

[First Reprint]

**ASSEMBLY, No. 1649**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**Co-Sponsored by:**

**Assemblywoman Downey, Assemblyman DePhillips, Assemblywomen Timberlake, DiMaso, Pinkin, Pintor Marin, Assemblymen Danielsen, Freiman, Assemblywomen Jasey, McKnight, Assemblymen Tully, S.Kean and Assemblywoman Vainieri Huttle**

**SYNOPSIS**

“Daniel’s Law;” Prohibits disclosure of home address or unpublished telephone number of certain law enforcement officers, judicial officers and prosecutors; establishes crime and civil action for disclosing such information.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on September 17, 2020, with amendments.

(Sponsorship Updated As Of: 9/24/2020)

1 AN ACT prohibiting disclosure of certain information regarding  
2 certain <sup>1</sup>**[judges]** law enforcement officers, judicial officers<sup>1</sup> and  
3 prosecutors<sup>1</sup>, designated as Daniel's Law,<sup>1</sup> and amending  
4 P.L.1995, c.23, P.L.2001, c.404, and the title and body of<sup>1</sup>  
5 P.L.2015, c.226<sup>1</sup>, and supplementing Title 47 of the Revised  
6 Statutes<sup>1</sup>.

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

10  
11 <sup>1</sup>1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to  
12 read as follows:

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

15 "Biotechnology" means any technique that uses living  
16 organisms, or parts of living organisms, to make or modify  
17 products, to improve plants or animals, or to develop micro-  
18 organisms for specific uses; including the industrial use of  
19 recombinant DNA, cell fusion, and novel bioprocessing techniques.

20 "Custodian of a government record" or "custodian" means in the  
21 case of a municipality, the municipal clerk and in the case of any  
22 other public agency, the officer officially designated by formal  
23 action of that agency's director or governing body, as the case may  
24 be.

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

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

42 information received by a member of the Legislature from a  
43 constituent or information held by a member of the Legislature  
44 concerning a constituent, including but not limited to information in  
45 written form or contained in any e-mail or computer data base, or in

**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:

<sup>1</sup>Assembly AAP committee amendments adopted September 17, 2020.

1 any telephone record whatsoever, unless it is information the  
2 constituent is required by law to transmit;  
3 any memorandum, correspondence, notes, report or other  
4 communication prepared by, or for, the specific use of a member of  
5 the Legislature in the course of the member's official duties, except  
6 that this provision shall not apply to an otherwise publicly-  
7 accessible report which is required by law to be submitted to the  
8 Legislature or its members;  
9 any copy, reproduction or facsimile of any photograph, negative  
10 or print, including instant photographs and videotapes of the body,  
11 or any portion of the body, of a deceased person, taken by or for the  
12 medical examiner at the scene of death or in the course of a post  
13 mortem examination or autopsy made by or caused to be made by  
14 the medical examiner except:  
15 when used in a criminal action or proceeding in this State which  
16 relates to the death of that person,  
17 for the use as a court of this State permits, by order after good  
18 cause has been shown and after written notification of the request  
19 for the court order has been served at least five days before the  
20 order is made upon the county prosecutor for the county in which  
21 the post mortem examination or autopsy occurred,  
22 for use in the field of forensic pathology or for use in medical or  
23 scientific education or research, or  
24 for use by any law enforcement agency in this State or any other  
25 state or federal law enforcement agency;  
26 criminal investigatory records;  
27 victims' records, except that a victim of a crime shall have access  
28 to the victim's own records;  
29 any written request by a crime victim for a record to which the  
30 victim is entitled to access as provided in this section, including,  
31 but not limited to, any law enforcement agency report, domestic  
32 violence offense report, and temporary or permanent restraining  
33 order;  
34 personal firearms records, except for use by any person  
35 authorized by law to have access to these records or for use by any  
36 government agency, including any court or law enforcement  
37 agency, for purposes of the administration of justice;  
38 personal identifying information received by the Division of Fish  
39 and Wildlife in the Department of Environmental Protection in  
40 connection with the issuance of any license authorizing hunting  
41 with a firearm. For the purposes of this paragraph, personal  
42 identifying information shall include, but not be limited to, identity,  
43 name, address, social security number, telephone number, fax  
44 number, driver's license number, email address, or social media  
45 address of any applicant or licensee;  
46 trade secrets and proprietary commercial or financial information  
47 obtained from any source. For the purposes of this paragraph, trade

