

SENATE, No. 1272

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senators LaROSSA and INVERSO

1 AN ACT concerning the disclosure of the identity of juveniles and  
2 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 Disclosure of juvenile information; penalties for disclosure

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

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

16 (1) Any court or probation division;

17 (2) The Attorney General or county prosecutor;

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

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

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

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

34 (7) The Juvenile Justice Commission established pursuant to

**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 section 2 of P.L.1995, c.284 (C.52:17B-170).

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

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

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

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

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

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

26 (5) Members of the news media.

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

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

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

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

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

40 (b) involved the unlawful use or possession of a firearm or other  
41 weapon; or

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

45 (d) was committed by a juvenile who acted with a purpose to  
46 intimidate an individual or group of individuals because of race, color,

1 religion, sexual orientation or ethnicity; or

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

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

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

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

37 g. Nothing in this section shall prohibit the establishment and  
38 maintaining of a central registry of the records of law enforcement  
39 agencies relating to juveniles for the purpose of exchange between  
40 State or local law enforcement agencies of this State, another state, or  
41 the United States.

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 or  
3 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 Attorney  
14 General, shall adopt, pursuant to the "Administrative Procedure Act,"  
15 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
16 concerning the creation, maintenance and disclosure of pupil records  
17 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 immediately.

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#### STATEMENT

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25 This bill provides for the disclosure to the news media of the  
26 identity of juveniles and their parents if a juvenile is charged with  
27 delinquency or adjudicated delinquent.

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32 Provides for disclosure to the news media of the identities of juveniles  
33 and their parents in delinquency cases.