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"Corzine signs bill on students' criminal records," Home News Tribune, 11-22-09

"Bill: N.J. schools can get criminal records," The Trentonian, 11-22-09

"Corzine inks bill on students' criminal records," Courier News, 11-22-09

"Corzine inks school bill," Asbury Park Press, 11-22-09, p.A5

"Schools to get access to criminal records," The Record, 11-22-09, p.A6

"Schools to get access to criminal records," The Press of Atlantic City, 11-22-09, p.C5

LAW/RWH

[Second Reprint]

ASSEMBLY, No. 2655

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 12, 2008

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Salem, Cumberland and Gloucester)

Assemblyman DAVID P. RIBLE
District 11 (Monmouth)

Assemblywoman SANDRA LOVE
District 4 (Camden and Gloucester)

Assemblywoman PAMELA R. LAMPITT
District 6 (Camden)

Assemblywoman LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Vas, Moriarty, Senators Sweeney, Van Drew and
Assemblywoman Riley

SYNOPSIS

Requires law enforcement agency to inform school principal of certain crimes committed by students.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on February 9, 2009, with amendments.

(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning law enforcement procedures, supplementing
2 Title 2C of the New Jersey Statutes and amending P.L.1986,
3 c.160 and P.L.1982, c.79.

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

7
8 1. (New section) At the time of a criminal charge, adjudication
9 'of delinquency'¹, or conviction of any student who is 18 years of
10 age or older and is enrolled in secondary school, the law
11 enforcement or prosecuting agency shall provide written notice to
12 the school principal of the identity of that student, the offense
13 charged, the adjudication, and the conviction if:

14 a. The offense occurred on school property or a school bus,
15 occurred at a school-sponsored function or was committed against
16 an employee or official of the school;

17 b. The student was taken into custody as a result of information
18 or evidence provided by school officials; or

19 c. The offense constitutes a crime, and the offense:

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

22 (2) involved the unlawful use or possession of a firearm or other
23 weapon;

24 (3) involved the unlawful manufacture, distribution or
25 possession with intent to distribute a controlled dangerous
26 substance or controlled substance analog;

27 (4) was committed with a purpose to intimidate an individual or
28 group of individuals because of race, color, religion, sexual
29 orientation or ethnicity; or

30 (5) is a crime of the first, second, or third degree.

31 Information provided to the principal pursuant to this subsection
32 shall be maintained by the school and shall be treated as
33 confidential but may be made available to such members of the staff
34 and faculty of the school as the principal deems appropriate for
35 maintaining order, safety or discipline in the school or for planning
36 programs relevant to a **['juvenile's']** student's¹ educational and
37 social development.

38
39 2. Section 1 of P.L.1986, c.160 (C.18A:36-19a) is amended to
40 read as follows:

41 1. The chief school administrator or the administrator's
42 designee of any local school district that enrolls a new student shall
43 request, in writing, the student's records from the school district of
44 last attendance within two weeks from the date that the student

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted June 5, 2008.

²Senate SED committee amendments adopted February 9, 2009.

1 enrolls in the new school district. The school district of last
2 attendance shall provide to the receiving district all information in
3 the student's record related to disciplinary actions taken against the
4 student by the district and notify the receiving district, in writing, if
5 it has obtained any information pursuant to section 1 of P.L.1982,
6 c.79 (C.2A:4A-60) or section 1 of P.L. , c. (C.) (pending
7 before the Legislature as this bill). ²If the receiving district, after
8 having requested in writing the student's records from the school
9 district of last attendance, does not receive those records, it shall
10 use every available means to obtain the records.² If the school
11 district² of last attendance does not receive a written request for
12 the student's records within two weeks of the student's transfer, it
13 shall use every available means to determine which local school
14 district the student has enrolled in, and to send the student's
15 records, including any information received regarding criminal
16 history pursuant to 1 of P.L.1982, c.79 (C.2A:4A-60) or section 1 of
17 P.L. , c. (C.) (pending before the Legislature as this bill),
18 to that district.

19 Written consent of the parent or adult student shall not be
20 required as a condition of transfer of this information; however,
21 written notice of the transfer shall be provided to the parent or adult
22 student. Additionally, the school district shall obtain proper
23 identification of any new student such as a certified copy of the
24 student's certificate of birth.
25 (cf: P.L.2002, c.63, s.1)

26
27 3. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
28 read as follows:

- 29 1. Disclosure of juvenile information; penalties for disclosure.
- 30 a. Social, medical, psychological, legal and other records of the
31 court and probation division, and records of law enforcement
32 agencies, pertaining to juveniles charged as a delinquent or found to
33 be part of a juvenile-family crisis, shall be strictly safeguarded from
34 public inspection. Such records shall be made available only to:
- 35 (1) Any court or probation division;
36 (2) The Attorney General or county prosecutor;
37 (3) The parents or guardian and to the attorney of the juvenile;
38 (4) The Department of Human Services or Department of
39 Children and Families, if providing care or custody of the juvenile;
40 (5) Any institution or facility to which the juvenile is currently
41 committed or in which the juvenile is placed;
42 (6) Any person or agency interested in a case or in the work of
43 the agency keeping the records, by order of the court for good cause
44 shown, except that information concerning adjudications of
45 delinquency, records of custodial confinement, payments owed on
46 assessments imposed pursuant to section 2 of P.L.1979, c.396
47 (C.2C:43-3.1) or restitution ordered following conviction of a crime
48 or adjudication of delinquency, and the juvenile's financial

