent
35 contact information, including a street address and telephone
36 number, 3) the street address where the camera is located, 4) the
37 number of cameras that are installed at the location, 5) the outdoor
38 areas recorded by the camera, 6) information on how the camera's
39 footage is saved or stored and the duration of time the footage is
40 saved or stored, and 7) any other information the municipality
41 deems necessary. A "private outdoor video surveillance camera," is
42 defined as a device installed outside a residence or business which
43 captures footage of the area outside the residence or business for
44 security purposes. The ordinance also is to provide that a person
45 who does not register a camera as required will be subject to a fine
46 not exceeding \$100.

47 This bill further provides that information contained in a
48 municipal private outdoor video surveillance camera registry is to

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1 be made available only to law enforcement officials investigating
2 criminal activity and will not be considered a public record. A
3 State, county, or municipal law enforcement agency is authorized to
4 contact a person who registered a private outdoor video surveillance
5 camera in order to request access to footage that may be useful to a
6 criminal investigation.