

[Second Reprint]

SENATE, No. 2930

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MARCH 4, 2024

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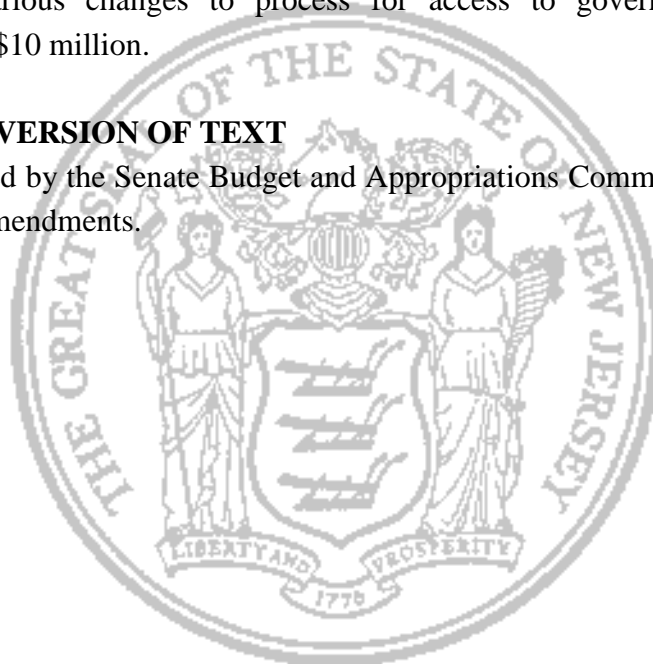
Assemblyman Atkins

SYNOPSIS

Makes various changes to process for access to government records; appropriates \$10 million.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 9, 2024, with amendments.



(Sponsorship Updated As Of: 5/13/2024)

1 AN ACT concerning access to government records, amending and
2 supplementing various parts of the statutory law, and making an
3 appropriation.

4

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

7

8 ²**[1.** Section 1 of P.L.1963, c.73 (C.47:1A-1) is amended to read
9 as follows:

10 1. The Legislature finds and declares it to be the public policy
11 of this State that:

12 government records shall be readily accessible for inspection,
13 copying, or examination by the citizens of this State, with certain
14 exceptions, for the protection of the public interest, and any
15 limitations on the right of access accorded by P.L.1963, c.73
16 (C.47:1A-1 et seq.) as amended and supplemented, shall be
17 construed in favor of the public's right of access;

18 all government records shall be subject to public access unless
19 exempt from such access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as
20 amended and supplemented; any other statute; resolution of either
21 or both houses of the Legislature; regulation promulgated under the
22 authority of any statute or Executive Order of the Governor;
23 Executive Order of the Governor; Rules of Court; any federal law,
24 federal regulation, or federal order;

25 a public agency has a responsibility and an obligation to
26 safeguard from public access a citizen's personal information with
27 which it has been entrusted, or information that might reasonably
28 lead to disclosure of a person's personal information, when
29 disclosure thereof would violate the citizen's reasonable expectation
30 of privacy, or when the public agency has reason to believe that
31 disclosure of such personal information may result in harassment,
32 unwanted solicitation, identity theft, or opportunities for other
33 criminal acts; and

34 nothing contained in P.L.1963, c.73 (C.47:1A-1 et seq.), as
35 amended and supplemented, shall be construed as affecting in any
36 way the common law right of access to any record, including but
37 not limited to criminal investigatory records of a law enforcement
38 agency.

39 (cf: P.L.2001, c.404, s.1)]²

40

41 ²**[2.]** 1.² Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended
42 to read as follows:

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

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:

¹Senate SBA committee amendments adopted March 11, 2024.

²Senate SBA committee amendments adopted May 9, 2024.

1 "Biotechnology" means any technique that uses living organisms,
2 or parts of living organisms, to make or modify products, to improve
3 plants or animals, or to develop micro-organisms for specific uses;
4 including the industrial use of recombinant DNA, cell fusion, and
5 novel bioprocessing techniques.

6 "Child protective investigator in the Division of Child Protection
7 and Permanency" means an employee of the Division of Child
8 Protection and Permanency in the Department of Children and
9 Families whose primary duty is to investigate reports of child abuse
10 and neglect, or any other employee of the Department of Children and
11 Families whose duties include investigation, response to, or review of
12 allegations of child abuse and neglect.

13 "Commercial purpose" means the direct or indirect use of any
14 part of a government record for sale, resale, solicitation, rent, or
15 lease of a service, or any use by which the user expects a profit
16 either through commission, salary, or fee. "Commercial purpose"
17 shall not include ² [using, distributing, gathering, procuring,
18 transmitting, compiling, editing, disseminating, or publishing of
19 information or data] the use of a government record for any
20 purpose² by ²:

21 (1)² the news media, or any parent company, subsidiary, or
22 affiliate of any news media, as defined by section 2 of P.L.1977,
23 c.253 (C.2A:84A-21a) ² [, or by] :

24 (2)² any news, journalistic, educational, scientific, scholarly, or
25 governmental organization ² [, or by] :

26 (3)² any person authorized to act on behalf of a candidate
27 committee, joint candidate committee, political committee,
28 continuing political committee, political party committee, or
29 legislative leadership committee, as defined by section 3 of
30 P.L.1973, c.83 (C.19:44A-3), registered with the New Jersey
31 Election Law Enforcement Commission ²:

32 (4) any labor organization;

33 (5) any contractor signatory to a collective bargaining agreement
34 seeking information material to the enforcement of State or federal
35 statutes or regulations regarding, but not limited to, wage and hour
36 protections, workplace safety, or public procurement and public
37 bidding, including, but not limited to, requests for certified payrolls
38 or information about all bids submitted in response to a public
39 procurement process subsequent to the deadline for the submission
40 of all bids for that solicitation;

41 (6) any employee, agent, contractor, or affiliates of any entity
42 identified in paragraphs (1) through (5) of this definition in this
43 section; or

44 (7) any non-profit entity, including organizations or individuals
45 qualified for exemption from federal taxation pursuant to section
46 501(c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501(c)(3)
47 and section 501(c)(4) of the federal Internal Revenue Code, 26 U.S.C.
48 s.501(c)(4), when the entity does not sell, resell, solicit, rent, or lease a

1 government record to an unaffiliated third party in a way in which the
2 entity expects a fee² .

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

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

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

13 ²["Data broker" means a business that knowingly collects and sells
14 to third parties the personal information of a consumer with whom the
15 business does not have a direct relationship.]²

16 "Government record" or "record" means any paper, written or
17 printed book, document, drawing, map, plan, photograph, microfilm,
18 data processed or image processed document, information stored or
19 maintained electronically or by sound-recording or in a similar device,
20 or any copy thereof, that has been made, maintained or kept on file in
21 the course of his or its official business by any officer, commission,
22 agency or authority of the State or of any political subdivision thereof,
23 including subordinate boards thereof, or that has been received in the
24 course of his or its official business by any such officer, commission,
25 agency, or authority of the State or of any political subdivision thereof,
26 including subordinate boards thereof. The terms shall not include
27 inter-agency or intra-agency advisory, consultative, **[or]** ²or²
28 deliberative ²**[, or draft]**² material ²**[, including notes generated and**
29 **used to prepare final reports, documents, or records.]**²

30 ²"Labor organization" means any organization which exists and is
31 constituted for the purpose, in whole or in part, of collective
32 bargaining, or of dealing with employers concerning grievances, terms
33 or conditions of employment, or of other mutual aid or protection in
34 connection with employment².

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

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

44 any memorandum, correspondence, notes, report or other
45 communication prepared by, or for, the specific use of a member of the
46 Legislature in the course of the member's official duties, except that
47 this provision shall not apply to an otherwise publicly-accessible

1 report which is required by law to be submitted to the Legislature or its
2 members;

3 any copy, reproduction or facsimile of any photograph, negative or
4 print, including instant photographs and videotapes of the body, or any
5 portion of the body, of a deceased person, taken by or for the medical
6 examiner at the scene of death or in the course of a post mortem
7 examination or autopsy made by or caused to be made by the medical
8 examiner except ²]:

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

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

16 for use in the field of forensic pathology or for use in medical or
17 scientific education or research, or]

18 for use by a legal next of kin, a legal representative, or an
19 attending physician of the deceased person, for use as a court of this
20 State permits, or² for use by any law enforcement agency in this State
21 or any other state or federal law enforcement agency;

22 criminal investigatory records;

23 the portion of any criminal record concerning a person's detection,
24 apprehension, arrest, detention, trial or disposition for unlawful
25 manufacturing, distributing, or dispensing, or possessing or having
26 under control with intent to manufacture, distribute, or dispense,
27 marijuana or hashish in violation of paragraph (11) of subsection b. of
28 N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation
29 of paragraph (12) of subsection b. of that section, or a violation of
30 either of those paragraphs and a violation of subsection a. of section 1
31 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of
32 P.L.1997, c.327 (C.2C:35-7.1) for distributing, dispensing, or
33 possessing, or having under control with intent to distribute or
34 dispense, on or within 1,000 feet of any school property, or on or
35 within 500 feet of the real property comprising a public housing
36 facility, public park, or public building, or for obtaining, possessing,
37 using, being under the influence of, or failing to make lawful
38 disposition of marijuana or hashish in violation of paragraph (3) or (4)
39 of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10,
40 or for a violation of any of those provisions and a violation of
41 N.J.S.2C:36-2 for using or possessing with intent to use drug
42 paraphernalia with that marijuana or hashish;

