

ASSEMBLY, No. 700

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen ZISA and IMPREVEDUTO

1 AN ACT concerning disclosure of juvenile information and amending  
2 P.L.1994, c.56.

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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.1994, c.56 (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 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  
19 or custody of the juvenile;  
20 (5) Any institution to which the juvenile is currently committed;  
21 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 another state or the United States, and the identity of a juvenile under  
28 warrant for arrest for commission of an act that would constitute a  
29 crime if committed by an adult may be disclosed to the public when  
30 necessary to execution of the warrant.

31 c. At the time of charge, adjudication or disposition, information  
32 as to the identity of a juvenile charged with an offense, the offense

**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 charged, the adjudication and disposition shall, upon request, be  
2 disclosed to:

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

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

7 (3) On a confidential basis, the principal of the school where the  
8 juvenile is enrolled for use by the principal and such members of the  
9 staff and faculty of the school as the principal deems appropriate for  
10 maintaining order, safety or discipline in the school, or [to] for  
11 planning programs relevant to the juvenile's educational and social  
12 development, provided that no record of such information shall be  
13 maintained except as authorized by regulation of the Department of  
14 Education; or

15 (4) A party in a subsequent legal proceeding involving the juvenile,  
16 upon approval by the court.

17 d. A law enforcement or prosecuting agency shall, at the time of a  
18 charge, adjudication or disposition, advise the principal of the school  
19 where the juvenile is enrolled of the identity of the juvenile charged,  
20 the offense charged, the adjudication and the disposition if:

21 (1) The offense occurred on school property or a school bus,  
22 occurred at a school-sponsored function or was committed against an  
23 employee or official of the school; or

24 (2) The juvenile was taken into custody as a result of information  
25 or evidence provided by school officials; or

26 (3) The offense, if committed by an adult, would constitute a  
27 crime, and the offense:

28 (a) resulted in death or serious bodily injury or involved an attempt  
29 or conspiracy to cause death or serious bodily injury; or

30 (b) involved the unlawful use or possession of a firearm or other  
31 weapon; or

32 (c) involved the unlawful manufacture, distribution or possession  
33 with intent to distribute a controlled dangerous substance or controlled  
34 substance analog; or

35 (d) was committed by a juvenile who acted with a purpose to  
36 intimidate an individual or group of individuals because of race, color,  
37 religion, sexual orientation or ethnicity; or

38 (e) would be a crime of the first or second degree.

39 Information provided to the principal pursuant to this subsection  
40 shall be treated as confidential but may be made available to such  
41 members of the staff and faculty of the school as the principal deems  
42 appropriate for maintaining order, safety or discipline in the school or  
43 for planning programs relevant to a juvenile's educational and social  
44 development, and no record of such information shall be maintained  
45 except as authorized by regulation of the Department of Education.

46 e. Nothing in this section prohibits a law enforcement or

1 prosecuting agency from providing the principal of a school with  
2 information identifying one or more juveniles who are under  
3 investigation or have been taken into custody for commission of any  
4 act that would constitute an offense if committed by an adult when the  
5 law enforcement or prosecuting agency determines that the  
6 information may be useful to the principal in maintaining order, safety  
7 or discipline in the school or in planning programs relevant to the  
8 juvenile's educational and social development. Information provided  
9 to the principal pursuant to this subsection shall be treated as  
10 confidential but may be made available to such members of the staff  
11 and faculty of the school as the principal deems appropriate for  
12 maintaining order, safety or discipline in the school or for planning  
13 programs relevant to the juvenile's educational and social  
14 development. No information provided pursuant to this section shall  
15 be maintained.

16 f. Information as to the identity of a juvenile adjudicated  
17 delinquent, the offense, the adjudication and the disposition shall be  
18 disclosed to the public where the offense for which the juvenile has  
19 been adjudicated delinquent if committed by an adult, would constitute  
20 a crime of the first, second or third degree, or aggravated assault,  
21 destruction or damage to property to an extent of more than \$500.00,  
22 unless upon application at the time of disposition the juvenile  
23 demonstrates a substantial likelihood that specific and extraordinary  
24 harm would result from such disclosure in the specific case. Where  
25 the court finds that disclosure would be harmful to the juvenile, the  
26 reasons therefor shall be stated on the record.

27 g. Nothing in this section shall prohibit the establishment and  
28 maintaining of a central registry of the records of law enforcement  
29 agencies relating to juveniles for the purpose of exchange between  
30 State or local law enforcement agencies of this State, another state, or  
31 the United States.

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

38 i. The court may, upon application by the juvenile or his parent or  
39 guardian, the prosecutor or any other interested party, including the  
40 victim or complainant or members of the news media, permit public  
41 attendance during any court proceeding at a delinquency case, where  
42 it determines that a substantial likelihood that specific harm to the  
43 juvenile would not result, and the court shall permit a victim, or a  
44 family member of a victim to make a statement prior to ordering a  
45 disposition in any delinquency proceeding involving an offense that  
46 would constitute a crime if committed by an adult. The court shall

1 have the authority to limit and control the attendance in any manner  
2 and to the extent it deems appropriate.

3 j. The Department of Education, in consultation with the Attorney  
4 General, shall adopt, pursuant to the "Administrative Procedure Act,"  
5 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
6 concerning the creation, maintenance and disclosure of pupil records  
7 including information acquired pursuant to this section.

8 k. The principal of the school where a juvenile is enrolled shall, at  
9 the time of the act, report to the appropriate law enforcement agency  
10 the name of a juvenile who commits an act on school property, a  
11 school bus or at a school-sponsored function that would constitute a  
12 crime or criminal offense if committed by an adult, and the offense:

13 (1) resulted in death or serious bodily injury or involved an attempt  
14 or conspiracy to cause death or serious bodily injury; or

15 (2) involved the unlawful use or possession of a firearm or other  
16 weapon; or

17 (3) involved the unlawful manufacture, distribution or possession  
18 with intent to distribute a controlled dangerous substance or controlled  
19 substance analog; or

20 (4) was committed by a juvenile who acted with a purpose to  
21 intimidate an individual or group of individuals because of race, color,  
22 religion, sexual orientation or ethnicity; or

23 (5) would be a crime of the first or second degree.

24 (cf: P.L.1994, c.56, s.1)

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26 2. This act shall take effect immediately.

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#### STATEMENT

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31 This bill would require school principals to report to law  
32 enforcement agencies the names of all students who commit acts,  
33 including fights among students, that could constitute a crime or  
34 disorderly persons offense if committed by an adult.

35 Currently, law enforcement agencies must report to school  
36 principals the name of a juvenile charged with an offense, the offense  
37 charged, the adjudication and its disposition. This requirement would  
38 be the reciprocal of that law.

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43 Requires school principals report student offenses to law enforcement  
44 agencies.