



STATE OF NEW JERSEY
CHAPTER 410, LAWS OF 1953
DESTRUCTION OF PUBLIC RECORDS ACT

An Act concerning the destruction and unlawful possession of public records, revising chapter three of Title 47 of the Revised Statutes, and repealing certain statutes relating thereto.

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

1. [C.47:3-15 SHORT TITLE]

This act shall be known and cited as "Destruction of Public Records Law (1953)."

2. [C.47:3-16 TERMS DEFINED]

As used in this act, except where the context indicates otherwise, the words "public records" mean any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein.

As used in this act the word "bureau" means the Bureau of Archives and History in the Department of Education.

3. [C.47:3-17 APPROVAL OF BUREAU]

No Person shall destroy, sell or otherwise dispose of any public record, archives or printed public documents which are under his control or in his care or custody, whether or not they are in current use, without first having advised the Bureau of Archives and History in the Department of Education of their nature, and obtained the written consent of that bureau; which consent may be given by said bureau only if the same is in conformance with regulations governing the granting thereof which shall be made and promulgated by the State Records Committee established by section six of this act.

4. [C.47:3-18 CLASSIFICATIONS AND CATEGORIES]

The bureau may from time to time establish specific classifications and categories for various types of the said "public records" and, in giving its consent as provided herein, may do so in a general and continuing manner according to the said classifications and categories.

5. [C.47:3-19 SCHEDULES OF SUBMISSION PREPARED]

The bureau, in cooperation with the several State departments, commissions and agencies, shall make a study of the kind and character of public records in their control or custody and shall prepare proposed schedules for submission to the State Records Committee established by section six hereof for its approval and advise the said several departments, commissions and agencies of all applicable operative schedules.

6. [C.47:3-20 APPROVAL OF SCHEDULE, POWERS OF COMMITTEE MEMBERS]

No such schedule shall be operative unless approved by the State Records Committee which is hereby established in the State Department of Education and which shall consist of the State Treasurer, the Attorney General, the State Auditor, the Director of the Division of Local Government in the Department of the Treasury, and the head of the Bureau of Archives and History in the Department of Education. Each member of the committee may designate in writing a representative to act in his place on said committee.

The State Records Committee shall have the powers and duties prescribed for it herein and shall make and promulgate such regulations, not inconsistent with law as may be necessary to adequately effectuate such powers and duties.

7. [C.47:3-21 SCHEDULE FILED]

Whenever any such schedule is approved by the committee, a copy thereof shall be filed with the State department, commission or agency involved and with the State Auditor, and the original approval shall be retained by the Bureau of Archives and History in the Department of Education. Thereupon, such schedule shall remain in force and effect and may be acted upon by the said department, commission or agency until superseded by a subsequent duly approved schedule.

8. [C. 47:3-22 NO LIABILITY]

No State official, or head of a State department, commission or other agency shall be held liable on his official bond, or in the way of damages for loss, or in any other manner, civil or criminal, because of the destruction of public records pursuant to the provisions of this act or any other law authorizing such destruction.

9. [C.47:3-23 DESTRUCTION OR EVIDENCES OF INDEBTEDNESS AUTHORIZED]

Whenever, under the laws of this State, there shall have been issued and sold by the State or by any municipality, county, or school district, bonds, coupons, or other evidences of indebtedness and such bonds, coupons and other evidences of indebtedness shall have been cancelled and redeemed by the State Treasurer, the State House Commission, or by any agency or authorized official of the State, or by any municipality, county, or school district issuing the same, it shall be lawful for the official or officials in charge of the issuance, redemption and cancellation of such bonds, coupons or other evidences of indebtedness to destroy the same upon the written

consent of the bureau, subject to regulations which shall be made and promulgated by the State Records Committee established by section six thereof.

The said officials, in the same manner, may destroy any bonds, coupons or other evidences of indebtedness which have been printed and which remain unused, or any registered bonds which remain unused at the time the issue has completely matured.

10. [C. 47 :3-24 CONSENT TO DESTRUCTION OF OTHER RECORDS]

The bureau, subject to regulations which shall be made and promulgated by the State Records Committee established by section six hereof, may give its consent to the immediate destruction or other disposition of bonds, coupons or other evidences of indebtedness which have not been used, but shall not consent to the destruction or other disposition of temporary bonds unless they have been replaced by definitive bonds, and then, only after the expiration of a year from the date of such replacement, or to the destruction or other disposition of bonds, coupons or other evidences of indebtedness which have been issued, except after the expiration of a period of seven years from their cancellation or maturity dates.

