

[Second Reprint]

ASSEMBLY, No. 4045

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 4, 2024

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblywoman VICTORIA A. FLYNN

District 13 (Monmouth)

Co-Sponsored by:

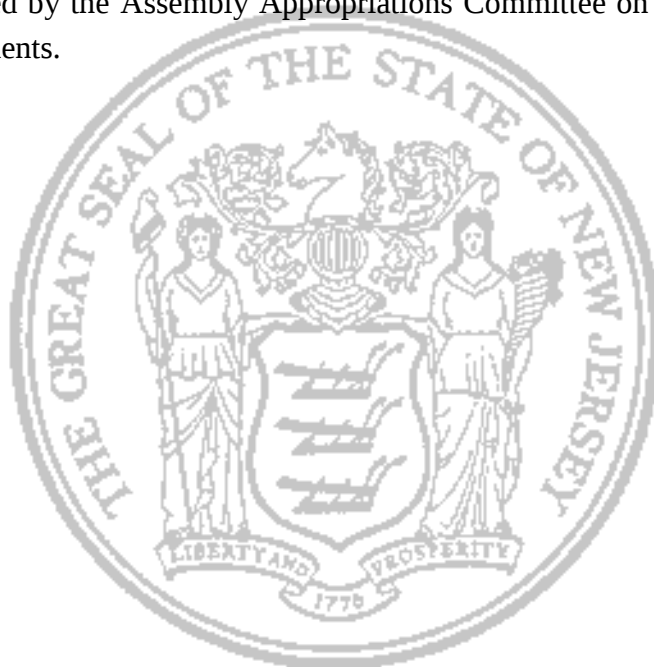
Assemblyman Atkins

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 10, 2024, with amendments.



(Sponsorship Updated As Of: 4/11/2024)

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:

¹Assembly ASL committee amendments adopted March 11, 2024.

²Assembly AAP committee amendments adopted May 10, 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.

1 s.501(c)(4), when the entity does not sell, resell, solicit, rent, or lease a
2 government record to an unaffiliated third party in a way in which the
3 entity expects a fee² .

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

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

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

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

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

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

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

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

45 any memorandum, correspondence, notes, report or other
46 communication prepared by, or for, the specific use of a member of the
47 Legislature in the course of the member's official duties, except that

1 this provision shall not apply to an otherwise publicly-accessible
2 report which is required by law to be submitted to the Legislature or its
3 members;

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

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

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

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

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

23 criminal investigatory records;

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

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

46 any written request by a crime victim for a record to which the
47 victim is entitled to access as provided in this section, including, but

1 not limited to, any law enforcement agency report, domestic violence
2 offense report, and temporary or permanent restraining order;

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

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

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

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

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

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

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

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

1 information which, if disclosed, would give an advantage to
2 competitors or bidders, including detailed or itemized cost estimates
3 prior to bid opening;

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

9 ²[information related to strategies or negotiating positions that
10 would unfairly prejudice or impair contract negotiations;]²

11 information which is a communication between a public agency
12 and its insurance carrier, administrative service organization or risk
13 management office;

14 information which is to be kept confidential pursuant to court
15 order;

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

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

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

1 Jersey Motor Vehicle Commission as permitted by section 2 of
2 P.L.1997, c.188 (C.39:2-3.4); except with respect to the disclosure of
3 information included in records and documents maintained by the
4 Department of the Treasury in connection with the State's business
5 registry programs; and except that a social security number contained
6 in a record required by law to be made, maintained or kept on file by a
7 public agency shall be disclosed when access to the document or
8 disclosure of that information is not otherwise prohibited by State or
9 federal law, regulation or order or by State statute, resolution of either
10 or both houses of the Legislature, Executive Order of the Governor,
11 rule of court or regulation promulgated under the authority of any
12 statute or executive order of the Governor;

13 that portion of any document that discloses the personal identifying
14 information of any person provided to a public agency for the sole
15 purpose of receiving official notifications;

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

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

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

36 personal identifying information disclosed on domestic animal
37 permits, licenses, and registration;

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

43 New Jersey State Firemen's Association financial relief
44 applications;

45 owner and maintenance manuals;

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

1 ²logs of telephone calls, emails, or texts;² and

2 ²electronic or paper calendars for individuals]

3 any indecent or graphic images of a person's intimate parts, as
4 defined in section 10 of P.L. , c. (C.) (pending before the
5 Legislature as this bill), that are captured in a photograph or video
6 recording without the prior written consent of the subject of the
7 photograph or video footage, as defined in section 10 of P.L. ,
8 c. (C.) (pending before the Legislature as this bill)².

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

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

22 test questions, scoring keys and other examination data pertaining
23 to the administration of an examination for employment or academic
24 examination;

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

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

33 information contained on individual admission applications; and

34 information concerning student records or grievance or
35 disciplinary proceedings against a student to the extent disclosure
36 would reveal the identity of the student.

37 ²Nothing in this section shall be construed to limit the
38 requirements to provide and make publicly available the
39 information pursuant to section 5 of P.L.1963, c.150 (C.34:11-
40 56.29) and section 5 of P.L.1999, c.238 (C.34:11-56.52).²

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

1 "Law enforcement agency" means a public agency, or part thereof,
2 determined by the Attorney General to have law enforcement
3 responsibilities.

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

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

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

25 ²["Personal identifying information" means information that may
26 be used, alone or in conjunction with any other information, to identify
27 a specific individual. For purposes of this act, personal identifying
28 information shall include, but shall not be limited to, the following
29 data elements: name, social security number, credit card number, debit
30 card number, bank account information, month and day of birth, email
31 address, any telephone number, the street address portion of any
32 person's primary or secondary home address, or driver license number
33 of any person.】²

34 "Public agency" or "agency" means any of the principal
35 departments in the Executive Branch of State Government, and any
36 division, board, bureau, office, commission or other instrumentality
37 within or created by such department; the Legislature of the State and
38 any office, board, bureau or commission within or created by the
39 Legislative Branch; and any independent State authority, commission,
40 instrumentality or agency. The terms also mean any political
41 subdivision of the State or combination of political subdivisions, and
42 any division, board, bureau, office, commission or other
43 instrumentality within or created by a political subdivision of the State
44 or combination of political subdivisions, and any independent
45 authority, commission, instrumentality or agency created by a political
46 subdivision or combination of political subdivisions.