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

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

1 personal firearms records, except for use by any person authorized
2 by law to have access to these records or for use by any government
3 agency, including any court or law enforcement agency, for purposes
4 of the administration of justice;

5 personal identifying information received by the Division of Fish
6 and Wildlife in the Department of Environmental Protection in
7 connection with the issuance of any license authorizing hunting with a
8 firearm¹. For the purposes of this paragraph, personal identifying
9 information shall include, but not be limited to, identity, name,
10 address, social security number, telephone number, fax number,
11 driver's license number, email address, or social media address of any
12 applicant or licensee¹;

13 trade secrets and proprietary commercial or financial information
14 obtained from any source. For the purposes of this paragraph, trade
15 secrets shall include ¹[data processing] software, applications, and
16 code obtained by a public body under a licensing agreement which
17 prohibits its disclosure;

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

22 administrative or technical information regarding computer
23 hardware, tablets, telephones, ²[and] electronic computing² devices,
24 ²[or]² software ²[,]² applications, and networks ¹[which, if disclosed,
25 would jeopardize computer security]² or devices which operate on or
26 as a part of a computer network or related technologies within the
27 same, which shall include system logs, event logs, transaction logs,
28 tracing logs, or any logs which are reasonably construed to be similar
29 to the same and generated by the devices or servers covered within this
30 paragraph, which, if disclosed, could jeopardize computer security² ,
31 or related technologies;

32 emergency or security information or procedures for any buildings
33 or facility which, if disclosed, would jeopardize security of the
34 building or facility or persons therein;

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

38 security alarm system activity and access reports, including video
39 footage, for any public building, facility, or grounds unless the request
40 identifies a specific incident that occurred, ²or² a specific date ²[,]²
41 and ²[a]² limited time period at a particular public building, facility,
42 or grounds ², and is deemed not to compromise the integrity of the
43 security system by revealing capabilities and vulnerabilities of the
44 system² ;

45 information which, if disclosed, would give an advantage to
46 competitors or bidders, including detailed or itemized cost estimates
47 prior to bid opening;

1 information generated by or on behalf of public employers or
2 public employees in connection with any sexual harassment complaint
3 filed with a public employer or with any grievance filed by or against
4 an individual or in connection with collective negotiations, including
5 documents and statements of strategy or negotiating position;

6 ²information related to strategies or negotiating positions that
7 would unfairly prejudice or impair contract negotiations;²

8 information which is a communication between a public agency
9 and its insurance carrier, administrative service organization or risk
10 management office;

11 information which is to be kept confidential pursuant to court
12 order;

13 any copy of form DD-214, NGB-22, or that form, issued by the
14 United States Government, or any other certificate of honorable
15 discharge, or copy thereof, from active service or the reserves of a
16 branch of the Armed Forces of the United States, or from service in the
17 organized militia of the State, that has been filed by an individual with
18 a public agency, except that a veteran or the veteran's spouse or
19 surviving spouse shall have access to the veteran's own records;

20 any copy of an oath of allegiance, oath of office or any affirmation
21 taken upon assuming the duties of any public office, or that oath or
22 affirmation, taken by a current or former officer or employee in any
23 public office or position in this State or in any county or municipality
24 of this State, including members of the Legislative Branch, Executive
25 Branch, Judicial Branch, and all law enforcement entities, except that
26 the full name, title, and oath date of that person contained therein shall
27 not be deemed confidential;

28 that portion of any document which discloses the social security
29 number, credit card number, **[unlisted]** debit card number, bank
30 account information, month and day of birth, ²any personal² email
31 address ²required by a public agency for government applications,
32 services, or programs² , any telephone number or driver license
33 number of any person, or, in accordance with section 2 of P.L.2021,
34 c.371 (C.47:1B-2), that portion of any document which discloses the
35 home address, whether a primary or secondary residence, of any
36 active, formerly active, or retired judicial officer, law enforcement
37 officer, child protective investigator in the Division of Child Protection
38 and Permanency, or prosecutor, or, as defined in section 1 of P.L.2021,
39 c.371 (C.47:1B-1), any immediate family member thereof; except for
40 use by any government agency, including any court or law
41 enforcement agency, in carrying out its functions, or any private
42 person or entity acting on behalf thereof, or any private person or
43 entity seeking to enforce payment of court-ordered child support;
44 except with respect to the disclosure of driver information by the New
45 Jersey Motor Vehicle Commission as permitted by section 2 of
46 P.L.1997, c.188 (C.39:2-3.4); except with respect to the disclosure of
47 information included in records and documents maintained by the
48 Department of the Treasury in connection with the State's business

1 registry programs; and except that a social security number contained
2 in a record required by law to be made, maintained or kept on file by a
3 public agency shall be disclosed when access to the document or
4 disclosure of that information is not otherwise prohibited by State or
5 federal law, regulation or order or by State statute, resolution of either
6 or both houses of the Legislature, Executive Order of the Governor,
7 rule of court or regulation promulgated under the authority of any
8 statute or executive order of the Governor;

9 that portion of any document that discloses the personal identifying
10 information of any person provided to a public agency for the sole
11 purpose of receiving official notifications;

12 a list of persons identifying themselves as being in need of special
13 assistance in the event of an emergency maintained by a municipality
14 for public safety purposes pursuant to section 1 of P.L.2017, c.266
15 (C.40:48-2.67), and their personal identifying information; [and]

16 a list of persons identifying themselves as being in need of special
17 assistance in the event of an emergency maintained by a county for
18 public safety purposes pursuant to section 6 of P.L.2011, c.178
19 (C.App.A:9-43.13), and their personal identifying information;

20 that portion of any document that requires and would disclose
21 personal identifying information of persons under the age of 18 years,
22 ²[including names,]² except with respect to the disclosure of driver
23 information by the New Jersey Motor Vehicle Commission as
24 permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4) or the
25 disclosure of driver information to any insurer or insurance support
26 organization, or a self-insured entity, or its agents, employees, or
27 contractors, for use in connection with claims investigation activities,
28 antifraud activities, rating, or underwriting, and except with respect to
29 the disclosure of voter information on voter and election records
30 pursuant to section ²[11] ⁸ of P.L. , c. (C.) (pending before
31 the Legislature as this bill);

32 personal identifying information disclosed on domestic animal
33 permits, licenses, and registration;

34 structured reference data that helps to sort and identify attributes of
35 the information it describes, referred to as metadata, or any
36 extrapolation or compilation thereof ², which shall include the SMTP
37 header properties of emails, except that portion that identifies
38 authorship, identity of editor, and time of change²;

39 New Jersey State Firemen's Association financial relief
40 applications;

41 owner and maintenance manuals;

42 data classified under the "Health Insurance Portability and
43 Accountability Act of 1996," Pub.L.104-191;

44 ²[logs of telephone calls, emails, or texts;]² and

45 ²[electronic or paper calendars for individuals]

46 any indecent or graphic images of a person's intimate parts, as
47 defined in section 10 of P.L. , c. (C.) (pending before the
48 Legislature as this bill), that are captured in a photograph or video

1 recording without the prior written consent of the subject of the
2 photograph or video footage, as defined in section 10 of P.L. , c.
3 (C.) (pending before the Legislature as this bill)².

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

7 pedagogical, scholarly and/or academic research records and/or the
8 specific details of any research project conducted under the auspices of
9 a public higher education institution in New Jersey, including, but not
10 limited to, research, development information, testing procedures, or
11 information regarding test participants, related to the development or
12 testing of any pharmaceutical or pharmaceutical delivery system,
13 except that a custodian may not deny inspection of a government
14 record or part thereof that gives the name, title, expenditures, source
15 and amounts of funding and date when the final project summary of
16 any research will be available;

17 test questions, scoring keys and other examination data pertaining
18 to the administration of an examination for employment or academic
19 examination;

20 records of pursuit of charitable contributions or records containing
21 the identity of a donor of a gift if the donor requires non-disclosure of
22 the donor's identity as a condition of making the gift provided that the
23 donor has not received any benefits of or from the institution of higher
24 education in connection with such gift other than a request for
25 memorialization or dedication;

26 valuable or rare collections of books or documents obtained by
27 gift, grant, bequest or devise conditioned upon limited public access;

28 information contained on individual admission applications; and

29 information concerning student records or grievance or
30 disciplinary proceedings against a student to the extent disclosure
31 would reveal the identity of the student.

32 ²Nothing in this section shall be construed to limit the
33 requirements to provide and make publicly available the
34 information pursuant to section 5 of P.L.1963, c.150 (C.34:11-
35 56.29) and section 5 of P.L.1999, c.238 (C.34:11-56.52).²

36 "Judicial officer" means any active, formerly active, or retired
37 federal, state, county, or municipal judge, including a judge of the Tax
38 Court and any other court of limited jurisdiction established, altered, or
39 abolished by law, a judge of the Office of Administrative Law, a judge
40 of the Division of Workers' Compensation, and any other judge
41 established by law who serves in the executive branch.

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

45 "Law enforcement officer" means a person whose public duties
46 include the power to act as an officer for the detection, apprehension,
47 arrest, and conviction of offenders against the laws of this State.

