

SENATE, No. 2797

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED AUGUST 3, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Prohibits disclosure of home address of federal, State, and municipal judicial officers; establishes crime and civil action for disclosing such information or judicial officers' unlisted telephone number.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/18/2020)

1 AN ACT prohibiting the disclosure of certain personal information
2 concerning any federal, State, or municipal judicial officer, and
3 amending P.L.1995, c.23, P.L.2001, c.404, and the title and body
4 of P.L.2015, c.226.

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

8
9 1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
10 read as follows:

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

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

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

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

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

40 information received by a member of the Legislature from a
41 constituent or information held by a member of the Legislature
42 concerning a constituent, including but not limited to information in
43 written form or contained in any e-mail or computer data base, or in
44 any telephone record whatsoever, unless it is information the
45 constituent is required by law to transmit;

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

7 any copy, reproduction or facsimile of any photograph, negative
8 or print, including instant photographs and videotapes of the body,
9 or any portion of the body, of a deceased person, taken by or for the
10 medical examiner at the scene of death or in the course of a post
11 mortem examination or autopsy made by or caused to be made by
12 the medical examiner except:

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

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

20 for use in the field of forensic pathology or for use in medical or
21 scientific education or research, or

22 for use by any law enforcement agency in this State or any other
23 state or federal law enforcement agency;

24 criminal investigatory records;

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

27 any written request by a crime victim for a record to which the
28 victim is entitled to access as provided in this section, including,
29 but not limited to, any law enforcement agency report, domestic
30 violence offense report, and temporary or permanent restraining
31 order;

32 personal firearms records, except for use by any person
33 authorized by law to have access to these records or for use by any
34 government agency, including any court or law enforcement
35 agency, for purposes of the administration of justice;

36 personal identifying information received by the Division of Fish
37 and Wildlife in the Department of Environmental Protection in
38 connection with the issuance of any license authorizing hunting
39 with a firearm. For the purposes of this paragraph, personal
40 identifying information shall include, but not be limited to, identity,
41 name, address, social security number, telephone number, fax
42 number, driver's license number, email address, or social media
43 address of any applicant or licensee;

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

1 any record within the attorney-client privilege. This paragraph
2 shall not be construed as exempting from access attorney or
3 consultant bills or invoices except that such bills or invoices may be
4 redacted to remove any information protected by the attorney-client
5 privilege;

6 administrative or technical information regarding computer
7 hardware, software and networks which, if disclosed, would
8 jeopardize computer security;

9 emergency or security information or procedures for any
10 buildings or facility which, if disclosed, would jeopardize security
11 of the building or facility or persons therein;

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

15 information which, if disclosed, would give an advantage to
16 competitors or bidders;

17 information generated by or on behalf of public employers or
18 public employees in connection with any sexual harassment
19 complaint filed with a public employer or with any grievance filed
20 by or against an individual or in connection with collective
21 negotiations, including documents and statements of strategy or
22 negotiating position;

23 information which is a communication between a public agency
24 and its insurance carrier, administrative service organization or risk
25 management office;

26 information which is to be kept confidential pursuant to court
27 order;

28 any copy of form DD-214, NGB-22, or that form, issued by the
29 United States Government, or any other certificate of honorable
30 discharge, or copy thereof, from active service or the reserves of a
31 branch of the Armed Forces of the United States, or from service in
32 the organized militia of the State, that has been filed by an
33 individual with a public agency, except that a veteran or the
34 veteran's spouse or surviving spouse shall have access to the
35 veteran's own records;

36 any copy of an oath of allegiance, oath of office or any
37 affirmation taken upon assuming the duties of any public office, or
38 that oath or affirmation, taken by a current or former officer or
39 employee in any public office or position in this State or in any
40 county or municipality of this State, including members of the
41 Legislative Branch, Executive Branch, Judicial Branch, and all law
42 enforcement entities, except that the full name, title, and oath date
43 of that person contained therein shall not be deemed confidential;