47 "Victim of a crime" means a person who has suffered personal or
48 psychological injury or death or incurs loss of or injury to personal or

1 real property as a result of a crime, or if such a person is deceased or
2 incapacitated, a member of that person's immediate family.

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

7 "Victims' rights agency" means a public agency, or part thereof,
8 the primary responsibility of which is providing services, including,
9 but not limited to, food, shelter, or clothing, medical, psychiatric,
10 psychological or legal services or referrals, information and referral
11 services, counseling and support services, or financial services to
12 victims of crimes, including victims of sexual assault, domestic
13 violence, violent crime, child endangerment, child abuse or child
14 neglect, and the Victims of Crime Compensation Board, established
15 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the
16 Victims of Crime Compensation Office pursuant to P.L.2007, c.95
17 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

18 ²As used in this section, "personal identifying information" means
19 information that may be used, alone or in conjunction with any other
20 information, to identify a specific individual. Personal identifying
21 information shall include, but shall not be limited to, the following
22 data elements: name, social security number, credit card number, debit
23 card number, bank account information, month and day of birth, any
24 personal email address required by a public agency for government
25 applications, services, or programs, personal telephone number, the
26 street address portion of any person's primary or secondary home
27 address, or driver license number of any person. "Personal identifying
28 information" shall not include any street address, mailing address,
29 email address, or telephone number of a public agency. "Personal
30 identifying information" shall not include the email address of a
31 governmental affairs agent.²

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

33

34 ²**[3.] 2.**² Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to
35 read as follows:

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

1 Governor; Rules of Court; any federal law; federal regulation; or
2 federal order. Prior to allowing access to any government record, the
3 custodian thereof shall redact from that record any information which
4 discloses the social security number, credit card number, **unlisted**
5 ²personal² telephone number, or driver license number of any person,
6 or, in accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the
7 home address, whether a primary or secondary residence, of any
8 active, formerly active, or retired judicial officer, prosecutor, law
9 enforcement officer, or child protective investigator in the Division of
10 Child Protection and Permanency, or, as defined in section 1 of
11 P.L.2021, c.371 (C.47:1B-1), any immediate family member thereof;
12 except for use by any government agency, including any court or law
13 enforcement agency, in carrying out its functions, or any private
14 person or entity acting on behalf thereof, or any private person or
15 entity seeking to enforce payment of court-ordered child support;
16 except with respect to the disclosure of driver information by the New
17 Jersey Motor Vehicle Commission as permitted by section 2 of
18 P.L.1997, c.188 (C.39:2-3.4); and except that a social security number
19 contained in a record required by law to be made, maintained or kept
20 on file by a public agency shall be disclosed when access to the
21 document or disclosure of that information is not otherwise prohibited
22 by State or federal law, regulation or order or by State statute,
23 resolution of either or both houses of the Legislature, Executive Order
24 of the Governor, rule of court or regulation promulgated under the
25 authority of any statute or executive order of the Governor. ²**Prior to**
26 **allowing access to any government record, the custodian shall redact**
27 **from that record any information which discloses, or which might**
28 **reasonably lead to disclosure of the telephone number, email address,**
29 **or any medical, financial, or personal information of a member of the**
30 **public when the disclosure thereof would violate the citizen's**
31 **reasonable expectation of privacy or when the public agency has a**
32 **reason to believe that disclosure of such personal information may**
33 **result in harassment, unwanted solicitation, identity theft, or**
34 **opportunities for other criminal acts.**² Except where an agency can
35 demonstrate an emergent need, a regulation that limits access to
36 government records shall not be retroactive in effect or applied to deny
37 a request for access to a government record that is pending before the
38 agency, the council or a court at the time of the adoption of the
39 regulation.

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

43 Except as otherwise provided by law or regulation and except as
44 provided in paragraph (2) of this subsection, the fee assessed for the
45 duplication of a government record embodied in the form of printed
46 matter shall be \$0.05 per letter size page or smaller, and \$0.07 per
47 legal size page or larger. **If a public agency can demonstrate that its**

1 actual costs for duplication of a government record exceed the
2 foregoing rates, the public agency shall be permitted to charge the
3 actual cost of duplicating the record. The actual cost of duplicating the
4 record, upon which all copy fees are based, shall be the cost of
5 materials and supplies used to make a copy of the record, but shall not
6 include the cost of labor or other overhead expenses associated with
7 making the copy except as provided for in subsection c. of this
8 section.】 Access to electronic records and non-printed materials shall
9 be provided free of charge, but the public agency may charge for the
10 actual costs of any needed supplies such as computer discs. No fee
11 shall be charged if the request is completed by directing the requestor
12 to the requested government record that is available on the public
13 agency's website or the website of another public agency.

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

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

32 The requestor shall have the opportunity to review and object to
33 【the】 any fee or charge prior to it being incurred. ²There shall be a
34 rebuttable presumption that the fees or charges presented by the
35 custodian are reasonable. If the requestor objects to the fees or
36 charges, the burden of proof shall be on the requestor to demonstrate
37 that the fees or charges are unreasonable.²

38 d. A custodian shall permit access to a government record and
39 provide a copy thereof in the medium or format requested if the public
40 agency maintains the record in that medium or format. If the public
41 agency does not maintain the record in the medium or format
42 requested, the custodian 【shall】 ²【, at the custodian's discretion, may】
43 shall² ²【either】² convert the record to the medium or format requested
44 ²【or provide a copy in some other meaningful medium or format.】²
45 【If a request is for a record: (1) in a medium not routinely used by the
46 agency; (2) not routinely developed or maintained by an agency; or (3)
47 requiring a substantial amount of manipulation or programming of

1 information technology, the agency may charge, in addition to the
2 actual cost of duplication, a special charge that shall be reasonable and
3 shall be based on the cost for any extensive use of information
4 technology, or for the labor cost of personnel providing the service,
5 that is actually incurred by the agency or attributable to the agency for
6 the programming, clerical, and supervisory assistance required, or
7 both.】 ², if the medium or format is available to the public agency and
8 does not require a substantial amount of manipulation or programming
9 of information technology, or the services of a third party vendor. If
10 the public agency converts the record to the medium or format
11 requested, the agency may charge, in addition to the actual cost of
12 duplication, a special service fee that shall be reasonable and shall be
13 based on the cost for any extensive use of information technology, or
14 for the labor cost of personnel providing the service, that is actually
15 incurred by the agency or attributable to the agency for the
16 programming, clerical, and supervisory assistance required, or both.²
17 If the public agency does not maintain the record in the electronic
18 medium or format requested, ²and the medium or format is not
19 available to the public agency without a substantial amount of
20 manipulation or programming of information technology,² the
21 custodian shall be under no obligation to convert the record to the
22 electronic medium or format requested but shall, at a minimum,
23 provide a copy in the ²electronic² format maintained by the public
24 agency.