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

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

17 ²["Personal identifying information" means information that may
18 be used, alone or in conjunction with any other information, to identify
19 a specific individual. For purposes of this act, personal identifying
20 information shall include, but shall not be limited to, the following
21 data elements: name, social security number, credit card number, debit
22 card number, bank account information, month and day of birth, email
23 address, any telephone number, the street address portion of any
24 person's primary or secondary home address, or driver license number
25 of any person.]²

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 and
30 any office, board, bureau or commission within or created by the
31 Legislative Branch; and any independent State authority, commission,
32 instrumentality or agency. The terms also mean any political
33 subdivision of the State or combination of political subdivisions, and
34 any division, board, bureau, office, commission or other
35 instrumentality within or created by a political subdivision of the State
36 or combination of political subdivisions, and any independent
37 authority, commission, instrumentality or agency created by a political
38 subdivision or combination of political subdivisions.

39 "Victim of a crime" means a person who has suffered personal or
40 psychological injury or death or incurs loss of or injury to personal or
41 real property as a result of a crime, or if such a person is deceased or
42 incapacitated, a member of that person's immediate family.

43 "Victim's record" means an individually identifiable file or
44 document held by a victims' rights agency which pertains directly to a
45 victim of a crime except that a victim of a crime shall have access to
46 the victim's own records.

47 "Victims' rights agency" means a public agency, or part thereof,
48 the primary responsibility of which is providing services, including,
49 but not limited to, food, shelter, or clothing, medical, psychiatric,

1 psychological or legal services or referrals, information and referral
2 services, counseling and support services, or financial services to
3 victims of crimes, including victims of sexual assault, domestic
4 violence, violent crime, child endangerment, child abuse or child
5 neglect, and the Victims of Crime Compensation Board, established
6 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the
7 Victims of Crime Compensation Office pursuant to P.L.2007, c.95
8 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

9 ²As used in this section, “personal identifying information” means
10 information that may be used, alone or in conjunction with any other
11 information, to identify a specific individual. Personal identifying
12 information shall include, but shall not be limited to, the following
13 data elements: name, social security number, credit card number, debit
14 card number, bank account information, month and day of birth, any
15 personal email address required by a public agency for government
16 applications, services, or programs, personal telephone number, the
17 street address portion of any person’s primary or secondary home
18 address, or driver license number of any person. “Personal identifying
19 information” shall not include any street address, mailing address,
20 email address, or telephone number of a public agency. “Personal
21 identifying information” shall not include the email address of a
22 governmental affairs agent.²

23 (cf: P.L.2023, c.113, s.1)

24
25 ²**[3.] 2.**² Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to
26 read as follows:

27 6. a. The custodian of a government record shall permit the record
28 to be inspected, examined, and copied by any person during regular
29 business hours; or in the case of a municipality having a population of
30 5,000 or fewer according to the most recent federal decennial census, a
31 board of education having a total district enrollment of 500 or fewer,
32 or a public authority having less than \$10 million in assets, during not
33 less than six regular business hours over not less than three business
34 days per week or the entity's regularly-scheduled business hours,
35 whichever is less; unless a government record is exempt from public
36 access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and
37 supplemented; any other statute; resolution of either or both houses of
38 the Legislature; regulation promulgated under the authority of any
39 statute or Executive Order of the Governor; Executive Order of the
40 Governor; Rules of Court; any federal law; federal regulation; or
41 federal order. Prior to allowing access to any government record, the
42 custodian thereof shall redact from that record any information which
43 discloses the social security number, credit card number, **[unlisted]**
44 ²personal² telephone number, or driver license number of any person,
45 or, in accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the
46 home address, whether a primary or secondary residence, of any
47 active, formerly active, or retired judicial officer, prosecutor, law
48 enforcement officer, or child protective investigator in the Division of

1 Child Protection and Permanency, or, as defined in section 1 of
2 P.L.2021, c.371 (C.47:1B-1), any immediate family member thereof;
3 except for use by any government agency, including any court or law
4 enforcement agency, in carrying out its functions, or any private
5 person or entity acting on behalf thereof, or any private person or
6 entity seeking to enforce payment of court-ordered child support;
7 except with respect to the disclosure of driver information by the New
8 Jersey Motor Vehicle Commission as permitted by section 2 of
9 P.L.1997, c.188 (C.39:2-3.4); and except that a social security number
10 contained in a record required by law to be made, maintained or kept
11 on file by a public agency shall be disclosed when access to the
12 document or disclosure of that information is not otherwise prohibited
13 by State or federal law, regulation or order or by State statute,
14 resolution of either or both houses of the Legislature, Executive Order
15 of the Governor, rule of court or regulation promulgated under the
16 authority of any statute or executive order of the Governor. ²【Prior to
17 allowing access to any government record, the custodian shall redact
18 from that record any information which discloses, or which might
19 reasonably lead to disclosure of the telephone number, email address,
20 or any medical, financial, or personal information of a member of the
21 public when the disclosure thereof would violate the citizen’s
22 reasonable expectation of privacy or when the public agency has a
23 reason to believe that disclosure of such personal information may
24 result in harassment, unwanted solicitation, identity theft, or
25 opportunities for other criminal acts.】² Except where an agency can
26 demonstrate an emergent need, a regulation that limits access to
27 government records shall not be retroactive in effect or applied to deny
28 a request for access to a government record that is pending before the
29 agency, the council or a court at the time of the adoption of the
30 regulation.

31 b. (1) A copy or copies of a government record may be purchased
32 by any person upon payment of the fee prescribed by law or
33 regulation.

34 Except as otherwise provided by law or regulation and except as
35 provided in paragraph (2) of this subsection, the fee assessed for the
36 duplication of a government record embodied in the form of printed
37 matter shall be \$0.05 per letter size page or smaller, and \$0.07 per
38 legal size page or larger. **【**If a public agency can demonstrate that its
39 actual costs for duplication of a government record exceed the
40 foregoing rates, the public agency shall be permitted to charge the
41 actual cost of duplicating the record. The actual cost of duplicating the
42 record, upon which all copy fees are based, shall be the cost of
43 materials and supplies used to make a copy of the record, but shall not
44 include the cost of labor or other overhead expenses associated with
45 making the copy except as provided for in subsection c. of this
46 section.**】** Access to electronic records and non-printed materials shall
47 be provided free of charge, but the public agency may charge for the
48 actual costs of any needed supplies such as computer discs. No fee

1 shall be charged if the request is completed by directing the requestor
2 to the requested government record that is available on the public
3 agency's website or the website of another public agency.

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

7 c. Whenever the nature, format, manner of collation, or volume of
8 a government record embodied in the form of printed matter to be
9 inspected, examined, or copied pursuant to this section is such that the
10 record cannot be reproduced by ordinary document copying equipment
11 in ordinary business size or involves an extraordinary expenditure of
12 time and effort to accommodate the request, the public agency may
13 charge, in addition to the actual cost of duplicating the record, a
14 special service charge that **[shall be reasonable and]** shall be based
15 upon the actual direct cost of providing the copy or copies **;** provided,
16 however, that in the case of a municipality, rates for the duplication of
17 particular records when the actual cost of copying exceeds the
18 foregoing rates shall be established in advance by ordinance**], and**
19 such special service charge shall be ²[presumed to be]² reasonable.
20 ²The custodian shall provide the requestor with an explanation for and
21 an itemized list of the fees or charges².

22 The requestor shall have the opportunity to review and object to
23 **[the] any fee or charge** prior to it being incurred. ²There shall be a
24 rebuttable presumption that the fees or charges presented by the
25 custodian are reasonable. If the requestor objects to the fees or
26 charges, the burden of proof shall be on the requestor to demonstrate
27 that the fees or charges are unreasonable.²

28 d. A custodian shall permit access to a government record and
29 provide a copy thereof in the medium or format requested if the public
30 agency maintains the record in that medium or format. If the public
31 agency does not maintain the record in the medium or format
32 requested, the custodian **[shall] ²[, at the custodian's discretion, may]**
33 shall² ²[either]² convert the record to the medium or format requested
34 ²[or provide a copy in some other meaningful medium or format.]²
35 **[If a request is for a record: (1) in a medium not routinely used by the**
36 **agency; (2) not routinely developed or maintained by an agency; or (3)**
37 **requiring a substantial amount of manipulation or programming of**
38 **information technology, the agency may charge, in addition to the**
39 **actual cost of duplication, a special charge that shall be reasonable and**
40 **shall be based on the cost for any extensive use of information**
41 **technology, or for the labor cost of personnel providing the service,**
42 **that is actually incurred by the agency or attributable to the agency for**
43 **the programming, clerical, and supervisory assistance required, or**
44 **both.] ², if the medium or format is available to the public agency and**
45 **does not require a substantial amount of manipulation or programming**
46 **of information technology, or the services of a third party vendor. If**
47 **the public agency converts the record to the medium or format**
48 **requested, the agency may charge, in addition to the actual cost of**

1 duplication, a special service fee that shall be reasonable and shall be
2 based on the cost for any extensive use of information technology, or
3 for the labor cost of personnel providing the service, that is actually
4 incurred by the agency or attributable to the agency for the
5 programming, clerical, and supervisory assistance required, or both.²
6 If the public agency does not maintain the record in the electronic
7 medium or format requested, ²and the medium or format is not
8 available to the public agency without a substantial amount of
9 manipulation or programming of information technology,² the
10 custodian shall be under no obligation to convert the record to the
11 electronic medium or format requested but shall, at a minimum,
12 provide a copy in the ²electronic² format maintained by the public
13 agency.