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

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

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 municipality for public safety purposes pursuant to section 1 of  
22 P.L.2017, c.266 (C.40:48-2.67); and

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

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

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

41 test questions, scoring keys and other examination data  
42 pertaining to the administration of an examination for employment  
43 or academic examination;

44 records of pursuit of charitable contributions or records  
45 containing the identity of a donor of a gift if the donor requires non-  
46 disclosure of the donor's identity as a condition of making the gift  
47 provided that the donor has not received any benefits of or from the

1 institution of higher education in connection with such gift other  
2 than a request for memorialization or dedication;

3 valuable or rare collections of books **[and/or]** or documents  
4 obtained by gift, grant, bequest or devise conditioned upon limited  
5 public access;

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

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

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

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

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

45 "Judicial officer" means the Chief Justice or an Associate Justice  
46 of the United States Supreme Court, a judge of the United States  
47 Court of Appeals, a judge of a federal district court, including a  
48 magistrate judge, a judge of any other court established by federal

1 law, the Chief Justice or an Associate Justice of the New Jersey  
2 Supreme Court, a judge of the Superior Court, a judge of the Tax  
3 Court, a judge of a municipal court, a judge of the Office of  
4 Administrative Law, a judge of the Division of Workers'  
5 Compensation, or a judge of any other court or who handles  
6 proceedings in the executive branch of the State government or a  
7 local government established by State law.

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

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

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

18 "Victim of a crime" means a person who has suffered personal or  
19 psychological injury or death or incurs loss of or injury to personal  
20 or real property as a result of a crime, or if such a person is  
21 deceased or incapacitated, a member of that person's immediate  
22 family.

23 "Victims' rights agency" means a public agency, or part thereof,  
24 the primary responsibility of which is providing services, including  
25 but not limited to food, shelter, or clothing, medical, psychiatric,  
26 psychological or legal services or referrals, information and referral  
27 services, counseling and support services, or financial services to  
28 victims of crimes, including victims of sexual assault, domestic  
29 violence, violent crime, child endangerment, child abuse or child  
30 neglect, and the Victims of Crime Compensation Board, established  
31 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as  
32 the Victims of Crime Compensation Office pursuant to P.L.2007,  
33 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.<sup>1</sup>  
34 (cf: P.L.2019, c.255, s.4)

35  
36 <sup>1</sup>2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read  
37 as follows:

38 6. a. The custodian of a government record shall permit the  
39 record to be inspected, examined, and copied by any person during  
40 regular business hours; or in the case of a municipality having a  
41 population of 5,000 or fewer according to the most recent federal  
42 decennial census, a board of education having a total district  
43 enrollment of 500 or fewer, or a public authority having less than  
44 \$10 million in assets, during not less than six regular business hours  
45 over not less than three business days per week or the entity's  
46 regularly-scheduled business hours, whichever is less; unless a  
47 government record is exempt from public access by: P.L.1963, c.73  
48 (C.47:1A-1 et seq.) as amended and supplemented; any other

1 statute; resolution of either or both houses of the Legislature;  
2 regulation promulgated under the authority of any statute or  
3 Executive Order of the Governor; Executive Order of the Governor;  
4 Rules of Court; any federal law; federal regulation; or federal order.  
5 Prior to allowing access to any government record, the custodian  
6 thereof shall redact from that record any information which  
7 discloses the social security number, credit card number, unlisted  
8 telephone number, or driver license number of any person, or the  
9 home address, whether a primary or secondary residence, of any  
10 active or retired law enforcement officer, active or retired federal,  
11 State, or municipal judicial officer, or active or retired federal,  
12 State, county, or municipal prosecutor; except for use by any  
13 government agency, including any court or law enforcement  
14 agency, in carrying out its functions, or any private person or entity  
15 acting on behalf thereof, or any private person or entity seeking to  
16 enforce payment of court-ordered child support; except with respect  
17 to the disclosure of driver information by the New Jersey Motor  
18 Vehicle Commission as permitted by section 2 of P.L.1997, c.188  
19 (C.39:2-3.4); and except that a social security number contained in  
20 a record required by law to be made, maintained or kept on file by a  
21 public agency shall be disclosed when access to the document or  
22 disclosure of that information is not otherwise prohibited by State  
23 or federal law, regulation or order or by State statute, resolution of  
24 either or both houses of the Legislature, Executive Order of the  
25 Governor, rule of court or regulation promulgated under the  
26 authority of any statute or executive order of the Governor. Except  
27 where an agency can demonstrate an emergent need, a regulation  
28 that limits access to government records shall not be retroactive in  
29 effect or applied to deny a request for access to a government  
30 record that is pending before the agency, the council or a court at  
31 the time of the adoption of the regulation.

