

P.L. 2021, CHAPTER 56, *approved April 19, 2021*  
Senate, No. 2815

1 AN ACT requiring the Department of Military and Veterans Affairs  
2 to assist certain service members with petitions to change  
3 discharge designations, and supplementing chapter 3 of Title  
4 38A of the New Jersey Statutes.

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

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9 1. a. All former service members of the Armed Forces who  
10 were separated from the service with a general or other than  
11 honorable discharge due solely to their sexual orientation, or gender  
12 identity or expression, may request that the New Jersey Department  
13 of Military and Veterans Affairs assist them to have the designation  
14 of his or her discharge changed and recorded as honorable.

15 b. The Department of Military and Veterans Affairs shall:

16 (1) create, publish, and distribute material to all public agencies  
17 of the availability of the assistance; and

18 (2) create a consistent and uniform process to assist a former  
19 service member with the appropriate and necessary forms and  
20 conditions prescribed by federal law, so that he or she may petition  
21 the United States Department of Veterans Affairs, or its successor  
22 agency, to change the designation of his or her discharge to  
23 honorable.

24 At no time shall a fee be charged to a former service member for  
25 seeking assistance to have the designation of his or her discharge  
26 changed to honorable.

27 c. A former service member who has the designation of his or  
28 her discharge changed to honorable shall be afforded the same  
29 rights, privileges, and benefits authorized by State law to service  
30 members who were honorably discharged.

31 d. Information related to the change in the designation of a  
32 discharge, including, but not limited to, a request for assistance,  
33 shall be confidential and not accessible to the public as a  
34 government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

35 e. The Adjutant General shall, in accordance with the  
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
37 seq.), adopt any rules and regulations as the Adjutant General  
38 deems necessary to carry out the provisions of this act, P.L. ,

39 c. (pending before the Legislature as this bill).

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41 2. This act shall take effect immediately.

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## STATEMENT

This bill requires the New Jersey Department of Military and Veterans Affairs to assist former service members of the Armed Forces who were separated from the service with a general or other than honorable discharge due solely to their LGBTQ status with the appropriate and necessary forms and conditions to petition the United States Department of Veterans Affairs to have the designation of the discharge changed and recorded as honorable. The department will create, publish, and distribute material to all public agencies of the availability of the assistance, and create a uniform process to provide the assistance.

Under the bill, former service members who have the designation of their discharge changed will be eligible for the same rights, privileges, and benefits currently offered to service members who were honorably discharged. No fee will be charged to a former service member for seeking assistance, and information related to the change in the designation of a discharge will be confidential and not accessible to the public as a government record.

An estimated 100,000 LGBTQ service members were discharged from the military under less than honorable conditions. Too many service members have been shamed, and left without the benefits they earned. These service members lost their rights to both state and federal benefits. This bill will help ensure that they get the benefits and respect that they deserve.

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Requires DMVA assist service members discharged solely due to LGBTQ status with petitions to change discharge designation.