14 e. Immediate access ordinarily shall be granted to budgets, bills,
15 vouchers, contracts, including collective negotiations agreements and
16 individual employment contracts, and public employee salary and
17 overtime information. Immediate access to government records shall
18 not be required to be granted for documents over ²~~12~~² 24² months
19 old.

20 Government records shall be made available to the public on a
21 publicly available website to the extent feasible. A public agency may
22 enter into shared services agreements for providing certain government
23 records electronically.

24 If the government record ²in a complete and unabridged form² is
25 readily available on a public agency's website, the custodian may
26 require the requestor to obtain the record from the website, which shall
27 contain a search bar feature on its home page. The custodian shall
28 provide the requestor with directions to assist in finding the record on
29 the website, including providing the website URL address and the
30 location on the website of the search bar, menu button, tab, link,
31 landing page or equivalent, which contains the requested record.
32 ¹~~1~~【The request shall be deemed fulfilled upon notification by the
33 custodian to the requestor of the availability and location on the
34 website of the requested information.】 If the requestor does not
35 respond to the custodian within seven ²business² days of the custodian
36 providing information about a record on the public agency's website,
37 the request shall be deemed fulfilled ²unless the version of the
38 government record on the public agency's website fails to contain non-
39 protected information contained in the original record, in which case
40 the custodian shall produce the original version of the record subject to
41 any redactions required by law². If, after the custodian has provided
42 instructions on how to find a record on a public agency's website, the
43 requestor is unable to find the record upon making a good faith effort
44 to locate the record on the website, the requestor shall notify the
45 custodian within seven ²business² days of the custodian providing the
46 information. Upon receiving such a request for assistance from a
47 requestor, the custodian shall make a reasonable attempt to assist the
48 requestor in finding the record on the website within seven ²business²

1 days of the requestor notifying the custodian.¹ ²If the requestor is still
2 unable to locate the record and requests a physical copy, the custodian
3 shall provide the requestor with a physical copy of the record, for a fee
4 not exceeding two times the cost of the production of the document.
5 The custodian shall provide the requestor with the physical copy of the
6 record within seven business days of the request for a physical copy.²

7 f. The custodian of a public agency shall adopt ²**[a]** the² form
8 ²established by the Government Records Council pursuant to
9 subsection b. of section 8 of P.L.2001, c.404 (C.47:1A-7),² for the use
10 of any person who requests access to a government record held or
11 controlled by the public agency. The form shall provide space for the
12 name, address, email address and **[phone]** telephone number of the
13 requestor and a brief description of the government record sought. A
14 request shall be submitted by a requestor in the form adopted by the
15 custodian and the custodian may deny a request that is ²**[not submitted**
16 **in the form adopted by the custodian]** incomplete, except that a
17 requestor indicating the request is being submitted anonymously shall
18 not be grounds for denial. A completed form adopted by the
19 custodian, a letter, or an email from a requestor including all of the
20 information required on the adopted form shall suffice in place of a
21 completed form as a valid government record request. If the letter or
22 email from a requestor includes substantially more information than
23 required on the adopted form and requires more than reasonable effort
24 to clarify the information, the custodian may deny the request. If a
25 letter or an email from a requestor does not include all of the
26 information required on the adopted form, the custodian may deny the
27 record request² . A request may be submitted anonymously provided,
28 however, that anonymous requestors shall not be permitted to institute
29 proceedings pursuant to section 7 of P.L.2001, c.404 (C.47:1A-6). ²A
30 request that is submitted anonymously shall not be considered
31 incomplete.²

32 The form also shall include space for a requestor to certify whether
33 the government record will be used by that requestor or another person
34 for a commercial purpose, and the requestor shall be required to
35 provide this information for the request to be fulfilled.

36 ²**[All requests by a data broker or a requestor who is making a**
37 request on behalf of and for the use of a data broker shall be denied.
38 The form also shall include space for a requestor to certify that the
39 requestor is not a data broker or is not making the request on behalf of
40 or for the use of a data broker, and the requestor shall be required to
41 provide this information for the request to be fulfilled.

42 Data obtained through a records request shall not be sold.²

43 The form shall include space for the custodian to indicate which
44 record will be made available, when the record will be available, and
45 the fees to be charged. The form shall also include the following: (1)
46 specific directions and procedures for requesting a record; (2) a
47 statement as to whether prepayment of fees or a deposit is required; (3)
48 the time period within which the public agency is required by

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

12 Custodians ²who have adopted electronic government record
13 request forms² shall provide directions on how to submit requests for
14 government records, including any required forms, on the public
15 agency's website.

16 Custodians shall be permitted to provide an electronic response to
17 any electronic records request if government records are available
18 electronically.

19 g. A request for access to a government record shall be in writing
20 and hand-delivered, mailed, transmitted electronically, or otherwise
21 conveyed to the appropriate custodian. A public agency may make
22 available to the public on its website an online form, portal, or
23 software for transmitting requests electronically. ²The form
24 established by the Government Records Council, pursuant to
25 subsection b. of section 8 of P.L.2001, c.404 (C.47:1A-7), may be
26 submitted electronically or by fax. Each submission of a government
27 record request form or an email record request shall be made to the
28 custodian of not more than one public agency. Submission of repeated
29 requests to multiple custodians in the same public agency for the same
30 record, while an identical or substantially similar request is pending in
31 the agency, shall permit the custodian to deny the request.²

32 A custodian shall promptly comply with a request to inspect,
33 examine, copy, or provide a copy of a government record. If the
34 custodian is unable to comply with a request for access, the custodian
35 shall indicate the specific basis therefor on the request form and
36 promptly return it to the requestor. The custodian shall sign and date
37 the form and provide the requestor with a copy thereof. If the
38 custodian of a government record asserts that part of a particular
39 record is exempt from public access pursuant to P.L.1963, c.73
40 (C.47:1A-1 et seq.) as amended and supplemented, the custodian shall
41 delete or excise from a copy of the record that portion which the
42 custodian asserts is exempt from access and shall promptly permit
43 access to the remainder of the record. **【If the government record**
44 **requested is temporarily unavailable because it is in use or in storage,**
45 **the custodian shall so advise the requestor and shall make**
46 **arrangements to promptly make available a copy of the record.】** If a
47 request for access to a government record would substantially disrupt
48 agency operations, the custodian may deny access to the record after

1 ²informing the requestor of the potential disruption to agency
2 operations and² attempting to reach a reasonable solution with the
3 requestor that accommodates the interests of the requestor and the
4 agency.

5 A party to a legal proceeding may not request a government record
6 if the record sought is the subject of a court order ²[in the legal
7 proceeding or if compliance would otherwise be unreasonable,
8 oppressive, or duplicative of already pending discovery request made
9 in that legal proceeding] including a pending discovery request² , and
10 a custodian shall not be required to complete such a request. The
11 requestor shall be required to certify whether the government record is
12 being sought in connection with a legal proceeding and identify the
13 proceeding for the request to be fulfilled. For purposes of this
14 provision, a party to a legal proceeding shall include a party ²[in
15 interest] subject to a court order² , any attorney representing that
16 party, and any person acting as an agent for or on behalf of that party.
17 ²Nothing in this paragraph shall bar a request for a government record
18 filed by a labor organization or by a contractor signatory to a collective
19 bargaining agreement seeking information material to the enforcement
20 of State or federal statutes or regulations regarding but not limited to
21 wage and hour protections, workplace safety, or public procurement
22 and public bidding, including, but not limited to, requests for certified
23 payrolls or information about all bids submitted in response to a public
24 procurement process subsequent to the deadline for the submission of
25 all bids for that solicitation, when the request by the labor organization
26 or contractor signatory is not sought in connection with or in
27 furtherance of discovery requests in a court proceeding.²

28 A custodian shall not be required to complete a request including
29 for, but not limited to, mail, email, text messages, correspondence, or
30 social media postings and messages, if the request does not identify
31 ²a ²specific ²[individuals or] job title or² accounts to be searched ², a
32 specific subject matter,² and is not confined to a ²[discrete and
33 limited] reasonable² time period ²[and a specific subject matter]² , or
34 if the custodian determines that the request would require research and
35 the collection of information from the contents of government records
36 and the creation of new government records setting forth that research
37 and information. ²It shall be sufficient for a requestor to identify
38 specific individuals by the individual's job title and position.²

39 h. Any officer or employee of a public agency who receives a
40 request for access to a government record shall forward the request to
41 the custodian of the record or direct the requestor to the custodian of
42 the record. The request shall not be considered submitted until it is
43 received by the custodian of records.

