

ASSEMBLY, No. 236

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GARCIA

1 AN ACT concerning the use of firearms, amending P.L.1982, c.79 and  
2 P.L.1991, c.397 and supplementing chapter 4A of Title 2A of the  
3 New Jersey Statutes.

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

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8 1. Section 1 of P.L. 1982, c.79 (C. 2A:4A-60) is amended to read  
9 as follows:

10 1. a. Social, medical, psychological, legal and other records of the  
11 court and probation department, and records of law enforcement  
12 agencies, pertaining to juveniles charged as a delinquent or found to  
13 be part of a juvenile-family crisis, shall be strictly safeguarded from  
14 public inspection. Such records shall be made available only to:

- 15 (1) Any court or probation department;  
16 (2) The Attorney General or county prosecutor;  
17 (3) The parents or guardian and to the attorney of the juvenile;  
18 (4) The Division of Youth and Family Services, if providing care or  
19 custody of the juvenile;  
20 (5) Any institution to which the juvenile is currently committed; and  
21 (6) Any person or agency interested in a case or in the work of the  
22 agency keeping the records, by order of the court for good cause  
23 shown.

24 b. Records of law enforcement agencies may be disclosed for law  
25 enforcement purposes to any law enforcement agency of this State. If  
26 the juvenile was adjudicated delinquent for the commission of an  
27 offense that involved the use of a firearm as defined in N.J.S.2C:39-1,  
28 a law enforcement agency may release to the public the name and  
29 address of the juvenile.

30 c. Information as to the identity of a juvenile, the offense charged,  
31 the adjudication and disposition shall be disclosed to:

- 32 (1) The victim or a member of the victim's immediate family;

**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 (2) Any law enforcement agency which investigated the offense, the  
2 person or agency which filed the complaint, and any law enforcement  
3 agency in the municipality where the juvenile resides; and

4 (3) On a confidential basis, the principal of the school where the  
5 juvenile is enrolled for use by the principal or his designee in planning  
6 programs relevant to the juvenile's educational and social  
7 development, which information shall not become part of the juvenile's  
8 permanent school records;

9 (4) A party in a subsequent legal proceeding involving the juvenile,  
10 but only upon approval by the court and for the sole purpose of  
11 impeaching the juvenile as a witness.

12 d. There shall be a presumption that information as to the identity  
13 of a juvenile adjudicated delinquent, the offense, the adjudication and  
14 the disposition shall be disclosed to the public where the offense for  
15 which the juvenile has been adjudicated delinquent if committed by an  
16 adult, would constitute a crime of the first, second or third degree, or  
17 aggravated assault, destruction or damage to property to an extent of  
18 more than \$500.00 or the manufacture or distribution of a narcotic  
19 drug, unless upon application at the time of disposition the juvenile  
20 can demonstrate a substantial likelihood that specific harm would  
21 result from such disclosure. Where the court finds that disclosure  
22 would be harmful to the juvenile, the reasons therefor shall be stated  
23 on the record.

24 e. Nothing in this section shall prohibit the establishment and  
25 maintaining of a central registry of the records of law enforcement  
26 agencies relating to juveniles for the purpose of exchange between  
27 State or local law enforcement agencies of this State.

28 f. Whoever, except as provided by law, knowingly discloses,  
29 publishes, receives, or makes use of or knowingly permits the  
30 unauthorized use of information concerning a particular juvenile  
31 derived from records listed in subsection a. or acquired in the course  
32 of court proceedings, probation, or police duties, shall, upon  
33 conviction thereof, be guilty of a disorderly persons offense.

34 g. The court may, upon application by the juvenile or his parent or  
35 guardian, the prosecutor or any other interested party, including the  
36 victim or complainant or members of the news media, permit public  
37 attendance during any court proceeding at a delinquency case, where  
38 it determines that a substantial likelihood that specific harm to the  
39 juvenile would not result.

40 The court shall have the authority to limit and control the  
41 attendance in any manner and to the extent it deems appropriate.

42 (cf: P.L.1982, c.79, s.1)

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44 2. Section 2 of P.L.1991, c.397 (C.2C:58-16) is amended to read  
45 as follows:

46 2. a. Upon the retail sale or transfer of any firearm, the retail dealer

1 or his employee shall deliver to the purchaser or transferee the  
2 following written warning, printed in block letters not less than  
3 one-fourth of an inch in height: "IT IS A CRIMINAL OFFENSE,  
4 PUNISHABLE BY A FINE AND IMPRISONMENT, FOR AN  
5 ADULT TO PERMIT A MINOR TO UNLAWFULLY POSSESS A  
6 FIREARM OR TO LEAVE A LOADED FIREARM WITHIN EASY  
7 ACCESS OF A MINOR."

8 b. Every wholesale and retail dealer of firearms shall conspicuously  
9 post at each purchase counter the following warning, printed in block  
10 letters not less than one inch in height: "IT IS A CRIMINAL  
11 OFFENSE TO PERMIT A MINOR TO UNLAWFULLY POSSESS  
12 A FIREARM OR TO LEAVE A LOADED FIREARM WITHIN  
13 EASY ACCESS OF A MINOR."