32 b. (1) A copy or copies of a government record may be  
33 purchased by any person upon payment of the fee prescribed by law  
34 or regulation. Except as otherwise provided by law or regulation  
35 and except as provided in paragraph (2) of this subsection, the fee  
36 assessed for the duplication of a government record embodied in the  
37 form of printed matter shall be \$0.05 per letter size page or smaller,  
38 and \$0.07 per legal size page or larger. If a public agency can  
39 demonstrate that its actual costs for duplication of a government  
40 record exceed the foregoing rates, the public agency shall be  
41 permitted to charge the actual cost of duplicating the record. The  
42 actual cost of duplicating the record, upon which all copy fees are  
43 based, shall be the cost of materials and supplies used to make a  
44 copy of the record, but shall not include the cost of labor or other  
45 overhead expenses associated with making the copy except as  
46 provided for in subsection c. of this section. Access to electronic  
47 records and non-printed materials shall be provided free of charge,



1 but the public agency may charge for the actual costs of any needed  
2 supplies such as computer discs.

3 (2) No fee shall be charged to a victim of a crime for a copy or  
4 copies of a record to which the crime victim is entitled to access, as  
5 provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

6 c. Whenever the nature, format, manner of collation, or volume  
7 of a government record embodied in the form of printed matter to  
8 be inspected, examined, or copied pursuant to this section is such  
9 that the record cannot be reproduced by ordinary document copying  
10 equipment in ordinary business size or involves an extraordinary  
11 expenditure of time and effort to accommodate the request, the  
12 public agency may charge, in addition to the actual cost of  
13 duplicating the record, a special service charge that shall be  
14 reasonable and shall be based upon the actual direct cost of  
15 providing the copy or copies; provided, however, that in the case of  
16 a municipality, rates for the duplication of particular records when  
17 the actual cost of copying exceeds the foregoing rates shall be  
18 established in advance by ordinance. The requestor shall have the  
19 opportunity to review and object to the charge prior to it being  
20 incurred.

21 d. A custodian shall permit access to a government record and  
22 provide a copy thereof in the medium requested if the public agency  
23 maintains the record in that medium. If the public agency does not  
24 maintain the record in the medium requested, the custodian shall  
25 either convert the record to the medium requested or provide a copy  
26 in some other meaningful medium. If a request is for a record: (1)  
27 in a medium not routinely used by the agency; (2) not routinely  
28 developed or maintained by an agency; or (3) requiring a substantial  
29 amount of manipulation or programming of information technology,  
30 the agency may charge, in addition to the actual cost of duplication,  
31 a special charge that shall be reasonable and shall be based on the  
32 cost for any extensive use of information technology, or for the  
33 labor cost of personnel providing the service, that is actually  
34 incurred by the agency or attributable to the agency for the  
35 programming, clerical, and supervisory assistance required, or both.

36 e. Immediate access ordinarily shall be granted to budgets,  
37 bills, vouchers, contracts, including collective negotiations  
38 agreements and individual employment contracts, and public  
39 employee salary and overtime information.

