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:

C. 47:3-15 1. This act shall be known and cited as "Destruction of Public Records Law (1953)."

C. 47:3-16 2. 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.

C. 47:3-17 3. 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.

C. 47:3-18 4. 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.

C. 47:3-19 5. 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.
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<th>Section</th>
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<td>C. 47:3-20 6.</td>
<td>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 Staff, 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.</td>
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<td>C. 47:3-22 8.</td>
<td>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.</td>
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<td>C. 47:3-23 9.</td>
<td>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.</td>
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<td>C. 47:3-24 10.</td>
<td>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 issued, but shall not consent to the destruc-</td>
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tion 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.

C. 47:3-25
Certificate of destruction, filing

11. 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.

C. 47:3-26
Standards and procedures

12. 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 reservation, 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. 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. Any person who is entitled by law to the custody of public records shall demand the same from any person in whose possession they charged by the law with their custody.

13. 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. 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. 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. 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.
STATE OF NEW JERSEY DESTRUCTION OF PUBLIC RECORDS ACT

47:3-15 Short title

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

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, data processed or image processed document, 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.

History: Amended 1994, c. 140, 3

47:3-17. Consent of bureau to disposition or destruction of public records or documents

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.

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.
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 hereof.

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.

47:3-24 Time for destruction or other disposition of bonds and other evidences of indebtedness

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.

47:3-25 Certificate of destruction; filing; evidence

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.

47:3-26 Standards, procedures and rules

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 be formulate standards, procedures and rules for the
photographing, microphotographing, microfilming, data processing and image processing of public records
and for the preservation, examination and use of such records, including the indexing and arrangement thereof,
for convenient reference purposes.
47:3-19 Schedules

The bureau, in co-operation 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 the 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.

47:3-20 State Records Committee; approval of schedule; regulations

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.

47:3-21 Schedule; filing of copy; retention of original

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.

47:3-22 Liability of officials and others for destruction of public records

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.

7:3-23 Cancelled bonds and other evidences of indebtedness; destruction

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 hereof.

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.

47:3-24 Time for destruction or other disposition of bonds and other evidences of indebtedness

The bureau, subject to regulations which shall be made and promulgated by the State Records Committee
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47:3-25 Certificate of destruction; filing; evidence

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
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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
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In the event of any such destruction or other disposition of any public records under the provisions of this section, the photograph, microphotograph, microfilm, or data processed or image processed document or a certified copy of said photograph, microphotograph, microfilm, or data processed or image processed document 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.

History: Amended 1994, c. 140, 4

47:3-27 Public records in private possession, bureau may demand

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.

47:3-28 Public records in private possession, person entitled to custody may demand

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.

47:3-29 Removal, alteration or destruction of public records with malicious intent

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.
47:3-30 Rules and regulations

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

47:3-31 Repeal

Sections 47:3 to 47:3-6 of the Revised Statues 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 Statues, "approved June fourteenth, one thousand nine hundred and thirty-eight, are repealed.

47:3-32 Inconsistency between provisions of this act and other 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 Statues," 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.
§ 47:3-15. Short title

This act shall be known and cited as "Destruction of Public Records Law (1953)."
§ 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, data processed or image processed document, 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.

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HISTORY: Amended 1994, c. 140,
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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.
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47:3-20. State Records Committee; approval of schedule; regulations

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.
§ 47:3-21. Schedule; filing of copy; retention of original

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.
§ 47:3-22. Liability of officials and others for destruction of public records

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.
§ 47:3-23. Cancelled bonds and other evidences of indebtedness; destruction

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 hereof.

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.
§ 47:3-24. Time for destruction or other disposition of bonds and other evidences of indebtedness

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.
§ 47:3-25. Certificate of destruction; filing; evidence

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.
§ 47:3-26. Standards, procedures and rules

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, procedures and rules for the photographing, microphotographing, microfilming, data processing and image processing 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, microfilmed, data processed or image processed 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, procedures and rules, and such photographs, microphotographs, microfilms, or data processed or image processed documents have been placed in conveniently accessible files and provision 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, microfilms, or data processed or image processed documents 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, microfilm, or data processed or image processed document or a certified copy of said photograph, microphotograph, microfilm, or data processed or image processed document 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.

47:3-27. Public records in private possession, bureau may demand

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.
§ 47:3-28. Public records in private possession, person entitled to custody may demand

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.
§ 47:3-29. Removal, alteration or destruction of public records with malicious intent

Any person who, without the consent of the person authorized to have custody thereof, inserts 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.
§ 47:3-30. Rules and regulations

The bureau shall, with the approval of the State Records Committee established by section six hereof, make and promulgate rules and regulations for the effective administration of the laws relating the public records.
§ 47:3-31. Repeal

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.
§ 47:3-32. Inconsistency between provisions of this act and other 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 clerk, 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 L. 1. 953, c. 270), the provisions of such other act shall prevail.