

P.L. 2020, CHAPTER 125, *approved November 20, 2020*  
Assembly, No. 1649 (*Third Reprint*)

1 AN ACT prohibiting disclosure of certain information regarding  
2 <sup>2</sup>**[certain]**<sup>2</sup> <sup>1</sup>**[judges]** <sup>2</sup>**[law enforcement officers,]** active,  
3 formerly active, and retired<sup>2</sup> judicial officers <sup>2</sup>[and] ,<sup>2</sup>  
4 prosecutors <sup>1</sup>, <sup>2</sup>**[designated as Daniel's Law]** and law  
5 enforcement officers, as well as disclosure of certain information  
6 about their family members under certain circumstances<sup>2</sup> ,<sup>1</sup>  
7 <sup>3</sup>designated as "Daniel's Law,"<sup>3</sup> and amending <sup>1</sup>P.L.1995, c.23,  
8 P.L.2001, c.404, and <sup>2</sup>amending<sup>2</sup> the title and body of<sup>1</sup> <sup>2</sup>, and  
9 supplementing,<sup>2</sup> P.L.2015, c.226 <sup>2</sup>**[<sup>1</sup>, and supplementing Title**  
10 **47 of the Revised Statutes<sup>1</sup>]<sup>2</sup>.**  
11

12 **BE IT ENACTED** by the Senate and General Assembly of the State  
13 of New Jersey:  
14

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

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

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

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

29 "Government record" or "record" means any paper, written or  
30 printed book, document, drawing, map, plan, photograph,  
31 microfilm, data processed or image processed document,  
32 information stored or maintained electronically or by sound-  
33 recording or in a similar device, or any copy thereof, that has been  
34 made, maintained or kept on file in the course of his or its official  
35 business by any officer, commission, agency or authority of the  
36 State or of any political subdivision thereof, including subordinate

**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.

<sup>2</sup>Senate SJU committee amendments adopted October 22, 2020.

<sup>3</sup>Senate floor amendments adopted October 29, 2020.

1 boards thereof, or that has been received in the course of his or its  
2 official business by any such officer, commission, agency, or  
3 authority of the State or of any political subdivision thereof,  
4 including subordinate boards thereof. The terms shall not include  
5 inter-agency or intra-agency advisory, consultative, or deliberative  
6 material.

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

10 information received by a member of the Legislature from a  
11 constituent or information held by a member of the Legislature  
12 concerning a constituent, including but not limited to information in  
13 written form or contained in any e-mail or computer data base, or in  
14 any telephone record whatsoever, unless it is information the  
15 constituent is required by law to transmit;

16 any memorandum, correspondence, notes, report or other  
17 communication prepared by, or for, the specific use of a member of  
18 the Legislature in the course of the member's official duties, except  
19 that this provision shall not apply to an otherwise publicly-  
20 accessible report which is required by law to be submitted to the  
21 Legislature or its members;

22 any copy, reproduction or facsimile of any photograph, negative  
23 or print, including instant photographs and videotapes of the body,  
24 or any portion of the body, of a deceased person, taken by or for the  
25 medical examiner at the scene of death or in the course of a post  
26 mortem examination or autopsy made by or caused to be made by  
27 the medical examiner except:

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

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

35 for use in the field of forensic pathology or for use in medical or  
36 scientific education or research, or

37 for use by any law enforcement agency in this State or any other  
38 state or federal law enforcement agency;

39 criminal investigatory records;

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

42 any written request by a crime victim for a record to which the  
43 victim is entitled to access as provided in this section, including,  
44 but not limited to, any law enforcement agency report, domestic  
45 violence offense report, and temporary or permanent restraining  
46 order;

47 personal firearms records, except for use by any person  
48 authorized by law to have access to these records or for use by any

1 government agency, including any court or law enforcement  
2 agency, for purposes of the administration of justice;

3 personal identifying information received by the Division of Fish  
4 and Wildlife in the Department of Environmental Protection in  
5 connection with the issuance of any license authorizing hunting  
6 with a firearm. For the purposes of this paragraph, personal  
7 identifying information shall include, but not be limited to, identity,  
8 name, address, social security number, telephone number, fax  
9 number, driver's license number, email address, or social media  
10 address of any applicant or licensee;

11 trade secrets and proprietary commercial or financial information  
12 obtained from any source. For the purposes of this paragraph, trade  
13 secrets shall include data processing software obtained by a public  
14 body under a licensing agreement which prohibits its disclosure;

15 any record within the attorney-client privilege. This paragraph  
16 shall not be construed as exempting from access attorney or  
17 consultant bills or invoices except that such bills or invoices may be  
18 redacted to remove any information protected by the attorney-client  
19 privilege;

20 administrative or technical information regarding computer  
21 hardware, software and networks which, if disclosed, would  
22 jeopardize computer security;

23 emergency or security information or procedures for any  
24 buildings or facility which, if disclosed, would jeopardize security  
25 of the building or facility or persons therein;