1 resources, shall be made available upon request to the Victims of
2 Crime Compensation ¹ **['Board] Office'** established pursuant to
3 ¹ **['section 3 of P.L.1971, c.317 (C.52:4B-3)']** section 2 of P.L.2007,
4 c.95 (C.52:4B-3.2)¹, which shall keep such information and records
5 confidential;

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

8 (8) Law enforcement agencies for the purpose of reviewing
9 applications for a permit to purchase a handgun or firearms
10 purchaser identification card;

11 (9) Any potential party in a subsequent civil action for damages
12 related to an act of delinquency committed by a juvenile, including
13 the victim or a member of the victim's immediate family, regardless
14 of whether the action has been filed against the juvenile; provided,
15 however, that records available under this paragraph shall be
16 limited to official court documents, such as complaints, pleadings
17 and orders, and that such records may be disclosed by the recipient
18 only in connection with asserting legal claims or obtaining
19 indemnification on behalf of the victim or the victim's family and
20 otherwise shall be safeguarded from disclosure to other members of
21 the public. Any potential party in a civil action related to the
22 juvenile offense may file a motion with the civil trial judge seeking
23 to have the juvenile's social, medical or psychological records
24 admitted into evidence in a civil proceeding for damages;

25 (10) Any potential party in a subsequent civil action for damages
26 related to an act of delinquency committed by a juvenile, including
27 the victim or a member of the victim's immediate family, regardless
28 of whether the action has been filed against the juvenile; provided,
29 however, that records available under this paragraph shall be
30 limited to police or investigation reports concerning acts of
31 delinquency, which shall be disclosed by a law enforcement agency
32 only with the approval of the County Prosecutor's Office or the
33 Division of Criminal Justice. Prior to disclosure, all personal
34 information regarding all individuals, other than the requesting
35 party and the arresting or investigating officer, shall be redacted.
36 Such records may be disclosed by the recipient only in connection
37 with asserting legal claims or obtaining indemnification on behalf
38 of the victim or the victim's family, and otherwise shall be
39 safeguarded from disclosure to other members of the public;

40 (11) The Office of the Child Advocate established pursuant to
41 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
42 information received by the child advocate pursuant to this
43 paragraph shall be in accordance with the provisions of section 76
44 of P.L.2005, c.155 (C.52:27EE-76); and

45 (12) Law enforcement agencies with respect to information
46 available on the juvenile central registry maintained by the courts
47 pursuant to subsection g. of this section, including, but not limited
48 to: records of official court documents, such as complaints,

1 pleadings and orders for the purpose of obtaining juvenile arrest
2 information; juvenile disposition information; juvenile pretrial
3 information; and information concerning the probation status of a
4 juvenile.

5 b. Records of law enforcement agencies may be disclosed for
6 law enforcement purposes, or for the purpose of reviewing
7 applications for a permit to purchase a handgun or a firearms
8 purchaser identification card to any law enforcement agency of this
9 State, another state or the United States, and the identity of a
10 juvenile under warrant for arrest for commission of an act that
11 would constitute a crime if committed by an adult may be disclosed
12 to the public when necessary to execution of the warrant.

13 c. At the time of charge, adjudication or disposition,
14 information as to the identity of a juvenile charged with an offense,
15 the offense charged, the adjudication and disposition shall, upon
16 request, be disclosed to:

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

18 (2) (Deleted by amendment P.L.2005, c.165).

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

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

29 d. A law enforcement or prosecuting agency shall, at the time
30 of a charge, adjudication or disposition, **[advise]** send written
31 notice to the principal of the school where the juvenile is enrolled
32 of the identity of the juvenile charged, the offense charged, the
33 adjudication and the disposition if:

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

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

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

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

43 (b) involved the unlawful use or possession of a firearm or other
44 weapon; or

45 (c) involved the unlawful manufacture, distribution or
46 possession with intent to distribute a controlled dangerous
47 substance or controlled substance analog; or

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

4 (e) would be a crime of the first **[or]** , second **[degree]**, or third
5 degree.

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

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

31 f. Information as to the identity of a juvenile adjudicated
32 delinquent, the offense, the adjudication and the disposition shall be
33 disclosed to the public where the offense for which the juvenile has
34 been adjudicated delinquent if committed by an adult, would
35 constitute a crime of the first, second or third degree, or aggravated
36 assault, destruction or damage to property to an extent of more than
37 \$500.00, unless upon application at the time of disposition the
38 juvenile demonstrates a substantial likelihood that specific and
39 extraordinary harm would result from such disclosure in the specific
40 case. Where the court finds that disclosure would be harmful to the
41 juvenile, the reasons therefor shall be stated on the record.

42 g. (1) Nothing in this section shall prohibit the establishment
43 and maintaining of a central registry of the records of law
44 enforcement agencies relating to juveniles for the purpose of
45 exchange between State and local law enforcement agencies and
46 prosecutors of this State, another state, or the United States. These
47 records of law enforcement agencies shall be available on a 24-hour
48 basis.

1 (2) Certain information and records relating to juveniles in the
2 central registry maintained by the courts, as prescribed in paragraph
3 (12) of subsection a. of this section, shall be available to State and
4 local law enforcement agencies and prosecutors on a 24-hour basis.

5 h. Whoever, except as provided by law, knowingly discloses,
6 publishes, receives, or makes use of or knowingly permits the
7 unauthorized use of information concerning a particular juvenile
8 derived from records listed in subsection a. or acquired in the
9 course of court proceedings, probation, or police duties, shall, upon
10 conviction thereof, be guilty of a disorderly persons offense.