44 i. (1) Unless a shorter time period is otherwise provided by
45 statute, regulation, or executive order, a custodian of a government
46 record shall grant access to a government record or deny a request for
47 access to a government record as soon as possible, but not later than
48 seven business days after receiving the request, or 14 business days if

1 the request is for a commercial purpose or if the records have to be
2 reviewed by the public agency for the purpose of the agency's
3 compliance with P.L.2021, c.371 (C.47:1B-1 et seq.), but the custodian
4 shall notify the requestor of the additional response time within seven
5 business days, provided that the record is currently available and not in
6 storage or archived. The response time periods of seven or 14
7 business days, as established in this subsection, shall be an additional
8 seven business days longer if the public agency is a fire district which
9 employs one or fewer full-time employees who serve as custodians.
10 ²If a commercial requestor would like to receive the record within
11 seven business days, as established in this subsection, the custodian
12 shall provide the requestor with a copy of the record and may charge a
13 special service fee not exceeding two times the cost of the production
14 of the record.²

15 In the event a records custodian is unable to fulfill a records
16 request due to unforeseen circumstances or circumstances that
17 otherwise reasonably necessitate additional time to fulfill the records
18 request, the custodian shall be entitled to a reasonable extension of any
19 response deadline and shall notify the requestor of the time extension
20 within seven business days after receiving the request.

21 In the event a custodian fails to respond within seven business days
22 or 14 business days, as appropriate, after receiving a request, the
23 failure to respond shall be deemed a denial of the request, unless the
24 requestor has elected not to accurately identify themselves or to
25 provide [a name,] an accurate address, email address, or telephone
26 number [, or other means of contacting the requestor]. If the
27 requestor has elected not to accurately identify themselves or to
28 provide [a name,] an accurate address, email address, or telephone
29 number, [or other means of contacting the requestor,] the custodian
30 shall not be required to respond until the requestor [reappears before]
31 contacts the custodian seeking a response to the original request.

32 If the government record is in storage or archived, the requestor
33 shall be so advised within seven or 14 business days, as appropriate,
34 after the custodian receives the request. The requestor shall be advised
35 by the custodian when the record can be made available, which shall
36 be no more than 21 business days from the date the requestor is so
37 advised. If the record is not made available by that time, access shall
38 be deemed denied.

39 A public agency shall not be considered to be in possession of a
40 public record that is created ²[or] ² maintained ², or received² by
41 another public agency and made available to the public agency either
42 by remote access to a computer network or by distribution as a
43 courtesy copy ², unless the agency that created, maintained, or
44 received the record resides within the judicial branch of the State
45 Government². A records custodian of a public agency that receives a
46 request for ²[such]² a record ²created, maintained, or received by
47 another public agency², shall not be obligated to provide the record to
48 the requestor ²[and] ². In the event the custodian does not provide the

1 record, the custodian² shall direct the requestor within seven business
2 days to the public agency that, to the best of their knowledge, created
3 ²[or],² maintains ², or received² the requested record, at which time
4 the request shall be considered completed.

5 The custodian shall not be required to complete an identical
6 request for access to a government record from the same requestor if
7 the information has not changed. ²Nothing in this section shall prevent
8 a requestor from filing periodic requests regarding regularly updated
9 public records, including, but not limited to, certified payrolls, permits,
10 and licensing applications.²

11 A requestor shall have 14 business days to retrieve the government
12 records following notice from the custodian that the request has been
13 completed and the records are available.

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

23 j. A custodian shall **[**post prominently in public view in the part
24 or parts of the office or offices of the custodian that are open to or
25 frequented by the public a statement that sets forth in clear, concise
26 and specific terms the**]** include information on the public agency's
27 website and public records request form regarding a requestor's right
28 to appeal a denial of, or failure to provide, access to a government
29 record **[**by any person for inspection, examination, or copying or for
30 purchase of copies thereof**]** and the procedure by which an appeal may
31 be filed, which shall include the website address and toll-free
32 information line phone number of the Government Records Council.

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

37 (cf: P.L.2023, c.113, s.2)

38
39 ²**[4.] 3.**² Section 7 of P.L.2001, c.404 (C.47:1A-6) is amended to
40 read as follows:

41 7. A person who is denied access to a government record by the
42 custodian of the record, at the option of the requestor who is accurately
43 identified by name, may, within 45 days of the date of denial:

44 institute a proceeding to challenge the custodian's decision by
45 filing an action in Superior Court which shall be heard in the vicinage
46 where it is filed by a Superior Court Judge who has been designated to
47 hear such cases because of that judge's knowledge and expertise in
48 matters relating to access to government records; or

1 in lieu of filing an action in Superior Court, file a complaint with
2 the Government Records Council established pursuant to section 8 of
3 P.L.2001, c.404 (C.47:1A-7).

4 The right to institute any proceeding under this section shall be
5 solely that of the requestor. Any such proceeding shall proceed in a
6 summary or expedited manner. The public agency shall have the
7 burden of proving that the denial of access is authorized by law. If it is
8 determined that access has been improperly denied, the court or
9 **[agency head]** Government Records Council shall order that access be
10 allowed. A requestor who prevails in any proceeding **[shall]** may be
11 entitled to a reasonable attorney's fee. ²[In determining whether to
12 award attorney's fees, the court or the Government Records Council
13 may consider whether the public agency is found to have knowingly
14 and willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.), or to have
15 unreasonably denied access.] While the court or Government Records
16 Council may award a reasonable attorney's fee to a prevailing party in
17 any proceeding, if the public agency has been determined to have
18 unreasonably denied access, acted in bad faith, or knowingly and
19 willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.), then the court or
20 Government Records Council shall award a reasonable attorney's fee.²

21 If the records sought are produced by the public agency within
22 seven business days of service of an action in Superior Court or a
23 complaint before the Government Records Council, ¹upon notification
24 to the Superior Court or the Government Records Council, ¹ the matter
25 shall be dismissed without prejudice and the requestor may be entitled
26 to a reasonable attorney's fee if the custodian knew or should have
27 known that the denial of access violated P.L.1963, c.73 (C.47:1A-1 et
28 seq.).

29 (cf: P.L.2001, c.404, s.7)

30
31 ²**[5.]** ^{4.}² Section 8 of P.L.2001, c.404 (C.47:1A-7) is amended to
32 read as follows:

33 8. a. (1) There is established in the Department of Community
34 Affairs a Government Records Council. The council shall consist of
35 the Commissioner of Community Affairs or the commissioner's
36 designee, **[the Commissioner of Education or the commissioner's**
37 **designee, and three public members appointed by the Governor, with**
38 **the advice and consent of the Senate, not more than two of whom shall**
39 **be of the same political party. The three public members shall serve**
40 **during the term of the Governor making the appointment and until the**
41 **appointment of a successor]** who shall serve as Chair, and eight
42 public members appointed as follows: four appointed by the Governor
43 with the advice and consent of the Senate ¹, no more than two of
44 whom shall be members of the same political party¹ ; two directly
45 appointed by the Governor from persons recommended by the
46 President of the Senate ¹, no more than one of whom shall be a
47 member of the same political party¹ ; and two directly appointed by

1 the Governor from persons recommended by the Speaker of the
2 General Assembly ¹, no more than one of whom shall be a member of
3 the same political party ¹. Each public member shall serve for a term
4 of five years and until a successor is appointed and qualified.

5 (2) Notwithstanding ¹any provision of subsection a. (1) of this
6 section ¹the provisions of paragraph (1) of this subsection ¹, or any
7 other law, rule, or regulation to the contrary, within 90 days following
8 the enactment date of P.L. , c. (pending before the Legislature as
9 this bill), the Governor shall directly appoint eight public members to
10 the council, each of whom shall serve for a term of three years and
11 until a successor is appointed and qualified, as follows: two from
12 persons recommended by the President of the Senate, ¹no more than
13 one of whom shall be a member of the same political party; ¹two from
14 persons recommended by the Speaker of the General Assembly, ¹no
15 more than one of whom shall be a member of the same political party; ¹
16 and four appointed at the sole discretion of the Governor ¹, no more
17 than two of whom shall be members of the same political party ¹. The
18 terms of office of the members of the council serving on the date of
19 enactment of P.L. , c. ² ² (pending before the Legislature as this
20 bill), shall expire upon the Governor's direct appointment of the new
21 members pursuant to this subsection.

22 (3) A public member shall not hold any other State or local elected
23 office ¹while serving as a member of
24 the council. A public member shall ¹not receive a salary for service
25 on the council but shall be reimbursed for reasonable and necessary
26 expenses associated with serving on the council and may receive such
27 per diem payment as may be provided in the annual appropriations
28 act ¹receive a salary equivalent to that provided by law for a public
29 member of the Local Finance Board of the Division of Local
30 Government Services in the Department of Community Affairs. A
31 member may be removed by the Governor for cause. Vacancies
32 among the public members shall be filled ¹in the same manner in
33 which the original appointment was made. The members of the
34 council shall choose one of the public members to serve as the
35 council's chair. ¹by appointment by the Governor, according to the
36 provisions of subsection a. of this section, and for the remainder of the
37 unexpired term. The council may employ an executive director and
38 such professional and clerical staff as it deems necessary and may call
39 upon the Department of Community Affairs for such assistance as it
40 deems necessary and may be available to it.