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

29 information which, if disclosed, would give an advantage to  
30 competitors or bidders;

31 information generated by or on behalf of public employers or  
32 public employees in connection with any sexual harassment  
33 complaint filed with a public employer or with any grievance filed  
34 by or against an individual or in connection with collective  
35 negotiations, including documents and statements of strategy or  
36 negotiating position;

37 information which is a communication between a public agency  
38 and its insurance carrier, administrative service organization or risk  
39 management office;

40 information which is to be kept confidential pursuant to court  
41 order;

42 any copy of form DD-214, NGB-22, or that form, issued by the  
43 United States Government, or any other certificate of honorable  
44 discharge, or copy thereof, from active service or the reserves of a  
45 branch of the Armed Forces of the United States, or from service in  
46 the organized militia of the State, that has been filed by an  
47 individual with a public agency, except that a veteran or the

1 veteran's spouse or surviving spouse shall have access to the  
2 veteran's own records;

3 any copy of an oath of allegiance, oath of office or any  
4 affirmation taken upon assuming the duties of any public office, or  
5 that oath or affirmation, taken by a current or former officer or  
6 employee in any public office or position in this State or in any  
7 county or municipality of this State, including members of the  
8 Legislative Branch, Executive Branch, Judicial Branch, and all law  
9 enforcement entities, except that the full name, title, and oath date  
10 of that person contained therein shall not be deemed confidential;

11 that portion of any document which discloses the social security  
12 number, credit card number, unlisted telephone number or driver  
13 license number of any person, or that portion of any document  
14 which discloses the home address, whether a primary or secondary  
15 residence, of any active <sup>2</sup>, formerly active,<sup>2</sup> or retired <sup>2</sup>judicial  
16 officer or prosecutor, and beginning 18 months after the effective  
17 date of P.L. , c. (C. ) (pending before the Legislature as this  
18 bill), any active, formerly active, or retired<sup>2</sup> law enforcement  
19 officer <sup>2</sup>[, active or retired federal, State, or municipal judicial  
20 officer, or active or retired federal, State, county or municipal  
21 prosecutor]<sup>2</sup>; except for use by any government agency, including  
22 any court or law enforcement agency, in carrying out its functions,  
23 or any private person or entity acting on behalf thereof, or any  
24 private person or entity seeking to enforce payment of court-ordered  
25 child support; except with respect to the disclosure of driver  
26 information by the New Jersey Motor Vehicle Commission as  
27 permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except  
28 that a social security number contained in a record required by law  
29 to be made, maintained or kept on file by a public agency shall be  
30 disclosed when access to the document or disclosure of that  
31 information is not otherwise prohibited by State or federal law,  
32 regulation or order or by State statute, resolution of either or both  
33 houses of the Legislature, Executive Order of the Governor, rule of  
34 court or regulation promulgated under the authority of any statute or  
35 executive order of the Governor;

36 a list of persons identifying themselves as being in need of  
37 special assistance in the event of an emergency maintained by a  
38 municipality for public safety purposes pursuant to section 1 of  
39 P.L.2017, c.266 (C.40:48-2.67); and

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

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

47 pedagogical, scholarly and/or academic research records and/or  
48 the specific details of any research project conducted under the

1 auspices of a public higher education institution in New Jersey,  
2 including, but not limited to research, development information,  
3 testing procedures, or information regarding test participants,  
4 related to the development or testing of any pharmaceutical or  
5 pharmaceutical delivery system, except that a custodian may not  
6 deny inspection of a government record or part thereof that gives  
7 the name, title, expenditures, source and amounts of funding and  
8 date when the final project summary of any research will be  
9 available;

10 test questions, scoring keys and other examination data  
11 pertaining to the administration of an examination for employment  
12 or academic examination;

13 records of pursuit of charitable contributions or records  
14 containing the identity of a donor of a gift if the donor requires non-  
15 disclosure of the donor's identity as a condition of making the gift  
16 provided that the donor has not received any benefits of or from the  
17 institution of higher education in connection with such gift other  
18 than a request for memorialization or dedication;

19 valuable or rare collections of books **【and/or】** or documents  
20 obtained by gift, grant, bequest or devise conditioned upon limited  
21 public access;

22 information contained on individual admission applications; and  
23 information concerning student records or grievance or  
24 disciplinary proceedings against a student to the extent disclosure  
25 would reveal the identity of the student.

26 "Personal firearms record" means any information contained in a  
27 background investigation conducted by the chief of police, the  
28 county prosecutor, or the Superintendent of State Police, of any  
29 applicant for a permit to purchase a handgun, firearms identification  
30 card license, or firearms registration; any application for a permit to  
31 purchase a handgun, firearms identification card license, or firearms  
32 registration; any document reflecting the issuance or denial of a  
33 permit to purchase a handgun, firearms identification card license,  
34 or firearms registration; and any permit to purchase a handgun,  
35 firearms identification card license, or any firearms license,  
36 certification, certificate, form of register, or registration statement.  
37 For the purposes of this paragraph, information contained in a  
38 background investigation shall include, but not be limited to,  
39 identity, name, address, social security number, phone number, fax  
40 number, driver's license number, email address, social media  
41 address of any applicant, licensee, registrant or permit holder.

