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SYNOPSIS
Immunizes from civil liability first responders who forcibly enter property to provide emergency assistance.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT providing immunity from civil liability to first responders in certain circumstances and amending various parts of the statutory law.

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

1. Section 1 of P.L.1962, c.242 (C.2A:53A-12) is amended to read as follows:
   1. No member of a volunteer first aid, rescue or emergency squad, or volunteer member of the National Ski Patrol System, which provides emergency public first aid and rescue services shall be liable in any civil action to respond in damages as a result of his acts of commission or omission arising out of and in the course of his rendering in good faith any such services as such member but such immunity from liability shall not extend to the operation of any motor vehicle in connection with such services. This immunity shall extend to any civil damages resulting from a forcible entry into a home, business, or other structure at which an emergency is reported if based upon a good faith belief that such entry is necessary to provide emergency medical care or to prevent imminent bodily harm and if no occupant of the property responds to requests for entry within a reasonable period of time.
   Nothing herein shall be deemed to grant any such immunity to any person causing damage by his willful or wanton act of commission or omission.
   (cf: P.L.1977, c.276, s.2)

2. Section 1 of P.L.1963, c.71 (C.2A:53A-13) is amended to read as follows:
   1. No member of a volunteer fire company, which provides emergency public first aid and rescue services or services for the control and extinguishment of fires, or both, and no authorized active volunteer first aid or rescue squad worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, doing public first aid or rescue duty, shall be liable in any civil action to respond in damages as a result of his acts of commission or omission arising out of and in the course of his rendering in good faith any such services, or arising out of and in the course of participation in any authorized drill, but such immunity from liability shall not extend to the operation of any motor vehicle in connection with the rendering of any such services. This immunity shall extend to any civil damages resulting from a forcible entry into a home, business, or other

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.
structure at which an emergency is reported if based upon a good faith belief that such entry is necessary to provide emergency medical care or to prevent imminent bodily harm and if no occupant of the property responds to requests for entry within a reasonable period of time.

Nothing herein shall be deemed to grant any such immunity to any person causing damage by his willful or wanton act of commission or omission.

(cf: P.L.1983, c.29, s.1)

3. Section 1 of P.L.1975, c.196 (C.2A:53A-13.1) is amended to read as follows:

1. No volunteer fire company or volunteer first aid, rescue or emergency squad, civil defense unit, incorporated or unincorporated, which provides services for the control and extinguishment of fires or emergency public first aid and rescue services, or both, shall be liable in any civil action to respond in damages as a result of any acts of commission or omission arising out of and in the course of the rendition in good faith of any such services, or arising out of and in the course of participation in any authorized drill, by any member of the volunteer fire company or the volunteer first aid, rescue or emergency squad, or civil defense unit, and in the case of a volunteer fire company within which a first aid or rescue squad has been created, by any authorized active volunteer first aid or rescue squad worker therefor, notwithstanding that he is not a member of the volunteer fire company. This immunity shall extend to any civil damages resulting from a forcible entry into a home, business, or other structure at which an emergency is reported if based upon a good faith belief that such entry is necessary to provide emergency medical care or to prevent imminent bodily harm and if no occupant of the property responds to requests for entry within a reasonable period of time. No such immunity from liability shall extend to the operation of any motor vehicle in connection with the rendering of any such services.

(cf: P.L.1983, c.29, s.2)

4. Section 8 of P.L.1984, c.146 (C.26:2K-14) is amended to read as follows:

8. No mobile intensive care paramedic, licensed physician, hospital or its board of trustees, officers and members of the medical staff, nurses or other employees of the hospital, first aid, ambulance or rescue squad, or officers and members of a rescue squad shall be liable for any civil damages as the result of an act or the omission of an act committed while in training for or in the rendering of advanced life support services in good faith and in accordance with this act. This immunity shall extend to any civil damages resulting from a forcible entry into a home, business, or other structure at which an emergency is reported if based upon a
good faith belief that such entry is necessary to provide emergency
medical care or to prevent imminent bodily harm and if no occupant
of the property responds to requests for entry within a reasonable
period of time.
(cf: P.L.1984, c.146, s.8)

