

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4947

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4947 with committee amendments.

As amended, this bill expands “Daniel’s Law,” P.L.2020, c.125 (C.56:8-166.2 et al.), to prohibit the disclosure concerning personal information of child protective investigators in the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families.

Currently, various public officials who provide services in the criminal and civil justice systems for this State, for the federal government, and for other governmental entities are covered under Daniel’s Law which: (1) prohibits the disclosure, by both governmental entities and private parties, of the home addresses of any active, formerly active, or retired federal, State, county, or municipal judicial officer, prosecutor, or law enforcement officer (the expansive definition of “judicial officer” includes judges of the Office of Administrative Law and of the Division of Workers’ Compensation); (2) expands an existing crime concerning the disclosure of home addresses and unlisted telephone numbers for active or retired law enforcement officers to also cover formerly active law enforcement officers, as well as active, formerly active, or retired judicial officers or prosecutors; and (3) permits criminal prosecutions and statutory civil actions concerning any prohibited disclosure.

This bill expands the scope of Daniel’s Law beyond protecting judicial and law enforcement officers to also include DCPP child protective investigators and employees of the Department of Children and Families that engage in investigative activities in response to allegations of child abuse or neglect.

In addition, as amended, the bill adds a definition of “home telephone number” to clarify that the term may include either a landline or a cellular telephone number that is primarily used for personal communication. The bill further revises the current definition of “disclose” to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

As amended, the bill allows an authorized person under the bill to assign, in writing, a covered person’s right to bring a civil action for a

violation of Daniel's Law. The bill as amended also requires courts to impose certain penalties for a violation of Daniel's Law; under current law, each of the authorized penalties is discretionary. As amended, the bill additionally replaces the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

Current law provides that news media are not liable for violations of Daniel's Law for failing to remove information from previously printed newspapers. This bill revises this exemption to additionally provide an exemption from liability for telephone directories and directory assistance, unless a covered person has requested to be unpublished in the directory and directory assistance by the applicable publication deadline.

COMMITTEE AMENDMENTS

The committee amendments add a definition of "home telephone number" that provides that the term may include both landline and cellular telephone numbers used primarily for personal communication.

The committee amendments expand the definition of child protective investigators in the Division of Child Protection and Permanency in the Department of Children and Families to include employees in the department who engage in the same or similar investigatory work in response to allegations of child abuse or neglect.

The committee amendments revise the definition of "disclose" to provide that it includes making available or viewable within a searchable list or database, regardless of whether the list or database is actually searched.

The committee amendments add a provision allowing an authorized person under the bill to assign, in writing, a covered person's right to bring a civil action for a violation of Daniel's Law.

The committee amendments replace the term "aggrieved person" with "covered person" for the purposes of identifying who may bring a civil action for a violation of Daniel's Law.

The committee amendments revise current law to require courts to impose certain penalties for a violation of Daniel's Law; under current law, each of the authorized penalties is discretionary.

The committee amendments revise an exemption from liability under State non-disclosure laws that applies to news media to additionally include telephone directories and directory assistance, under certain circumstances.

The committee amendments make various technical changes to current law to place definitions in alphabetical order, to ensure terminology is used consistently throughout, and to make certain corrections involving grammar.

The committee amendments delay the effective date of the bill to be one year following the date of enactment, except that the

Department of Consumer Affairs can take steps necessary to prepare for the implementation of this act.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.