



Senator **Connors**, Assemblyman **Rumpf** & Assemblywoman **Gove**

August 20, 2012

New Jersey's 9th Legislative District

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## Governor Signs Connors, Rumpf & Gove Supported Bill to Protect Privacy Rights of Accident Victims & Their Families



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Legislation sponsored by 9th District Legislators Senator Christopher J. Connors, Assemblyman Brian E. Rumpf and Assemblywoman DiAnne C. Gove that would prevent first responders from photographing persons whom they are assisting or disclosing photographs of such persons, without their consent was signed into law today by Governor Christie.

Senator Connors was the prime sponsor of the legislation (S-199) in the Senate while Assemblyman Rumpf and Assemblywoman Gove were cosponsors of the companion bill (A-789).

On October 23, 2009, Ms. Cathy Bates was killed in an automobile accident on Route 72 in Barnegat Township. At the accident scene, a volunteer first responder took photos of her which were posted on Facebook before family members were notified of what took place. Since the incident, Cathy's mother, Mrs. Lucille Bates-Wickward, has led the effort to amend State law to prohibit first responders from distributing photos or recordings of an accident victim without the victim's or family's permission.

The Delegation issued the following statement following the Governor's signing of the legislation:

"The enactment of this legislation marks a significant achievement in protecting victims' privacy rights by updating State law to reflect the realities of today's rapidly expanding and evolving social media. Above all, the intent is to prevent the type of shockingly irresponsible behavior and unforgiveable lack of sensitivity that occurred. in connection with the tragic incident involving Mrs.

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Bates-Wickward and her family, from happening again.

“We are pleased that the legislation’s provisions, which were carefully and thoroughly considered during the committee process, balanced the enhancement of privacy rights protections with the need to disclose these images for legitimate law enforcement, health and insurance purposes.

“It is understood by all parties involved in this effort that the incident which prompted the legislation’s introduction was the exception as opposed to the general rule, as the overwhelming majority of first responders would never violate the privacy of accident victims or act in such an unprofessional manner. Not surprisingly, many first responders we have spoken with on this issue were incensed and offended by what took place in the case of Mrs. Bates-Wickward and her family.

“The petition drive, led by Mrs. Bates-Wickward, that amassed more than 5,000 signatures, was the catalyst in placing this legislation on the legislative agenda and attracting bipartisan co-sponsorship. These petitioners deserve special recognition for their active role in the legislative process to protect accident victims’ privacy rights.”

Under the law, first responders present at the scene of a motor vehicle accident or other emergency situation to provide assistance, are prohibited from photographing, filming, videotaping, recording, or otherwise reproducing in any manner, the image of a person being provided medical care or other assistance, except in accordance with applicable rules, regulations, or operating procedures of the agency employing the first responder.

Additionally, first responders are prohibited from disclosing any photograph, film, videotape, record, or other reproduction of the image of a person being provided medical care or other assistance at the scene of a motor vehicle accident or other emergency situation without the prior written consent of the person, or the person’s next-of-kin if the person cannot provide consent, unless that disclosure was for a legitimate law enforcement, public safety, health care, or insurance purpose or pursuant to a court order.

A person who knowingly violates this prohibition on disclosure is guilty of a disorderly persons’ offense, which is punishable by imprisonment for up to six months, a fine of up to \$1,000, or both. Lastly, a first responder who knowingly violates the prohibitions set forth under the law regarding photographing a person who is being provided medical care or other assistance or on disclosing a photograph of that person without the person’s consent is liable to the person whose image was taken or disclosed, who may bring a civil action in the Superior Court.

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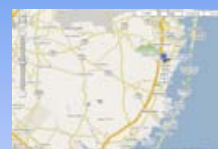
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