11 i. Juvenile delinquency proceedings.

12 (1) Except as provided in paragraph (2) of this subsection, the
13 court may, upon application by the juvenile or his parent or
14 guardian, the prosecutor or any other interested party, including the
15 victim or complainant or members of the news media, permit public
16 attendance during any court proceeding at a delinquency case,
17 where it determines that a substantial likelihood that specific harm
18 to the juvenile would not result. The court shall have the authority
19 to limit and control attendance in any manner and to the extent it
20 deems appropriate;

21 (2) The court or, in cases where the county prosecutor has
22 entered an appearance, the county prosecutor shall notify the victim
23 or a member of the victim's immediate family of any court
24 proceeding involving the juvenile and the court shall permit the
25 attendance of the victim or family member at the proceeding except
26 when, prior to completing testimony as a witness, the victim or
27 family member is properly sequestered in accordance with the law
28 or the Rules Governing the Courts of the State of New Jersey or
29 when the juvenile or the juvenile's family member shows, by clear
30 and convincing evidence, that such attendance would result in a
31 substantial likelihood that specific harm to the juvenile would result
32 from the attendance of the victim or a family member at a
33 proceeding or any portion of a proceeding and that such harm
34 substantially outweighs the interest of the victim or family member
35 to attend that portion of the proceeding;

36 (3) The court shall permit a victim, or a family member of a
37 victim to make a statement prior to ordering a disposition in any
38 delinquency proceeding involving an offense that would constitute a
39 crime if committed by an adult.

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

46 (cf: P.L.2006, c.47, s.19)

47

48 4. This act shall take effect immediately.

ASSEMBLY, No. 2655

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 12, 2008

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman DAVID P. RIBLE

District 11 (Monmouth)

SYNOPSIS

Requires law enforcement to inform principal of secondary school of certain crimes committed by students age 18 and older.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/6/2008)

1 AN ACT concerning law enforcement procedures, supplementing
2 Title 2C of the New Jersey Statutes and amending P.L.1986,
3 c.160 and P.L.1982, c.79.

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

7
8 1. (New section) At the time of a criminal charge, adjudication,
9 or conviction of any student who is 18 years of age or older and is
10 enrolled in secondary school, the law enforcement or prosecuting
11 agency shall provide written notice to the school principal of the
12 identity of that student, the offense charged, the adjudication, and
13 the conviction if:

14 a. The offense occurred on school property or a school bus,
15 occurred at a school-sponsored function or was committed against
16 an employee or official of the school;

17 b. The student was taken into custody as a result of information
18 or evidence provided by school officials; or

19 c. The offense constitutes a crime, and the offense:

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

22 (2) involved the unlawful use or possession of a firearm or other
23 weapon;

24 (3) involved the unlawful manufacture, distribution or
25 possession with intent to distribute a controlled dangerous
26 substance or controlled substance analog;

27 (4) was committed with a purpose to intimidate an individual or
28 group of individuals because of race, color, religion, sexual
29 orientation or ethnicity; or

30 (5) is a crime of the first, second, or third degree.

31 Information provided to the principal pursuant to this subsection
32 shall be maintained by the school and shall be treated as
33 confidential but may be made available to such members of the staff
34 and faculty of the school as the principal deems appropriate for
35 maintaining order, safety or discipline in the school or for planning
36 programs relevant to a juvenile's educational and social
37 development.

38
39 2. Section 1 of P.L.1986, c.160 (C.18A:36-19a) is amended to
40 read as follows:

41 1. The chief school administrator or the administrator's
42 designee of any local school district that enrolls a new student shall
43 request, in writing, the student's records from the school district of
44 last attendance within two weeks from the date that the student

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 enrolls in the new school district. The school district of last
2 attendance shall provide to the receiving district all information in
3 the student's record related to disciplinary actions taken against the
4 student by the district and notify the receiving district, in writing, if
5 it has obtained any information pursuant to section 1 of P.L.1982,
6 c.79 (C.2A:4A-60) or section 1 of P.L. _____, c. (C. _____) (pending
7 before the Legislature as this bill). If the school of last attendance
8 does not receive a written request for the student's records within
9 two weeks of the student's transfer, it shall use every available
10 means to determine which local school district the student has
11 enrolled in, and to send the student's records, including any
12 information received regarding criminal history pursuant to section
13 1 of P.L.1982, c.79 (C.2A:4A-60) or section 1 of P.L. _____, c.
14 (C. _____) (pending before the Legislature as this bill), to that
15 district.

16 Written consent of the parent or adult student shall not be
17 required as a condition of transfer of this information; however,
18 written notice of the transfer shall be provided to the parent or adult
19 student. Additionally, the school district shall obtain proper
20 identification of any new student such as a certified copy of the
21 student's certificate of birth.

22 (cf: P.L.2002, c.63, s.1.)

