

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3849

STATE OF NEW JERSEY

DATED: MARCH 16, 2020

The Assembly Homeland Security and State Preparedness Committee reports favorably Assembly Bill No. 3849.

As reported by the committee, this bill provides that during a state of emergency, public health emergency, or state of local disaster emergency, a custodian of a government record for a public agency will be required only to make a reasonable effort to respond to a request for a government record within seven business days, or as soon as possible thereafter, as the circumstances permit.

Under current law, a custodian of a government record for a public agency is required to grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived. Failure to respond within seven business days is deemed a denial of the request. A custodian is also required to so notify a requestor within seven business days if a government record is in storage or archived, as well as when the record may be made available. Moreover, access to certain records, such as budgets, bills, vouchers, contracts, and public employee salary information, must be granted immediately.

This bill modifies those deadlines in the event of a public emergency to require instead that a records custodian make a reasonable effort to respond within seven business days, as circumstances permit.