

15.-23. (No change.)
(d)-(o) (No change.)

HEALTH

(a)

**OFFICE OF POLICY AND STRATEGIC PLANNING
OFFICE OF VITAL STATISTICS AND REGISTRY
Notice of Readoption
Birth Certificates**

Readoption: N.J.A.C. 8:2

Authority: N.J.S.A. 26:8-23.

Authorized By: Shereef M. Elnahal, Commissioner, Department of Health.

Effective Date: November 2, 2018.

New Expiration Date: November 2, 2025.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:2, Birth Certificates, were scheduled to expire on December 5, 2018.

N.J.A.C. 8:2 implements the provisions of N.J.S.A. 26:8-1 et seq., pertaining to the recording and issuance of birth certificates. Subchapter 1 provides the scope and purpose of the rules, establishes definitions of terms, and outlines the requirements and processes for creating a record of live birth and a certificate of birth resulting in stillbirth. Subchapter 2 establishes the requirements for obtaining certified and certification copies of birth records. Subchapter 3 establishes the fees for certified and certification copies of birth records.

The Department is developing a rulemaking to consolidate, revise, and update its vital statistics rule chapters, namely N.J.A.C. 8:2, Birth Certificates, 8:2A, Death Records, and 8:2B, Certificate of Domestic Partnership, and incorporate the requirements for the issuance of marriage licenses and certificates, among other vital statistics processes and requirements, into the rules. Specific to N.J.A.C. 8:2, the revisions will include rules to implement the "Babs Siperstein Law," P.L. 2018, c. 58, which revises the procedure for the issuance of an amended birth certificate for a person who has undergone a change in gender. The Department anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course; however, this rulemaking could not be proposed prior to the expiration of existing N.J.A.C. 8:2. The Commissioner has reviewed N.J.A.C. 8:2 and determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:2 is readopted and shall continue in effect for seven years.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF STATE POLICE

**Criminal History Record Background Checks
Readoption with Amendments: N.J.A.C. 13:59**

Proposed: August 6, 2018, at 50 N.J.R. 1705(a).

Adopted: October 12, 2018, by Colonel Patrick J. Callahan, Superintendent, Division of State Police, with the approval of Gurbir S. Grewal, Attorney General.

Filed: October 30, 2018, as R.2018 d.201, **without change**.

Authority: N.J.S.A. 53:1-20.6.

Effective Dates: October 30, 2018, Readoption;
December 3, 2018, Amendments.
Expiration Date: October 30, 2025.

Summary of Public Comment and Agency Response:

The official 60-day comment period ended October 5, 2018. **No comments were received.**

Federal Standards Statement

State law governs the dissemination of criminal history record information compiled and maintained by the Division of State Police. Therefore, a Federal standards analysis and certification are not required for the rules readopted with amendments. Federal regulations apply to authorized requesters for the dissemination of Federal criminal history record information compiled and maintained by the FBI. Federal regulations and procedures are codified at 28 CFR Part 20.1. The rules readopted with amendments do not exceed these Federal standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:59.

Full text of the adopted amendments follows:

SUBCHAPTER 1. NONCRIMINAL JUSTICE PURPOSES

13:59-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...
"Criminal justice agency" means:

1. (No change.)

2. A governmental entity of the State of New Jersey, any other state or the Federal government which performs functions pertaining to the administration of criminal justice pursuant to statute, ordinance, resolution, or regulation, or executive order, and which allocates a substantial portion of its annual budget to the administration of criminal justice.

"Criminal justice employee" means any person employed in a paid position by a state, county, or municipal criminal justice agency.

...
"Live Scan System" means an automated scanning system capable of capturing digital fingerprint images and demographic data to create a fingerprint record for submission to the New Jersey State Police SBI and/or FBI.

...
"Public safety volunteer" means any person who is applying for or performing a public safety task in an unpaid position for a state, county, or municipal criminal justice agency, fire department, or first aid squad. These tasks are defined as public safety functions normally conducted by paid criminal justice employees, fire department employees, or first aid squad employees, but are accomplished by unpaid volunteers.

...
"Securing applicant fingerprint images" means the procedure used by a law enforcement agency or private entity, under contract with the State, to obtain an applicant's fingerprints images and demographic data utilizing a Live Scan System or a New Jersey and/or FBI manual fingerprint card and demographic data to create a fingerprint record for submission to the SBI for processing criminal history record checks.

...

13:59-1.2 Dissemination for noncriminal justice purposes

(a)-(c) (No change.)

(d) With the submission of New Jersey and FBI fingerprint records created utilizing the Live Scan System or manual fingerprint cards pursuant to N.J.A.C. 13:59-1.4, national requesters may obtain from the SBI and FBI all criminal history record information retained on the subject and accessed by the SBI, including all criminal history record information from the central repository of the New Jersey State Police SBI, the National Crime Information Center (NCIC) or other states' computerized repositories containing criminal history record information, unless such records have been expunged by law.