

## 2A:4A-60

### LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                      **CHAPTER:** 407  
**NJSA:** 2A:4A-60                  (Access to juvenile records)  
**BILL NO:** A1913                  (Substituted for S1439)

**SPONSOR(S):** DiGaetano and Talarico

**DATE INTRODUCED:** March 2, 2000

**COMMITTEE:**              **ASSEMBLY:** Law and Public Safety  
   **SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**              **ASSEMBLY:** January 7, 2002  
   **SENATE:** January 7, 2002

**DATE OF APPROVAL:** January 8, 2002

#### **FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (1st reprint enacted)  
(Amendments during passage denoted by superscript numbers)

#### **A1913**

**SPONSORS STATEMENT:** (Begins on page 5 of original bill) Yes

**COMMITTEE STATEMENT:**                              **ASSEMBLY:** Yes

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### **S1439**

**SPONSORS STATEMENT:** (Begins on page 5 of original bill) Yes

Sponsors Statement identical to A1913

**COMMITTEE STATEMENT:**                              **ASSEMBLY:** No

**SENATE:** Yes

Identical to Assembly Statement for A1913

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** Yes

Bill and

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

Yes

974.90 New Jersey. Legislature. Assembly. Task Force on Adolescent Violence  
J97 Findings and recommendations June 9, 1998  
1999b (See Recommendation #51—pp, xiii, 40-41)

**HEARINGS:**

Yes

974.90 New Jersey. Legislature. Assembly. Task Force on Adolescent Violence  
J97 Public hearing, held 9-23-1998. Trenton, 1998  
1998a

974.90 New Jersey. Legislature. Assembly. Task Force on Adolescent Violence  
J97 Public hearing, held 10-17-1998. Trenton, 1998  
1998

974.90 New Jersey. Legislature. Assembly. Task Force on Adolescent Violence  
J97 Public hearing, held 11-24-1998. Trenton, 1998  
1998b

974.90 New Jersey. Legislature. Assembly. Task Force on Adolescent Violence  
J97 Public meeting, held 1-20-1999. Trenton, 1999  
1999

**NEWSPAPER CLIPPINGS**

No

# ASSEMBLY, No. 1913

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 2, 2000

**Sponsored by:**

**Assemblyman PAUL DIGAETANO**  
**District 36 (Bergen, Essex and Passaic)**  
**Assemblyman GUY F. TALARICO**  
**District 38 (Bergen)**

**Co-Sponsored by:**

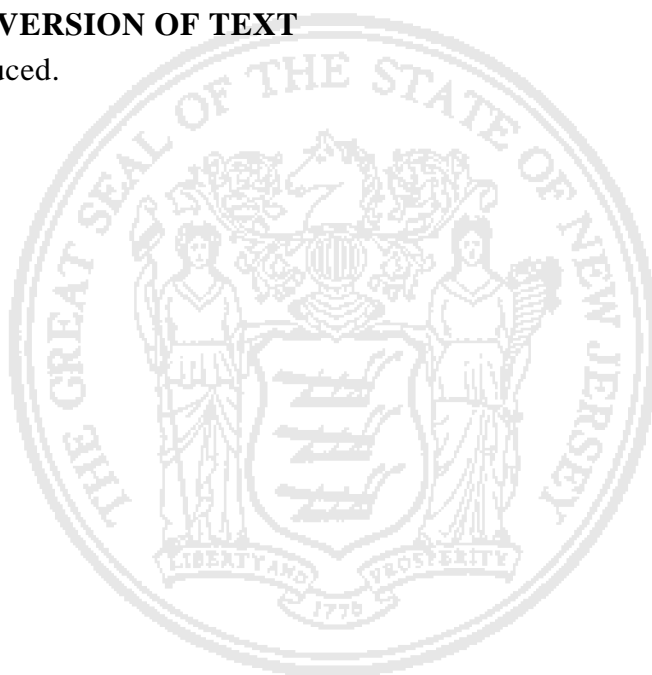
**Assemblymen Gibson, Rooney, Arnone, Azzolina, Blee, DeCroce, LeFevre,**  
**T.Smith, Thompson, Zecker, Felice, Bateman, Geist, Assemblywoman**  
**Heck, Senators Allen, Kosco and Robertson**

