

ASSEMBLY, No. 109

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman JONES

1 AN ACT concerning the identification of certain victims in certain  
2 public records and court documents and amending P.L.1989, c.336.

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

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7 1. Section 1 of P.L.1989, c.336 (C.2A:82-46) is amended to read  
8 as follows:

9 1. a. In prosecutions for aggravated sexual assault, sexual assault,  
10 aggravated criminal sexual contact, criminal sexual contact,  
11 endangering the welfare of children under N.J.S.2C:24-4, or in any  
12 action alleging an abused or neglected child under P.L.1974, c.119  
13 (C.9:6-8.21 et seq.), the name, address[, and] or identity of a victim  
14 [who was under the age of 18 at the time of the alleged commission]  
15 of [an] the offense shall not appear on the indictment, complaint, or  
16 any other public record as defined in P.L.1963, c.73 (C.47:1A-1 et  
17 seq.). In its place initials or a fictitious name shall appear.

18 b. Any report, statement, photograph, court document, indictment,  
19 complaint or any other public record which states the name, address  
20 [and identity of] or otherwise identifies a victim shall be confidential  
21 and unavailable to the public. Unless authorized pursuant to subsection  
22 c. or e. of this section, any person who [purposefully] knowingly  
23 discloses, releases or otherwise makes available to the public any of  
24 the above-listed documents which contain the name, address [and] or  
25 identity of a victim [who was under the age of 18 at the time of the  
26 alleged commission] of an alleged offense enumerated in subsection a.  
27 of this section shall be guilty of a disorderly persons offense.

28 c. The information described in this act shall remain confidential  
29 and unavailable to the public unless the court, after a hearing,  
30 determines that good cause exists for disclosure. The hearing shall be  
31 held after notice has been made to the victim, parents of victim,  
32 spouse, or other person legally responsible for the maintenance and

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

**Matter underlined thus is new matter.**

1 care of the victim, and to the person charged with the commission of  
2 the offense, counsel or guardian of that person.

3 d. Nothing contained herein shall prohibit the court from imposing  
4 further restrictions with regard to the disclosure of the name, address[,  
5 and] or identity of the victim when it deems it necessary to prevent  
6 trauma or stigma to the victim.

7 e. Nothing contained herein shall apply to any information released  
8 to the defendant or the defendant's attorney for the purpose of  
9 conducting any necessary investigation and providing for an  
10 appropriate defense.

11 (cf: P.L.1989, c.336, s.1)

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13 2. This act shall take effect immediately.

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#### STATEMENT

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18 N.J.S.A.2A:82-46 presently provides that certain reports,  
19 statements, photographs, court documents, complaints or any other  
20 public record which the states the name, address or otherwise  
21 identifies victims of certain sexual offenses shall be confidential if the  
22 victim is under the age of 18. This bill would eliminate reference in  
23 N.J.S.A.2A:82-46 to under 18 years of age and thus make the  
24 provisions concerning confidentiality applicable to all victims of sexual  
25 offense regardless of age.

26 Also presently under the provisions of 2A:82-46, a person who  
27 purposely discloses or releases any document concerning the juvenile  
28 victim of a sexual offense is guilty of a disorderly persons offense.  
29 The bill would change the mens rea requirement for this offense from  
30 "purposely" to "knowingly".

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35 Provides for confidentiality with respect to identification of certain  
36 victims in certain public records and court documents.