

NJ LAWS EMAIL NEWSLETTER E475

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1. Have a Power of Attorney prepared for your college children and children traveling out of state

There are many good reasons to consider getting a Power of Attorney and Medical Directive for your adult "child". A prominent Monmouth County Law office wrote while you made certain decision for your child before he or she turned 18, you have no authority to take action now. In the event your child becomes ill or has a serious accident while they are away, you do not have legal right to withhold Power of Attorney, it is important to have a plan in place to deal with their health, financial, educational and legal needs.

Durable Power of Attorney to handle finances will enable you to take care of tasks for your child. This includes: registering their car; communicating with their college about issues which fall under HIPAA, like grades and disciplinary actions; completing financial transactions at their bank, their college, etc. If your child runs in to an issue with their passport while they are overseas, you can be assured that you have the authority to help.

Living Will or Health Care Directive is important in the event of an accident or illness. You will be able to talk to medical staff and make decisions on your child's behalf, if necessary.

While you may never need to use these documents, it is better to be safe than sorry!

2. Recent cases: OPRA can require town and police to provide video of security camera. Gilleran v. Twp. of Bloomfield, ___ N.J. Super. ___ (App.Div. 2015) (A-5640-13T4).

The Open Public Records Act (OPRA) does not include a blanket exemption for video recordings made from an outdoor security camera. To justify denying an OPRA request pursuant to the definitional exclusions contained in N.J.S.A. 47:1A-1.1 for "security information," "procedures," "measures," and "techniques," the government

agency must make a specific showing of why disclosure would jeopardize the security of the facility or put the safety of persons or property at risk.

Because we agree with the trial court that the township did not make a sufficiently specific showing for an exemption, we need not decide whether N.J.S.A. 47:1A-5(g) requires a government agency to review requested recordings and redact only actual confidential information, as argued by plaintiff and the ACLU. Such a requirement of review and redaction seems impractical and virtually impossible to implement when the request is for lengthy surveillance recordings, such as the fourteen hours of recordings requested here by plaintiff.

3. Bias statute requires proof of defendant intended bias, not victim perception and statute unconstitutional. State v. Pomianek, 221 N.J. 66 (N.J. 2015).

Subsection (a)(3) of the bias-intimidation statute, N.J.S.A. 2C:16-1, fails to give adequate notice of conduct that it proscribes, is unconstitutionally vague, and violates the Due Process Clause of the Fourteenth Amendment.

4. Next Community events we participate in

9/ 5 Scranton Minicozzi 5k 10am

9/7 Monday Pier House 5K, Long Branch 8:30 - benefiting Valerie Center of Monmouth Medical

9/19 Ocean Grove Run for Arts 5k 9am Co-Sponsor Wakefern Shoprite

Best wishes to Brendan Vercammen as he starts at Midwestern University College of Dental Medicine. The dental school is located north of Chicago in Downers Grove, Illinois. Brendan completed U of Miami in four years, completed his Masters degree at Kean University in one year. Shannon Vercammen is starting her senior year at U of Delaware and is on the Dean's list. We are very proud of both.

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