41 b. The Government Records Council shall:
42 establish an informal mediation program to facilitate the resolution
43 of disputes regarding access to government records;
44 receive, hear, review and adjudicate a complaint filed by any
45 person concerning a denial of access to a government record by a
46 records custodian;

1 issue advisory opinions, on its own initiative, as to whether a
2 particular type of record is a government record which is accessible to
3 the public;

4 prepare guidelines and an informational pamphlet for use by
5 records custodians in complying with the law governing access to
6 public records;

7 prepare an informational pamphlet explaining the public's right of
8 access to government records and the methods for resolving disputes
9 regarding access, which records custodians shall make available to
10 persons requesting access to a government record;

11 prepare lists for use by records custodians of the types of records in
12 the possession of public agencies which are government records;

13 make training opportunities available for records custodians and
14 other public officers and employees which explain the law governing
15 access to public records;

16 ²promulgate rules and regulations to establish a uniform
17 government record request form for all government record requests
18 permitted for use by any public agency, that includes the required form
19 components as set forth in subsection f. of section 6 of P.L.2001, c.404
20 (C.47:1A-5). The form shall include certification that a party to a legal
21 proceeding may not request a government record if the record sought
22 is the subject of a court order or a pending discovery request. The
23 council shall make the form available electronically and in print and
24 shall make the form available to incarcerated individuals;² and

25 operate an informational website and a toll-free helpline staffed by
26 knowledgeable employees of the council during regular business hours
27 which shall enable any person, including records custodians, to call for
28 information regarding the law governing access to public records and
29 allow any person to request mediation or to file a complaint with the
30 council when access has been denied【;】.

31 In implementing the provisions of 【subsections d. and e. of】 this
32 section, the council shall: act, to the maximum extent possible, at the
33 convenience of the parties; utilize video conferencing,
34 teleconferencing, faxing of documents, e-mail and similar forms of
35 modern communication; conduct virtual meetings and hearings, when
36 practical and at the discretion of the council; and when in-person
37 meetings are necessary, send representatives to meet with the parties at
38 a location convenient to the parties.

39 The council shall periodically review the information and format
40 of its website and make such adjustments as shall be deemed necessary
41 to ensure that the information is clearly presented, accessible, and
42 useful for the general public. The council shall conduct such an initial
43 review within six months following the effective date of P.L. , c.
44 (pending before the Legislature as this bill).

45 c. At the request of the council, a public agency shall produce
46 documents and ensure the attendance of witnesses with respect to the
47 council's investigation of any complaint or the holding of any hearing.

1 d. Upon receipt of a written complaint signed by any person
2 alleging that a custodian of a government record has improperly
3 denied that person access to a government record, the council shall
4 offer the parties the opportunity to resolve the dispute through
5 mediation. Mediation shall enable a person who has been denied
6 access to a government record and the public agency that employs the
7 records custodian who denied or failed to provide access thereto to
8 attempt to mediate the dispute through a process whereby a neutral
9 mediator, who shall be trained in mediation selected by the council,
10 acts to encourage and facilitate the resolution of the dispute.
11 Mediation shall be an informal, nonadversarial process having the
12 objective of helping the parties reach a mutually acceptable, voluntary
13 agreement. The mediator shall assist the parties in identifying issues,
14 foster joint problem solving, and explore settlement alternatives.

15 e. If any party declines mediation or if mediation fails to resolve
16 the matter to the satisfaction of all parties, the council shall initiate an
17 investigation concerning the facts and circumstances set forth in the
18 complaint. The council shall make a determination as to whether the
19 complaint is within its jurisdiction or frivolous or without any
20 reasonable factual basis. The council may assign staff attorneys to
21 conduct the investigation, present findings, and make
22 recommendations to the council. If the council shall conclude that the
23 complaint is outside its jurisdiction, frivolous, or without factual basis,
24 it shall reduce that conclusion to writing and transmit a copy thereof to
25 the complainant and to the public agency that employs the records
26 custodian against whom the complaint was filed. Otherwise, the
27 council shall notify the public agency that employs the records
28 custodian against whom the complaint was filed of the nature of the
29 complaint and the facts and circumstances set forth therein.

30 The public agency that employs the records custodian shall have
31 the opportunity to present the board with any statement or information
32 concerning the complaint which the **【custodian】** agency wishes. If the
33 council is able to make a determination as to a record's accessibility
34 based upon the complaint and the **【custodian's】** agency's response
35 thereto, it shall reduce that conclusion to writing and transmit a copy
36 thereof to the complainant and to the public agency that employs the
37 records custodian against whom the complaint was filed. If the
38 council is unable to make a determination as to a record's accessibility
39 based upon the complaint and the **【custodian's】** agency's response
40 thereto, the council shall conduct a hearing on the matter in conformity
41 with the rules and regulations provided for hearings by a State agency
42 in contested cases under the "Administrative Procedure Act,"
43 P.L.1968, c.410 (C.52:14B-1 et seq.), insofar as they may be
44 applicable and practicable.

45 The council shall, by a majority vote of its members, render a
46 decision as to whether the record which is the subject of the complaint
47 is a government record which must be made available for public
48 access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and
49 supplemented. If the council determines, by a majority vote of its

1 members, that a custodian **[has]** is found to have knowingly and
2 willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and
3 supplemented, and **[is found]** to have unreasonably denied access
4 under the totality of the circumstances, the council may impose the
5 penalties provided for in section 12 of P.L.2001, c.404 (C.47:1A-11)
6 on the public agency that employs the custodian.

7 A decision of the council may be appealed to the Appellate
8 Division of the Superior Court. Such appeals shall be filed within
9 ²**[30]** 45² days from the date the council renders a decision. A
10 decision of the council shall not have value as a precedent for any case
11 initiated in Superior Court pursuant to section 7 of P.L.2001, c.404
12 (C.47:1A-6). All proceedings of the council pursuant to this
13 subsection shall be conducted as expeditiously as possible.

14 Beginning 18 months following the effective date of P.L. , c.
15 (pending before the Legislature as this bill), the council shall
16 adjudicate all complaints that come before it within 90 days of the
17 complaint's filing, with the ability to extend for ²**[30]** 45² days for
18 good cause, exclusive of any time period during which the parties are
19 engaged in a mediation process pursuant to this section. The council
20 shall make such organizational adjustments and modify its procedures
21 as it deems necessary to ensure that complaints are adjudicated in such
22 a timeframe.

23 f. The council shall not charge any party a fee in regard to actions
24 filed with the council. The council shall be subject to the provisions of
25 the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6), except
26 that the council may go into closed session during that portion of any
27 proceeding during which the contents of a contested record would be
28 disclosed. **[A requestor who prevails in any proceeding shall be**
29 **entitled to a reasonable attorney's fee.] ²A requestor who prevails in**
30 any proceeding may be entitled to a reasonable attorney's fee as
31 provided for in section 6 of P.L.2001, c.404 (C.47:1A-6).²

32 g. The council shall not have jurisdiction over the Judicial or
33 Legislative Branches of State Government or any agency, officer, or
34 employee of those branches.

35 ²**h.** The Superior Court shall provide the Government Records
36 Council a list of all actions which have been brought before the courts
37 filed pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known
38 as the open public records act, which have been settled by the parties
39 thereto. Such a list shall provide the docket number and names of the
40 parties to the action. The council shall compile a database comprised
41 of the data provided by the Superior Court.

42 The Administrative Office of the Courts, on behalf of the Superior
43 Court of New Jersey, shall provide the Government Records Council a
44 report at the end of each court year of all cases filed pursuant to
45 P.L.1963, c.73 (C.47:1A-1 et seq.). The report shall be grouped by
46 defendant and county filed in and shall include a comprehensive list of
47 all cases filed with a summary judgment regarding P.L.1963, c.73
48 (C.47:1A-1 et seq.), Statewide, itemized by the following factors:

- 1 (1) Case caption;
- 2 (2) County of venue;
- 3 (3) Docket number;
- 4 (4) Counsel of records;
- 5 (5) Case disposition; and
- 6 (6) Attorney's fees requested and awarded.²

7 (cf: P.L.2001, c.404, s.8)

8
9 ²[6.] 5.² Section 12 of P.L.2001, c.404 (C.47:1A-11) is
10 amended to read as follows:

11 12. a. **[A]** If a public official, officer, employee, or custodian
12 **[who]** is found to have knowingly and willfully [violates] violated
13 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented,
14 and [is found] to have unreasonably denied access under the
15 totality of the circumstances, the public agency that employs the
16 custodian, officer, employee, or official shall be subject to a civil
17 penalty of \$1,000 for an initial violation, \$2,500 for a second
18 violation that occurs within 10 years of an initial violation, and
19 \$5,000 for a third violation that occurs within 10 years of an initial
20 violation. [This penalty] The penalties authorized pursuant to this
21 subsection may be imposed by the courts or by the Government
22 Records Council.

23 b. A requestor²[who is found to have sold the data obtained by
24 a records request,]² who is found to have intentionally failed to
25 certify that a records request is for a commercial purpose²[, who is
26 a data broker, or who is making the request on behalf of and for the
27 use of a data broker, and is found to have intentionally certified that
28 the requestor is not a data broker or is not making the request on
29 behalf of and for the use of a data broker,]² shall be subject to a
30 civil penalty of \$1,000 for the first offense, \$2,500 for the second
31 offense, and \$5,000 for each subsequent offense. The penalties may
32 be imposed by the courts.

33 c. These penalties shall be collected and enforced in
34 proceedings in accordance with the "Penalty Enforcement Law of
35 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and the rules of court
36 governing actions for the collection of civil penalties. The Superior
37 Court shall have jurisdiction of proceedings for the collection and
38 enforcement of the penalty imposed by this section.