25 e. Immediate access ordinarily shall be granted to budgets, bills,
26 vouchers, contracts, including collective negotiations agreements and
27 individual employment contracts, and public employee salary and
28 overtime information. Immediate access to government records shall
29 not be required to be granted for documents over ²【12】 24² months
30 old.

31 Government records shall be made available to the public on a
32 publicly available website to the extent feasible. A public agency may
33 enter into shared services agreements for providing certain government
34 records electronically.

35 If the government record ²in a complete and unabridged form² is
36 readily available on a public agency's website, the custodian may
37 require the requestor to obtain the record from the website, which shall
38 contain a search bar feature on its home page. The custodian shall
39 provide the requestor with directions to assist in finding the record on
40 the website, including providing the website URL address and the
41 location on the website of the search bar, menu button, tab, link,
42 landing page or equivalent, which contains the requested record.
43 ¹【The request shall be deemed fulfilled upon notification by the
44 custodian to the requestor of the availability and location on the
45 website of the requested information.】 If the requestor does not
46 respond to the custodian within seven ²business² days of the custodian
47 providing information about a record on the public agency's website,

1 the request shall be deemed fulfilled ²unless the version of the
2 government record on the public agency's website fails to contain non-
3 protected information contained in the original record, in which case
4 the custodian shall produce the original version of the record subject to
5 any redactions required by law². If, after the custodian has provided
6 instructions on how to find a record on a public agency's website, the
7 requestor is unable to find the record upon making a good faith effort
8 to locate the record on the website, the requestor shall notify the
9 custodian within seven ²business² days of the custodian providing the
10 information. Upon receiving such a request for assistance from a
11 requestor, the custodian shall make a reasonable attempt to assist the
12 requestor in finding the record on the website within seven ²business²
13 days of the requestor notifying the custodian.¹ ²If the requestor is still
14 unable to locate the record and requests a physical copy, the custodian
15 shall provide the requestor with a physical copy of the record, for a fee
16 not exceeding two times the cost of the production of the document.
17 The custodian shall provide the requestor with the physical copy of the
18 record within seven business days of the request for a physical copy.²

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

44 The form also shall include space for a requestor to certify whether
45 the government record will be used by that requestor or another person

1 for a commercial purpose, and the requestor shall be required to
2 provide this information for the request to be fulfilled.

3 ²【All requests by a data broker or a requestor who is making a
4 request on behalf of and for the use of a data broker shall be denied.
5 The form also shall include space for a requestor to certify that the
6 requestor is not a data broker or is not making the request on behalf of
7 or for the use of a data broker, and the requestor shall be required to
8 provide this information for the request to be fulfilled.

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

10 The form shall include space for the custodian to indicate which
11 record will be made available, when the record will be available, and
12 the fees to be charged. The form shall also include the following: (1)
13 specific directions and procedures for requesting a record; (2) a
14 statement as to whether prepayment of fees or a deposit is required; (3)
15 the time period within which the public agency is required by
16 P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, to
17 make the record available; (4) a statement of the requestor's right to
18 challenge a decision by the public agency to deny access and the
19 procedure for filing an appeal; (5) space for the custodian to list
20 reasons if a request is denied in whole or in part; (6) space for the
21 requestor to sign and date the form; (7) space for the custodian to sign
22 and date the form if the request is fulfilled or denied. The custodian
23 may require a deposit against costs for reproducing documents sought
24 through **【an anonymous】** a request whenever the custodian anticipates
25 that the information thus requested will cost in excess of \$5 to
26 reproduce.

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

31 Custodians shall be permitted to provide an electronic response to
32 any electronic records request if government records are available
33 electronically.

34 g. A request for access to a government record shall be in writing
35 and hand-delivered, mailed, transmitted electronically, or otherwise
36 conveyed to the appropriate custodian. A public agency may make
37 available to the public on its website an online form, portal, or
38 software for transmitting requests electronically. ²The form
39 established by the Government Records Council, pursuant to
40 subsection b. of section 8 of P.L.2001, c.404 (C.47:1A-7), may be
41 submitted electronically or by fax. Each submission of a government
42 record request form or an email record request shall be made to the
43 custodian of not more than one public agency. Submission of repeated
44 requests to multiple custodians in the same public agency for the same
45 record, while an identical or substantially similar request is pending in
46 the agency, shall permit the custodian to deny the request.²

1 A custodian shall promptly comply with a request to inspect,
2 examine, copy, or provide a copy of a government record. If the
3 custodian is unable to comply with a request for access, the custodian
4 shall indicate the specific basis therefor on the request form and
5 promptly return it to the requestor. The custodian shall sign and date
6 the form and provide the requestor with a copy thereof. If the
7 custodian of a government record asserts that part of a particular
8 record is exempt from public access pursuant to P.L.1963, c.73
9 (C.47:1A-1 et seq.) as amended and supplemented, the custodian shall
10 delete or excise from a copy of the record that portion which the
11 custodian asserts is exempt from access and shall promptly permit
12 access to the remainder of the record. **【If the government record**
13 **requested is temporarily unavailable because it is in use or in storage,**
14 **the custodian shall so advise the requestor and shall make**
15 **arrangements to promptly make available a copy of the record.】** If a
16 request for access to a government record would substantially disrupt
17 agency operations, the custodian may deny access to the record after
18 ²informing the requestor of the potential disruption to agency
19 operations and² attempting to reach a reasonable solution with the
20 requestor that accommodates the interests of the requestor and the
21 agency.

