

[First Reprint]

ASSEMBLY, No. 2975

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED JUNE 21, 2010

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District 14 (Mercer and Middlesex)

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SYNOPSIS

Requires destruction of records stored on digital copy machines under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on October 18, 2010, with amendments.



(Sponsorship Updated As Of: 11/23/2010)

1 AN ACT concerning records stored on certain digital copy machines
2 and supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. As used in this act:

8 **["Person"]** "Business"¹ means any **['individual,']**¹ corporation,
9 company, partnership, firm, association, or other entity, and shall
10 include a public entity.

11 "Public entity" means the State, and any county, municipality,
12 district, public authority, public agency, and any other political
13 subdivision or public body in the State.

14 "Records" means any material recorded or preserved by any
15 means.

16

17 2. A **['person]** business¹ shall destroy, or arrange for the
18 destruction of, all records stored on a digital copy machine, which
19 is no longer to be retained by that **['person]** business¹, by erasing
20 or otherwise modifying those records to make the records
21 unreadable, undecipherable^{1,1} or nonreconstructable through
22 generally available means.

23

24 3. Any **['person]** business¹ that willfully or knowingly violates
25 the provisions of this act shall be liable to a penalty of not more
26 than \$10,000 for the first offense and not more than \$20,000 for the
27 second and each subsequent offense to be collected in a summary
28 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
29 P.L.1999, c.274 (C.2A:58-10 et seq.). The Attorney General shall
30 enforce the provisions of this act.

31

32 4. A person damaged in business or property as a result of a
33 violation of this act may sue the actor therefor in the Superior Court
34 and may recover compensatory and punitive damages and the cost
35 of the suit including a reasonable attorney's fee, costs of
36 investigation and litigation.

37

38 5. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACO committee amendments adopted October 18, 2010.