

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 5285**

# **STATE OF NEW JERSEY**

DATED: MARCH 9, 2023

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No.5285 (1R).

As reported by the committee, Assembly Bill No. 5285 (1R) requires copies of certain law enforcement records to be provided, upon request, to victims of domestic violence.

Under the bill, a domestic violence victim, or the victim's legal representative, may request copies of the following records from the law enforcement agency with the primary responsibility for investigating a domestic violence complaint, provided that certain records do not implicate the identity or statements of a third party witness or jeopardize an ongoing investigation:

- photographs taken by a law enforcement officer;
- law enforcement officer body worn camera or dashboard camera footage;
- 9-1-1 transcript or recording; or
- contents of the police report.

The right to access records provided under the bill is in addition to the right of a victim to obtain records under current law pursuant to the open public records act (OPRA). The records are to be provided at no charge to the requester within 10 calendar days of the request. If the law enforcement agency is unable to produce a copy of a requested record within the 10-day period, the law enforcement agency may request additional time from the court. If granted additional time by the court, the law enforcement agency is to provide a copy of the records to the victim or victim's legal representative within 24 hours after the record becomes available. A record is to be provided in accordance with the request of the victim or victim's representative.

Victims of domestic violence who are seeking to access law enforcement agency records under the bill, but who are not seeking other relief in the Family Part of the Chancery Division of the Superior Court may enforce their right of access pursuant to OPRA on an expedited basis. The victim shall not be required to complete a formal OPRA request form to access the records.

Under current law, a hearing is to be held in the family part within 10 days of the filing of a complaint of domestic violence.

Under the bill, if there are law enforcement records related to a domestic violence incident, which is the subject of a complaint or described in the complaint, and the plaintiff has requested the records, the court is required to grant the plaintiff's request for an adjournment if reasonably needed to collect evidence contained in the records. If a plaintiff has requested records from a law enforcement agency pursuant to provisions of the bill but has not received the records as of the date of the original or rescheduled hearing, the law enforcement agency's failure to provide the requested records is to be noted on the record prior to the court making a final determination on the request for restraints. The absence of law enforcement records is not to be a basis to deny relief pursuant to the bill.

The bill further provides that a party to a domestic violence complaint may request the release or unsealing of expunged records. These records may be provided to either party, the county prosecutor, Criminal Division of the Superior Court, or the Attorney General, in relation to a domestic violence temporary or final restraining order, weapons forfeiture complaint, or a temporary or final extreme risk protective order.