

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 789**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

ADOPTED MARCH 5, 2012

**Sponsored by:**

**Assemblywoman NANCY F. MUNOZ**  
**District 21 (Morris, Somerset and Union)**  
**Assemblyman CRAIG J. COUGHLIN**  
**District 19 (Middlesex)**  
**Assemblywoman CAROLINE CASAGRANDE**  
**District 11 (Monmouth)**  
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**District 39 (Bergen and Passaic)**  
**Assemblyman HERB CONAWAY, JR.**  
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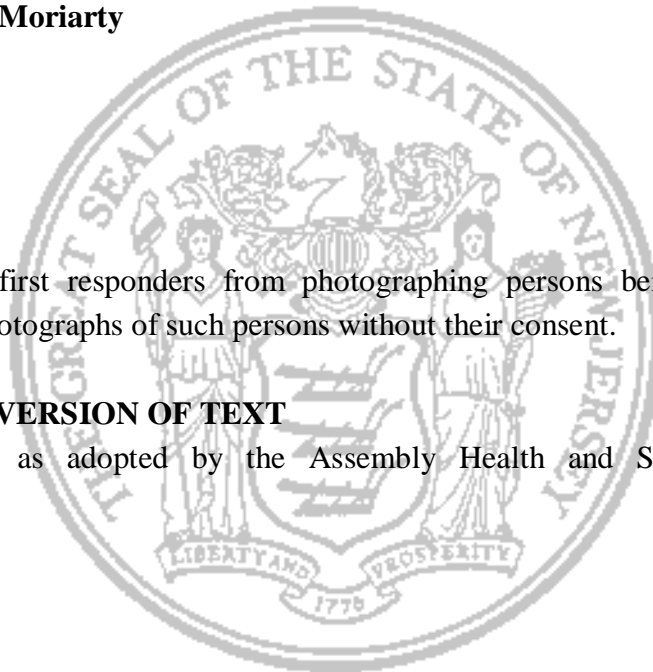
**Assemblywoman Gove, Assemblymen Rumpf, Coutinho, O'Scanlon,**  
**Assemblywoman Handlin, Assemblymen Wisniewski, Wolfe, McGuckin,**  
**Mainor and Moriarty**

**SYNOPSIS**

Prohibits first responders from photographing persons being assisted or disclosing photographs of such persons without their consent.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Health and Senior Services Committee.



(Sponsorship Updated As Of: 6/22/2012)

1 AN ACT concerning invasion of privacy and supplementing Title 2A  
2 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. As used in this section:

8 “Disclose” means to sell, manufacture, give, provide, lend, trade,  
9 mail, deliver, transfer, publish, distribute, circulate, disseminate,  
10 present, exhibit, advertise, or offer.

11 “First responder” means a law enforcement officer, paid or  
12 volunteer firefighter, paid or volunteer member of a duly  
13 incorporated first aid, emergency, ambulance, or rescue squad  
14 association, or any other individual who, in the course of his  
15 employment, is dispatched to the scene of a motor vehicle accident  
16 or other emergency situation for the purpose of providing medical  
17 care or other assistance.

18 b. A first responder who is dispatched to or is otherwise  
19 present at the scene of a motor vehicle accident or other emergency  
20 situation, for the purpose of providing medical care or other  
21 assistance, shall not photograph, film, videotape, record, or  
22 otherwise reproduce in any manner, the image of a person being  
23 provided medical care or other assistance, except in accordance  
24 with applicable rules, regulations, or operating procedures of the  
25 agency employing the first responder.

26 c. A first responder shall not disclose any photograph, film,  
27 videotape, record, or other reproduction of the image of a person  
28 being provided medical care or other assistance at the scene of a  
29 motor vehicle accident or other emergency situation without the  
30 prior written consent of the person, or the person’s next-of-kin if  
31 the person cannot provide consent, unless that disclosure was for a  
32 legitimate law enforcement, public safety, health care, or insurance  
33 purpose or pursuant to a court order.

34 d. A person who knowingly violates the provisions of  
35 subsection c. of this section shall be guilty of a disorderly persons  
36 offense.

37 e. In addition to any other right of action or recovery otherwise  
38 available under the laws of this State, a first responder who  
39 knowingly violates the provisions of subsections b. or c. of this  
40 section shall be liable to the person whose image was taken or  
41 disclosed, who may bring a civil action in the Superior Court.

42 The court may award:

43 (1) actual damages, but not less than liquidated damages  
44 computed at the rate of \$1,000 for each violation of this act;

45 (2) punitive damages upon proof of willful or reckless disregard  
46 of the law;

1       (3) reasonable attorney's fees and other litigation costs  
2 reasonably incurred; and

3       (4) such other preliminary and equitable relief as the court  
4 determines to be appropriate.

5

6       2. This act shall take effect immediately.