



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO BOX 112
TRENTON, NJ 08625-0112

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

MATTHEW J. PLATKIN
Attorney General

MICHAEL T.G. LONG
Director

September 11, 2023

VIA ECOURTS

Joseph L. Rea, J.S.C.
Superior Court of New Jersey
Middlesex County Courthouse
P.O. Box 964
New Brunswick, New Jersey 08903-0964

Re: *Kratovil v. City of New Brunswick, et al.*
Docket No. MID-L-3896-23

Dear Judge Rea:

I write to inform the Court that the Attorney General declines to intervene in the above-captioned matter at this time.

There can be no doubt that A1649, better known as Daniel’s Law, is facially constitutional. Daniel’s Law, like its federal counterpart, addresses a problem of the highest order: the increasing threats judges and law enforcement officers face to their lives and their families for doing their jobs. *See* S. Judiciary Comm. Statement with Comm. Amends. to A.B. 1649, N.J. Pub. L. 2020, Ch. 125 (describing protections for public officials and their families); Daniel Anderl Judicial Security and Privacy Act of 2022, S. 2340, 117th Cong. § 2 (citing increasing number of threats to judges). The State has extraordinary compelling interests in eradicating those dangers—both to protect public officials and to ensure that these officials can carry out their critical government functions without fear. *See* N.J. Pub. L. 2020, Ch. 125 § 8 (emphasizing purpose of enhancing safety of public officials to ensure they may “carry out their official duties without fear of personal reprisal”). And Daniel’s Law achieves those



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goals in a narrowly tailored way. It does not target any person's viewpoint. Rather, the law exclusively prevents impermissible dissemination of judges', prosecutors', and law enforcement officers' personal information—including home addresses—in order to protect their safety and the safety of their families.

This case, however, does not present a facial challenge to Daniel's Law. To the contrary, Plaintiff's brief is clear: he is not seeking to have the statute invalidated generally, and is seeking only as-applied relief as to him, for his particular factual situation. *See* Amend. Compl. 16 (seeking declaration that law is unconstitutional as applied to him); Pltf's Reply Br. 1-4 (agreeing he "has only challenged Daniel's Law constitutionality as applied to him."). That is, Plaintiff's entire theory rests on his factual assertions that he obtained the underlying information lawfully, that the information is otherwise still available, and that he is a journalist who wishes to publish that information in a story relating to a high-level official's residency. *See* Pltf's Reply Br. 2-3, 9-10, 14 n.7, 16-19. Whatever the merits of those claims, these are intensely factual questions. And should Plaintiff prevail, relief would necessarily be narrowly tailored to these parties and to the totality of the as-applied facts in his particular case. The Attorney General has a strong interest in defending Daniel's Law generally, but lacks relevant first-hand knowledge as to the facts in this case and thus declines to participate at this time.

Thank you for the Court's courtesies and consideration.

Respectfully submitted,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Adam W. Marshall
Adam W. Marshall (019231995)
Deputy Attorney General
Adam.Marshall@law.njoag.gov

c: Counsel of record (via eCourts)