22 A party to a legal proceeding may not request a government record
23 if the record sought is the subject of a court order ²【in the legal
24 proceeding or if compliance would otherwise be unreasonable,
25 oppressive, or duplicative of already pending discovery request made
26 in that legal proceeding】 including a pending discovery request² , and
27 a custodian shall not be required to complete such a request. The
28 requestor shall be required to certify whether the government record is
29 being sought in connection with a legal proceeding and identify the
30 proceeding for the request to be fulfilled. For purposes of this
31 provision, a party to a legal proceeding shall include a party ²【in
32 interest】 subject to a court order² , any attorney representing that
33 party, and any person acting as an agent for or on behalf of that party.
34 ²Nothing in this paragraph shall bar a request for a government record
35 filed by a labor organization or by a contractor signatory to a collective
36 bargaining agreement seeking information material to the enforcement
37 of State or federal statutes or regulations regarding but not limited to
38 wage and hour protections, workplace safety, or public procurement
39 and public bidding, including, but not limited to, requests for certified
40 payrolls or information about all bids submitted in response to a public
41 procurement process subsequent to the deadline for the submission of
42 all bids for that solicitation, when the request by the labor organization
43 or contractor signatory is not sought in connection with or in
44 furtherance of discovery requests in a court proceeding.²

45 A custodian shall not be required to complete a request including
46 for, but not limited to, mail, email, text messages, correspondence, or
47 social media postings and messages, if the request does not identify

1 ²a ²specific ²individuals or job title or ²accounts to be searched ², a
2 specific subject matter,² and is not confined to a ²discrete and
3 limited reasonable² time period ²and a specific subject matter² , or
4 if the custodian determines that the request would require research and
5 the collection of information from the contents of government records
6 and the creation of new government records setting forth that research
7 and information. ²It shall be sufficient for a requestor to identify
8 specific individuals by the individual's job title and position.²

9 h. Any officer or employee of a public agency who receives a
10 request for access to a government record shall forward the request to
11 the custodian of the record or direct the requestor to the custodian of
12 the record. The request shall not be considered submitted until it is
13 received by the custodian of records.

14 i. (1) Unless a shorter time period is otherwise provided by
15 statute, regulation, or executive order, a custodian of a government
16 record shall grant access to a government record or deny a request for
17 access to a government record as soon as possible, but not later than
18 seven business days after receiving the request, or 14 business days if
19 the request is for a commercial purpose or if the records have to be
20 reviewed by the public agency for the purpose of the agency's
21 compliance with P.L.2021, c.371 (C.47:1B-1 et seq.), but the custodian
22 shall notify the requestor of the additional response time within seven
23 business days, provided that the record is currently available and not in
24 storage or archived. The response time periods of seven or 14
25 business days, as established in this subsection, shall be an additional
26 seven business days longer if the public agency is a fire district which
27 employs one or fewer full-time employees who serve as custodians.
28 ²If a commercial requestor would like to receive the record within
29 seven business days, as established in this subsection, the custodian
30 shall provide the requestor with a copy of the record and may charge a
31 special service fee not exceeding two times the cost of the production
32 of the record.²

33 In the event a records custodian is unable to fulfill a records
34 request due to unforeseen circumstances or circumstances that
35 otherwise reasonably necessitate additional time to fulfill the records
36 request, the custodian shall be entitled to a reasonable extension of any
37 response deadline and shall notify the requestor of the time extension
38 within seven business days after receiving the request.

39 In the event a custodian fails to respond within seven business days
40 or 14 business days, as appropriate, after receiving a request, the
41 failure to respond shall be deemed a denial of the request, unless the
42 requestor has elected not to accurately identify themselves or to
43 provide [a name,] an accurate address, email address, or telephone
44 number [, or other means of contacting the requestor]. If the
45 requestor has elected not to accurately identify themselves or to
46 provide [a name,] an accurate address, email address, or telephone
47 number, [or other means of contacting the requestor,] the custodian

1 shall not be required to respond until the requestor **【reappears before】**
2 contacts the custodian seeking a response to the original request.

3 If the government record is in storage or archived, the requestor
4 shall be so advised within seven or 14 business days, as appropriate,
5 after the custodian receives the request. The requestor shall be advised
6 by the custodian when the record can be made available, which shall
7 be no more than 21 business days from the date the requestor is so
8 advised. If the record is not made available by that time, access shall
9 be deemed denied.

10 A public agency shall not be considered to be in possession of a
11 public record that is created ²**【or】**, ² maintained ², or received² by
12 another public agency and made available to the public agency either
13 by remote access to a computer network or by distribution as a
14 courtesy copy ², unless the agency that created, maintained, or
15 received the record resides within the judicial branch of the State
16 Government². A records custodian of a public agency that receives a
17 request for ²**【such】**² a record ²created, maintained, or received by
18 another public agency², shall not be obligated to provide the record to
19 the requestor ²**【and】**. In the event the custodian does not provide the
20 record, the custodian² shall direct the requestor within seven business
21 days to the public agency that, to the best of their knowledge, created
22 ²**【or】**,² maintains ², or received² the requested record, at which time
23 the request shall be considered completed.

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

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

33 (2) During a period declared pursuant to the laws of this State as a
34 state of emergency, public health emergency, or state of local disaster
35 emergency, the deadlines by which to respond to a request for, or grant
36 or deny access to, a government record under paragraph (1) of this
37 subsection or subsection e. of this section shall not apply, provided,
38 however, that the custodian of a government record shall make a
39 reasonable effort, as the circumstances permit, to respond to a request
40 for access to a government record within seven business days or 14
41 business days, as appropriate, or as soon as possible thereafter.

42 j. A custodian shall **【post prominently in public view in the part**
43 **or parts of the office or offices of the custodian that are open to or**
44 **frequented by the public a statement that sets forth in clear, concise**
45 **and specific terms the】** include information on the public agency's
46 website and public records request form regarding a requestor's right
47 to appeal a denial of, or failure to provide, access to a government

1 record **by** any person for inspection, examination, or copying or for
2 purchase of copies thereof**]** and the procedure by which an appeal may
3 be filed, which shall include the website address and toll-free
4 information line phone number of the Government Records Council.