42 "Public agency" or "agency" means any of the principal  
43 departments in the Executive Branch of State Government, and any  
44 division, board, bureau, office, commission or other instrumentality  
45 within or created by such department; the Legislature of the State  
46 and any office, board, bureau or commission within or created by  
47 the Legislative Branch; and any independent State authority,  
48 commission, instrumentality or agency. The terms also mean any

1 political subdivision of the State or combination of political  
 2 subdivisions, and any division, board, bureau, office, commission or  
 3 other instrumentality within or created by a political subdivision of  
 4 the State or combination of political subdivisions, and any  
 5 independent authority, commission, instrumentality or agency  
 6 created by a political subdivision or combination of political  
 7 subdivisions.

8 "Law enforcement agency" means a public agency, or part  
 9 thereof, determined by the Attorney General to have law  
 10 enforcement responsibilities.

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

13 "Judicial officer" means <sup>2</sup>[the Chief Justice or an Associate  
 14 Justice of the United States Supreme Court, a judge of the United  
 15 States Court of Appeals, a judge of a federal district court,  
 16 including a magistrate judge, a judge of]<sup>2</sup> any <sup>2</sup>[other court  
 17 established by federal law, the Chief Justice or an Associate Justice  
 18 of the New Jersey Supreme Court, a] active, formerly active, or  
 19 retired federal, state, county, or municipal<sup>2</sup> judge <sup>2</sup>[of the Superior  
 20 Court]<sup>2</sup> , <sup>2</sup>including<sup>2</sup> a judge of the Tax Court <sup>2</sup>[, a judge of a  
 21 municipal court] and any other court of limited jurisdiction  
 22 established, altered, or abolished by law<sup>2</sup> , a judge of the Office of  
 23 Administrative Law, a judge of the Division of Workers'  
 24 Compensation, <sup>2</sup>[or a] and any other<sup>2</sup> judge <sup>2</sup>[of any other court or  
 25 who handles proceedings] established by law who serves<sup>2</sup> in the  
 26 executive branch <sup>2</sup>[of the State government or a local government  
 27 established by State law]<sup>2</sup> .

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

1 victims of crimes, including victims of sexual assault, domestic  
 2 violence, violent crime, child endangerment, child abuse or child  
 3 neglect, and the Victims of Crime Compensation Board, established  
 4 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as  
 5 the Victims of Crime Compensation Office pursuant to P.L.2007,  
 6 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.<sup>1</sup>  
 7 (cf: P.L.2019, c.255, s.4)

8  
 9 <sup>1</sup>2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read  
 10 as follows:

11 6. a. The custodian of a government record shall permit the  
 12 record to be inspected, examined, and copied by any person during  
 13 regular business hours; or in the case of a municipality having a  
 14 population of 5,000 or fewer according to the most recent federal  
 15 decennial census, a board of education having a total district  
 16 enrollment of 500 or fewer, or a public authority having less than  
 17 \$10 million in assets, during not less than six regular business hours  
 18 over not less than three business days per week or the entity's  
 19 regularly-scheduled business hours, whichever is less; unless a  
 20 government record is exempt from public access by: P.L.1963, c.73  
 21 (C.47:1A-1 et seq.) as amended and supplemented; any other  
 22 statute; resolution of either or both houses of the Legislature;  
 23 regulation promulgated under the authority of any statute or  
 24 Executive Order of the Governor; Executive Order of the Governor;  
 25 Rules of Court; any federal law; federal regulation; or federal order.  
 26 Prior to allowing access to any government record, the custodian  
 27 thereof shall redact from that record any information which  
 28 discloses the social security number, credit card number, unlisted  
 29 telephone number, or driver license number of any person, or the  
 30 home address, whether a primary or secondary residence, of any  
 31 active <sup>2</sup>, formerly active,<sup>2</sup> or retired <sup>2</sup>judicial officer or prosecutor,  
 32 and beginning 18 months after the effective date of P.L. \_\_\_\_\_,  
 33 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), any active,  
 34 formerly active, or retired<sup>2</sup> law enforcement officer <sup>2</sup>], active or  
 35 retired federal, State, or municipal judicial officer, or active or  
 36 retired federal, State, county, or municipal prosecutor]<sup>2</sup>; except for  
 37 use by any government agency, including any court or law  
 38 enforcement agency, in carrying out its functions, or any private  
 39 person or entity acting on behalf thereof, or any private person or  
 40 entity seeking to enforce payment of court-ordered child support;  
 41 except with respect to the disclosure of driver information by the  
 42 New Jersey Motor Vehicle Commission as permitted by section 2 of  
 43 P.L.1997, c.188 (C.39:2-3.4); and except that a social security  
 44 number contained in a record required by law to be made,  
 45 maintained or kept on file by a public agency shall be disclosed  
 46 when access to the document or disclosure of that information is not  
 47 otherwise prohibited by State or federal law, regulation or order or