23

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

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

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

32 (1) Any court or probation division;

33 (2) The Attorney General or county prosecutor;

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

35 (4) The Department of Human Services or Department of
36 Children and Families, if providing care or custody of the juvenile;

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

39 (6) Any person or agency interested in a case or in the work of
40 the agency keeping the records, by order of the court for good cause
41 shown, except that information concerning adjudications of
42 delinquency, records of custodial confinement, payments owed on
43 assessments imposed pursuant to section 2 of P.L.1979, c.396
44 (C.2C:43-3.1) or restitution ordered following conviction of a crime
45 or adjudication of delinquency, and the juvenile's financial
46 resources, shall be made available upon request to the Victims of
47 Crime Compensation Board established pursuant to section 3 of

1 P.L.1971, c.317 (C.52:4B-3), which shall keep such information
2 and records confidential;

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

5 (8) Law enforcement agencies for the purpose of reviewing
6 applications for a permit to purchase a handgun or firearms
7 purchaser identification card;

8 (9) Any potential party in a subsequent civil action for damages
9 related to an act of delinquency committed by a juvenile, including
10 the victim or a member of the victim's immediate family, regardless
11 of whether the action has been filed against the juvenile; provided,
12 however, that records available under this paragraph shall be
13 limited to official court documents, such as complaints, pleadings
14 and orders, and that such records may be disclosed by the recipient
15 only in connection with asserting legal claims or obtaining
16 indemnification on behalf of the victim or the victim's family and
17 otherwise shall be safeguarded from disclosure to other members of
18 the public. Any potential party in a civil action related to the
19 juvenile offense may file a motion with the civil trial judge seeking
20 to have the juvenile's social, medical or psychological records
21 admitted into evidence in a civil proceeding for damages;

22 (10) Any potential party in a subsequent civil action for damages
23 related to an act of delinquency committed by a juvenile, including
24 the victim or a member of the victim's immediate family, regardless
25 of whether the action has been filed against the juvenile; provided,
26 however, that records available under this paragraph shall be
27 limited to police or investigation reports concerning acts of
28 delinquency, which shall be disclosed by a law enforcement agency
29 only with the approval of the County Prosecutor's Office or the
30 Division of Criminal Justice. Prior to disclosure, all personal
31 information regarding all individuals, other than the requesting
32 party and the arresting or investigating officer, shall be redacted.
33 Such records may be disclosed by the recipient only in connection
34 with asserting legal claims or obtaining indemnification on behalf
35 of the victim or the victim's family, and otherwise shall be
36 safeguarded from disclosure to other members of the public;

37 (11) The Office of the Child Advocate established pursuant to
38 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
39 information received by the child advocate pursuant to this
40 paragraph shall be in accordance with the provisions of section 76
41 of P.L.2005, c.155 (C.52:27EE-76); and

42 (12) Law enforcement agencies with respect to information
43 available on the juvenile central registry maintained by the courts
44 pursuant to subsection g. of this section, including, but not limited
45 to: records of official court documents, such as complaints,
46 pleadings and orders for the purpose of obtaining juvenile arrest
47 information; juvenile disposition information; juvenile pretrial

1 information; and information concerning the probation status of a
2 juvenile.

3 b. Records of law enforcement agencies may be disclosed for
4 law enforcement purposes, or for the purpose of reviewing
5 applications for a permit to purchase a handgun or a firearms
6 purchaser identification card to any law enforcement agency of this
7 State, another state or the United States, and the identity of a
8 juvenile under warrant for arrest for commission of an act that
9 would constitute a crime if committed by an adult may be disclosed
10 to the public when necessary to execution of the warrant.

11 c. At the time of charge, adjudication or disposition,
12 information as to the identity of a juvenile charged with an offense,
13 the offense charged, the adjudication and disposition shall, upon
14 request, be disclosed to:

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

16 (2) (Deleted by amendment P.L.2005, c.165).

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

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

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

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

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

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

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

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

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

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

1 (e) would be a crime of the first **[or]** , second **[degree]**, or third
2 degree.

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

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

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

39 g. (1) Nothing in this section shall prohibit the establishment and
40 maintaining of a central registry of the records of law enforcement
41 agencies relating to juveniles for the purpose of exchange between
42 State and local law enforcement agencies and prosecutors of this
43 State, another state, or the United States. These records of law
44 enforcement agencies shall be available on a 24-hour basis.

45 (2) Certain information and records relating to juveniles in the
46 central registry maintained by the courts, as prescribed in paragraph
47 (12) of subsection a. of this section, shall be available to State and
48 local law enforcement agencies and prosecutors on a 24-hour basis.

1 h. Whoever, except as provided by law, knowingly discloses,
2 publishes, receives, or makes use of or knowingly permits the
3 unauthorized use of information concerning a particular juvenile
4 derived from records listed in subsection a. or acquired in the
5 course of court proceedings, probation, or police duties, shall, upon
6 conviction thereof, be guilty of a disorderly persons offense.

7 i. Juvenile delinquency proceedings.

8 (1) Except as provided in paragraph (2) of this subsection, the
9 court may, upon application by the juvenile or his parent or
10 guardian, the prosecutor or any other interested party, including the
11 victim or complainant or members of the news media, permit public
12 attendance during any court proceeding at a delinquency case,
13 where it determines that a substantial likelihood that specific harm
14 to the juvenile would not result. The court shall have the authority
15 to limit and control attendance in any manner and to the extent it
16 deems appropriate;

17 (2) The court or, in cases where the county prosecutor has
18 entered an appearance, the county prosecutor shall notify the victim
19 or a member of the victim's immediate family of any court
20 proceeding involving the juvenile and the court shall permit the
21 attendance of the victim or family member at the proceeding except
22 when, prior to completing testimony as a witness, the victim or
23 family member is properly sequestered in accordance with the law
24 or the Rules Governing the Courts of the State of New Jersey or
25 when the juvenile or the juvenile's family member shows, by clear
26 and convincing evidence, that such attendance would result in a
27 substantial likelihood that specific harm to the juvenile would result
28 from the attendance of the victim or a family member at a
29 proceeding or any portion of a proceeding and that such harm
30 substantially outweighs the interest of the victim or family member
31 to attend that portion of the proceeding;

32 (3) The court shall permit a victim, or a family member of a
33 victim to make a statement prior to ordering a disposition in any
34 delinquency proceeding involving an offense that would constitute a
35 crime if committed by an adult.

