

DANIEL'S LAW IN NEW JERSEY: REQUIREMENTS & CHALLENGES

In November of 2020, Governor Phil Murphy signed into effect Daniel's Law which amended P.L.1995, c.23, P.L.2001, c.404, P.L.2015, c.226, and supplemented Title 47 of the Revised Statutes. Daniel's Law prohibits disclosure of home addresses or unpublished telephone numbers of certain law enforcement officers, judicial officers, and prosecutors. Criminal and civil action for disclosing such information is included in the regulations.

According to the Press Release from the Governor's Office, "The new law is named in honor of Daniel Anderl, the late son of U.S. District Court Judge Esther Salas. Daniel was killed in an act of senseless gun violence committed by an individual who had compiled a dossier of personal information about Judge Salas, including the judge's home address."

Key provisions of the Law include:

- Amending the Open Public Records Act (OPRA) to exclude from the definition of a government (i.e., public) record the portion of any document that discloses the home address of any active or retired judge, prosecutor, or law enforcement officer.
- Prohibiting government agencies, individuals, and businesses from knowingly publishing on the internet, or otherwise making available, the home address or unpublished home telephone number of any active or retired judge, active or retired law enforcement officer, or any active or retired prosecutor.
- Enabling any active or retired judge, prosecutor, or law enforcement officer whose home address or unpublished telephone number is disclosed on the internet or otherwise made available to the public or whose immediate family member's name, home address, or unpublished phone number is disclosed on the internet or otherwise made available to the public, to request that the information be removed. The government agency, individual, or business would be required to remove the information within 72 hours of receiving such a request in writing.

Custodians of public records, including but not limited to municipal or county clerks, should become familiar with the provisions of the new Law and their role in safeguarding the information that is protected. Officials, especially those at the municipal level, may need guidance in terms of how to handle everything from advertising tax sales to handling other routine business, such as the 200-foot property notification list associated with a zoning or planning application or handling other records normally released to the public in the name of transparency.

Perhaps more challenging for municipal clerks, tax construction, and code officials will be sifting through records to find out not only who is defined as an officer of the court or a law enforcement officer but who constitutes an "immediate family member." The Law defines "immediate family member" as a spouse, child, or parent of an active, formerly active, or retired judicial officer; prosecutor, law enforcement officer, or any other family member related by blood or by law to the judicial officer, prosecutor, or law enforcement officer who lives in the same residence.

Local governments are urged to contact their local municipal or authority attorney or county counsel to discuss any questions they may have concerning "Daniel's Law." For more information, please visit www.danielslaw.nj.gov.