

SENATE, No. 2538

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MAY 10, 2018

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Senator JOSEPH PENNACCHIO

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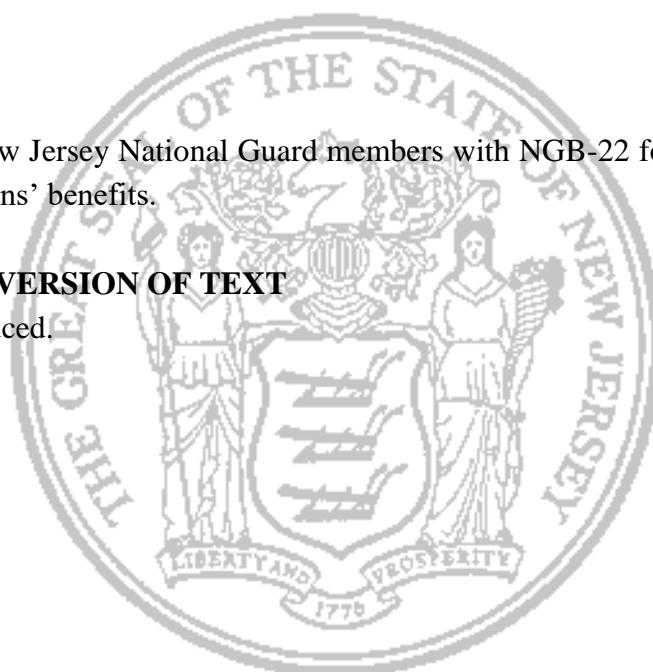
**Senators A.R.Bucco, Ruiz, Assemblywomen Tucker, Pinkin, Timberlake,
Assemblymen Space, Wirths and Mazzeo**

SYNOPSIS

Makes New Jersey National Guard members with NGB-22 form eligible for certain veterans' benefits.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2019)

1 AN ACT making New Jersey National Guard members with a NGB-
2 22 form eligible for certain veterans' benefits, and amending
3 various parts of the statutory law.

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

7
8 1. Section 1 of P.L.2013, c.165 (C.39:3-10f6) is amended to
9 read as follows:

10 1. a. (1) In addition to the requirements for the form and
11 content of a motor vehicle driver's license under R.S.39:3-10 and a
12 probationary license issued under section 4 of P.L.1950, c.127
13 (C.39:3-13.4), the Chief Administrator of the New Jersey Motor
14 Vehicle Commission shall, upon submission of satisfactory proof,
15 designate on an initial license, renewal license, or probationary
16 license, as appropriate, that the license holder is a veteran of the
17 Armed Forces of the United States of America or the New Jersey
18 National Guard. The designation of veteran status on an initial
19 license, renewal license, or probationary license shall not be
20 deemed sufficient valid proof of veteran status for official
21 governmental purposes when any other statute, or any regulation or
22 other directive of a governmental entity, requires documentation of
23 veteran status.

24 (2) In addition to the requirements for the form and content of a
25 motor vehicle driver's license under R.S.39:3-10 and a probationary
26 license issued under section 4 of P.L.1950, c.127 (C.39:3-13.4), the
27 Chief Administrator of the New Jersey Motor Vehicle Commission
28 shall, upon submission of satisfactory proof, designate on an initial
29 license, renewal license, or probationary license, as appropriate,
30 that the license holder is a Gold Star Family member. The
31 commission shall provide to the Department of Military and
32 Veterans' Affairs personal identifying information of any person
33 issued a driver's license with a Gold Star Family designation
34 pursuant to this section.

35 b. For the purpose of this section:

36 "Gold Star Family member" means a spouse, domestic partner,
37 partner in a civil union, parent, brother, sister, child, legal guardian,
38 or other legal custodian, whether of the whole or half blood or by
39 adoption, of a member of the Armed Forces of the United States or
40 National Guard, who lost his or her life while on active duty for the
41 United States.

42 "Veteran" means a person who has been honorably discharged
43 from the active military service of the United States or from service
44 in the New Jersey National Guard.