**SYNOPSIS**

Expands access to certain juvenile records; establishes right of victims to attend juvenile delinquency proceedings.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/8/2002)

A1913 DIGAETANO, TALARICO

2

1 AN ACT concerning juveniles charged with delinquency and amending  
2 P.L.1982, c.79 and P.L.1985, c.249.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read  
8 as follows:

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

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); and

35 (8) Any party in a subsequent civil action for damages against the  
36 juvenile, including the victim or a member of the victim's immediate  
37 family; provided, however, upon application of a party to the  
38 proceeding, such records shall be safeguarded from disclosure to other  
39 members of the public in accordance with a court order.

40 b. Records of law enforcement agencies may be disclosed for law  
41 enforcement purposes to any law enforcement agency of this State,  
42 another state or the United States, and the identity of a juvenile under  
43 warrant for arrest for commission of an act that would constitute a

**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 crime if committed by an adult may be disclosed to the public when  
2 necessary to execution of the warrant.

3 c. At the time of charge, adjudication or disposition, information  
4 as to the identity of a juvenile charged with an offense, the offense  
5 charged, the adjudication and disposition shall, upon request, be  
6 disclosed to:

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

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

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

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

21 d. A law enforcement or prosecuting agency shall, at the time of a  
22 charge, adjudication or disposition, advise the principal of the school  
23 where the juvenile is enrolled of the identity of the juvenile charged,  
24 the offense charged, the adjudication and the disposition if:

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

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

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

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

34 (b) involved the unlawful use or possession of a firearm or other  
35 weapon; or

36 (c) involved the unlawful manufacture, distribution or possession  
37 with intent to distribute a controlled dangerous substance or controlled  
38 substance analog; or

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

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

43 Information provided to the principal pursuant to this subsection  
44 shall be treated as confidential but may be made available to such  
45 members of the staff and faculty of the school as the principal deems  
46 appropriate for maintaining order, safety or discipline in the school or

1 for planning programs relevant to a juvenile's educational and social  
2 development, and no record of such information shall be maintained  
3 except as authorized by regulation of the Department of Education.

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

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

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

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

42 i. [The] Juvenile delinquency proceedings.

43 (1) Except as provided in paragraph (2) of this subsection, the  
44 court may, upon application by the juvenile or his parent or guardian,  
45 the prosecutor or any other interested party, including [the victim or  
46 complainant or] members of the news media, permit public attendance

1 during any court proceeding at a delinquency case, where it determines  
2 that a substantial likelihood that specific harm to the juvenile would  
3 not result[, and the]. The court shall have the authority to limit and  
4 control attendance in any manner and to the extent it deems  
5 appropriate:

6 (2) In accordance with the provisions of Article I, paragraph 22 of  
7 the State Constitution and P.L.1985, c.249 (C.52:4B-34 et seq.), the  
8 court shall notify the victim or a member of the victim's immediate  
9 family of any court proceeding involving the juvenile and permit the  
10 attendance of the victim or family member at the proceeding except  
11 when, prior to completing testimony as a witness, the victim or family  
12 member is properly sequestered in accordance with the law or the  
13 Rules Governing the Courts of the State of New Jersey:

14 (3) The court shall permit a victim, or a family member of a victim  
15 to make a statement prior to ordering a disposition in any delinquency  
16 proceeding involving an offense that would constitute a crime if  
17 committed by an adult. [The court shall have the authority to limit  
18 and control the attendance in any manner and to the extent it deems  
19 appropriate.]

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

26  
27 2. Section 4 of P.L.1985, c.249 (C.52:4B-37) is amended to read  
28 as follows:

29 4. As used in this act, "victim" means a person who suffers  
30 personal, physical or psychological injury or death or incurs loss of or  
31 injury to personal or real property as a result of a crime committed by  
32 an adult or an act of delinquency by a juvenile against that person.  
33 "Victim" also includes the nearest relative of the victim of a criminal  
34 homicide.

