

Proposed Amendments to New Jersey's Daniel's Law

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On May 13, Senator Joseph P. Cryan (D) introduced an amendment to New Jersey's Daniel's Law, which would broaden the law's coverage. An identical amendment was introduced by Assemblywoman Annette Quijano (D) in the Assembly on May 6.

Daniel's Law was enacted in November 2020 in response to the senseless murder of U.S. District Judge Esther Salas' son, Daniel Anderl. Daniel's Law prevents businesses, persons, and associations from disclosing or re-disclosing the home address or unpublished phone number of a "covered person" upon receipt of written notice.

The proposed amendment would expand the definition of "covered persons" to include "municipal court administrators," a term which includes deputy municipal court administrators and acting municipal court administrators. Under the current version of Daniel's Law, "covered persons" includes an active, formerly active, or retired: (i) judicial officer, (ii) law enforcement officer, (iii) child protective investigator in the Division of Child Protection and Permanency, (iv) prosecutor, and (v) any immediate family member residing in the same household as an individual who satisfies any of the foregoing criteria.

This would not be the first amendment to Daniel's Law, which has been amended multiple times since its enactment. Most notably, in July 2023, the law was amended to remove a requirement that a covered person register with the Office of Information Privacy, allow for the assignment of claims arising under the law, require the awarding of liquidated damages in the amount of \$1,000 per violation, and expand the definition of "covered person" to include investigators in the Division of Child Protection and Permanency. Subsequent to the 2023 Amendment, more than 100 lawsuits were filed reliant on the assignment and liquidated damages provisions contained within the amendment. Troutman Pepper represents several defendants in these cases.

Key Takeaway

An expansion of the definition of "covered persons" under Daniel's Law will have the immediate effect of increasing the potential number of nondisclosure requests an entity must comply with or face the threat of litigation. Many companies have recently been targeted with litigation under Daniel's Law, which allows for statutory penalties and attorneys' fees, incentivizing litigation. Companies subject to the law should ensure that they have a plan to respond to requests submitted under the law.

Troutman Pepper continues to monitor this proposed amendment, as well as all other Daniel's Law developments.

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