

§1 - C.40:48-2.67
§2 - C.46:8-29.1
§3 - C.52:27D-3.6

P.L. 2017, CHAPTER 266, *approved January 8, 2018*
Assembly, No. 2741 (*First Reprint*)

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

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 time of creation of a tenancy, a landlord shall advise each tenant
2 that the clerk of the municipality maintains a list containing the
3 names and addresses of municipal residents who identify
4 themselves as being in need of special assistance in the event of an
5 emergency, and who request that this information be maintained on
6 their behalf, for public safety purposes.

7 The landlord shall provide each tenant with a copy of the notice
8 including information as to how a tenant may be added to the list.
9

10 3. (New section) The Commissioner of Community Affairs, not
11 later than the first day of the sixth month next following enactment
12 of P.L. , c. (C.) (pending before the Legislature as this
13 bill), shall promulgate a model notice to be used by municipalities
14 that determine to maintain a list pursuant to section 1 of
15 P.L. , c. (C.) (pending before the Legislature as this
16 bill).
17

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

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

22 "Biotechnology" means any technique that uses living
23 organisms, or parts of living organisms, to make or modify
24 products, to improve plants or animals, or to develop micro-
25 organisms for specific uses; including the industrial use of
26 recombinant DNA, cell fusion, and novel bioprocessing techniques.

27 "Custodian of a government record" or "custodian" means in the
28 case of a municipality, the municipal clerk and in the case of any
29 other public agency, the officer officially designated by formal
30 action of that agency's director or governing body, as the case may
31 be.

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

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

1 information received by a member of the Legislature from a
2 constituent or information held by a member of the Legislature
3 concerning a constituent, including but not limited to information in
4 written form or contained in any e-mail or computer data base, or in
5 any telephone record whatsoever, unless it is information the
6 constituent is required by law to transmit;

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

13 any copy, reproduction or facsimile of any photograph, negative
14 or print, including instant photographs and videotapes of the body,
15 or any portion of the body, of a deceased person, taken by or for the
16 medical examiner at the scene of death or in the course of a post
17 mortem examination or autopsy made by or caused to be made by
18 the medical examiner except:

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

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

26 for use in the field of forensic pathology or for use in medical or
27 scientific education or research, or

28 for use by any law enforcement agency in this State or any other
29 state or federal law enforcement agency;

30 criminal investigatory records;

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

33 any written request by a crime victim for a record to which the
34 victim is entitled to access as provided in this section, including,
35 but not limited to, any law enforcement agency report, domestic
36 violence offense report, and temporary or permanent restraining
37 order;

38 personal firearms records, except for use by any person
39 authorized by law to have access to these records or for use by any
40 government agency, including any court or law enforcement
41 agency, for purposes of the administration of justice;

42 personal identifying information received by the Division of Fish
43 and Wildlife in the Department of Environmental Protection in
44 connection with the issuance of any license authorizing hunting
45 with a firearm. For the purposes of this paragraph, personal
46 identifying information shall include, but not be limited to, identity,
47 name, address, social security number, telephone number, fax

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

1 of that person contained therein shall not be deemed confidential;

2 **[and]**

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

20 **¹[and.]¹**

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

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

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

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

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

47 records of pursuit of charitable contributions or records
48 containing the identity of a donor of a gift if the donor requires non-

1 disclosure of the donor's identity as a condition of making the gift
2 provided that the donor has not received any benefits of or from the
3 institution of higher education in connection with such gift other
4 than a request for memorialization or dedication;

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

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

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

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

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

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

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

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

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

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

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

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

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

37 b. Each county that creates such a registry shall conduct a
38 public awareness campaign, utilizing the Internet and any other
39 available resources, to inform the general public of the importance
40 of identifying and registering individuals with special needs prior to
41 an emergency so that appropriate preparations may be made to
42 ensure that these individuals receive necessary assistance during an
43 evacuation. Information collected for purposes of a central registry
44 created pursuant to this section shall be used only by the county
45 office of emergency management that collected the information to
46 prepare for and provide assistance to residents with special needs in
47 an emergency, and shall not otherwise be divulged or made publicly
48 available; provided however, that the director may, at the director's

1 discretion, access and obtain information from a central registry
2 maintained by a county office of emergency management if the
3 information is used directly and exclusively by the director to
4 prepare an Emergency Operations Plan required pursuant to section
5 19 of P.L.1989, c.222 (C.App.A:9-43.2).

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

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

18

19 ¹**[5.] 6.**¹ This act shall take effect immediately.

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21

22

23

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