35 (cf: P.L.1985, c.249, s.4)

36  
37 3. This act shall take effect immediately.  
38  
39

#### 40 STATEMENT

41  
42 This bill would allow broader access to information concerning  
43 juveniles charged with delinquency and grant victims the right to be  
44 present at juvenile delinquency proceedings.

45 The bill specifically provides that the social, medical, psychological,  
46 legal and law enforcement records of juveniles charged with

1 delinquency are to be made available to parties in subsequent civil  
2 actions for damages against these juveniles, such as victims or  
3 members of the victim's immediate family. Under the bill, any party to  
4 the proceeding may apply to have these records safeguarded from  
5 disclosure to other members of the public.

6 Under current law, the juvenile information that may be disclosed  
7 to victims, members of the victims' immediate families and parties to  
8 subsequent legal proceedings is limited to the identity of the juvenile,  
9 the offense charged and the adjudication and disposition of the charge.

10 The bill also requires the court, in accordance with the Crime  
11 Victims' Bill of Rights, to notify victims or a family member of the  
12 victim of court proceedings involving juveniles charged with  
13 delinquency and permit the attendance of the victim or a family  
14 member at the proceeding, except when, prior to completing testimony  
15 as a witness, the victim or family member is properly sequestered.

16 The bill amends the definition of a victim in the Crime Victim's Bill  
17 of Rights to clarify that a person is a victim if they suffer injury, death  
18 or property loss as a result of a crime by an adult or an act of  
19 delinquency by a juvenile.



# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1913

# STATE OF NEW JERSEY

DATED: JUNE 1, 2000

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1913.

Assembly Bill No. 1913 provides that the social, medical, psychological, legal and law enforcement records of juveniles charged with delinquency are to be made available to parties in subsequent civil actions for damages against these juveniles, such as victims or members of their immediate family. The bill specifies that any party to the proceeding may apply to have these records safeguarded from disclosure to other members of the public.

The bill also requires the court, in accordance with the Crime Victims' Bill of Rights, to notify victims or a family member of the victim of court proceedings involving juveniles charged with delinquency and permit the attendance of the victim or a family member at the proceeding, except when, prior to completing testimony as a witness, the victim or family member is properly sequestered.

Additionally, the bill amends the definition of a victim in the Crime Victim's Bill of Rights to specifically include persons who suffer injury, death or property loss as a result of an act of delinquency by a juvenile.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1913**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 6, 2001

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 1913.

This bill provides that the social, medical, psychological, legal and law enforcement records of juveniles charged with delinquency are to be made available to parties in subsequent civil actions for damages against these juveniles, such as victims or members of their immediate family. The bill specifies that any party to the proceeding may apply to have these records safeguarded from disclosure to other members of the public.

The bill also requires the court, in accordance with the Crime Victim's Bill of Rights, to notify victims or a family member of the victim of court proceedings involving juveniles charged with delinquency and permit the attendance of the victim or a family member at the proceeding, except when, prior to completing testimony as a witness, the victim or family member is properly sequestered.

Additionally, the bill amends the definition of a victim in the Crime Victim's Bill of Rights to specifically include persons who suffer injury, death or property loss as a result of an act of delinquency by a juvenile.

This bill is identical to Senate Bill No. 1439, which also was reported by the committee on this same date.