40 f. The custodian of a public agency shall adopt a form for the  
41 use of any person who requests access to a government record held  
42 or controlled by the public agency. The form shall provide space  
43 for the name, address, and phone number of the requestor and a  
44 brief description of the government record sought. The form shall  
45 include space for the custodian to indicate which record will be  
46 made available, when the record will be available, and the fees to be  
47 charged. The form shall also include the following: (1) specific  
48 directions and procedures for requesting a record; (2) a statement as

1 to whether prepayment of fees or a deposit is required; (3) the time  
2 period within which the public agency is required by P.L.1963, c.73  
3 (C.47:1A-1 et seq.) as amended and supplemented, to make the  
4 record available; (4) a statement of the requestor's right to challenge  
5 a decision by the public agency to deny access and the procedure  
6 for filing an appeal; (5) space for the custodian to list reasons if a  
7 request is denied in whole or in part; (6) space for the requestor to  
8 sign and date the form; (7) space for the custodian to sign and date  
9 the form if the request is fulfilled or denied. The custodian may  
10 require a deposit against costs for reproducing documents sought  
11 through an anonymous request whenever the custodian anticipates  
12 that the information thus requested will cost in excess of \$5 to  
13 reproduce.

14 g. A request for access to a government record shall be in  
15 writing and hand-delivered, mailed, transmitted electronically, or  
16 otherwise conveyed to the appropriate custodian. A custodian shall  
17 promptly comply with a request to inspect, examine, copy, or  
18 provide a copy of a government record. If the custodian is unable  
19 to comply with a request for access, the custodian shall indicate the  
20 specific basis therefor on the request form and promptly return it to  
21 the requestor. The custodian shall sign and date the form and  
22 provide the requestor with a copy thereof. If the custodian of a  
23 government record asserts that part of a particular record is exempt  
24 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)  
25 as amended and supplemented, the custodian shall delete or excise  
26 from a copy of the record that portion which the custodian asserts is  
27 exempt from access and shall promptly permit access to the  
28 remainder of the record. If the government record requested is  
29 temporarily unavailable because it is in use or in storage, the  
30 custodian shall so advise the requestor and shall make arrangements  
31 to promptly make available a copy of the record. If a request for  
32 access to a government record would substantially disrupt agency  
33 operations, the custodian may deny access to the record after  
34 attempting to reach a reasonable solution with the requestor that  
35 accommodates the interests of the requestor and the agency.

36 h. Any officer or employee of a public agency who receives a  
37 request for access to a government record shall forward the request  
38 to the custodian of the record or direct the requestor to the  
39 custodian of the record.

40 i. (1) Unless a shorter time period is otherwise provided by  
41 statute, regulation, or executive order, a custodian of a government  
42 record shall grant access to a government record or deny a request  
43 for access to a government record as soon as possible, but not later  
44 than seven business days after receiving the request, provided that  
45 the record is currently available and not in storage or archived. In  
46 the event a custodian fails to respond within seven business days  
47 after receiving a request, the failure to respond shall be deemed a  
48 denial of the request, unless the requestor has elected not to provide

1 a name, address or telephone number, or other means of contacting  
2 the requestor. If the requestor has elected not to provide a name,  
3 address, or telephone number, or other means of contacting the  
4 requestor, the custodian shall not be required to respond until the  
5 requestor reappears before the custodian seeking a response to the  
6 original request. If the government record is in storage or archived,  
7 the requestor shall be so advised within seven business days after  
8 the custodian receives the request. The requestor shall be advised  
9 by the custodian when the record can be made available. If the  
10 record is not made available by that time, access shall be deemed  
11 denied.

12 (2) During a period declared pursuant to the laws of this State as  
13 a state of emergency, public health emergency, or state of local  
14 disaster emergency, the deadlines by which to respond to a request  
15 for, or grant or deny access to, a government record under  
16 paragraph (1) of this subsection or subsection e. of this section shall  
17 not apply, provided, however, that the custodian of a government  
18 record shall make a reasonable effort, as the circumstances permit,  
19 to respond to a request for access to a government record within  
20 seven business days or as soon as possible thereafter.

21 j. A custodian shall post prominently in public view in the part  
22 or parts of the office or offices of the custodian that are open to or  
23 frequented by the public a statement that sets forth in clear, concise  
24 and specific terms the right to appeal a denial of, or failure to  
25 provide, access to a government record by any person for  
26 inspection, examination, or copying or for purchase of copies  
27 thereof and the procedure by which an appeal may be filed.