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

42 (cf: P.L.2006, c.47, s.19)

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44 4. This act shall take effect immediately.

STATEMENT

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This bill requires a law enforcement or prosecuting agency to provide written notice to the principal of a secondary school of the identity of any student who is 18 years of age or older who has been charged with certain offenses.

The bill provides that a principal be informed if the student is charged with an offense that occurred on school property or a school bus, occurred at a school-sponsored function, or was committed against an employee or official of the school. Under the bill's provisions, a prosecutor or law enforcement officer is also required to inform a principal that the student was taken into custody as a result of information or evidence provided by school officials.

The bill requires that a principal also be informed when a student age 18 or older commits a crime that:

1. resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury;
2. involved the unlawful use or possession of a firearm or other weapon;
3. involved the unlawful manufacture, distribution or possession with intent to distribute a controlled dangerous substance or controlled substance analog;
4. was committed with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or
5. is a crime of the first through third degree.

The bill also requires that when a student age 18 or older transfers to a new school, the school district of last attendance provide a record of whether that student has been charged, adjudicated or convicted of an offense listed in the bill.

Currently, these requirements exist when a juvenile commits one of the above offenses. This bill extends that practice to students who are age 18 or older, but are still enrolled in high school.

The bill also amends current law to require that in addition to the crimes currently reported to a school district, a prosecutor must also provide written notice to the principal when a student, who is a juvenile, commits an offense that would have been a crime of the third degree if committed by an adult. Under current law, in the case of a juvenile, a school principal is only informed if a student commits an offense that would have been crimes of the first or second degree if committed by an adult, when the offense is not committed on school property. In addition, the current statute does not specify that notification must be written.

Finally, the bill addresses the transferring of students with criminal records. Under current law, any local school board that receives a new student is required to request, in writing, the student's disciplinary records from the student's school of last

A2655 BURZICHELLI, RIBLE

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1 attendant. The school of last attendance is required to notify the
2 student's new school district of any information received regarding
3 criminal history. This bill amends current law to ensure that when a
4 student transfers to a new school, the school district of last
5 attendance provide written notice as to whether that student has
6 been charged, adjudicated or convicted of an offense listed in the
7 bill. In addition, the bill amends current law to require that in the
8 case where a school of last attendance does not receive this request
9 for information, that the school use every means possible to
10 determine which new school district the student has transferred to,
11 and to send the student's records, including written notice of the
12 criminal history that it has obtained.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2655

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 5, 2008

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2655.

As amended, Assembly Bill No. 2655 requires law enforcement or prosecuting agencies to provide written notice to the principal of a secondary school of the identity of any student who is 18 years of age or older who has been charged with certain offenses.

The amended bill provides that a principal be informed if the student is charged with an offense that occurred on school property or a school bus, occurred at a school-sponsored function, or was committed against an employee or official of the school. Under the amended bill's provisions, a prosecutor or law enforcement officer is also required to inform a principal that the student was taken into custody as a result of information or evidence provided by school officials.

The amended bill requires that a principal also be informed when a student age 18 or older commits a crime that:

1. resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury;
2. involved the unlawful use or possession of a firearm or other weapon;
3. involved the unlawful manufacture, distribution or possession with intent to distribute a controlled dangerous substance or controlled substance analog;
4. was committed with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or
5. is a crime of the first through third degree.

The amended bill also requires that when a student age 18 or older transfers to a new school, the school district of last attendance provide a record of whether that student has been charged, adjudicated delinquent or convicted of an offense listed in the amended bill.

Currently, these requirements exist when a juvenile commits one of the above offenses. This bill extends that practice to students who are age 18 or older, but are still enrolled in high school.

The amended bill also changes current law to require that in addition to the crimes currently reported to a school district, a prosecutor must also provide written notice to the principal when a student, who is a juvenile, commits an offense that would have been a crime of the third degree if committed by an adult. Under current law, in the case of a juvenile, a school principal is only informed if a student commits an offense that would have been crimes of the first or second degree if committed by an adult, when the offense is not committed on school property. In addition, the current statute does not specify that notification must be written.

Finally, the amended bill addresses the transferring of students with criminal records. Under current law, any local school board that receives a new student is required to request, in writing, the student's disciplinary records from the student's school of last attendance. The school of last attendance is required to notify the student's new school district of any information received regarding criminal history. This amended bill changes current law to ensure that when a student transfers to a new school, the school district of last attendance provides written notice as to whether that student has been charged, adjudicated delinquent or convicted of an offense listed in the amended bill. In addition, the amended bill changes current law to require that in a case where a school of last attendance does not receive a request for information, that the school shall use every available means to determine which new school district a student has transferred to, and send the student's records, including written notice of the criminal history that it has obtained.

COMMITTEE AMENDMENTS:

The committee made the following technical amendments to the bill:

- (1) correct a reference from "juvenile" to "student";
- (2) change a reference from "delinquent" to "adjudication of delinquency"; and
- (3) change the name of the "Victims of Crime Compensation Agency" to "Victims of Crime Compensation Office" to conform with the provisions of Reorganization Plan No. 001-2008, "Notice of a Plan for the Reorganization and Transfer of the Victims of Crime Compensation Agency."

SENATE EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2655

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2009

The Senate Education Committee favorably reports Assembly Bill No. 2655 (1R) with committee amendments.