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

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

10
11 ²**[4.] 3.**² Section 7 of P.L.2001, c.404 (C.47:1A-6) is amended to
12 read as follows:

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

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

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

24 The right to institute any proceeding under this section shall be
25 solely that of the requestor. Any such proceeding shall proceed in a
26 summary or expedited manner. The public agency shall have the
27 burden of proving that the denial of access is authorized by law. If it is
28 determined that access has been improperly denied, the court or
29 **[agency head]** Government Records Council shall order that access be
30 allowed. A requestor who prevails in any proceeding **[shall]** may be
31 entitled to a reasonable attorney's fee. ²**[In determining whether to**
32 award attorney's fees, the court or the Government Records Council
33 may consider whether the public agency is found to have knowingly
34 and willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.), or to have
35 unreasonably denied access.] While the court or Government Records
36 Council may award a reasonable attorney's fee to a prevailing party in
37 any proceeding, if the public agency has been determined to have
38 unreasonably denied access, acted in bad faith, or knowingly and
39 willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.), then the court or
40 Government Records Council shall award a reasonable attorney's fee.²

41 If the records sought are produced by the public agency within
42 seven business days of service of an action in Superior Court or a
43 complaint before the Government Records Council, ¹upon notification
44 to the Superior Court or the Government Records Council, ¹ the matter
45 shall be dismissed without prejudice and the requestor may be entitled
46 to a reasonable attorney's fee if the custodian knew or should have

1 known that the denial of access violated P.L.1963, c.73 (C.47:1A-1 et
 2 seq.).

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

4
 5 ²~~5.~~ ^{4.}² Section 8 of P.L.2001, c.404 (C.47:1A-7) is amended to
 6 read as follows:

7 8. a. (1) There is established in the Department of Community
 8 Affairs a Government Records Council. The council shall consist of
 9 the Commissioner of Community Affairs or the commissioner's
 10 designee, ~~the Commissioner of Education or the commissioner's~~
 11 ~~designee, and three public members appointed by the Governor, with~~
 12 ~~the advice and consent of the Senate, not more than two of whom shall~~
 13 ~~be of the same political party. The three public members shall serve~~
 14 ~~during the term of the Governor making the appointment and until the~~
 15 ~~appointment of a successor] who shall serve as Chair, and eight~~
 16 ~~public members appointed as follows: four appointed by the Governor~~
 17 ~~with the advice and consent of the Senate~~ ², ~~no more than two of~~
 18 ~~whom shall be members of the same political party~~ ²; ~~two directly~~
 19 ~~appointed by the Governor from persons recommended by the~~
 20 ~~President of the Senate~~ ², ~~no more than one of whom shall be a~~
 21 ~~member of the same political party~~ ²; ~~and two directly appointed by~~
 22 ~~the Governor from persons recommended by the Speaker of the~~
 23 ~~General Assembly~~ ², ~~no more than one of whom shall be a member of~~
 24 ~~the same political party~~ ². Each public member shall serve for a term
 25 ~~of five years and until a successor is appointed and qualified.~~

26 (2) ~~Notwithstanding~~ ²~~any provision of subsection a. (1) of this~~
 27 ~~section] the provisions of paragraph (1) of this subsection~~ ², ~~or any~~
 28 ~~other law, rule, or regulation to the contrary, within 90 days following~~
 29 ~~the enactment date of P.L. , c. (pending before the Legislature as~~
 30 ~~this bill), the Governor shall directly appoint eight public members to~~
 31 ~~the council, each of whom shall serve for a term of three years and~~
 32 ~~until a successor is appointed and qualified, as follows: two from~~
 33 ~~persons recommended by the President of the Senate,~~ ²~~no more than~~
 34 ~~one of whom shall be a member of the same political party;~~ ² ~~two from~~
 35 ~~persons recommended by the Speaker of the General Assembly,~~ ²~~no~~
 36 ~~more than one of whom shall be a member of the same political party;~~ ²
 37 ~~and four appointed at the sole discretion of the Governor~~ ², ~~no more~~
 38 ~~than two of whom shall be members of the same political party~~ ². The
 39 ~~terms of office of the members of the council serving on the date of~~
 40 ~~enactment of P.L. , c~~ ²: ² ~~(pending before the Legislature as this~~
 41 ~~bill), shall expire upon the Governor's direct appointment of the new~~
 42 ~~members pursuant to this subsection.~~

43 (3) A public member shall not hold any other State or local elected
 44 ~~or appointed] office or employment] while serving as a member of~~
 45 ~~the council. A public member shall not receive a salary for service~~
 46 ~~on the council but shall be reimbursed for reasonable and necessary~~

1 expenses associated with serving on the council and may receive such
2 per diem payment as may be provided in the annual appropriations
3 act.] receive a salary equivalent to that provided by law for a public
4 member of the Local Finance Board of the Division of Local
5 Government Services in the Department of Community Affairs. A
6 member may be removed by the Governor for cause. Vacancies
7 among the public members shall be filled [in the same manner in
8 which the original appointment was made. The members of the
9 council shall choose one of the public members to serve as the
10 council's chair.] by appointment by the Governor, according to the
11 provisions of subsection a. of this section, and for the remainder of the
12 unexpired term. The council may employ an executive director and
13 such professional and clerical staff as it deems necessary and may call
14 upon the Department of Community Affairs for such assistance as it
15 deems necessary and may be available to it.

16 b. The Government Records Council shall:

17 establish an informal mediation program to facilitate the resolution
18 of disputes regarding access to government records;

19 receive, hear, review and adjudicate a complaint filed by any
20 person concerning a denial of access to a government record by a
21 records custodian;

22 issue advisory opinions, on its own initiative, as to whether a
23 particular type of record is a government record which is accessible to
24 the public;

25 prepare guidelines and an informational pamphlet for use by
26 records custodians in complying with the law governing access to
27 public records;

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

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

34 make training opportunities available for records custodians and
35 other public officers and employees which explain the law governing
36 access to public records;

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

46 operate an informational website and a toll-free helpline staffed by
47 knowledgeable employees of the council during regular business hours

1 which shall enable any person, including records custodians, to call for
2 information regarding the law governing access to public records and
3 allow any person to request mediation or to file a complaint with the
4 council when access has been denied~~;~~ **;** .