28 k. The files maintained by the Office of the Public Defender  
29 that relate to the handling of any case shall be considered  
30 confidential and shall not be open to inspection by any person  
31 unless authorized by law, court order, or the State Public Defender.<sup>1</sup>  
32 (cf: P.L.2020, c.10, s.1)

33  
34 <sup>1</sup>3. The title of P.L.2015, c.226 is amended to read as follows:  
35 **AN ACT** concerning certain information regarding **[law**  
36 **enforcement]** certain public officers and supplementing Title 2C  
37 of the New Jersey Statutes and Titles 47 and 56 of the Revised  
38 Statutes.<sup>1</sup>

39 (cf: P.L.2015, c.226, title)

40  
41 <sup>1</sup>**[2.] 4.**<sup>1</sup> Section 2 of P.L.2015, c.226 (C.47:1-17) is amended  
42 to read as follows:

43 2. A State or local governmental agency shall not knowingly  
44 post or publish on the Internet the home address or unpublished  
45 home telephone number of any active or retired law enforcement  
46 officer **[or law enforcement officer]**, <sup>1</sup>**[judge of any court of law of**  
47 **this State, or State, county]** any active or retired federal, State, or

1 municipal judicial officer, as defined by section 1 of P.L.1995, c.23  
 2 (C.47:1A-1.1)<sup>1</sup>, or <sup>1</sup>['municipal'] any active or retired federal, State,  
 3 county or municipal<sup>1</sup> prosecutor without first obtaining the written  
 4 permission of that ~~law enforcement officer or retired law~~  
 5 ~~enforcement officer~~ individual.  
 6 (cf: P.L.2015, c.226, s.2)

7  
 8 <sup>1</sup>~~['1]~~ 5.<sup>1</sup> Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is  
 9 amended to read as follows:

10 1. A person shall not knowingly, with purpose to expose  
 11 another to harassment or risk of harm to life or property, or in  
 12 reckless disregard of the probability of such exposure, post or  
 13 publish on the Internet the home address or unpublished home  
 14 telephone number of any active or retired law enforcement officer,  
 15 ~~law enforcement officer~~ <sup>1</sup>~~judge of any court of law of this State,~~  
 16 ~~or~~ any active or retired federal, State, or municipal judicial officer,  
 17 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or any  
 18 active or retired federal,<sup>1</sup> State, county or municipal prosecutor, or  
 19 the spouse or child [of a law enforcement officer] thereof. A  
 20 reckless violation of this section is a crime of the fourth degree. A  
 21 purposeful violation of this section is a crime of the third degree.  
 22 (cf: P.L.2015, c.226, s.1)

23  
 24 <sup>1</sup>~~['3.]~~ 6.<sup>1</sup> Section 3 of P.L.2015, c.226 (C.56:8-166.1) is  
 25 amended to read as follows:

26 3. a. A person, business, or association shall not disclose on  
 27 the Internet the home address or unpublished home telephone  
 28 number of ~~a law enforcement officer or~~ an active or retired law  
 29 enforcement officer, <sup>1</sup>judge of any court of law of this State, or  
 30 an active or retired federal, State, or municipal judicial officer, as  
 31 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or an active  
 32 or retired federal,<sup>1</sup> State, county or municipal prosecutor under  
 33 circumstances in which a reasonable person would believe that  
 34 providing that information would expose another to harassment or  
 35 risk of harm to life or property.

36 b. A person, business, or association that violates subsection a.  
 37 of this section shall be liable to the ~~law enforcement officer,~~  
 38 <sup>1</sup>~~active or retired law enforcement officer, judge of any court of~~  
 39 law of this State, or State, county, or municipal prosecutor, or any  
 40 other person residing at the home address of the ~~law enforcement~~  
 41 ~~officer~~ active or retired law enforcement officer, judge of any  
 42 court of law of this State, or State, county, or municipal  
 43 prosecutor, aggrieved person<sup>1</sup> who may bring a civil action in the  
 44 Superior Court.

