

SENATE, No. 1269

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Establishes criminal background check and judgment search requirement for name change; prohibits name change in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning name changes and criminal background checks,
2 and amending and supplementing Title 2A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.2A:52-1 is amended to read as follows:

9 2A:52-1. a. Any person may institute an action in Superior
10 Court, for authority to assume another name.

11 b. The complaint for a change of name shall be accompanied by:

12 (1) a sworn affidavit stating the applicant's name, date of birth,
13 and social security number [, whether or not the applicant has ever
14 been convicted of a crime, and whether any criminal charges are
15 pending against him and, if such convictions or pending charges
16 exist, shall provide such details in connection therewith sufficient to
17 readily identify the matter referred to]. In the case of a minor
18 under the age of 18 the sworn affidavit shall be completed by the
19 minor's parent or guardian. The sworn affidavit shall also recite
20 that the action for a change of name is not being instituted for
21 purposes of avoiding or obstructing criminal prosecution or for
22 avoiding creditors or perpetrating a criminal or civil fraud [. If]:

23 (2) the results of a criminal history record background check of
24 the applicant performed by the Division of State Police in the
25 Department of Law and Public Safety within 30 days prior to the
26 filing of the complaint for a change of name. Each applicant shall
27 have submitted to the Division of State Police the applicant's name,
28 address, fingerprints and written consent for a criminal history
29 record background check to be performed; and

30 (3) the results of a judgment search initiated by the applicant
31 and the applicant's sworn affidavit stating that there are no pending
32 lawsuits, judgments, or bankruptcy proceedings against him.

33 c. If the criminal history record background check indicates that
34 the person has been convicted of a crime or that criminal charges
35 are pending, the applicant shall serve a copy of the complaint
36 [and], affidavit and criminal history record background check upon
37 any State or county prosecuting authority responsible for the
38 prosecution of any [pending] charges and provide the court with
39 proof of service upon the prosecuting authority.

40 d. The applicant shall be responsible for the cost of the
41 background check required by this section, except that no fee shall
42 be charged to an applicant who has instituted an action to assume
43 another name due to the applicant's status as the victim of a violent
44 crime, as defined in subsection b. of N.J.S.2A:52-2.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 e. An applicant who is under the age of 18 shall not be required
2 to comply with the provisions of paragraph (2) of subsection b. of
3 this section. Such applicant shall include in the sworn affidavit
4 submitted in accordance with paragraph (1) of subsection b. of this
5 section whether or not the applicant has ever been convicted of a
6 crime or adjudicated delinquent for an act which if committed by an
7 adult would constitute a crime, and whether any criminal or
8 delinquency charges are pending against him and, if such
9 convictions, adjudications or pending charges exist, shall provide
10 such details in connection therewith sufficient to readily identify the
11 matter referred to.

12 f. A person commits a crime of the fourth degree if he
13 knowingly gives or causes to be given false information under this
14 section.
15 (cf: P.L.1993, c.228, s.1)

16
17 2. N.J.S.2A:52-2 is amended to read as follows:

18 2A:52-2. a. Such person, from and after the day specified
19 therefor in the judgment in the action, shall be known by the name
20 which, by the judgment, he is authorized to assume, and by no
21 other. The judgment for change of name shall include the
22 applicant's social security number and date of birth.

23 **【The】** If the person has been convicted of a crime or if there are
24 criminal charges pending against him, the clerk of the court shall
25 forward a copy of the judgment to the State Bureau of Identification
26 in the Division of State Police 【if the person has been convicted of
27 a crime or if there are criminal charges pending against him】 and
28 the prosecuting authority.

29 b. If the criminal history record background check indicated that
30 the applicant was convicted of a violent crime, as defined in this
31 subsection , the prosecuting authority shall to the extent practicable
32 notify the victim, or an immediate family member of the victim, of
33 the judgment for change of name. For the purposes of this section,
34 "violent crime" means any crime of the first or second degree
35 enumerated in subsection d. of section 2 of P.L.1997, c.117
36 (C.2C:43-7.2).

37 (cf: P.L.1993, c.228, s.2)

38

39 3. (New section) a. Except as otherwise provided in subsection
40 b. of this section, the court shall grant authority for a change of
41 name if it finds that the change of name is not being sought for
42 purposes of avoiding or obstructing criminal prosecution or for
43 avoiding creditors or perpetrating a criminal or civil fraud.