14 c. Violation of this section by any retail or wholesale dealer of  
15 firearms is a petty disorderly persons offense.

16 (cf: P.L.1991, c.397, s.2)

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18 3. (New section) In accordance with and in addition to any  
19 disposition authorized by the provisions of section 24 of P.L.1982,  
20 c.77 (C.2A:4A-43) or any other statute indicating the dispositions that  
21 can be ordered for an adjudication of delinquency, whenever a juvenile  
22 is adjudicated delinquent for a second or subsequent offense that  
23 involved the use of a firearm as defined in N.J.S.2C:39-1, the court  
24 shall require the juvenile to perform a minimum of 100 hours of  
25 community service and suspend or postpone for 90 days the juvenile's  
26 license to operate a motor vehicle. In the case of any person who at  
27 the time of the imposition of sentence is less than 17 years of age, the  
28 period of the suspension of driving privileges authorized herein,  
29 including a suspension of the privilege of operating a motorized  
30 bicycle, shall commence on the day the sentence is imposed and shall  
31 run for a period of 90 days beginning on the day the person reaches  
32 the age of 17 years. If the driving privilege of any person is under  
33 revocation, suspension, or postponement for a violation of any  
34 provision of this title or Title 39 of the Revised Statutes at the time of  
35 any conviction or adjudication of delinquency for a violation of any  
36 offense defined in this section, the revocation, suspension, or  
37 postponement period imposed herein shall commence as of the date of  
38 termination of the existing revocation, suspension, or postponement.

39 The court before whom any person is convicted of or adjudicated  
40 delinquent for a violation shall collect forthwith the New Jersey  
41 driver's license or licenses of the person and forward such license or  
42 licenses to the Director of the Division of Motor Vehicles along with  
43 a report indicating the first and last day of the suspension or  
44 postponement period imposed by the court pursuant to this section.  
45 If the court is for any reason unable to collect the license or licenses  
46 of the person, the court shall cause a report of the conviction or

1 adjudication of delinquency to be filed with the director. That report  
2 shall include the complete name, address, date of birth, eye color, and  
3 sex of the person and shall indicate the first and last day of the  
4 suspension or postponement period imposed by the court pursuant to  
5 this section. The court shall inform the person orally and in writing  
6 that if the person is convicted of personally operating a motor vehicle  
7 during the period of license suspension or postponement imposed  
8 pursuant to this section, the person shall, upon conviction, be subject  
9 to the penalties set forth in R.S.39:3-40. A person shall be required  
10 to acknowledge receipt of the written notice in writing. Failure to  
11 receive a written notice or failure to acknowledge in writing the  
12 receipt of a written notice shall not be a defense to a subsequent  
13 charge of a violation of R.S.39:3-40. If the person is the holder of a  
14 driver's license from another jurisdiction, the court shall not collect the  
15 license but shall notify the director who shall notify the appropriate  
16 officials in the licensing jurisdiction. The court shall, however, in  
17 accordance with the provisions of this section, revoke the person's  
18 non-resident driving privilege in this State.

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20 4. This act shall take effect immediately.

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#### STATEMENT

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25 This bill is part of a package of bills designed to reduce gun  
26 violence among children and teenagers.

27 First, the bill would permit a law enforcement agency to release the  
28 name and address of a juvenile who has been adjudicated delinquent  
29 for any offense that involved the use of a firearm. Presently, law  
30 enforcement agencies may disclose this information only to other law  
31 enforcement agencies in this State.

32 Second, the bill would require firearms dealers to deliver to any  
33 firearm purchaser or transferee a written warning stating that it is a  
34 criminal offense to permit a minor to unlawfully possess a firearm.  
35 Under current law, the written warning only must state that it is a  
36 criminal offense to leave a loaded firearm within easy access of a  
37 minor. The bill also requires dealers to post a sign with a similar  
38 warning in one-inch block letters.

39 Third, the bill provides that whenever a juvenile is adjudicated  
40 delinquent for a second or subsequent offense that involved the use of  
41 a firearm, the juvenile must perform a minimum of 100 hours of  
42 community service. The juvenile's driver's license also would be  
43 suspended or postponed for 90 days. If the juvenile is less than 17  
44 years of age, the period of the suspension would begin to run on the  
45 day the sentence is imposed and continue for 90 days beginning on the  
46 juvenile's seventeenth birthday. These sanctions currently are available

1 to the sentencing judge under Section 24 of P.L.1982, c.77  
2 (C.2A:4A-43); this bill would require their imposition for second and  
3 subsequent offenses involving a firearm.

4 The Children's Defense Fund (CDF) states that gun violence is one  
5 of the most serious problems facing the nation's youth. According to  
6 the CDF, gun violence claims the life of a child every two hours and  
7 the equivalent of a full classroom of children every two days. CDF  
8 statistics also show that homicide has become the third leading cause  
9 of death for children ages 5 to 14 and the second leading cause of  
10 death for children and youth ages 10 to 24. In the years 1979 through  
11 1991, almost 50,000 children were killed by guns, surpassing the  
12 number of Americans killed in the Vietnam war.

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17 Makes changes to various laws concerning juveniles and firearms.