[First Reprint]

**ASSEMBLY, No. 1913**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED MARCH 2, 2000

**Sponsored by:**

**Assemblyman PAUL DIGAETANO**  
**District 36 (Bergen, Essex and Passaic)**  
**Assemblyman GUY F. TALARICO**  
**District 38 (Bergen)**

**Co-Sponsored by:**

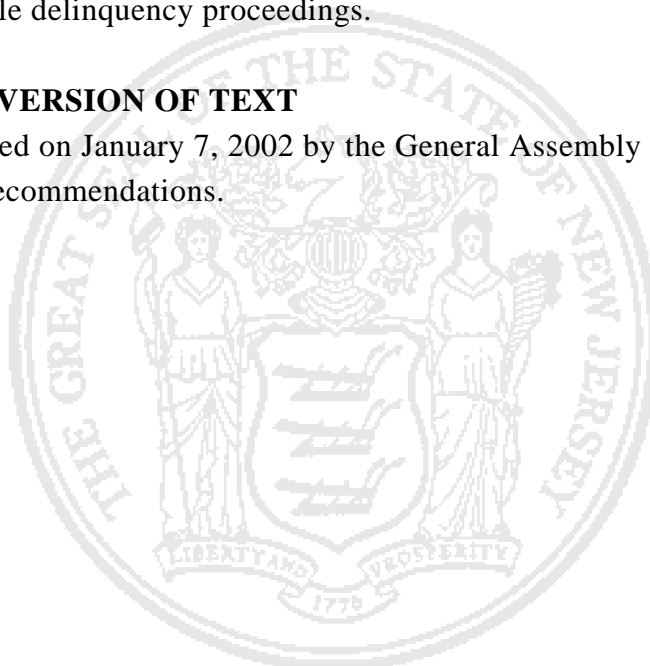
**Assemblymen Gibson, Rooney, Arnone, Azzolina, Blee, DeCroce, LeFevre,**  
**T.Smith, Thompson, Zecker, Felice, Bateman, Geist, Assemblywoman**  
**Heck, Senators Allen, Kosco and Robertson**

**SYNOPSIS**

Expands access to certain juvenile records; establishes right of victims to attend juvenile delinquency proceedings.

**CURRENT VERSION OF TEXT**

As amended on January 7, 2002 by the General Assembly pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 1/8/2002)**

1 AN ACT concerning juveniles charged with delinquency and amending  
2 P.L.1982, c.79 and P.L.1985, c.249.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read  
8 as follows:

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

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); <sup>1</sup>**[and**

35 (8) Any party in a subsequent civil action for damages against the  
36 juvenile, including the victim or a member of the victim's immediate  
37 family; provided, however, upon application of a party to the  
38 proceeding, such records shall be safeguarded from disclosure to other  
39 members of the public in accordance with a court order.]

40 (8) Any potential party in a subsequent civil action for damages  
41 related to an act of delinquency committed by a juvenile, including the

**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:**

<sup>1</sup> Assembly amendments adopted in accordance with Governor's recommendations January 7, 2002.

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

13 (9) Any potential party in a subsequent civil action for damages  
14 related to an act of delinquency committed by a juvenile, including the  
15 victim or a member of the victim's immediate family, regardless of  
16 whether the action has been filed against the juvenile; provided,  
17 however, that records available under this paragraph shall be limited  
18 to police or investigation reports concerning acts of delinquency,  
19 which shall be disclosed by a law enforcement agency only with the  
20 approval of the County Prosecutor's Office or the Division of Criminal  
21 Justice. Prior to disclosure, all personal information regarding all  
22 individuals, other than the requesting party and the arresting or  
23 investigating officer, shall be redacted. Such records may be disclosed  
24 by the recipient only in connection with asserting legal claims or  
25 obtaining indemnification on behalf of the victim or the victim's family,  
26 and otherwise shall be safeguarded from disclosure to other members  
27 of the public.<sup>1</sup>

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

34 c. At the time of charge, adjudication or disposition, information  
35 as to the identity of a juvenile charged with an offense, the offense  
36 charged, the adjudication and disposition shall, upon request, be  
37 disclosed to:

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

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

42 (3) On a confidential basis, the principal of the school where the  
43 juvenile is enrolled for use by the principal and such members of the  
44 staff and faculty of the school as the principal deems appropriate for  
45 maintaining order, safety or discipline in the school or to planning  
46 programs relevant to the juvenile's educational and social

1 development, provided that no record of such information shall be  
2 maintained except as authorized by regulation of the Department of  
3 Education; or