1 by State statute, resolution of either or both houses of the  
2 Legislature, Executive Order of the Governor, rule of court or  
3 regulation promulgated under the authority of any statute or  
4 executive order of the Governor. Except where an agency can  
5 demonstrate an emergent need, a regulation that limits access to  
6 government records shall not be retroactive in effect or applied to  
7 deny a request for access to a government record that is pending  
8 before the agency, the council or a court at the time of the adoption  
9 of the regulation.

10 b. (1) A copy or copies of a government record may be  
11 purchased by any person upon payment of the fee prescribed by law  
12 or regulation. Except as otherwise provided by law or regulation  
13 and except as provided in paragraph (2) of this subsection, the fee  
14 assessed for the duplication of a government record embodied in the  
15 form of printed matter shall be \$0.05 per letter size page or smaller,  
16 and \$0.07 per legal size page or larger. If a public agency can  
17 demonstrate that its actual costs for duplication of a government  
18 record exceed the foregoing rates, the public agency shall be  
19 permitted to charge the actual cost of duplicating the record. The  
20 actual cost of duplicating the record, upon which all copy fees are  
21 based, shall be the cost of materials and supplies used to make a  
22 copy of the record, but shall not include the cost of labor or other  
23 overhead expenses associated with making the copy except as  
24 provided for in subsection c. of this section. Access to electronic  
25 records and non-printed materials shall be provided free of charge,  
26 but the public agency may charge for the actual costs of any needed  
27 supplies such as computer discs.

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

31 c. Whenever the nature, format, manner of collation, or volume  
32 of a government record embodied in the form of printed matter to  
33 be inspected, examined, or copied pursuant to this section is such  
34 that the record cannot be reproduced by ordinary document copying  
35 equipment in ordinary business size or involves an extraordinary  
36 expenditure of time and effort to accommodate the request, the  
37 public agency may charge, in addition to the actual cost of  
38 duplicating the record, a special service charge that shall be  
39 reasonable and shall be based upon the actual direct cost of  
40 providing the copy or copies; provided, however, that in the case of  
41 a municipality, rates for the duplication of particular records when  
42 the actual cost of copying exceeds the foregoing rates shall be  
43 established in advance by ordinance. The requestor shall have the  
44 opportunity to review and object to the charge prior to it being  
45 incurred.

46 d. A custodian shall permit access to a government record and  
47 provide a copy thereof in the medium requested if the public agency  
48 maintains the record in that medium. If the public agency does not



1 maintain the record in the medium requested, the custodian shall  
2 either convert the record to the medium requested or provide a copy  
3 in some other meaningful medium. If a request is for a record: (1)  
4 in a medium not routinely used by the agency; (2) not routinely  
5 developed or maintained by an agency; or (3) requiring a substantial  
6 amount of manipulation or programming of information technology,  
7 the agency may charge, in addition to the actual cost of duplication,  
8 a special charge that shall be reasonable and shall be based on the  
9 cost for any extensive use of information technology, or for the  
10 labor cost of personnel providing the service, that is actually  
11 incurred by the agency or attributable to the agency for the  
12 programming, clerical, and supervisory assistance required, or both.

13 e. Immediate access ordinarily shall be granted to budgets,  
14 bills, vouchers, contracts, including collective negotiations  
15 agreements and individual employment contracts, and public  
16 employee salary and overtime information.

17 f. The custodian of a public agency shall adopt a form for the  
18 use of any person who requests access to a government record held  
19 or controlled by the public agency. The form shall provide space  
20 for the name, address, and phone number of the requestor and a  
21 brief description of the government record sought. The form shall  
22 include space for the custodian to indicate which record will be  
23 made available, when the record will be available, and the fees to be  
24 charged. The form shall also include the following: (1) specific  
25 directions and procedures for requesting a record; (2) a statement as  
26 to whether prepayment of fees or a deposit is required; (3) the time  
27 period within which the public agency is required by P.L.1963, c.73  
28 (C.47:1A-1 et seq.) as amended and supplemented, to make the  
29 record available; (4) a statement of the requestor's right to challenge  
30 a decision by the public agency to deny access and the procedure  
31 for filing an appeal; (5) space for the custodian to list reasons if a  
32 request is denied in whole or in part; (6) space for the requestor to  
33 sign and date the form; (7) space for the custodian to sign and date  
34 the form if the request is fulfilled or denied. The custodian may  
35 require a deposit against costs for reproducing documents sought  
36 through an anonymous request whenever the custodian anticipates  
37 that the information thus requested will cost in excess of \$5 to  
38 reproduce.