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 "Satisfactory proof" means, in the case of a veteran, a copy of
2 form NGB-22, DD-214 or federal activation orders showing service
3 under Title 10, section 672 or section 12301, of the United States
4 Code, or a county veteran identification card only if issuance of the
5 card requires a copy of form NGB-22, DD-214 discharge papers or
6 approved separation forms as outlined by all branches of the
7 military and duly recorded by the county clerk's office. In the case
8 of a Gold Star Family member, satisfactory proof includes any or
9 all of the following:

10 (1) a certification from the Department of New Jersey of
11 American Gold Star Mothers, Inc., or any other organization formed
12 for the support of family members of members of the Armed Forces
13 of the United States or National Guard, who lost their lives while on
14 active duty for the United States, that the applicant is either the
15 spouse, domestic partner, partner in a civil union, parent, brother,
16 sister, child, legal guardian, or other legal custodian, whether of the
17 whole or half blood or by adoption, of a member of the armed
18 forces or National Guard who died while on active duty for the
19 United States; or

20 (2) (a) documentation deemed acceptable by the Adjutant
21 General, including, but not limited to, an NGB-22, a federal DD
22 Form 1300, Report of Casualty, or a federal DD Form 2064,
23 Certificate of Death Overseas, which identifies the member of the
24 Armed Forces of the United States or National Guard who died
25 while on active duty for the United States; and

26 (b) documentation indicating the applicant's relationship to the
27 service member.

28 (cf: P.L.2017, c.175, s.5)

29
30 2. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read
31 as follows:

32 2. a. (1) The New Jersey Motor Vehicle Commission shall
33 issue an identification card to any resident of the State who is 14
34 years of age or older and who is not the holder of a valid permit or
35 basic driver's license. The identification card shall attest to the true
36 name, correct age, and veteran status, upon submission of
37 satisfactory proof, by any veteran, and shall contain other
38 identifying data as certified by the applicant for such identification
39 card. Every application for an identification card shall be signed
40 and verified by the applicant and shall be accompanied by the
41 written consent of at least one parent or the person's legal guardian
42 if the person is under 17 years of age and shall be supported by such
43 documentary evidence of the age, identity, and veteran status, or
44 blindness, or disability of such person as the chief administrator
45 may require. In addition to requiring an applicant for an
46 identification card to submit satisfactory proof of identity, age, and,
47 if appropriate, veteran status, the chief administrator also shall
48 require the applicant to provide, as a condition for obtaining the

1 card, satisfactory proof that the applicant's presence in the United
2 States is authorized under federal law. If the chief administrator
3 has reasonable cause to suspect that any document presented by an
4 applicant as proof of identity, age, veteran status, or legal residency
5 is altered, false or otherwise invalid, the chief administrator shall
6 refuse to grant the identification card until such time as the
7 document may be verified by the issuing agency to the chief
8 administrator's satisfaction.

9 (2) In addition to the requirements for the form and content of
10 an identification card pursuant to this section, the Chief
11 Administrator of the New Jersey Motor Vehicle Commission shall,
12 upon submission of satisfactory proof, designate on an
13 identification card that the card holder is a Gold Star Family
14 member. The commission shall provide to the Department of
15 Military and Veterans' Affairs personal identifying information for
16 any person issued an identification card with a Gold Star Family
17 designation pursuant to this section.

18 b. The designation of veteran status on an identification card
19 shall not be deemed sufficient valid proof of veteran status for
20 official governmental purposes when any other statute, or any
21 regulation or other directive of a governmental entity, requires
22 documentation of veteran status.

23 c. For the purpose of this section:

24 "Gold Star Family member" means a spouse, domestic partner,
25 partner in a civil union, parent, brother, sister, child, legal guardian,
26 or other legal custodian, whether of the whole or half blood or by
27 adoption, of a member of the Armed Forces of the United States or
28 National Guard, who lost his or her life while on active duty for the
29 United States.