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

6 d. A law enforcement or prosecuting agency shall, at the time of a  
7 charge, adjudication or disposition, advise the principal of the school  
8 where the juvenile is enrolled of the identity of the juvenile charged,  
9 the offense charged, the adjudication and the disposition if:

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

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

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

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

19 (b) involved the unlawful use or possession of a firearm or other  
20 weapon; or

21 (c) involved the unlawful manufacture, distribution or possession  
22 with intent to distribute a controlled dangerous substance or controlled  
23 substance analog; or

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

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

28 Information provided to the principal pursuant to this subsection  
29 shall be treated as confidential but may be made available to such  
30 members of the staff and faculty of the school as the principal deems  
31 appropriate for maintaining order, safety or discipline in the school or  
32 for planning programs relevant to a juvenile's educational and social  
33 development, and no record of such information shall be maintained  
34 except as authorized by regulation of the Department of Education.

35 e. Nothing in this section prohibits a law enforcement or  
36 prosecuting agency from providing the principal of a school with  
37 information identifying one or more juveniles who are under  
38 investigation or have been taken into custody for commission of any  
39 act that would constitute an offense if committed by an adult when the  
40 law enforcement or prosecuting agency determines that the  
41 information may be useful to the principal in maintaining order, safety  
42 or discipline in the school or in planning programs relevant to the  
43 juvenile's educational and social development. Information provided  
44 to the principal pursuant to this subsection shall be treated as  
45 confidential but may be made available to such members of the staff  
46 and faculty of the school as the principal deems appropriate for

1 maintaining order, safety or discipline in the school or for planning  
2 programs relevant to the juvenile's educational and social  
3 development. No information provided pursuant to this section shall  
4 be maintained.

5 f. Information as to the identity of a juvenile adjudicated  
6 delinquent, the offense, the adjudication and the disposition shall be  
7 disclosed to the public where the offense for which the juvenile has  
8 been adjudicated delinquent if committed by an adult, would constitute  
9 a crime of the first, second or third degree, or aggravated assault,  
10 destruction or damage to property to an extent of more than \$500.00,  
11 unless upon application at the time of disposition the juvenile  
12 demonstrates a substantial likelihood that specific and extraordinary  
13 harm would result from such disclosure in the specific case. Where  
14 the court finds that disclosure would be harmful to the juvenile, the  
15 reasons therefor shall be stated on the record.

16 g. Nothing in this section shall prohibit the establishment and  
17 maintaining of a central registry of the records of law enforcement  
18 agencies relating to juveniles for the purpose of exchange between  
19 State or local law enforcement agencies of this State, another state, or  
20 the United States.

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

27 i. [The] Juvenile delinquency proceedings.

28 (1) Except as provided in paragraph (2) of this subsection, the  
29 court may, upon application by the juvenile or his parent or guardian,  
30 the prosecutor or any other interested party, including [the victim or  
31 complainant or] <sup>1</sup>the victim or complainant or<sup>1</sup> members of the news  
32 media, permit public attendance during any court proceeding at a  
33 delinquency case, where it determines that a substantial likelihood that  
34 specific harm to the juvenile would not result[, and the]. The court  
35 shall have the authority to limit and control attendance in any manner  
36 and to the extent it deems appropriate;

37 (2) <sup>1</sup> [In accordance with the provisions of Article I, paragraph 22  
38 of the State Constitution and P.L.1985, c.249 (C.52:4B-34 et seq.),  
39 the court] The court or, in cases where the county prosecutor has  
40 entered an appearance, the county prosecutor<sup>1</sup> shall notify the victim  
41 or a member of the victim's immediate family of any court proceeding  
42 involving the juvenile and <sup>1</sup>the court shall<sup>1</sup> permit the attendance of  
43 the victim or family member at the proceeding except when, prior to  
44 completing testimony as a witness, the victim or family member is  
45 properly sequestered in accordance with the law or the Rules  
46 Governing the Courts of the State of New Jersey <sup>1</sup>or when the