As amended, this bill requires law enforcement or prosecuting agencies to provide written notice to the principal of a secondary school of the identity of any student who is 18 years of age or older who has been charged, adjudicated, or convicted if:

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

2) the student was taken into custody as a result of information or evidence provided by school officials; or

3) the offense constitutes a crime and the offense:

--resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury;

--involved the unlawful use or possession of a firearm or other weapon;

--involved the unlawful manufacture, distribution, or possession with intent to distribute a controlled dangerous substance or controlled substance analog;

--was committed with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or

--is a crime of the first through third degree.

Currently, law enforcement and prosecuting agencies are required to advise a principal when a charge, adjudication, or disposition of a juvenile takes place. This bill extends the notification to situations involving students who are age 18 or older, but who are still enrolled in high school.

The bill also changes current law to require that law enforcement or a prosecuting agency must advise the principal in writing in the case of a charge, adjudication, or disposition of a juvenile. In addition, notification would also be sent for third degree crimes, not just first and second degree as the law currently reads.

Under current law, any local school board that receives a new student is required to request, in writing, the student's records from the student's school district of last attendance. The school district of last attendance is required to notify the student's new school district of any information received from a law enforcement or prosecuting agency regarding the student. The bill would ensure that the school district of last attendance would provide notice concerning information it has obtained from a law enforcement or prosecuting agency about a student 18 years of age or older. In addition, the bill adds a new requirement to this provision of law stating that in a case where a school district of last attendance does not receive a request for information within two weeks of the student's transfer, the school district must use every available means to determine in which new school district a student has enrolled, and send the student's records to that district.

It is the committee's intent that the reference to "every available means" in the bill includes means available to the district given its existing level of funding or resources.

The committee amended the bill to require the receiving school district that has enrolled a new student to use every available means to obtain a student's records, in the case in which it has sent a written request to the school district of last attendance but not received the records.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1809 with committee amendments, which was reported by the committee on this same date.

SENATE, No. 1809

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 15, 2008

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Requires law enforcement agency to inform school principal of certain crimes committed by students.

CURRENT VERSION OF TEXT

As introduced.



S1809 SWEENEY

2

1 AN ACT concerning law enforcement procedures, supplementing
2 Title 2C of the New Jersey Statutes and amending P.L.1986,
3 c.160 and P.L.1982, c.79.

4

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

7

8 1. (New section) At the time of a criminal charge, adjudication,
9 or conviction of any student who is 18 years of age or older and is
10 enrolled in secondary school, the law enforcement or prosecuting
11 agency shall provide written notice to the school principal of the
12 identity of that student, the offense charged, the adjudication, and
13 the conviction if:

14 a. The offense occurred on school property or a school bus,
15 occurred at a school-sponsored function or was committed against
16 an employee or official of the school;

17 b. The student was taken into custody as a result of information
18 or evidence provided by school officials; or

19 c. The offense constitutes a crime, and the offense:

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

22 (2) involved the unlawful use or possession of a firearm or other
23 weapon;

24 (3) involved the unlawful manufacture, distribution or
25 possession with intent to distribute a controlled dangerous
26 substance or controlled substance analog;

27 (4) was committed with a purpose to intimidate an individual or
28 group of individuals because of race, color, religion, sexual
29 orientation or ethnicity; or

30 (5) is a crime of the first, second, or third degree.

31 Information provided to the principal pursuant to this subsection
32 shall be maintained by the school and shall be treated as
33 confidential but may be made available to such members of the staff
34 and faculty of the school as the principal deems appropriate for
35 maintaining order, safety or discipline in the school or for planning
36 programs relevant to a student's educational and social
37 development.

38

39 2. Section 1 of P.L.1986, c.160 (C.18A:36-19a) is amended to
40 read as follows:

41 1. The chief school administrator or the administrator's
42 designee of any local school district that enrolls a new student shall
43 request, in writing, the student's records from the school district of
44 last attendance within two weeks from the date that the student
45 enrolls in the new school district. The school district of last

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 attendance shall provide to the receiving district all information in
2 the student's record related to disciplinary actions taken against the
3 student by the district and notify the receiving district, in writing, if
4 it has obtained any information pursuant to section 1 of P.L.1982,
5 c.79 (C.2A:4A-60) or section 1 of P.L. , c. (C.) (pending
6 before the Legislature as this bill). If the school of last attendance
7 does not receive a written request for the student's records within
8 two weeks of the student's transfer, it shall use every available
9 means to determine which local school district the student has
10 enrolled in, and to send the student's records, including any
11 information received regarding criminal history pursuant to 1 of
12 P.L.1982, c.79 (C.2A:4A-60) or section 1 of P.L. , c. (C.)
13 (pending before the Legislature as this bill), to that district.

14 Written consent of the parent or adult student shall not be
15 required as a condition of transfer of this information; however,
16 written notice of the transfer shall be provided to the parent or adult
17 student. Additionally, the school district shall obtain proper
18 identification of any new student such as a certified copy of the
19 student's certificate of birth.

