

ASSEMBLY, No. 2273

STATE OF NEW JERSEY

INTRODUCED JULY 18, 1996

By Assemblymen BATEMAN and ZISA

1 AN ACT concerning the availability of certain juvenile records to law
2 enforcement agencies and amending P.L.1982, c.79.

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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.1982, c.79 (C.2A:4A-60) is amended to read
8 as follows:

9 1. Disclosure of juvenile information; penalties for disclosure.

10 a. Social, medical, psychological, legal and other records of the
11 court and probation division, 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 division;

16 (2) The Attorney General or county prosecutor;

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

18 (4) The Department of Human Services, if providing care or
19 custody of the juvenile;

20 (5) Any institution or facility to which the juvenile is currently
21 committed or in which the juvenile is placed;

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, except that information concerning adjudications of
25 delinquency, records of custodial confinement, payments owed on
26 assessments imposed pursuant to section 2 of P.L.1979, c.396
27 (C.2C:43-3.1) or restitution ordered following conviction of a crime
28 or adjudication of delinquency, and the juvenile's financial resources,
29 shall be made available upon request to the Victims of Crime
30 Compensation Board established pursuant to section 3 of P.L.1971,
31 c.317 (C.52:4B-3), which shall keep such information and records
32 confidential; and

33 (7) The Juvenile Justice Commission established pursuant to
34 section 2 of P.L.1995, c.284 (C.52:17B-170).

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 b. Records of law enforcement agencies may be disclosed for law
2 enforcement purposes to any law enforcement agency of this State,
3 another state or the United States, and the identity of a juvenile under
4 warrant for arrest for commission of an act that would constitute a
5 crime if committed by an adult may be disclosed to the public when
6 necessary to execution of the warrant.

7 c. At the time of charge, adjudication or disposition, information
8 as to the identity of a juvenile charged with an offense, the offense
9 charged, the adjudication and disposition shall, upon request, be
10 disclosed to:

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

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

15 (3) On a confidential basis, the principal of the school where the
16 juvenile is enrolled for use by the principal and such members of the
17 staff and faculty of the school as the principal deems appropriate for
18 maintaining order, safety or discipline in the school or to planning
19 programs relevant to the juvenile's educational and social
20 development, provided that no record of such information shall be
21 maintained except as authorized by regulation of the Department of
22 Education; or

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

25 d. A law enforcement or prosecuting agency shall, at the time of
26 a charge, adjudication or disposition, advise the principal of the school
27 where the juvenile is enrolled of the identity of the juvenile charged,
28 the offense charged, the adjudication and the disposition if:

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

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

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

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

38 (b) involved the unlawful use or possession of a firearm or other
39 weapon; or

40 (c) involved the unlawful manufacture, distribution or possession
41 with intent to distribute a controlled dangerous substance or controlled
42 substance analog; or

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

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

1 Information provided to the principal pursuant to this subsection
2 shall be treated as confidential but may be made available to such
3 members of the staff and faculty of the school as the principal deems
4 appropriate for maintaining order, safety or discipline in the school or
5 for planning programs relevant to a juvenile's educational and social
6 development, and no record of such information shall be maintained
7 except as authorized by regulation of the Department of Education.

8 e. Nothing in this section prohibits a law enforcement or
9 prosecuting agency from providing the principal of a school with
10 information identifying one or more juveniles who are under
11 investigation or have been taken into custody for commission of any
12 act that would constitute an offense if committed by an adult when the
13 law enforcement or prosecuting agency determines that the
14 information may be useful to the principal in maintaining order, safety
15 or discipline in the school or in planning programs relevant to the
16 juvenile's educational and social development. Information provided
17 to the principal pursuant to this subsection shall be treated as
18 confidential but may be made available to such members of the staff
19 and faculty of the school as the principal deems appropriate for
20 maintaining order, safety or discipline in the school or for planning
21 programs relevant to the juvenile's educational and social
22 development. No information provided pursuant to this section shall
23 be maintained.

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

35 g. Nothing in this section shall prohibit the establishment and
36 maintaining of a central registry of the records of law enforcement
37 agencies relating to juveniles for the purpose of exchange between
38 State or local law enforcement agencies of this State, another state, or
39 the United States. The information and records in the central registry
40 established pursuant to this subsection shall be available to State and
41 local law enforcement agencies and prosecutors on a 24-hour basis.

42 h. Whoever, except as provided by law, knowingly discloses,
43 publishes, receives, or makes use of or knowingly permits the
44 unauthorized use of information concerning a particular juvenile
45 derived from records listed in subsection a. or acquired in the course
46 of court proceedings, probation, or police duties, shall, upon

1 conviction thereof, be guilty of a disorderly persons offense.

2 i. The court may, upon application by the juvenile or his parent
3 or guardian, the prosecutor or any other interested party, including the
4 victim or complainant or members of the news media, permit public
5 attendance during any court proceeding at a delinquency case, where
6 it determines that a substantial likelihood that specific harm to the
7 juvenile would not result, and the court shall permit a victim, or a
8 family member of a victim to make a statement prior to ordering a
9 disposition in any delinquency proceeding involving an offense that
10 would constitute a crime if committed by an adult. The court shall
11 have the authority to limit and control the attendance in any manner
12 and to the extent it deems appropriate.

13 j. The Department of Education, in consultation with the
14 Attorney General, shall adopt, pursuant to the "Administrative
15 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
16 regulations concerning the creation, maintenance and disclosure of
17 pupil records including information acquired pursuant to this section.
18 (cf: P.L. 1995, c.280, s.15)

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20 2. This act shall take effect on the first day of the second month
21 following enactment.

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STATEMENT

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26 This bill provides that the juvenile justice records maintained in a
27 central registry established pursuant to subsection g. of section 1 of
28 P.L.1982, c.79 (C.2A:4A-60) are to be available to State and local law
29 enforcement agencies and prosecutors on a 24-hour basis.

30 Currently, if law enforcement officers arrest a juvenile after normal
31 business hours or on a holiday, they are unable to secure a juvenile
32 justice background check on the individual. This inability to secure
33 such background information can cause problems in those instances
34 where, for example, a juvenile is arrested for a minor assaultive
35 offense, for which the prosecutor normally would not seek the
36 juvenile's detention. Without access to that juvenile's records, it is
37 impossible for the prosecutor to know whether the juvenile has a
38 history of violent behavior and should, for the well being of both the
39 public and the juvenile, be detained. This bill would give law
40 enforcement agencies and prosecutors access to such juvenile justice
41 information at all times.

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3 Directs that certain juvenile justice records be available to law
4 enforcement agencies and prosecutors on a 24-hour basis.