39 g. A request for access to a government record shall be in  
40 writing and hand-delivered, mailed, transmitted electronically, or  
41 otherwise conveyed to the appropriate custodian. A custodian shall  
42 promptly comply with a request to inspect, examine, copy, or  
43 provide a copy of a government record. If the custodian is unable  
44 to comply with a request for access, the custodian shall indicate the  
45 specific basis therefor on the request form and promptly return it to  
46 the requestor. The custodian shall sign and date the form and  
47 provide the requestor with a copy thereof. If the custodian of a  
48 government record asserts that part of a particular record is exempt

1 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)  
2 as amended and supplemented, the custodian shall delete or excise  
3 from a copy of the record that portion which the custodian asserts is  
4 exempt from access and shall promptly permit access to the  
5 remainder of the record. If the government record requested is  
6 temporarily unavailable because it is in use or in storage, the  
7 custodian shall so advise the requestor and shall make arrangements  
8 to promptly make available a copy of the record. If a request for  
9 access to a government record would substantially disrupt agency  
10 operations, the custodian may deny access to the record after  
11 attempting to reach a reasonable solution with the requestor that  
12 accommodates the interests of the requestor and the agency.

13 h. Any officer or employee of a public agency who receives a  
14 request for access to a government record shall forward the request  
15 to the custodian of the record or direct the requestor to the  
16 custodian of the record.

17 i. (1) Unless a shorter time period is otherwise provided by  
18 statute, regulation, or executive order, a custodian of a government  
19 record shall grant access to a government record or deny a request  
20 for access to a government record as soon as possible, but not later  
21 than seven business days after receiving the request, provided that  
22 the record is currently available and not in storage or archived. In  
23 the event a custodian fails to respond within seven business days  
24 after receiving a request, the failure to respond shall be deemed a  
25 denial of the request, unless the requestor has elected not to provide  
26 a name, address or telephone number, or other means of contacting  
27 the requestor. If the requestor has elected not to provide a name,  
28 address, or telephone number, or other means of contacting the  
29 requestor, the custodian shall not be required to respond until the  
30 requestor reappears before the custodian seeking a response to the  
31 original request. If the government record is in storage or archived,  
32 the requestor shall be so advised within seven business days after  
33 the custodian receives the request. The requestor shall be advised  
34 by the custodian when the record can be made available. If the  
35 record is not made available by that time, access shall be deemed  
36 denied.

37 (2) During a period declared pursuant to the laws of this State as  
38 a state of emergency, public health emergency, or state of local  
39 disaster emergency, the deadlines by which to respond to a request  
40 for, or grant or deny access to, a government record under  
41 paragraph (1) of this subsection or subsection e. of this section shall  
42 not apply, provided, however, that the custodian of a government  
43 record shall make a reasonable effort, as the circumstances permit,  
44 to respond to a request for access to a government record within  
45 seven business days or as soon as possible thereafter.

46 j. A custodian shall post prominently in public view in the part  
47 or parts of the office or offices of the custodian that are open to or  
48 frequented by the public a statement that sets forth in clear, concise

1 and specific terms the right to appeal a denial of, or failure to  
 2 provide, access to a government record by any person for  
 3 inspection, examination, or copying or for purchase of copies  
 4 thereof and the procedure by which an appeal may be filed.

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

10  
 11 <sup>13.</sup> The title of P.L.2015, c.226 is amended to read as follows:  
 12 **AN ACT** concerning certain information regarding **[law**  
 13 **enforcement]** certain public officers and supplementing Title 2C  
 14 of the New Jersey Statutes and Titles 47 and 56 of the Revised  
 15 Statutes.<sup>1</sup>

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

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

20 2. A State or local governmental agency shall not knowingly  
 21 post or publish on the Internet <sup>2</sup>, or repost, republish, or otherwise  
 22 make available,<sup>2</sup> the home address or unpublished home telephone  
 23 number of any active<sup>2</sup>, formerly active,<sup>2</sup> or retired<sup>2</sup> judicial officer,  
 24 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor,  
 25 or<sup>2</sup> law enforcement officer **[or law enforcement officer]** <sup>2[.]</sup><sup>2</sup>  
 26 <sup>1</sup>**[judge of any court of law of this State, or State, county]** <sup>2</sup>**[any**  
 27 active or retired federal, State, or municipal judicial officer, as  
 28 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1)<sup>1</sup> , or  
 29 <sup>1</sup>**[municipal]** any active or retired federal, State, county or  
 30 municipal<sup>1</sup> prosecutor]<sup>2</sup> without first obtaining the written  
 31 permission of that **[law enforcement officer or retired law**  
 32 **enforcement officer]** <sup>2</sup>**[individual]** person<sup>2</sup>.