20 (cf: P.L.2002, c.63, s.1)

21

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

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

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

30 (1) Any court or probation division;

31 (2) The Attorney General or county prosecutor;

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

33 (4) The Department of Human Services or Department of
34 Children and Families, if providing care or custody of the juvenile;

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

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

S1809 SWEENEY

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

3 (8) Law enforcement agencies for the purpose of reviewing
4 applications for a permit to purchase a handgun or firearms
5 purchaser identification card;

6 (9) Any potential party in a subsequent civil action for damages
7 related to an act of delinquency committed by a juvenile, including
8 the victim or a member of the victim's immediate family, regardless
9 of whether the action has been filed against the juvenile; provided,
10 however, that records available under this paragraph shall be
11 limited to official court documents, such as complaints, pleadings
12 and orders, and that such records may be disclosed by the recipient
13 only in connection with asserting legal claims or obtaining
14 indemnification on behalf of the victim or the victim's family and
15 otherwise shall be safeguarded from disclosure to other members of
16 the public. Any potential party in a civil action related to the
17 juvenile offense may file a motion with the civil trial judge seeking
18 to have the juvenile's social, medical or psychological records
19 admitted into evidence in a civil proceeding for damages;

20 (10) Any potential party in a subsequent civil action for damages
21 related to an act of delinquency committed by a juvenile, including
22 the victim or a member of the victim's immediate family, regardless
23 of whether the action has been filed against the juvenile; provided,
24 however, that records available under this paragraph shall be
25 limited to police or investigation reports concerning acts of
26 delinquency, which shall be disclosed by a law enforcement agency
27 only with the approval of the County Prosecutor's Office or the
28 Division of Criminal Justice. Prior to disclosure, all personal
29 information regarding all individuals, other than the requesting
30 party and the arresting or investigating officer, shall be redacted.
31 Such records may be disclosed by the recipient only in connection
32 with asserting legal claims or obtaining indemnification on behalf
33 of the victim or the victim's family, and otherwise shall be
34 safeguarded from disclosure to other members of the public;

35 (11) The Office of the Child Advocate established pursuant to
36 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
37 information received by the child advocate pursuant to this
38 paragraph shall be in accordance with the provisions of section 76
39 of P.L.2005, c.155 (C.52:27EE-76); and

40 (12) Law enforcement agencies with respect to information
41 available on the juvenile central registry maintained by the courts
42 pursuant to subsection g. of this section, including, but not limited
43 to: records of official court documents, such as complaints,
44 pleadings and orders for the purpose of obtaining juvenile arrest
45 information; juvenile disposition information; juvenile pretrial
46 information; and information concerning the probation status of a
47 juvenile.

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

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

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

14 (2) (Deleted by amendment P.L.2005, c.165).

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
17 the staff and faculty of the school as the principal deems
18 appropriate for maintaining order, safety or discipline in the school
19 or to planning programs relevant to the juvenile's educational and
20 social development, provided that no record of such information
21 shall be maintained except as authorized by regulation of the
22 Department of Education; or

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

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

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

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

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

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

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

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

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

47 (e) would be a crime of the first **[or]** , second **[degree]**, or third
48 degree.

1 Information provided to the principal pursuant to this subsection
2 shall be maintained by the school and shall be treated as
3 confidential but may be made available to such members of the staff
4 and faculty of the school as the principal deems appropriate for
5 maintaining order, safety or discipline in the school or for planning
6 programs relevant to a juvenile's educational and social
7 development[, and no record of such information shall be
8 maintained except as authorized by regulation of the Department of
9 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
15 the law enforcement or prosecuting agency determines that the
16 information may be useful to the principal in maintaining order,
17 safety or discipline in the school or in planning programs relevant
18 to the juvenile's educational and social development. Information
19 provided to the principal pursuant to this subsection shall be treated
20 as confidential but may be made available to such members of the
21 staff 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
25 shall 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
30 constitute a crime of the first, second or third degree, or aggravated
31 assault, destruction or damage to property to an extent of more than
32 \$500.00, unless upon application at the time of disposition the
33 juvenile demonstrates a substantial likelihood that specific and
34 extraordinary harm would result from such disclosure in the specific
35 case. Where the court finds that disclosure would be harmful to the
36 juvenile, the reasons therefor shall be stated on the record.

37 g. (1) 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 and local law enforcement agencies and prosecutors of this
41 State, another state, or the United States. These records of law
42 enforcement agencies shall be available on a 24-hour basis.

43 (2) Certain information and records relating to juveniles in the
44 central registry maintained by the courts, as prescribed in paragraph
45 (12) of subsection a. of this section, shall be available to State and
46 local law enforcement agencies and prosecutors on a 24-hour basis.

47 h. Whoever, except as provided by law, knowingly discloses,
48 publishes, receives, or makes use of or knowingly permits the

1 unauthorized use of information concerning a particular juvenile
2 derived from records listed in subsection a. or acquired in the
3 course of court proceedings, probation, or police duties, shall, upon
4 conviction thereof, be guilty of a disorderly persons offense.

5 i. Juvenile delinquency proceedings.

6 (1) Except as provided in paragraph (2) of this subsection, the
7 court may, upon application by the juvenile or his parent or
8 guardian, the prosecutor or any other interested party, including the
9 victim or complainant or members of the news media, permit public
10 attendance during any court proceeding at a delinquency case,
11 where it determines that a substantial likelihood that specific harm
12 to the juvenile would not result. The court shall have the authority
13 to limit and control attendance in any manner and to the extent it
14 deems appropriate;

15 (2) The court or, in cases where the county prosecutor has
16 entered an appearance, the county prosecutor shall notify the victim
17 or a member of the victim's immediate family of any court
18 proceeding involving the juvenile and the court shall permit the
19 attendance of the victim or family member at the proceeding except
20 when, prior to completing testimony as a witness, the victim or
21 family member is properly sequestered in accordance with the law
22 or the Rules Governing the Courts of the State of New Jersey or
23 when the juvenile or the juvenile's family member shows, by clear
24 and convincing evidence, that such attendance would result in a
25 substantial likelihood that specific harm to the juvenile would result
26 from the attendance of the victim or a family member at a
27 proceeding or any portion of a proceeding and that such harm
28 substantially outweighs the interest of the victim or family member
29 to attend that portion of the proceeding;

30 (3) The court shall permit a victim, or a family member of a
31 victim to make a statement prior to ordering a disposition in any
32 delinquency proceeding involving an offense that would constitute a
33 crime if committed by an adult.