45 c. The court may award:

- 1 (1) actual damages, but not less than liquidated damages  
2 computed at the rate of \$1,000 for each violation of this act;
- 3 (2) punitive damages upon proof of willful or reckless disregard  
4 of the law;
- 5 (3) reasonable attorney's fees and other litigation costs  
6 reasonably incurred; and
- 7 (4) any other preliminary and equitable relief as the court  
8 determines to be appropriate.
- 9 d. For the purposes of this section, "disclose" shall mean to  
10 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,  
11 transfer, publish, distribute, circulate, disseminate, present, exhibit,  
12 advertise or offer.  
13 (cf: P.L.2015, c.226, s.3)

14

15 17. (New section) a. An active or retired law enforcement  
16 officer, an active or retired federal, State, or municipal judicial  
17 officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or  
18 an active or retired federal, State, county or municipal prosecutor  
19 whose home address or unpublished telephone number or whose  
20 immediate family member's name, home address or unpublished  
21 telephone number is disclosed on the Internet by any person,  
22 business, or association may request that the person, business, or  
23 association that disclosed that information refrain from such  
24 disclosure and remove that information from the Internet.

25 b. A request to refrain from disclosure and remove information  
26 from the Internet pursuant to subsection a. of this section shall be  
27 made in writing, addressed to the person, business, or association  
28 that disclosed the information, and may be made by the law  
29 enforcement officer, the federal, State, or municipal judicial officer,  
30 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or the  
31 federal, State, county or municipal prosecutor, as appropriate, or by  
32 the employer of the law enforcement officer, judicial officer or  
33 prosecutor with the consent of that individual.

34 c. Upon receipt of a written request to refrain from disclosure  
35 and remove information from the Internet pursuant to this section,  
36 the person, business or association that made such disclosure shall  
37 have 72 hours to remove that information from the Internet and  
38 shall not disclose that information to any other person, business, or  
39 association through any medium.

40 d. An active or retired law enforcement officer, an active or  
41 retired federal, State, or municipal judicial officer, as defined by  
42 section 1 of P.L.1995, c.23 (C.47:1A-1.1), or an active or retired  
43 federal, State, county, or municipal prosecutor whose home address  
44 or unpublished telephone number or whose immediate family  
45 member's name, home address or unpublished telephone number  
46 was not timely removed from the Internet in violation of the  
47 provisions of subsection c. of this section or was disclosed on the  
48 Internet subsequent to receipt of a request pursuant to subsection b.

1 of this section may bring an action seeking injunctive or declaratory  
2 relief in the Superior Court. If the court grants injunctive or  
3 declaratory relief, the person, business, or association responsible  
4 for the violation shall be required to pay reasonable attorney's fees  
5 and other litigation costs reasonably incurred by the law  
6 enforcement officer, judicial officer, or prosecutor, as appropriate.

7 e. For purposes of this section, "immediate family member"  
8 shall include a spouse, child or parent of a law enforcement officer,  
9 a judicial officer, as defined by section 1 of P.L.1995, c.23  
10 (C.47:1A-1.1), or a federal, State, county, or municipal prosecutor,  
11 or any blood relative of a law enforcement officer, a judicial officer  
12 or a prosecutor or of that individual's spouse who lives in the same  
13 residence as the law enforcement officer, judicial officer or  
14 prosecutor.<sup>1</sup>

15  
16 <sup>1</sup>8. (New section) This act shall be liberally construed in order  
17 to accomplish its purpose and the public policy of this State, which  
18 is to enhance the safety and security of certain public officials in the  
19 justice system, including law enforcement officers, judicial officers  
20 and prosecutors who served or have served the people of New  
21 Jersey, and the immediate family members of these individuals, to  
22 foster the ability of these public servants who perform critical roles  
23 in the justice system to carry out their official duties without fear of  
24 personal reprisal from affected individuals related to the  
25 performance of their public functions.<sup>1</sup>

26  
27 <sup>1</sup>9. (New section) If any section, subsection, clause, sentence,  
28 paragraph, or part of this act, P.L. , c. (pending before the  
29 Legislature as this bill), or the application thereof to any person or  
30 circumstances, shall, for any reason, be adjudged by a court of  
31 competent jurisdiction to be invalid, such judgment shall not affect,  
32 impair, or invalidate the remainder of this act, P.L. , c. (pending  
33 before the Legislature as this bill).<sup>1</sup>

34  
35 <sup>1</sup>[4.] 10.<sup>1</sup> This act shall take effect immediately.