5. Section 10 of P.L.1985, c.351 (C.26:2K-29) is amended to
read as follows:

10. No EMT-intermediate, licensed physician, hospital or its
board of trustees, officers and members of the medical staff, nurses
or other employees of the hospital, or officers and members of a
first aid, ambulance or rescue squad shall be liable for any civil
damages as the result of an act or the omission of an act committed
while in training for or in the rendering of intermediate life support
services in good faith and in accordance with this act. This
immunity shall extend to any civil damages resulting from a
forcible entry into a home, business, or other structure at which an
emergency is reported if based upon a good faith belief that such
entry is necessary to provide emergency medical care or to prevent
imminent bodily harm and if no occupant of the property responds
to requests for entry within a reasonable period of time.
(cf: P.L.1985, c.351, s.10)

6. Section 4 of P.L.1986, c.106 (C.26:2K-38) is amended to
read as follows:

4. No mobile intensive care paramedic, licensed physician,
hospital or its board of trustees, officers and members of the
medical staff, nurses or other employees of the hospital, first aid,
ambulance or rescue squad members or officers is liable for any
civil damages as the result of an act or the omission of an act
committed while training for or in rendering advanced life support
services in good faith and in accordance with this amendatory and
supplementary act. This immunity shall extend to any civil
damages resulting from a forcible entry into a home, business, or
other structure at which an emergency is reported if based upon a
good faith belief that such entry is necessary to provide emergency
medical care or to prevent imminent bodily harm and if no occupant
of the property responds to requests for entry within a reasonable
period of time.
(cf: P.L.1986, c.106, s.4)

7. N.J.S.59:3-9 is amended to read as follows:

59:3-9. Entry upon property. A public employee is not liable for
his entry upon any property where such entry is expressly or
impliedly authorized by law. This immunity shall extend to all
public emergency response personnel for any civil damages
resulting from a forcible entry into a home, business, or other
structure at which an emergency is reported if based upon a good
faith belief that such entry is necessary to provide emergency
medical care or to prevent imminent bodily harm and if no occupant
of the property responds to requests for entry within a reasonable
period of time. Nothing in this section exonerates a public
employee from liability for an injury proximately caused
subsequent to such entry by his own negligent or wrongful act or
omission.
(cf: N.J.S.59:3-9)

8. Section 20 of P.L.1942, c.251 (App.A:9-52) is amended to
read as follows:

20. Neither the State nor any political subdivision of the State
under any circumstances, nor the agents, officers, employees,
servants or representatives of the State or any political subdivision
thereof, including all volunteers, in good faith carrying out,
complying with, or attempting to comply with, any order, rule or
regulation promulgated pursuant to the provisions of this act, or
performing any authorized service in connection therewith, shall be
liable for any injury or death to persons or damage to property as
the result of any such activity. This immunity shall extend to all
public emergency response personnel for any civil damages
resulting from a forcible entry into a home, business, or other
structure at which an emergency is reported if based upon a good
faith belief that such entry is necessary to provide emergency
medical care or to prevent imminent bodily harm and if no occupant
of the property responds to requests for entry within a reasonable
period of time. No person owning, possessing or managing any real
property which has been designated, pursuant to the provisions of
this act or of any order, rule or regulation promulgated thereunder,
as a shelter from destructive operations or attacks by enemies of the
United States, shall be liable in any civil action for death or injury
to any person who, because such real property has been designated
a shelter as aforesaid, enters upon it solely for the purpose of
seeking refuge therein during such destructive operations or attacks
or during civil defense tests ordered by lawful authority, except
where such death or injury is caused by the willful act of such
owner, possessor or manager, or his agents or employees. The
foregoing shall not affect the right of any person to receive benefits
or compensation which may be specifically provided by the
provisions of this or any other State or Federal Statute, nor shall it
affect the right of any person to recover under the terms of any
policy of insurance.
(cf: P.L.1952, c.14, s.1)

9. This act shall take effect immediately.
This bill provides compensated and volunteer public and private first responders, including emergency medical services personnel, law enforcement officers, and firefighters, with immunity from civil liability for any damages that may result from a forcible entry into a home, business, or other structure at which an emergency is reported. This immunity applies only where the first responder’s decision is based upon a good faith belief that forcible entry is necessary to provide emergency medical care or to prevent imminent bodily harm and where no occupant of the property responds to the first responder’s requests for entry within a reasonable period of time.