30 "Veteran" means a person who has been honorably discharged
31 from the active military service of the United States or from service
32 in the New Jersey National Guard; and

33 "Satisfactory proof" means, in the case of a veteran, a copy of
34 form NGB-22, DD-214 or federal activation orders showing service
35 under Title 10, section 672 or section 12301, of the United States
36 Code, or a county veteran identification card only if issuance of the
37 card requires a copy of form DD-214 discharge papers or approved
38 separation forms as outlined by all branches of the military and duly
39 recorded by the county clerk's office. In the case of a Gold Star
40 Family member, satisfactory proof includes any or all of the
41 following:

42 (1) a certification from the Department of New Jersey of
43 American Gold Star Mothers, Inc., or any other organization formed
44 for the support of family members of members of the Armed Forces
45 of the United States or National Guard, who lost their lives while on
46 active duty for the United States, that the applicant is either the
47 spouse, domestic partner, partner in a civil union, parent, brother,
48 sister, child, legal guardian, or other legal custodian, whether of the

1 whole or half blood or by adoption, of a member of the armed
2 forces or National Guard who died while on active duty for the
3 United States; or

4 (2) (a) documentation deemed acceptable by the Adjutant
5 General, including, but not limited to, a federal DD Form 1300,
6 Report of Casualty, or a federal DD Form 2064, Certificate of
7 Death Overseas, which identifies the member of the Armed Forces
8 of the United States or National Guard who died while on active
9 duty for the United States; and

10 (b) documentation indicating the applicant's relationship to the
11 service member.

12 (cf: P.L.2017, c.175, s.7)

13
14 3. Section 4 of P.L.2012, c.30 (C.40A:9-78.4) is amended to
15 read as follows:

16 4. a. When such a program has been authorized, the county
17 clerk or register of deeds and mortgages, as appropriate, shall issue
18 an identification card to any veteran who is a resident of the county
19 and who does not hold an identification card issued by the federal
20 government that identifies the person as a veteran. The veteran
21 identification card shall bear the true name, branch of the military,
22 including a reserve component thereof, in which the veteran served,
23 date of card issuance, separation form submitted, and other
24 identifying information as certified by the applicant for such
25 veteran identification card. Every application for a veteran
26 identification card shall be signed and certified by the applicant and
27 shall be supported by such documentary evidence as the county
28 clerk or register of deeds and mortgages, as appropriate, may
29 require.

30 b. The documentary evidence required by subsection a. of this
31 section shall include the applicant's NGB-22 or DD-214 form issued
32 by the federal government or approved separation forms as outlined
33 by all branches of the military and duly recorded by the office. The
34 county clerk or register of deeds and mortgages, as appropriate,
35 shall require a copy of the documentary evidence submitted to be
36 kept on file with the application for the veteran identification card,
37 and shall note the location of the original NGB-22 or DD-214 or
38 other approved separation form on that application form. The copy
39 of the documentary evidence submitted and the application shall be
40 kept confidential and shall not be considered a government record
41 under P.L.1963, c.73 (C.47:1A-1 et seq.), except that they may be
42 released to another government agency. The Adjutant General of
43 the Department of Military and Veterans' Affairs shall assist in the
44 identification, and verification as needed, of approved separation
45 forms as outlined by all branches of the military and submitted by
46 applicants.

47 (cf: P.L.2017, c.292, s.2)

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

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

5 "Biotechnology" means any technique that uses living
6 organisms, or parts of living organisms, to make or modify
7 products, to improve plants or animals, or to develop micro-
8 organisms for specific uses; including the industrial use of
9 recombinant DNA, cell fusion, and novel bioprocessing techniques.

10 "Custodian of a government record" or "custodian" means in the
11 case of a municipality, the municipal clerk and in the case of any
12 other public agency, the officer officially designated by formal
13 action of that agency's director or governing body, as the case may
14 be.

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

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

32 information received by a member of the Legislature from a
33 constituent or information held by a member of the Legislature
34 concerning a constituent, including but not limited to information in
35 written form or contained in any e-mail or computer data base, or in
36 any telephone record whatsoever, unless it is information the
37 constituent is required by law to transmit;

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

44 any copy, reproduction or facsimile of any photograph, negative
45 or print, including instant photographs and videotapes of the body,
46 or any portion of the body, of a deceased person, taken by or for the
47 medical examiner at the scene of death or in the course of a post