33 <sup>2</sup>The amendatory provisions of this section, enacted by  
 34 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 35 shall not be operative and enforceable with respect to any active,  
 36 formerly active, or retired law enforcement officer until 18 months  
 37 after the effective date of that act; but the provisions of this section,  
 38 prior to being amended, shall remain operative and enforceable with  
 39 respect to any active or retired law enforcement officer during that  
 40 18-month period.<sup>2</sup>

41 (cf: P.L.2015, c.226, s.2)

42  
 43 <sup>1[1] 5.</sup><sup>1</sup> Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is  
 44 amended to read as follows:

45 1. A person shall not knowingly, with purpose to expose  
 46 another to harassment or risk of harm to life or property, or in

1 reckless disregard of the probability of such exposure, post or  
 2 publish on the Internet <sup>2</sup>, or repost, republish, or otherwise make  
 3 available,<sup>2</sup> the home address or unpublished home telephone  
 4 number of any active <sup>2</sup>, formerly active,<sup>2</sup> or retired <sup>2</sup>judicial officer,  
 5 as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor,  
 6 or<sup>2</sup> law enforcement officer, ~~law enforcement officer~~ <sup>1</sup>~~judge of~~  
 7 ~~any court of law of this State, or~~ <sup>2</sup>~~any active or retired federal,~~  
 8 ~~State, or municipal judicial officer, as defined by section 1 of~~  
 9 ~~P.L.1995, c.23 (C.47:1A-1.1), or any active or retired federal,~~<sup>1</sup>  
 10 ~~State, county or municipal prosecutor,~~<sup>2</sup> or the spouse or child ~~of~~  
 11 ~~a law enforcement officer~~ thereof. A reckless violation of this  
 12 section is a crime of the fourth degree. A purposeful violation of  
 13 this section is a crime of the third degree.

14 <sup>2</sup>The amendatory provisions of this section, enacted by  
 15 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 16 shall not be operative and enforceable with respect to any active,  
 17 formerly active, or retired law enforcement officer, or the spouse or  
 18 child thereof, until 18 months after the effective date of that act; but  
 19 the provisions of this section, prior to being amended, shall remain  
 20 operative and enforceable with respect to any active or retired law  
 21 enforcement officer, or the spouse or child of a law enforcement  
 22 officer, during that 18-month period.<sup>2</sup>  
 23 (cf: P.L.2015, c.226, s.1)  
 24

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

27 3. a. A person, business, or association shall not disclose on  
 28 the Internet <sup>2</sup>, or re-disclose or otherwise make available,<sup>2</sup> the home  
 29 address or unpublished home telephone number of ~~a law~~  
 30 ~~enforcement officer or~~ <sup>2</sup>~~an~~ <sup>any</sup><sup>2</sup> active <sup>2</sup>, formerly active,<sup>2</sup> or  
 31 retired <sup>2</sup>judicial officer, as defined by section 1 of P.L.1995, c.23  
 32 (C.47:1A-1.1), prosecutor, or<sup>2</sup> law enforcement officer <sup>2</sup>~~],~~<sup>2</sup>  
 33 <sup>1</sup>~~judge of any court of law of this State, or~~ <sup>2</sup>~~an active or retired~~  
 34 ~~federal, State, or municipal judicial officer, as defined by section 1~~  
 35 ~~of P.L.1995, c.23 (C.47:1A-1.1), or an active or retired federal,~~<sup>1</sup>  
 36 ~~State, county or municipal prosecutor]~~<sup>2</sup> under circumstances in  
 37 which a reasonable person would believe that providing that  
 38 information would expose another to harassment or risk of harm to  
 39 life or property.

40 <sup>2</sup>The amendatory provisions of this section, enacted by  
 41 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 42 shall not be operative and enforceable with respect to any active,  
 43 formerly active, or retired law enforcement officer until 18 months  
 44 after the effective date of that act; but the provisions of this section,  
 45 prior to being amended, shall remain operative and enforceable with

1 respect to any active or retired law enforcement officer during that  
 2 18-month period.<sup>2</sup>

3 b. A person, business, or association that violates subsection a.  
 4 of this section shall be liable to the **law enforcement officer,**  
 5 <sup>1</sup>active or retired law enforcement officer, judge of any court of  
 6 law of this State, or State, county, or municipal prosecutor, or any  
 7 other person residing at the home address of the law enforcement  
 8 officer active or retired law enforcement officer, judge of any  
 9 court of law of this State, or State, county, or municipal  
 10 prosecutor, aggrieved person<sup>1 2</sup>or any other person residing at the  
 11 home address of the aggrieved person,<sup>2</sup> who may bring a civil  
 12 action in the Superior Court.

13 c. The court may award:

14 (1) actual damages, but not less than liquidated damages  
 15 computed at the rate of \$1,000 for each violation of this act;

16 (2) punitive damages upon proof of willful or reckless disregard  
 17 of the law;

18 (3) reasonable attorney's fees and other litigation costs  
 19 reasonably incurred; and

20 (4) any other preliminary and equitable relief as the court  
 21 determines to be appropriate.