44 that portion of any document which discloses the social security
45 number, credit card number, unlisted telephone number or driver
46 license number of any person, or that portion of any document
47 which discloses the home address, whether a primary or secondary
48 residence, of any federal, State, or municipal judicial officer or

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

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

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

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

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

38 test questions, scoring keys and other examination data
39 pertaining to the administration of an examination for employment
40 or academic examination;

41 records of pursuit of charitable contributions or records
42 containing the identity of a donor of a gift if the donor requires non-
43 disclosure of the donor's identity as a condition of making the gift
44 provided that the donor has not received any benefits of or from the
45 institution of higher education in connection with such gift other
46 than a request for memorialization or dedication;

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

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

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

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

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

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

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

1 Court, a judge of a municipal court, a judge of the Office of
2 Administrative Law, a judge of the Division of Workers'
3 Compensation, or a judge of any other court or who handles
4 proceedings in the executive branch of the State government or a
5 local government established by State law.

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

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

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

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

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

33
34 2. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
35 as follows:

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

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

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

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

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

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

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

38 f. The custodian of a public agency shall adopt a form for the
39 use of any person who requests access to a government record held
40 or controlled by the public agency. The form shall provide space
41 for the name, address, and phone number of the requestor and a
42 brief description of the government record sought. The form shall
43 include space for the custodian to indicate which record will be
44 made available, when the record will be available, and the fees to be
45 charged. The form shall also include the following: (1) specific
46 directions and procedures for requesting a record; (2) a statement as
47 to whether prepayment of fees or a deposit is required; (3) the time
48 period within which the public agency is required by P.L.1963, c.73

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

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

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

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

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

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

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

26 k. The files maintained by the Office of the Public Defender
27 that relate to the handling of any case shall be considered
28 confidential and shall not be open to inspection by any person
29 unless authorized by law, court order, or the State Public Defender.

30 (cf: P.L.2020, c.10, s.1)

31
32 3. The title of P.L.2015, c.226 is amended to read as follows:
33 **AN ACT** concerning certain information regarding **law**
34 **enforcement】** certain public officers and supplementing Title 2C
35 of the New Jersey Statutes and Titles 47 and 56 of the Revised
36 Statutes.

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

38
39 4. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
40 as follows:

41 2. A State or local governmental agency shall not knowingly
42 post or publish on the Internet the home address or unpublished
43 home telephone number of any **retired】** law enforcement officer or
44 retired law enforcement officer, or any federal, State, or municipal
45 judicial officer as defined by section 1 of P.L.1995, c.23 (C.47:1A-
46 1.1) or retired judicial officer, without first obtaining the written

1 permission of that [law enforcement officer or retired law
2 enforcement officer] person.

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

4

5 5. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
6 read as follows:

7 1. A person shall not knowingly, with purpose to expose
8 another to harassment or risk of harm to life or property, or in
9 reckless disregard of the probability of such exposure, post or
10 publish on the Internet the home address or unpublished home
11 telephone number of any [retired] law enforcement officer [.] or
12 retired law enforcement officer, or any federal, State, or municipal
13 judicial officer as defined by section 1 of P.L.1995, c.23 (C.47:1A-
14 1.1) or retired judicial officer, or the spouse or child [of a law
15 enforcement officer] thereof. A reckless violation of this section is
16 a crime of the fourth degree. A purposeful violation of this section
17 is a crime of the third degree.

18 (cf: P.L.2015, c.226, s.1)

19

20 6. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to
21 read as follows:

22 3. a. A person, business, or association shall not disclose on
23 the Internet the home address or unpublished home telephone
24 number of [a] any law enforcement officer or retired law
25 enforcement officer, or any federal, State, or municipal judicial
26 officer as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1) or
27 retired judicial officer, under circumstances in which a reasonable
28 person would believe that providing that information would expose
29 another to harassment or risk of harm to life or property.

30 b. A person, business, or association that violates subsection a.
31 of this section shall be liable to the [law enforcement officer,
32 retired law enforcement officer, or any other] aggrieved person
33 [residing at the home address of the law enforcement officer or
34 retired law enforcement officer], who may bring a civil action in
35 the Superior Court.