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

40 (cf: P.L.2006, c.47, s.19)

41

42 4. This act shall take effect immediately.

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STATEMENT

46

47 This bill requires a law enforcement or prosecuting agency to
48 provide written notice to the principal of a secondary school of the

1 identity of any student who is 18 years of age or older who has been
2 charged with certain offenses.

3 The bill provides that a principal be informed if the student is
4 charged with an offense that occurred on school property or a
5 school bus, occurred at a school-sponsored function, or was
6 committed against an employee or official of the school. Under the
7 bill's provisions, a prosecutor or law enforcement officer is also
8 required to inform a principal that student was taken into custody as
9 a result of information or evidence provided by school officials.

10 The bill requires that a principal also be informed when a student
11 age 18 or older commits a crime that:

12 1. resulted in death or serious bodily injury or involved an
13 attempt or conspiracy to cause death or serious bodily injury;

14 2. involved the unlawful use or possession of a firearm or other
15 weapon;

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

19 4. was committed with a purpose to intimidate an individual or
20 group of individuals because of race, color, religion, sexual
21 orientation or ethnicity; or

22 5. is a crime of the first through third degree.

23 The bill also requires that when a student, age 18 or older,
24 transfers to a new school, the school district of last attendance
25 provide a record of whether that student has been charged,
26 adjudicated or convicted of an offense listed in the bill.

27 Currently, these requirements exist when a juvenile commits one
28 of the above offenses. This bill extends that practice to students
29 who are age 18 or older, but are still enrolled in high school.

30 The bill also amends current law to require that in addition to the
31 crimes currently reported to a school district, a prosecutor must also
32 provide written notice to the principal when a student, who is a
33 juvenile, commits an offense that would have been a crime of the
34 third degree if committed by an adult. Under current law, in the
35 case of a juvenile, a school principal is only informed if a student
36 commits an offense that would have been crimes of the first or
37 second degree if committed by an adult, when the offense is not
38 committed on school property. In addition, the current statute does
39 not specify that notification must be written.

40 Finally, the bill addresses the transferring of students with
41 criminal records. Under current law, any local school board that
42 receives a new student is required to request, in writing, the
43 student's disciplinary records from the student's school of last
44 attendant. The school of last attendance is required to notify the
45 student's new school district of any information received regarding
46 criminal history. This bill amends current laws to ensure that when
47 a student transfers to a new school, the school district of last
48 attendance provide written notice as to whether that student has

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1 been charged, adjudicated or convicted of an offense listed in the
2 bill. In addition, the bill amends current law to require that in the
3 case where a school of last attendance does not receive this request
4 for information, that the school use every means possible to
5 determine which new school district the student has transferred to,
6 and to send the student's records, including written notice of the
7 criminal history that it has obtained.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1809

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2009

The Senate Education Committee favorably reports Senate Bill No. 1809 with committee amendments.

As amended, this bill requires law enforcement or prosecuting agencies to provide written notice to the principal of a secondary school of the identity of any student who is 18 years of age or older who has been charged, adjudicated, or convicted if:

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

2) the student was taken into custody as a result of information or evidence provided by school officials; or

3) the offense constitutes a crime and the offense:

--resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury;

--involved the unlawful use or possession of a firearm or other weapon;

--involved the unlawful manufacture, distribution, or possession with intent to distribute a controlled dangerous substance or controlled substance analog;

--was committed with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or

--is a crime of the first through third degree.

Currently, law enforcement and prosecuting agencies are required to advise a principal when a charge, adjudication, or disposition of a juvenile takes place. This bill extends the notification to situations involving students who are age 18 or older, but who are still enrolled in high school.

The bill also changes current law to require that law enforcement or a prosecuting agency must advise the principal in writing in the case of a charge, adjudication, or disposition of a juvenile. In addition, notification would also be sent for third degree crimes, not just first and second degree as the law currently reads.

Under current law, any local school board that receives a new student is required to request, in writing, the student's records from the

student's school district of last attendance. The school district of last attendance is required to notify the student's new school district of any information received from a law enforcement or prosecuting agency regarding the student. The bill would ensure that the school district of last attendance would provide notice concerning information it has obtained from a law enforcement or prosecuting agency about a student 18 years of age or older. In addition, the bill adds a new requirement to this provision of law stating that in a case where a school district of last attendance does not receive a request for information within two weeks of the student's transfer, the school district must use every available means to determine in which new school district a student has enrolled, and send the student's records to that district.

It is the committee's intent that the reference to "every available means" in the bill includes means available to the district given its existing level of funding or resources.

The committee amended the bill to require the receiving school district that has enrolled a new student to use every available means to obtain a student's records, in the case in which it has sent a written request to the school district of last attendance but not received the records. The committee also made a technical amendment to change the name of the "Victims of Crime Compensation Board" to "Victims of Crime Compensation Office" to conform with the provisions of Reorganization Plan No. 001-2008, "Notice of a Plan for the Reorganization and Transfer of the Victims of Crime Compensation Agency."

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2655 (1R) with committee amendments, which also was reported by the committee on this same date.