39 d. Appropriate disciplinary proceedings may be initiated
40 against a public official, officer, employee or custodian against
41 whom a penalty has been imposed.

42 (cf: P.L.2001, c.404, s.12)

43
44 ²[7.] 6.² Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended
45 to read as follows:

46 2. a. An authorized person seeking the redaction or
47 nondisclosure of the home address of any covered person from
48 certain records and Internet postings consistent with section 2 of

1 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
2 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
3 request in accordance with section 1 of P.L.2021, c.371 (C.47:1B-1)
4 to the Office of Information Privacy through the secure portal
5 established by the office. The address shall only be subject to
6 redaction or nondisclosure if a request is submitted to and approved
7 by the Director of the Office of Information Privacy.

8 b. (1) A public agency shall redact or cease to disclose, in
9 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
10 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
11 address of a covered person approved by the Office of Information
12 Privacy not later than 30 days following the approval. A public
13 agency shall also discontinue the redaction or nondisclosure of the
14 home address of any covered person for whom a revocation request
15 has been approved not later than 30 days following the approval.

16 (2) A custodian of a public agency who makes a reasonable
17 effort to comply with this subsection shall be presumed to have
18 acted without willful, purposeful, or reckless disregard of the law.

19 c. An immediate family member who has sought and received
20 approval under subsection a. of this section and who no longer
21 resides with the active, formerly active, or retired judicial officer,
22 law enforcement officer, child protective investigator in the
23 Division of Child Protection and Permanency, or prosecutor shall
24 submit through the portal a revocation request not later than 30 days
25 from the date on which the immediate family member no longer
26 resided with the judicial officer, law enforcement officer, child
27 protective investigator in the Division of Child Protection and
28 Permanency, or prosecutor.

29 d. A person submitting a request pursuant to subsection a. of
30 this section shall affirm in writing that the person understands that
31 certain rights, duties, and obligations are affected as a result of the
32 request, including:

33 (1) the receipt of certain notices from non-governmental entities
34 as would otherwise be required pursuant to the "Municipal Land
35 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

36 (2) the signing of petitions related to the nomination or election
37 of a candidate to public office or related to any public question;

38 (3) the eligibility or requirements related to seeking or accepting
39 the nomination for election or election to public office, or the
40 appointment to any public position;

41 (4) the sale or purchase of a home or other property, recordation
42 of a judgment, lien or other encumbrance on real or other property,
43 and any relief granted based thereon;

44 (5) the ability to be notified of any class action suit or
45 settlement; and

46 (6) any other legal, promotional, or official notice which would
47 otherwise be provided to the person but for the redaction or
48 nondisclosure of such person's home address pursuant to subsection

1 a. of this section.
2 (cf: P.L.2023, c.113, s.4)

3
4 ²~~8.~~ ²~~7.~~ (New section) a. Notwithstanding any other law or
5 rule or regulation to the contrary, whenever there is filed a verified
6 complaint to the Superior Court of the county in which the request
7 for access to government records was made under P.L.1963, c.73
8 (C.47:1A-1 et seq.) alleging that a requestor has sought records
9 ²~~thereunder for the purpose to harass a public agency, or to~~ ²~~with~~
10 the intent to² substantially interrupt ²the performance of²
11 government function, the court may issue a protective order limiting
12 the number and scope of requests the requestor may make or order
13 such other relief as it deems appropriate, including referral of the
14 matter to mediation ²or a waiver of the required response time².
15 The court may issue the protective order if it finds ²by clear and
16 convincing evidence² that the requestor has sought records under
17 P.L.1963, c.73 (C.47:1A-1 et seq.) ²~~for the purpose of harassing~~
18 ~~the public agency, or to~~ ²~~with the intent to~~ substantially interrupt
19 ²the performance of² government function ²~~], as the term harass is~~
20 defined in N.J.S.2C:33-4². The complaint shall be accompanied
21 by a declaration of facts by the public agency withholding the
22 records demonstrating that it has complied with P.L.1963, c.73
23 (C.47:1A-1 et seq.) and has made a good faith effort to reach an
24 informal resolution of the issues relating to the records requests.

25 The requestor shall have notice and an opportunity to answer the
26 allegations set forth in the petition submitted by the public agency.

27 The public agency shall have the burden of proof by clear and
28 convincing evidence.

29 The court's consideration of a public agency's complaint for
30 relief shall proceed in a summary or expedited manner.

31 b. The order specified in subsection a. of this section may limit,
32 or, in appropriate circumstances, eliminate the public agency's duty
33 to respond to government records requests from the requestor in the
34 future.

35 ²c. Requests for government records filed by a labor
36 organization or by a contractor signatory to a collective bargaining
37 agreement seeking information material to the enforcement of State
38 or federal statutes or regulations regarding but not limited to wage
39 and hour protections, workplace safety, or public procurement and
40 public bidding, including but not limited to requests for certified
41 payrolls or information about all bids submitted in response to a
42 public procurement process subsequent to the deadline for the
43 submission of all bids for that solicitation, when the request by the
44 labor organization or contractor signatory is not sought in
45 connection to or in furtherance of discovery requests in a court
46 proceeding, shall not be considered to be intended to interrupt
47 government functions, and shall not form the basis for the filing of
48 a complaint under this section.²

1 ²[9. (New section) a. A data broker business entity conducting
2 business in this State shall register with the Division of Revenue
3 and Enterprise Services in the Department of the Treasury. The
4 division shall impose an annual fee of \$250 for each registration.
5 The fee shall be deposited into the fund created pursuant to
6 subsection c. of this section. For the purpose of this section, “data
7 broker” shall have the same meaning as in section 1 of P.L.1995,
8 c.23 (C.47:1A-1.1).

9 b. The Department of the Treasury may issue rules and
10 regulations necessary to effectuate the purpose of this section. The
11 rules and regulations shall be effective immediately upon filing
12 with the Office of Administrative Law for a period not to exceed
13 one year and may, thereafter, be amended, adopted, or readopted in
14 accordance with the "Administrative Procedure Act," P.L.1968,
15 c.410 (C.52:14B-1 et seq.).

16 c. There shall be created in the Department of the Treasury a
17 dedicated, non-lapsing fund for providing grants to political
18 subdivisions of the State for the purpose of providing access to
19 government records electronically, including through the use of
20 shared services agreements. The fund shall be administered by the
21 State Treasurer. Monies in the fund shall be appropriated annually
22 solely for this purpose.]²

23

24 ²[10. (New section) The Attorney General shall establish a
25 Police Record Access Improvement Task Force to investigate the
26 existing statutes governing public access to police records and
27 develop recommendations for necessary changes to the law.

28 The members of the Police Record Access Improvement Task
29 Force shall be comprised of 12 members. The membership of the
30 task force shall be as follows:

31 The Attorney General, or the Attorney’s General designee, who
32 shall serve ex officio, as Chair;

33 Seven public members, appointed by the Governor, one who is a
34 member of law enforcement, one who is a county or municipal
35 prosecutor, one who is a criminal defense attorney or public
36 defender, one who is a member of a social justice advocacy
37 organization, one who is a member of the New Jersey Press
38 Association, one who is a member of the New Jersey League of
39 Municipalities, and one who is a member of the New Jersey
40 Association of Counties;

41 Two public members, appointed by the Governor upon the
42 recommendation of the President of the Senate; and

43 Two public members, appointed by the Governor upon the
44 recommendation of the Speaker of the General Assembly.

45 The task force shall submit to the Governor and to the
46 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
47 19.1), recommendations for changes to the law.

48 The Department of Law and Public Safety shall provide
49 stenographic, clerical, and other administrative assistance and

1 professional staff as the task force requires to carry out its work.
2 The task force shall be entitled to call to its assistance and avail
3 itself of the services of the employees of any State, county, or
4 municipal department, board, bureau, commission, or agency as it
5 may require and as may be available for its purposes.

6 The public members of the task force shall serve without
7 compensation, but may be reimbursed for necessary and actual
8 expenses incurred in the performance of their duties to the extent
9 that funds are made available for that purpose. **】²**

10

11 **²[11.] 8.²** (New section) a. The provisions of this section shall
12 apply only to the New Jersey Division of Elections, the New Jersey
13 Election Law Enforcement Commission, County Boards of
14 Elections, County Superintendents of Elections, County Clerks,
15 Municipal Clerks, Fire District Board Clerks, School District
16 Business Administrators, and School District Board Secretaries,
17 hereafter referred to as an “election agency” or “election agencies.”
18 Except as otherwise provided for in this section, all provisions of
19 this act, P.L. , c. (pending before the Legislature as this bill),
20 shall apply to all election agencies. Nothing herein shall be
21 construed to mean that an election agency is required to provide a
22 record in response to a request for records, unless it has made or
23 received and maintains said requested record pursuant to law or
24 regulation.