22 d. For the purposes of this section, "disclose" shall mean to  
 23 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,  
 24 transfer, <sup>2</sup>post,<sup>2</sup> publish, distribute, circulate, disseminate, present,  
 25 exhibit, advertise or offer.

26 (cf: P.L.2015, c.226, s.3)

27  
 28 <sup>1</sup>7. (New section) a. <sup>2</sup>(1) **An** Any<sup>2</sup> active<sup>2</sup>, formerly active,<sup>2</sup>  
 29 or retired<sup>2</sup> **law enforcement officer, an active or retired federal,**  
 30 **State, or municipal**<sup>2</sup> judicial officer, as defined by section 1 of  
 31 P.L1995, c.23 (C.47:1A-1.1), or<sup>2</sup> **active or retired federal, State,**  
 32 **county or municipal**<sup>2</sup> prosecutor<sup>2, 2</sup> whose home address or  
 33 unpublished telephone number<sup>2</sup> is disclosed on the Internet, or re-  
 34 disclosed or otherwise made available, by any person, business, or  
 35 association,<sup>2</sup> or whose immediate family member's name, home  
 36 address<sup>2, 2</sup> or unpublished telephone number is disclosed on the  
 37 Internet<sup>2</sup>, or re-disclosed or otherwise made available,<sup>2</sup> by any  
 38 person, business, or association<sup>2</sup>, which in the case of a family  
 39 member's name or home address may be used, alone or in  
 40 conjunction with any other information, to identify the person as the  
 41 family member of a judicial officer or prosecutor,<sup>2</sup> may request that  
 42 the person, business, or association that disclosed<sup>2</sup>, re-disclosed, or  
 43 otherwise made available<sup>2</sup> that information refrain from <sup>2</sup>**such**  
 44 **disclosure** that action<sup>2</sup> and remove <sup>2</sup>**that** the<sup>2</sup> information from  
 45 the Internet<sup>2</sup> or where otherwise made available.

1     (2) Beginning 18 months after the effective date of  
 2     P.L. , c. (C. ) (pending before the Legislature as this bill),  
 3     any law enforcement officer whose home address or unpublished  
 4     home telephone number is disclosed on the Internet, or re-disclosed  
 5     or otherwise made available, by any person, business, or  
 6     association, or whose immediate family member's name, home  
 7     address, or unpublished telephone number is disclosed on the  
 8     Internet, or re-disclosed or otherwise made available, by any  
 9     person, business, or association, which in the case of a family  
 10    member's name or home address may be used, alone or in  
 11    conjunction with any other information, to identify the person as the  
 12    family member of a law enforcement officer, may request that the  
 13    person, business, or association that disclosed, re-disclosed, or  
 14    otherwise made available that information refrain from that action  
 15    and remove the information from the Internet or where otherwise  
 16    made available.

17    For purposes of this section, "immediate family member" shall  
 18    include a spouse, child, or parent of an active, formerly active, or  
 19    retired judicial officer, as defined by section 1 of P.L.1995, c.23  
 20    (C.47:1A-1.1), prosecutor, or law enforcement officer, or any other  
 21    family member related by blood or by law to the judicial officer,  
 22    prosecutor, or law enforcement officer who lives in the same  
 23    residence<sup>2</sup>.

24    b. <sup>2</sup>(1)<sup>2</sup> A request to refrain <sup>2</sup>~~from disclosure~~<sup>2</sup> and remove  
 25    information <sup>2</sup>~~from the Internet~~<sup>2</sup> pursuant to subsection a. of this  
 26    section shall be made in writing, addressed to the person, business,  
 27    or association that disclosed <sup>2</sup>, re-disclosed, or otherwise made  
 28    available<sup>2</sup> the information, and may be made by the <sup>2</sup>~~law~~<sup>2</sup>  
 29    enforcement officer, the federal, State, or municipal<sup>2</sup> judicial  
 30    officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1),  
 31    <sup>2</sup>~~or the federal, State, county or municipal~~<sup>2</sup> prosecutor, <sup>2</sup>or law  
 32    enforcement officer,<sup>2</sup> as appropriate, or by the <sup>2</sup>person's<sup>2</sup> employer  
 33    <sup>2</sup>~~of the law enforcement officer, judicial officer or prosecutor~~<sup>2</sup>  
 34    with the consent of that <sup>2</sup>~~individual~~<sup>2</sup> person<sup>2</sup>.

35    <sup>2</sup>~~c.~~<sup>2</sup> (2)<sup>2</sup> Upon receipt of a written request to refrain <sup>2</sup>~~from~~<sup>2</sup>  
 36    disclosure<sup>2</sup> and remove information <sup>2</sup>~~from the Internet pursuant~~<sup>2</sup>  
 37    to this section<sup>2</sup>, the person, business <sup>2,2</sup> or association that <sup>2</sup>~~made~~<sup>2</sup>  
 38    such disclosure<sup>2</sup> disclosed, re-disclosed, or otherwise made  
 39    available the information<sup>2</sup> shall have 72 hours to remove that  
 40    information from the Internet <sup>2</sup>or where otherwise made available,<sup>2</sup>  
 41    and shall not disclose <sup>2</sup>, re-disclose, or otherwise make available<sup>2</sup>  
 42    that information to any other person, business, or association  
 43    through any medium.