11. [C.47:3-25 CERTIFICATE OF DESTRUCTION, FILING]

Whenever bonds, coupons or other evidences of indebtedness are destroyed or otherwise disposed of under the provisions of this section, a certificate of destruction shall be prepared by the official having charge of such destruction or other disposition, setting forth the dates of issuances, the series and serial numbers and the face amounts of such bonds, coupons or other evidences of indebtedness.

Where the said certificates relate to State issues, they shall be filed in the office of the Secretary of State and where they relate to county or municipal issues, they shall be filed in the office of the chief financial officer of the county or municipality, as the case may be. Any such certificate or certified copy thereof shall be receivable in evidence in any court or proceeding as prima facie evidence of the destruction of such bonds, coupons or other evidences of indebtedness.

12. [C. 47:3-26 Standards and procedures]

The Bureau of Archives and History in the Department of Education, with the approval of The State Records Committee established by section six hereof, shall formulate standards and procedures for the photographing, microphotographing and microfilming of public records and for the preservation, examination and use of such records, including the indexing and arrangement thereof, for convenient reference purposes.

Whenever any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, shall have photographed, microphotographed or microfilmed all or any part of the public records, kept or

required by law to be received and indexed in such manner as to conform with the standards and procedures, and such photographs, microphotographs or microfilms have been placed in conveniently accessible files and provisions shall have been made for the preservation, examination and use of the same in conformity with the said standards and procedures, the original records from which the photographs, microphotographs or microfilms have been made, or any part thereof, may be destroyed or the records therein otherwise effectively obliterated; provided, the said bureau shall first have given its written consent to such destruction or other disposition.

In the event of any such destruction or other disposition of any public records under the provisions of this section, the photograph, microphotograph or microfilm, or a certified copy of said photograph, microphotograph or microfilm, shall be receivable in evidence in any court or proceeding and shall have the same force and effect as though the original public record had been there produced and proved.

13. [C.47:3-27 STATE RECORDS PRIVATELY HELD]

The bureau is empowered to demand and receive from any person any public record in private possession belonging to this State, or to any county, municipality or school district thereof.

14. [C. 47:3-28 DEMANDS FOR RECORDS]

Any person who is entitled by law to the custody of public records shall demand the same from any person in whose possession they may be, and such records forthwith shall be delivered to the officer charged by law with their custody.

15. [C. 47:3-29 HIGH MISDEMEANOR]

Any person who without the consent of the person authorized to have custody thereof, removes an official record or paper from the files of any public agency or body, or who alters any map, plat, or other paper signed and approved by a public official without permission, or who alters, defaces, mutilates or destroys with malicious intent any public record shall be guilty of a high misdemeanor.

16. [C. 47 :3-30 RULES AND REGULATIONS]

The bureau shall, with the approval of the State Records Committee established by section six hereto, make and promulgate rules and regulations for the effective administration of the laws relating to public records.

17. [C.47:3-31 REPEALER]

Sections 47:3-1 to 47:3-6 of the Revised Statutes and "An act concerning the destruction of cancelled and redeemed acknowledgments of indebtedness, commonly known as "scrip," which have been issued and sold by any municipality or county, and supplementing chapter three of Title 47 of the Revised Statutes," approved June fourteenth, one thousand nine hundred and thirty-eight, are repealed.

18. [C. 47 :3-32 CONTROLLING ACTS]

In the event of any inconsistency between the provisions of this act and the provisions of "An act concerning certain papers and records on file in the offices of the county clerks and registers of deeds and mortgages, and supplementing chapter three of Title 47 : of the Revised Statutes," approved July twenty-fifth, one thousand ' nine hundred and fifty-three (P.L. 1953, c. 269) or of "An act concerning the destruction or other disposition of certain papers on file in the offices of the county clerks, pertaining to the former courts of oyer and terminer, circuit courts, courts of common pleas, courts of quarter sessions and courts of special sessions," approved July twenty-fifth, one thousand nine hundred and fifty-three (P.L. 1953, c. 270), the provisions of such other act shall prevail.

19. This act shall take effect immediately. Approved September 18, 1953.