25 b. Notwithstanding any other law, rule, or regulation to the
26 contrary, except as otherwise provided in sections 2 and 3 of
27 P.L.2021, c.371 (C.47:1B-1 et seq.), subsection b. of section 1 of
28 P.L.1994, c.148 (C.19:31-3.2), or in any rules or regulations
29 promulgated by the Secretary of State pursuant to subsection f. of
30 this section, the following shall be records for which the provided
31 information shall not be redacted by an election agency except for
32 voter signatures, Social Security numbers, driver license numbers,
33 and non-driver identification numbers:

34 (1) Voter registration forms and forms changing the provided
35 information thereof;

36 (2) Party affiliation forms and forms changing the provided
37 information thereof;

38 (3) Applications for a vote-by-mail ballot, except as otherwise
39 provided in sections 3 and 13 of P.L.2020, c.70 (C.19:63-1 et seq.);

40 (4) Forms or reports submitted to the Election Law Enforcement
41 Commission;

42 (5) Nominating petitions for any candidate for any elected
43 office, which shall be provided in a manner that includes voter
44 signatures on such petitions;

45 (6) Petitions to recall an elected official, which shall be
46 provided in a manner that includes voter signatures on such
47 petitions;

1 (7) Petitions or submissions for any public question or referenda
2 to be considered by voters, which shall be provided in a manner that
3 includes voter signatures on such petitions;

4 (8) Any submissions, responses, objections, or challenges
5 pertaining to a record referred to in this subsection; and

6 (9) Any addendums, amendments, corrections, withdrawals, or
7 accompanying forms or submissions pertaining to a record referred
8 to in this subsection.

9 c. Notwithstanding any other law, rule, or regulation to the
10 contrary, the following shall be records and information that an
11 election agency shall make available to requestors for immediate
12 access and transmission via email as soon as possible, but not later
13 than two business days after receipt of the request, provided the
14 request is not for a commercial purpose, for which a fee shall not be
15 charged nor collected:

16 (1) Nominating petitions for any candidate for any elected office
17 filed with the election agency within the preceding 90 days of the
18 date the request is received;

19 (2) Petitions to recall an elected official filed with the election
20 agency within the preceding 90 days of the date the request is
21 received;

22 (3) Petitions or submissions for any public question or referenda
23 to be considered by voters filed with the election agency within the
24 preceding 90 days of the date the request is received;

25 (4) Any submissions, responses, objections, or challenges filed
26 with the election agency within the preceding 90 days pertaining to
27 a record referred to in this subsection;

28 (5) Any addendums, amendments, corrections, withdrawals, or
29 accompanying forms or submissions filed with the election agency
30 within the preceding 90 days pertaining to a record referred to in
31 this subsection; and

32 (6) The inspection and transmission deadline requirements of
33 this subsection shall be deemed satisfied if an election agency posts
34 on its website the records and information referred to in this
35 subsection.

36 d. Notwithstanding any other law, rule, or regulation to the
37 contrary, the following in paragraphs (1) through (4) of this
38 subsection shall be records and information that an election agency
39 shall make available to requestors for immediate access and
40 transmission via email as soon as possible, provided the request
41 pertains only to an election to be held within 16 days after the date
42 of the request and is not for a commercial purpose. The
43 transmission shall be not later than two business days after receipt
44 of the request when said request is made between one and 15 days
45 before the date of the election pertaining to the request. For any
46 request submitted the day before an election by noon, the request
47 shall be completed by noon the day of the election. A fee shall not
48 be charged nor collected. This subsection shall apply to:

1 (1) Lists, in a format capable of being sorted by the requestor, of
2 registered voters, including their name, address, party affiliation,
3 and municipal voting ward and district, who have requested, been
4 mailed, or returned a vote-by-mail ballot, including the dates the
5 ballot was requested by the voter, mailed to the voter, and received
6 by the appropriate election agency;

7 (2) Lists, in a format capable of being sorted by the requestor, of
8 registered voters, including their name, address, party affiliation,
9 and municipal voting ward and district, who have cast a vote during
10 the early voting period, including the date and polling location the
11 vote was cast;

12 (3) The inspection and transmission deadline requirements of this
13 subsection shall be deemed satisfied if an election agency posts on
14 its website the records and information referred to in this
15 subsection; and

16 (4) Whenever the requirements of this subsection would cause a
17 voter's privacy to be violated, the information shall be provided in a
18 manner that maintains the privacy of the voter.

19 e. The following records or information shall not be subject to
20 disclosure pursuant to a request for public records:

21 (1) Ballots marked by a voter, vote tabulations, or election
22 results for any election prior to the time of the closing of the polls
23 on the date of the election, except as otherwise provided for by law,
24 rule, or regulation; and

25 (2) Manuals instructions, specifications, technical information,
26 or programming code of computers, software, applications,
27 networks, tablets, voting machines, printers, scanners, and any other
28 equipment, systems, policies or plans used for the conduct of
29 elections, the disclosure of which, could have the potential to
30 jeopardize the security, integrity or accuracy of the conduct of
31 elections, tabulation of votes, or determination of election results,
32 except as otherwise provided for by law, rule, or regulation, or in
33 response to a subpoena or order of a court or tribunal of competent
34 jurisdiction.

35 f. The Secretary of State may adopt regulations necessary to
36 effectuate the purposes of this act, which regulations shall be
37 effective immediately upon filing with the Office of Administrative
38 Law for a period not to exceed 18 months, and may, thereafter, be
39 amended, adopted or readopted in accordance with the provisions of
40 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.).

42
43 ²[12.] 9.² (New section) a. ²[The provisions of section 1 of
44 P.L.1963, c.73 (C.47:1A-1), section 1 of P.L.1995, c.23 (C.47:1A-
45 1.1), sections 6, 7, and 8 of P.L.2001, c.404 (C.47:1A-5 through
46 47:1A-7), and section 2 of P.L.2021, c.371 (C.47:1B-2), as
47 amended by sections 1 through 5 and section 7 of P.L. , c.
48 (pending before the Legislature as this bill), shall apply
49 retroactively to all complaints and appeals pending before the

1 Government Records Council, the Superior Court or the Supreme
2 Court of New Jersey filed prior to the effective date of P.L. , c.
3 (pending before the Legislature as this bill), provided, however, that
4 nothing in this section shall be construed as to retroactively reduce
5 the statute of limitations governing any complaint or appeal pending
6 before the Government Records Council, the Superior Court or the
7 Supreme Court of New Jersey.

8 **b.]²** All complaints and appeals pending before the Government
9 Records Council or the Superior Court filed prior to the effective
10 date of P.L. , c. (pending before the Legislature as this bill),
11 either anonymously or using a fictitious name or identity, may be
12 dismissed with prejudice upon a motion by the public agency,
13 unless the complainant files an amendment to their complaint that
14 accurately identifies their name and mailing address within 90 days
15 of the effective date of P.L. , c. (pending before the Legislature
16 as this bill).

17 **²[c.] b.²** The parties to any complaint or appeal pending before
18 the Government Records Council, the Superior Court or the
19 Supreme Court of New Jersey filed prior to the effective date of
20 P.L. , c. (pending before the Legislature as this bill), shall be
21 permitted to file an amendment to their respective complaints and
22 answers within 90 days of the effective date of P.L. , c. (pending
23 before the Legislature as this bill).

24
25 **²10. (New section) a.** A person who has obtained a photograph
26 or video recording pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
27 and who is not a subject of the photograph or video footage, shall
28 not disclose any indecent or graphic images of the subject's
29 intimate parts, captured by the photograph or recording, without the
30 prior written consent of the subject of the photograph or video
31 footage or written consent of the legal next of kin if the subject is
32 deceased.

33 b. A person who knowingly violates the provisions of
34 subsection a. of this section shall be guilty of a disorderly persons
35 offense.

36 c. As used in this section:

37 "Disclose" means to sell, manufacture, give, provide, lend, mail,
38 deliver, transfer, publish, post, distribute, circulate, disseminate,
39 present, exhibit, advertise, offer, share, or make available through
40 the Internet or by any other means, whether or not for pecuniary
41 gain.

42 "Indecent or graphic" means images depicting exposed intimate
43 parts in a manner that would be clearly visible to a reasonable
44 person.

45 "Intimate parts" means the following body parts: sexual organs,
46 genital area, anal area, inner thigh, groin, buttock, or breast of a
47 person.

1 “Subject of the photograph or video footage” means a person
2 who appears in the photograph or video recording.²

3
4 ²[13.] 11.² a. There is hereby appropriated \$4,000,000 from the
5 State General Fund to the Department of Community Affairs to
6 provide grants to political subdivisions of the State for the purpose
7 of making government records that are accessible under P.L.1963,
8 c.73 (C.47:1A-1 et seq.) available electronically, including through
9 the use of shared services agreements.

10 b. There is hereby appropriated \$4,000,000 from the State
11 General Fund to the Department of Community Affairs for the
12 Government Records Council.

13 ²c. There is hereby appropriated \$2,000,000 from the State
14 General Fund to the Department of Community Affairs for the
15 Government Records Council to effectuate the purposes of section 8
16 of P.L.2001, c.404 (C.47:1A-7) as amended by section 5 of P.L. .
17 c. (pending before the Legislature as this bill).²

18
19 ²[14.] 12.² This act shall take effect ²[30] 90² days following
20 the date of enactment ²[], except as otherwise provided for in this
21 act, and except that section 9 and section 11 shall take effect eight
22 months following the date of enactment. The Attorney General,
23 Department of Community Affairs, the Government Records
24 Council, the Department of the Treasury, and the Department of
25 State may take any anticipatory administrative action in advance as
26 shall be necessary for the implementation of this act.]²