36 c. The court may award:

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

39 (2) punitive damages upon proof of willful or reckless disregard
40 of the law;

41 (3) reasonable attorney's fees and other litigation costs
42 reasonably incurred; and

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

45 d. For the purposes of this section, "disclose" shall mean to
46 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,

1 transfer, publish, distribute, circulate, disseminate, present, exhibit,
2 advertise or offer.

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

4
5 7. This act shall take effect immediately.

6
7
8 STATEMENT

9
10 This bill prohibits the disclosure of the home addresses of
11 federal, State, and municipal judicial officers and retired judicial
12 officers, and would expand an existing crime and statutory civil
13 action concerning the disclosure of home addresses and unlisted
14 telephone numbers for active and retired law enforcement officers
15 to also cover active and retired judicial officers. The bill defines a
16 “judicial officer” as “the Chief Justice or an Associate Justice of the
17 United States Supreme Court, a judge of the United States Court of
18 Appeals, a judge of a federal district court, including a magistrate
19 judge, a judge of any other court established by federal law, the
20 Chief Justice or an Associate Justice of the New Jersey Supreme
21 Court, a judge of the Superior Court, a judge of the Tax Court, a
22 judge of a municipal court, a judge of the Office of Administrative
23 Law, a judge of the Division of Workers' Compensation, or a judge
24 of any other court or who handles proceedings in the executive
25 branch of the State government or a local government established
26 by State law.”

27 To prohibit the disclosure of a judicial officer’s address (all
28 persons’ unlisted telephone numbers are already protected from
29 disclosure), the bill would exclude those portions of any document
30 identifying an address from the definition of “government record”
31 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as
32 the Open Public Records Act, thereby deeming such information
33 confidential. The bill would also require custodians of government
34 records under that act to redact a judicial officer’s address from any
35 record prior to granting access to the record by a member of the
36 public. However, an address would still be shared if it was sought
37 for use by a governmental agency in carrying out its functions, or a
38 private person or entity seeking to enforce a child support order.

39 The bill would also prohibit the State or a local governmental
40 agency from posting or publishing on the Internet a home address or
41 unlisted telephone number of an active or retired judicial officer,
42 expanding the scope of section 2 of P.L.2015, c.226 (C.47:1-17)
43 which already prohibits such actions with respect to active and
44 retired law enforcement officers.

45 It would establish the same prohibition for individuals,
46 businesses, and associations, who under current law are prohibited
47 from posting or publishing such information about active and
48 retired law enforcement officers, and would subject a party who

1 violated the law to the same criminal and civil liabilities that apply
2 to violations involving law enforcement officers.

3 Specifically, it would be a crime to knowingly, with purpose to
4 expose another to harassment or risk of harm to life or property, or
5 in reckless disregard of the probability of this exposure, to post or
6 publish on the Internet the home address or unpublished telephone
7 number of an active or retired judicial officer, or the judicial
8 officer's spouse or child. A reckless violation would be graded a
9 crime of the fourth degree, punishable by a term of imprisonment of
10 up to 18 months, a fine of up to \$10,000, or both. A purposeful
11 violation would be a crime of the third degree, punishable by a term
12 of imprisonment of three to five years, a fine of up to \$15,000, or
13 both.

14 As to potential civil liability, individuals, businesses, and
15 associations would be prohibited from disclosing on the Internet the
16 information about an active or retired judicial officer under any
17 circumstances in which a reasonable person would believe that
18 providing such information would expose another to harassment or
19 risk of harm to life or property. As a result of a violation, a court
20 could award: (1) actual damages, but not less than liquidated
21 damages computed at the rate of \$1,000 for each violation; (2)
22 punitive damages upon proof of willful or reckless disregard of the
23 law; (3) reasonable attorney's fees and other litigation costs
24 reasonably incurred; and (4) any other preliminary and equitable
25 relief as the court determines to be appropriate.