1 mortem examination or autopsy made by or caused to be made by
2 the medical examiner except:
3 when used in a criminal action or proceeding in this State which
4 relates to the death of that person,
5 for the use as a court of this State permits, by order after good
6 cause has been shown and after written notification of the request
7 for the court order has been served at least five days before the
8 order is made upon the county prosecutor for the county in which
9 the post mortem examination or autopsy occurred,
10 for use in the field of forensic pathology or for use in medical or
11 scientific education or research, or
12 for use by any law enforcement agency in this State or any other
13 state or federal law enforcement agency;
14 criminal investigatory records;
15 victims' records, except that a victim of a crime shall have access
16 to the victim's own records;
17 any written request by a crime victim for a record to which the
18 victim is entitled to access as provided in this section, including,
19 but not limited to, any law enforcement agency report, domestic
20 violence offense report, and temporary or permanent restraining
21 order;
22 personal firearms records, except for use by any person
23 authorized by law to have access to these records or for use by any
24 government agency, including any court or law enforcement
25 agency, for purposes of the administration of justice;
26 personal identifying information received by the Division of Fish
27 and Wildlife in the Department of Environmental Protection in
28 connection with the issuance of any license authorizing hunting
29 with a firearm. For the purposes of this paragraph, personal
30 identifying information shall include, but not be limited to, identity,
31 name, address, social security number, telephone number, fax
32 number, driver's license number, email address, or social media
33 address of any applicant or licensee;
34 trade secrets and proprietary commercial or financial information
35 obtained from any source. For the purposes of this paragraph, trade
36 secrets shall include data processing software obtained by a public
37 body under a licensing agreement which prohibits its disclosure;
38 any record within the attorney-client privilege. This paragraph
39 shall not be construed as exempting from access attorney or
40 consultant bills or invoices except that such bills or invoices may be
41 redacted to remove any information protected by the attorney-client
42 privilege;
43 administrative or technical information regarding computer
44 hardware, software and networks which, if disclosed, would
45 jeopardize computer security;
46 emergency or security information or procedures for any
47 buildings or facility which, if disclosed, would jeopardize security
48 of the building or facility or persons therein;

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

4 information which, if disclosed, would give an advantage to
5 competitors or bidders;

6 information generated by or on behalf of public employers or
7 public employees in connection with any sexual harassment
8 complaint filed with a public employer or with any grievance filed
9 by or against an individual or in connection with collective
10 negotiations, including documents and statements of strategy or
11 negotiating position;

12 information which is a communication between a public agency
13 and its insurance carrier, administrative service organization or risk
14 management office;

15 information which is to be kept confidential pursuant to court
16 order;

17 any copy of form DD-214, NGB-22, or that form, issued by the
18 United States Government, or any other certificate of honorable
19 discharge, or copy thereof, from active service or the reserves of a
20 branch of the Armed Forces of the United States, or from service in
21 the organized militia of the State, that has been filed by an
22 individual with a public agency, except that a veteran or the
23 veteran's spouse or surviving spouse shall have access to the
24 veteran's own records;

25 any copy of an oath of allegiance, oath of office or any
26 affirmation taken upon assuming the duties of any public office, or
27 that oath or affirmation, taken by a current or former officer or
28 employee in any public office or position in this State or in any
29 county or municipality of this State, including members of the
30 Legislative Branch, Executive Branch, Judicial Branch, and all law
31 enforcement entities, except that the full name, title, and oath date
32 of that person contained therein shall not be deemed confidential;

33 that portion of any document which discloses the social security
34 number, credit card number, unlisted telephone number or driver
35 license number of any person; except for use by any government
36 agency, including any court or law enforcement agency, in carrying
37 out its functions, or any private person or entity acting on behalf
38 thereof, or any private person or entity seeking to enforce payment
39 of court-ordered child support; except with respect to the disclosure
40 of driver information by the New Jersey Motor Vehicle
41 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-
42 3.4); and except that a social security number contained in a record
43 required by law to be made, maintained or kept on file by a public
44 agency shall be disclosed when access to the document or
45 disclosure of that information is not otherwise prohibited by State
46 or federal law, regulation or order or by State statute, resolution of
47 either or both houses of the Legislature, Executive Order of the

1 Governor, rule of court or regulation promulgated under the
2 authority of any statute or executive order of the Governor;

3 **【A】** a list of persons identifying themselves as being in need of
4 special assistance in the event of an emergency maintained by a
5 municipality for public safety purposes pursuant to section 1 of
6 P.L.2017, c.266 (C.40:48-2.67); and

