

ASSEMBLY, No. 456

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROMA

1 AN ACT concerning access to information concerning juveniles and  
2 amending P.L. 1982, c. 79.

3

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

6

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

9 1. Disclosure of juvenile information; penalties for disclosure. a.  
10 Social, medical, psychological, legal and other records of the court and  
11 probation department, and records of law enforcement agencies,  
12 pertaining to juveniles charged as a delinquent or found to be part of  
13 a juvenile-family crisis, shall be strictly safeguarded from public  
14 inspection. **[Such]** Except as provided in subsection h. of this section,  
15 such records shall be made available only to:

16 (1) Any court or probation department;

17 (2) The Attorney General or county prosecutor;

18 (3) The parents or guardian and to the attorney of the juvenile;

19 (4) The Division of Youth and Family Services, if providing care or  
20 custody of the juvenile;

21 (5) Any institution to which the juvenile is currently committed; and

22 (6) Any person or agency interested in a case or in the work of the  
23 agency keeping the records, by order of the court for good cause  
24 shown.

25 b. Records of law enforcement agencies may be disclosed for law  
26 enforcement purposes to any law enforcement agency of this State.

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

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

30 (2) Any law enforcement agency which investigated the offense, the  
31 person or agency which filed the complaint, and any law enforcement  
32 agency in the municipality where the juvenile resides; 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 (3) On a confidential basis, the principal of the school where the  
2 juvenile is enrolled for use by the principal or his designee in planning  
3 programs relevant to the juvenile's educational and social  
4 development, which information shall not become part of the juvenile's  
5 permanent school records;

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

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

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

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

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

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

39 h. Accredited representatives of the news media shall be allowed  
40 to inspect legal records pertaining to juveniles charged or adjudicated  
41 delinquent and shall be allowed to be present at the court proceedings,  
42 unless upon application at the time of disposition the juvenile can  
43 demonstrate a substantial likelihood that specific harm would result  
44 from such disclosure. Where the court finds that disclosure would be

1 harmful to the juvenile, the reasons therefor shall be stated on the  
2 record.

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

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill would authorize greater access to juvenile proceedings by  
11 the news media. Specifically, the bill would allow accredited  
12 representatives of the news media to inspect legal records pertaining  
13 to juveniles charged or adjudicated delinquent as well as attend court  
14 proceedings, unless the juvenile can demonstrate a substantial  
15 likelihood that specific harm would result from such disclosure.

16 The bill would also amend the law to extend the presumption in  
17 favor of disclosing the identity of the juvenile to the public where the  
18 juvenile had been charged or adjudicated delinquent of a crime which  
19 if committed by an adult would constitute a crime of the fourth degree  
20 unless the juvenile can demonstrate a substantial likelihood that harm  
21 would result from such a disclosure. Currently, there is a presumption  
22 that information as to the identity of the juvenile could be disclosed to  
23 the public if the juvenile had been adjudicated delinquent of a crime,  
24 which if committed by an adult would constitute a crime of the first,  
25 second or third degree, or aggravated assault, destruction or damage  
26 to property totaling more than \$500.000 or manufacturing or  
27 distribution of drugs.

28

29

30

31

32 Provides for disclosure to news media of certain records pertaining to  
33 juveniles.