44 b. The court shall not grant authority for a change of name to an
45 applicant whose criminal history record background check reveals a
46 conviction for a violent crime, as defined in subsection b. of
47 N.J.S.2A:52-2 unless the court finds that the name change is made
48 for religious reasons or reasons of gender identity and the court

1 finds that the application for the change of name complies with the
2 provisions of subsection a. of this section.

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4 4. This act shall take effect on the first day of the fourth month
5 next following the date of enactment.

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STATEMENT

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10 This bill requires a person applying for a name change to
11 undergo a criminal history record background check and judgment
12 search. The bill also bars persons convicted of certain violent
13 crimes from assuming a new name, with exceptions.

14 Under the bill, upon application to the court for the authority to
15 assume another name, an applicant would be required to submit the
16 following:

17 (1) a sworn affidavit stating the applicant's name, date of birth,
18 and social security number. In the case of a minor, under the age of
19 18, a sworn affidavit completed by the minor's parent or guardian.
20 The affidavits would also recite that the action for a name change is
21 not being instituted for the purpose of avoiding or obstructing
22 criminal prosecution or for avoiding creditors or perpetrating a
23 criminal or civil fraud;

24 (2) the results of a criminal history record background check of
25 the applicant performed by the Division of State Police within 30
26 days prior to the filing of the complaint;

27 (3) the results of a judgment search stating that there are no
28 pending lawsuits, judgments, or bankruptcy proceedings against
29 him.

30 If the criminal history record background check indicates that the
31 applicant has been convicted of a crime or that criminal charges are
32 pending, the applicant would be required to serve a copy of the
33 complaint, affidavit, and criminal history record background check
34 upon any State or county prosecuting authority responsible for the
35 prosecution of any charges and provide the court with proof of
36 service upon the prosecuting authority.

37 The bill specifies that applicants would be responsible for the
38 cost of the background checks, but no fee would be charged to an
39 applicant who has instituted an action to assume another name to
40 the applicant's status as the victim of a violent crime. "Violent
41 crime" is defined in the bill as any crime of the first or second
42 degree crimes as set forth in the "No Early Release Act," section 2
43 of P.L.1997, c.117 (C.2C:43-7.2).

44 The bill also provides a criminal background check would not be
45 required if the applicant is under the age of 18. However, in the
46 case of such a minor the sworn affidavit, completed by the minor's
47 parent or guardian, would state whether or not the applicant has
48 ever been convicted of a crime or adjudicated delinquent for an act

1 which if committed by an adult would constitute a crime, and
2 whether any criminal or delinquency charges are pending against
3 him and, if such convictions, adjudications or pending charges
4 exist, shall provide such details in connection therewith sufficient to
5 readily identify the matter referred to.

6 The bill amends N.J.S.2A:52-2 to provide that if the person has
7 been convicted of a crime or if there are criminal charges pending
8 against him, the clerk of the court would forward a copy of the
9 judgment to the State Bureau of Identification in the Division of
10 State Police and the prosecuting authority.

11 If the background check indicates that the applicant was
12 convicted of a violent crime, the prosecuting authority would to the
13 extent practicable notify the victim or an immediate family member
14 of the victim of the judgment for change of name. For the purposes
15 of the bill, violent crimes means any crime of the first and second
16 degree as set forth in the “No Early Release Act,” section 2 of
17 P.L.1997, c.117 (C.2C:43-7.2) which includes: murder; aggravated
18 manslaughter or manslaughter; vehicular homicide; certain
19 aggravated assaults; disarming a law enforcement officer;
20 kidnapping; aggravated sexual assault; certain sexual assaults;
21 robbery; carjacking; aggravated arson; certain burglaries; extortion;
22 booby traps in CDS manufacturing or distribution facilities; strict
23 liability for drug-induced deaths; terrorism; producing or possessing
24 chemical weapons, biological agents or nuclear or radiological
25 devices; first degree racketeering; firearms trafficking; and certain
26 crimes involving endangering the welfare of a child.

27 The bill provides that, except as otherwise provided in the bill,
28 the court shall grant a name change if it finds that the name change
29 is not being sought for purposes of avoiding or obstructing criminal
30 prosecution or for avoiding creditors or perpetrating a criminal or
31 civil fraud.

32 Under the bill, a person convicted of a violent crime would be
33 barred from assuming a new name unless the request is made for
34 religious reasons or reasons of gender identity. The bill provides
35 that in this case the court must also find that the application for the
36 change of name is not being sought for purposes of avoiding or
37 obstructing criminal prosecution or for avoiding creditors or
38 perpetrating a criminal or civil fraud.