5 In implementing the provisions of **subsections d. and e. of** this
6 section, the council shall: act, to the maximum extent possible, at the
7 convenience of the parties; utilize video conferencing,
8 teleconferencing, faxing of documents, e-mail and similar forms of
9 modern communication; conduct virtual meetings and hearings, when
10 practical and at the discretion of the council; and when in-person
11 meetings are necessary, send representatives to meet with the parties at
12 a location convenient to the parties.

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

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

22 d. Upon receipt of a written complaint signed by any person
23 alleging that a custodian of a government record has improperly
24 denied that person access to a government record, the council shall
25 offer the parties the opportunity to resolve the dispute through
26 mediation. Mediation shall enable a person who has been denied
27 access to a government record and the public agency that employs the
28 records custodian who denied or failed to provide access thereto to
29 attempt to mediate the dispute through a process whereby a neutral
30 mediator, who shall be trained in mediation selected by the council,
31 acts to encourage and facilitate the resolution of the dispute.
32 Mediation shall be an informal, nonadversarial process having the
33 objective of helping the parties reach a mutually acceptable, voluntary
34 agreement. The mediator shall assist the parties in identifying issues,
35 foster joint problem solving, and explore settlement alternatives.

36 e. If any party declines mediation or if mediation fails to resolve
37 the matter to the satisfaction of all parties, the council shall initiate an
38 investigation concerning the facts and circumstances set forth in the
39 complaint. The council shall make a determination as to whether the
40 complaint is within its jurisdiction or frivolous or without any
41 reasonable factual basis. The council may assign staff attorneys to
42 conduct the investigation, present findings, and make
43 recommendations to the council. If the council shall conclude that the
44 complaint is outside its jurisdiction, frivolous, or without factual basis,
45 it shall reduce that conclusion to writing and transmit a copy thereof to
46 the complainant and to the public agency that employs the records
47 custodian against whom the complaint was filed. Otherwise, the
48 council shall notify the public agency that employs the records

1 custodian against whom the complaint was filed of the nature of the
2 complaint and the facts and circumstances set forth therein.

3 The public agency that employs the records custodian shall have
4 the opportunity to present the board with any statement or information
5 concerning the complaint which the **【custodian】** agency wishes. If the
6 council is able to make a determination as to a record's accessibility
7 based upon the complaint and the **【custodian's】** agency's response
8 thereto, it shall reduce that conclusion to writing and transmit a copy
9 thereof to the complainant and to the public agency that employs the
10 records custodian against whom the complaint was filed. If the
11 council is unable to make a determination as to a record's accessibility
12 based upon the complaint and the **【custodian's】** agency's response
13 thereto, the council shall conduct a hearing on the matter in conformity
14 with the rules and regulations provided for hearings by a State agency
15 in contested cases under the "Administrative Procedure Act,"
16 P.L.1968, c.410 (C.52:14B-1 et seq.), insofar as they may be
17 applicable and practicable.

18 The council shall, by a majority vote of its members, render a
19 decision as to whether the record which is the subject of the complaint
20 is a government record which must be made available for public
21 access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and
22 supplemented. If the council determines, by a majority vote of its
23 members, that a custodian **【has】** is found to have knowingly and
24 willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and
25 supplemented, and **【is found】** to have unreasonably denied access
26 under the totality of the circumstances, the council may impose the
27 penalties provided for in section 12 of P.L.2001, c.404 (C.47:1A-11)
28 on the public agency that employs the custodian.

29 A decision of the council may be appealed to the Appellate
30 Division of the Superior Court. Such appeals shall be filed within
31 ²**【30】** ²45 days from the date the council renders a decision. A
32 decision of the council shall not have value as a precedent for any case
33 initiated in Superior Court pursuant to section 7 of P.L.2001, c.404
34 (C.47:1A-6). All proceedings of the council pursuant to this
35 subsection shall be conducted as expeditiously as possible.

36 Beginning 18 months following the effective date of P.L. , c.
37 (pending before the Legislature as this bill), the council shall
38 adjudicate all complaints that come before it within 90 days of the
39 complaint's filing, with the ability to extend for ²**【30】** ²45 days for
40 good cause, exclusive of any time period during which the parties are
41 engaged in a mediation process pursuant to this section. The council
42 shall make such organizational adjustments and modify its procedures
43 as it deems necessary to ensure that complaints are adjudicated in such
44 a timeframe.

45 f. The council shall not charge any party a fee in regard to actions
46 filed with the council. The council shall be subject to the provisions of
47 the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6), except

1 that the council may go into closed session during that portion of any
 2 proceeding during which the contents of a contested record would be
 3 disclosed. **【A requestor who prevails in any proceeding shall be**
 4 **entitled to a reasonable attorney's fee.】** ²A requestor who prevails in
 5 any proceeding may be entitled to a reasonable attorney's fee as
 6 provided for in section 6 of P.L.2001, c.404 (C.47:1A-6).²

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

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

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

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

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

31
 32 ²**【6.】** ^{5.}² Section 12 of P.L.2001, c.404 (C.47:1A-11) is
 33 amended to read as follows:

34 12. a. **【A】** If a public official, officer, employee, or custodian
 35 **【who】 is found to have knowingly and willfully 【violates】 violated**
 36 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented,
 37 and **【is found】** to have unreasonably denied access under the
 38 totality of the circumstances, the public agency that employs the
 39 custodian, officer, employee, or official shall be subject to a civil
 40 penalty of \$1,000 for an initial violation, \$2,500 for a second
 41 violation that occurs within 10 years of an initial violation, and
 42 \$5,000 for a third violation that occurs within 10 years of an initial
 43 violation. **【This penalty】** The penalties authorized pursuant to this
 44 subsection may be imposed by the courts or by the Government
 45 Records Council.

46 b. A requestor ²**【who is found to have sold the data obtained by**
 47 a records request.】² who is found to have intentionally failed to

1 certify that a records request is for a commercial purpose ²], who is
2 a data broker, or who is making the request on behalf of and for the
3 use of a data broker, and is found to have intentionally certified that
4 the requestor is not a data broker or is not making the request on
5 behalf of and for the use of a data broker,]² shall be subject to a
6 civil penalty of \$1,000 for the first offense, \$2,500 for the second
7 offense, and \$5,000 for each subsequent offense. The penalties may
8 be imposed by the courts.