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

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

14 pedagogical, scholarly and/or academic research records and/or
15 the specific details of any research project conducted under the
16 auspices of a public higher education institution in New Jersey,
17 including, but not limited to research, development information,
18 testing procedures, or information regarding test participants,
19 related to the development or testing of any pharmaceutical or
20 pharmaceutical delivery system, except that a custodian may not
21 deny inspection of a government record or part thereof that gives
22 the name, title, expenditures, source and amounts of funding and
23 date when the final project summary of any research will be
24 available;

25 test questions, scoring keys and other examination data
26 pertaining to the administration of an examination for employment
27 or academic examination;

28 records of pursuit of charitable contributions or records
29 containing the identity of a donor of a gift if the donor requires non-
30 disclosure of the donor's identity as a condition of making the gift
31 provided that the donor has not received any benefits of or from the
32 institution of higher education in connection with such gift other
33 than a request for memorialization or dedication;

34 valuable or rare collections of books and/or documents obtained
35 by gift, grant, bequest or devise conditioned upon limited public
36 access;

37 information contained on individual admission applications; and
38 information concerning student records or grievance or
39 disciplinary proceedings against a student to the extent disclosure
40 would reveal the identity of the student.

41 "Personal firearms record" means any information contained in a
42 background investigation conducted by the chief of police, the
43 county prosecutor, or the Superintendent of State Police, of any
44 applicant for a permit to purchase a handgun, firearms identification
45 card license, or firearms registration; any application for a permit to
46 purchase a handgun, firearms identification card license, or firearms
47 registration; any document reflecting the issuance or denial of a
48 permit to purchase a handgun, firearms identification card license,

1 or firearms registration; and any permit to purchase a handgun,
2 firearms identification card license, or any firearms license,
3 certification, certificate, form of register, or registration statement.
4 For the purposes of this paragraph, information contained in a
5 background investigation shall include, but not be limited to,
6 identity, name, address, social security number, phone number, fax
7 number, driver's license number, email address, social media
8 address of any applicant, licensee, registrant or permit holder.

9 "Public agency" or "agency" means any of the principal
10 departments in the Executive Branch of State Government, and any
11 division, board, bureau, office, commission or other instrumentality
12 within or created by such department; the Legislature of the State
13 and any office, board, bureau or commission within or created by
14 the Legislative Branch; and any independent State authority,
15 commission, instrumentality or agency. The terms also mean any
16 political subdivision of the State or combination of political
17 subdivisions, and any division, board, bureau, office, commission or
18 other instrumentality within or created by a political subdivision of
19 the State or combination of political subdivisions, and any
20 independent authority, commission, instrumentality or agency
21 created by a political subdivision or combination of political
22 subdivisions.

23 "Law enforcement agency" means a public agency, or part
24 thereof, determined by the Attorney General to have law
25 enforcement responsibilities.

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

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

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

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

38 "Victim of a crime" means a person who has suffered personal or
39 psychological injury or death or incurs loss of or injury to personal
40 or real property as a result of a crime, or if such a person is
41 deceased or incapacitated, a member of that person's immediate
42 family.

43 "Victims' rights agency" means a public agency, or part thereof,
44 the primary responsibility of which is providing services, including
45 but not limited to food, shelter, or clothing, medical, psychiatric,
46 psychological or legal services or referrals, information and referral
47 services, counseling and support services, or financial services to
48 victims of crimes, including victims of sexual assault, domestic

1 violence, violent crime, child endangerment, child abuse or child
2 neglect, and the Victims of Crime Compensation Board, established
3 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
4 the Victims of Crime Compensation Office pursuant to P.L.2007,
5 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
6 (cf: P.L.2017, c.266, s.4)
7

8 5. This act shall take effect immediately.
9
10

11 STATEMENT
12

13 This bill makes members of New Jersey National Guard with an
14 NGB-22 form eligible to receive certain benefits designated for
15 veterans. The NGB-22 form is a National Guard discharge
16 document similar to a DD-214 form issued to veterans of the United
17 States Armed Forces.

18 Under this bill, a member of the New Jersey National Guard with
19 an NGB-22 would be eligible for a veteran identification card and
20 the display of veteran status on a driver's licenses.

21 Current law exempts certificates of honorable discharge from the
22 reserves or the organized militia from access as a public record, but
23 only the DD-214 is specifically mentioned. This bill clarifies that
24 an NGB-22 form is also exempt from access as a public record.