44    <sup>2</sup>~~d.~~<sup>2</sup> c.<sup>2</sup> An active <sup>2</sup>, formerly active,<sup>2</sup> or retired <sup>2</sup>~~law~~<sup>2</sup>  
 45    enforcement officer, an active or retired federal, State, or  
 46    municipal<sup>2</sup> judicial officer, <sup>2</sup>~~as defined by section 1 of P.L.1995,~~

1 c.23 (C.47:1A-1.1), or an active or retired federal, State, county, or  
 2 municipal]<sup>2</sup> prosecutor <sup>2</sup>, or law enforcement officer<sup>2</sup> whose  
 3 <sup>2</sup>[home address or unpublished telephone number] own  
 4 information,<sup>2</sup> or <sup>2</sup>[whose]<sup>2</sup> immediate family member's <sup>2</sup>[name,  
 5 home address or unpublished telephone number] information,<sup>2</sup> was  
 6 not timely removed from the Internet <sup>2</sup>[in violation of the  
 7 provisions of subsection c. of this section or was disclosed on the  
 8 Internet subsequent to] or where otherwise made available within  
 9 72 hours by a person, business, or association following<sup>2</sup> receipt of  
 10 a <sup>2</sup>written<sup>2</sup> request <sup>2</sup>[pursuant to subsection b. of this section] to  
 11 refrain and remove that information, or the person, business, or  
 12 association re-discloses on the Internet or otherwise makes  
 13 available the same information at any time subsequent to receipt of  
 14 the written request,<sup>2</sup> may bring an action seeking injunctive or  
 15 declaratory relief in the Superior Court. If the court grants  
 16 injunctive or declaratory relief, the person, business, or association  
 17 responsible for the violation shall be required to pay reasonable  
 18 attorney's fees and other litigation costs reasonably incurred by the  
 19 <sup>2</sup>[law enforcement officer,]<sup>2</sup> judicial officer, <sup>2</sup>[or] ,<sup>2</sup> prosecutor,  
 20 <sup>2</sup>or law enforcement officer,<sup>2</sup> as appropriate.

21 <sup>2</sup>[e. For purposes of this section, "immediate family member"  
 22 shall include a spouse, child or parent of a law enforcement officer,  
 23 a judicial officer, as defined by section 1 of P.L.1995, c.23  
 24 (C.47:1A-1.1), or a federal, State, county, or municipal prosecutor,  
 25 or any blood relative of a law enforcement officer, a judicial officer  
 26 or a prosecutor or of that individual's spouse who lives in the same  
 27 residence as the law enforcement officer, judicial officer or  
 28 prosecutor.<sup>1</sup>]<sup>2</sup>

30 <sup>1</sup>8. (New section) This act shall be liberally construed in order  
 31 to accomplish its purpose and the public policy of this State, which  
 32 is to enhance the safety and security of certain public officials in the  
 33 justice system, including <sup>2</sup>[law enforcement officers,]<sup>2</sup> judicial  
 34 officers <sup>2</sup>[and] ,<sup>2</sup> prosecutors <sup>2</sup>, and law enforcement officers,<sup>2</sup> who  
 35 served or have served the people of New Jersey, and the immediate  
 36 family members of these individuals, to foster the ability of these  
 37 public servants who perform critical roles in the justice system to  
 38 carry out their official duties without fear of personal reprisal from  
 39 affected individuals related to the performance of their public  
 40 functions.<sup>1</sup>

42 <sup>2</sup>[<sup>1</sup>9. (New section) If any section, subsection, clause, sentence,  
 43 paragraph, or part of this act, P.L. , c. (pending before the  
 44 Legislature as this bill), or the application thereof to any person or  
 45 circumstances, shall, for any reason, be adjudged by a court of  
 46 competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder of this act, P.L. , c. (pending  
2 before the Legislature as this bill).<sup>1</sup><sup>2</sup>  
3  
4 <sup>1</sup>[4.] <sup>2</sup>[10.] <sup>1</sup>9.<sup>2</sup> This act shall take effect immediately <sup>2</sup>, but for  
5 those provisions of the act which do not become operative and  
6 enforceable with respect to law enforcement officers until 18  
7 months after the effective date, any anticipatory administrative  
8 action may be taken in advance of the operative date that is  
9 necessary for the implementation of those provisions<sup>2</sup>.  
10  
11  
12 \_\_\_\_\_  
13  
14 “Daniel’s Law”; prohibits disclosure of certain personal  
15 information of active, formerly active, and retired judicial officers,  
16 prosecutors, and law enforcement officers, and their family  
17 members; establishes crime and civil action for disclosing such  
18 information.