9 c. These penalties shall be collected and enforced in
10 proceedings in accordance with the "Penalty Enforcement Law of
11 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and the rules of court
12 governing actions for the collection of civil penalties. The Superior
13 Court shall have jurisdiction of proceedings for the collection and
14 enforcement of the penalty imposed by this section.

15 d. Appropriate disciplinary proceedings may be initiated
16 against a public official, officer, employee or custodian against
17 whom a penalty has been imposed.

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

19
20 ²**[7.] 6.**² Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended
21 to read as follows:

22 2. a. An authorized person seeking the redaction or
23 nondisclosure of the home address of any covered person from
24 certain records and Internet postings consistent with section 2 of
25 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
26 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
27 request in accordance with section 1 of P.L.2021, c.371 (C.47:1B-1)
28 to the Office of Information Privacy through the secure portal
29 established by the office. The address shall only be subject to
30 redaction or nondisclosure if a request is submitted to and approved
31 by the Director of the Office of Information Privacy.

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

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

43 c. An immediate family member who has sought and received
44 approval under subsection a. of this section and who no longer
45 resides with the active, formerly active, or retired judicial officer,
46 law enforcement officer, child protective investigator in the
47 Division of Child Protection and Permanency, or prosecutor shall
48 submit through the portal a revocation request not later than 30 days

1 from the date on which the immediate family member no longer
 2 resided with the judicial officer, law enforcement officer, child
 3 protective investigator in the Division of Child Protection and
 4 Permanency, or prosecutor.

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

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

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

14 (3) the eligibility or requirements related to seeking or accepting
 15 the nomination for election or election to public office, or the
 16 appointment to any public position;

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

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

22 (6) any other legal, promotional, or official notice which would
 23 otherwise be provided to the person but for the redaction or
 24 nondisclosure of such person's home address pursuant to subsection
 25 a. of this section.

26 (cf: P.L.2023, c.113, s.4)

27
 28 ²~~8.~~ ²7. (New section) a. Notwithstanding any other law or
 29 rule or regulation to the contrary, whenever there is filed a verified
 30 complaint to the Superior Court of the county in which the request
 31 for access to government records was made under P.L.1963, c.73
 32 (C.47:1A-1 et seq.) alleging that a requestor has sought records
 33 ²~~thereunder for the purpose to harass a public agency, or to~~ with
 34 the intent to² substantially interrupt ²the performance of²
 35 government function, the court may issue a protective order limiting
 36 the number and scope of requests the requestor may make or order
 37 such other relief as it deems appropriate, including referral of the
 38 matter to mediation ²or a waiver of the required response time².
 39 The court may issue the protective order if it finds ²by clear and
 40 convincing evidence² that the requestor has sought records under
 41 P.L.1963, c.73 (C.47:1A-1 et seq.) ²~~for the purpose of harassing~~
 42 ~~the public agency, or to~~ with the intent to² substantially interrupt
 43 ²the performance of² government function ²~~], as the term harass is~~
 44 defined in N.J.S.2C:33-4². The complaint shall be accompanied
 45 by a declaration of facts by the public agency withholding the
 46 records demonstrating that it has complied with P.L.1963, c.73

1 (C.47:1A-1 et seq.) and has made a good faith effort to reach an
2 informal resolution of the issues relating to the records requests.

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

5 The public agency shall have the burden of proof by clear and
6 convincing evidence.

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

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

13 ²c. Requests for government records filed by a labor
14 organization or by a contractor signatory to a collective bargaining
15 agreement seeking information material to the enforcement of State
16 or federal statutes or regulations regarding but not limited to wage
17 and hour protections, workplace safety, or public procurement and
18 public bidding, including but not limited to requests for certified
19 payrolls or information about all bids submitted in response to a
20 public procurement process subsequent to the deadline for the
21 submission of all bids for that solicitation, when the request by the
22 labor organization or contractor signatory is not sought in
23 connection to or in furtherance of discovery requests in a court
24 proceeding, shall not be considered to be intended to interrupt
25 government functions, and shall not form the basis for the filing of
26 a complaint under this section.²

27

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

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

43 c. There shall be created in the Department of the Treasury a
44 dedicated, non-lapsing fund for providing grants to political
45 subdivisions of the State for the purpose of providing access to
46 government records electronically, including through the use of
47 shared services agreements. The fund shall be administered by the

1 State Treasurer. Monies in the fund shall be appropriated annually
2 solely for this purpose.】²

3
4 ²【10. (New section) The Attorney General shall establish a
5 Police Record Access Improvement Task Force to investigate the
6 existing statutes governing public access to police records and
7 develop recommendations for necessary changes to the law.

8 The members of the Police Record Access Improvement Task
9 Force shall be comprised of 12 members. The membership of the
10 task force shall be as follows:

11 The Attorney General, or the Attorney's General designee, who
12 shall serve ex officio, as Chair;

13 Seven public members, appointed by the Governor, one who is a
14 member of law enforcement, one who is a county or municipal
15 prosecutor, one who is a criminal defense attorney or public
16 defender, one who is a member of a social justice advocacy
17 organization, one who is a member of the New Jersey Press
18 Association, one who is a member of the New Jersey League of
19 Municipalities, and one who is a member of the New Jersey
20 Association of Counties;

21 Two public members, appointed by the Governor upon the
22 recommendation of the President of the Senate; and

23 Two public members, appointed by the Governor upon the
24 recommendation of the Speaker of the General Assembly.

25 The task force shall submit to the Governor and to the
26 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
27 19.1), recommendations for changes to the law.

28 The Department of Law and Public Safety shall provide
29 stenographic, clerical, and other administrative assistance and
30 professional staff as the task force requires to carry out its work.
31 The task force shall be entitled to call to its assistance and avail
32 itself of the services of the employees of any State, county, or
33 municipal department, board, bureau, commission, or agency as it
34 may require and as may be available for its purposes.

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

39
40 ²【11.】 g.² (New section) a. The provisions of this section shall
41 apply only to the New Jersey Division of Elections, the New Jersey
42 Election Law Enforcement Commission, County Boards of
43 Elections, County Superintendents of Elections, County Clerks,
44 Municipal Clerks, Fire District Board Clerks, School District
45 Business Administrators, and School District Board Secretaries,
46 hereafter referred to as an "election agency" or "election agencies."
47 Except as otherwise provided for in this section, all provisions of
48 this act, P.L. , c. (pending before the Legislature as this bill),

1 shall apply to all election agencies. Nothing herein shall be
2 construed to mean that an election agency is required to provide a
3 record in response to a request for records, unless it has made or
4 received and maintains said requested record pursuant to law or
5 regulation.

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

15 (1) Voter registration forms and forms changing the provided
16 information thereof;

17 (2) Party affiliation forms and forms changing the provided
18 information thereof;

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

21 (4) Forms or reports submitted to the Election Law Enforcement
22 Commission;

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

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

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

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

34 (9) Any addendums, amendments, corrections, withdrawals, or
35 accompanying forms or submissions pertaining to a record referred
36 to in this subsection.

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

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

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

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

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

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

14 (6) The inspection and transmission deadline requirements of
15 this subsection shall be deemed satisfied if an election agency posts
16 on its website the records and information referred to in this
17 subsection.

18 d. Notwithstanding any other law, rule, or regulation to the
19 contrary, the following in paragraphs (1) through (4) of this
20 subsection shall be records and information that an election agency
21 shall make available to requestors for immediate access and
22 transmission via email as soon as possible, provided the request
23 pertains only to an election to be held within 16 days after the date
24 of the request and is not for a commercial purpose. The
25 transmission shall be not later than two business days after receipt
26 of the request when said request is made between one and 15 days
27 before the date of the election pertaining to the request. For any
28 request submitted the day before an election by noon, the request
29 shall be completed by noon the day of the election. A fee shall not
30 be charged nor collected. This subsection shall apply to:

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

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

42 (3) The inspection and transmission deadline requirements of
43 this subsection shall be deemed satisfied if an election agency posts
44 on its website the records and information referred to in this
45 subsection; and

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

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

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

7 (2) Manuals instructions, specifications, technical information,
8 or programming code of computers, software, applications,
9 networks, tablets, voting machines, printers, scanners, and any other
10 equipment, systems, policies or plans used for the conduct of
11 elections, the disclosure of which, could have the potential to
12 jeopardize the security, integrity or accuracy of the conduct of
13 elections, tabulation of votes, or determination of election results,
14 except as otherwise provided for by law, rule, or regulation, or in
15 response to a subpoena or order of a court or tribunal of competent
16 jurisdiction.

17 f. The Secretary of State may adopt regulations necessary to
18 effectuate the purposes of this act, which regulations shall be
19 effective immediately upon filing with the Office of Administrative
20 Law for a period not to exceed 18 months, and may, thereafter, be
21 amended, adopted or readopted in accordance with the provisions of
22 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.).
24

25 ²**[12.]** 9.² (New section) a. ²**[**The provisions of section 1 of
26 P.L.1963, c.73 (C.47:1A-1), section 1 of P.L.1995, c.23 (C.47:1A-
27 1.1), sections 6, 7, and 8 of P.L.2001, c.404 (C.47:1A-5 through
28 47:1A-7), and section 2 of P.L.2021, c.371 (C.47:1B-2), as
29 amended by sections 1 through 5 and section 7 of P.L. , c.
30 (pending before the Legislature as this bill), shall apply
31 retroactively to all complaints and appeals pending before the
32 Government Records Council, the Superior Court or the Supreme
33 Court of New Jersey filed prior to the effective date of P.L. , c.
34 (pending before the Legislature as this bill), provided, however, that
35 nothing in this section shall be construed as to retroactively reduce
36 the statute of limitations governing any complaint or appeal pending
37 before the Government Records Council, the Superior Court or the
38 Supreme Court of New Jersey.

39 b.¹² All complaints and appeals pending before the Government
40 Records Council or the Superior Court filed prior to the effective
41 date of P.L. , c. (pending before the Legislature as this bill),
42 either anonymously or using a fictitious name or identity, may be
43 dismissed with prejudice upon a motion by the public agency,
44 unless the complainant files an amendment to their complaint that
45 accurately identifies their name and mailing address within 90 days
46 of the effective date of P.L. , c. (pending before the Legislature
47 as this bill).

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

8
9 ²10. (New section) a. A person who has obtained a photograph
10 or video recording pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
11 and who is not a subject of the photograph or video footage, shall
12 not disclose any indecent or graphic images of the subject's
13 intimate parts, captured by the photograph or recording, without the
14 prior written consent of the subject of the photograph or video
15 footage or written consent of the legal next of kin if the subject is
16 deceased.

17 b. A person who knowingly violates the provisions of
18 subsection a. of this section shall be guilty of a disorderly persons
19 offense.

20 c. As used in this section:

21 "Disclose" means to sell, manufacture, give, provide, lend, mail,
22 deliver, transfer, publish, post, distribute, circulate, disseminate,
23 present, exhibit, advertise, offer, share, or make available through
24 the Internet or by any other means, whether or not for pecuniary
25 gain.

26 "Indecent or graphic" means images depicting exposed intimate
27 parts in a manner that would be clearly visible to a reasonable
28 person.

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

32 "Subject of the photograph or video footage" means a person
33 who appears in the photograph or video recording.²

34
35 ²**[13.] 11.**² a. There is hereby appropriated \$4,000,000 from the
36 State General Fund to the Department of Community Affairs to
37 provide grants to political subdivisions of the State for the purpose
38 of making government records that are accessible under P.L.1963,
39 c.73 (C.47:1A-1 et seq.) available electronically, including through
40 the use of shared services agreements.

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

44 ²c. There is hereby appropriated \$2,000,000 from the State
45 General Fund to the Department of Community Affairs for the
46 Government Records Council to effectuate the purposes of section 8

1 of P.L.2001, c.404 (C.47:1A-7) as amended by section 5 of P.L. ,
2 c. (pending before the Legislature as this bill).²
3
4 ²**[14.]** 12.² This act shall take effect ²**[30]** 90² days following
5 the date of enactment ²**[**, except as otherwise provided for in this
6 act, and except that section 9 and section 11 shall take effect eight
7 months following the date of enactment. The Attorney General,
8 Department of Community Affairs, the Government Records
9 Council, the Department of the Treasury, and the Department of
10 State may take any anticipatory administrative action in advance as
11 shall be necessary for the implementation of this act.²**]**²