1 juvenile or the juvenile's family member shows, by clear and  
2 convincing evidence, that such attendance would result in a substantial  
3 likelihood that specific harm to the juvenile would result from the  
4 attendance of the victim or a family member at a proceeding or any  
5 portion of a proceeding and that such harm substantially outweighs the  
6 interest of the victim or family member to attend that portion of the  
7 proceeding<sup>1</sup>;

8 (3) The court shall permit a victim, or a family member of a victim  
9 to make a statement prior to ordering a disposition in any delinquency  
10 proceeding involving an offense that would constitute a crime if  
11 committed by an adult. [The court shall have the authority to limit  
12 and control the attendance in any manner and to the extent it deems  
13 appropriate.]

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

20

21 2. Section 4 of P.L.1985, c.249 (C.52:4B-37) is amended to read  
22 as follows:

23 4. As used in this act, "victim" means a person who suffers  
24 personal, physical or psychological injury or death or incurs loss of or  
25 injury to personal or real property as a result of a crime committed by  
26 an adult or an act of delinquency <sup>1</sup>[by a juvenile] that would  
27 constitute a crime if committed by an adult, committed<sup>1</sup> against that  
28 person. "Victim" also includes the nearest relative of the victim of a  
29 criminal homicide.

30 (cf: P.L.1985, c.249, s.4)

31

32 3. This act shall take effect immediately.



# SENATE, No. 1439

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JUNE 15, 2000

**Sponsored by:**

**Senator DIANE ALLEN**  
**District 7 (Burlington and Camden)**  
**Senator LOUIS F. KOSCO**  
**District 38 (Bergen)**

**Co-Sponsored by:**

**Senator Robertson**

**SYNOPSIS**

Expands access to certain juvenile records; establishes right of victims to attend juvenile delinquency proceedings.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/7/2001)**

1 AN ACT concerning juveniles charged with delinquency and amending  
2 P.L.1982, c.79 and P.L.1985, c.249.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read  
8 as follows:

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

35 (8) Any party in a subsequent civil action for damages against the  
36 juvenile, including the victim or a member of the victim's immediate  
37 family; provided, however, upon application of a party to the  
38 proceeding, such records shall be safeguarded from disclosure to other  
39 members of the public in accordance with a court order.

40 b. Records of law enforcement agencies may be disclosed for law  
41 enforcement purposes to any law enforcement agency of this State,  
42 another state or the United States, and the identity of a juvenile under  
43 warrant for arrest for commission of an act that would constitute a

**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 crime if committed by an adult may be disclosed to the public when  
2 necessary to execution of the warrant.

3 c. At the time of charge, adjudication or disposition, information  
4 as to the identity of a juvenile charged with an offense, the offense  
5 charged, the adjudication and disposition shall, upon request, be  
6 disclosed to:

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

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

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

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

21 d. A law enforcement or prosecuting agency shall, at the time of  
22 a charge, adjudication or disposition, advise the principal of the school  
23 where the juvenile is enrolled of the identity of the juvenile charged,  
24 the offense charged, the adjudication and the disposition if:

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

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

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

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

34 (b) involved the unlawful use or possession of a firearm or other  
35 weapon; or

36 (c) involved the unlawful manufacture, distribution or possession  
37 with intent to distribute a controlled dangerous substance or controlled  
38 substance analog; or

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

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

43 Information provided to the principal pursuant to this subsection  
44 shall be treated as confidential but may be made available to such  
45 members of the staff and faculty of the school as the principal deems  
46 appropriate for maintaining order, safety or discipline in the school or

1 for planning programs relevant to a juvenile's educational and social  
2 development, and no record of such information shall be maintained  
3 except as authorized by regulation of the Department of Education.

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

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

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

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

42 i. [The] Juvenile delinquency proceedings.

43 (1) Except as provided in paragraph (2) of this subsection, the court  
44 may, upon application by the juvenile or his parent or guardian, the  
45 prosecutor or any other interested party, including [the victim or  
46 complainant or] members of the news media, permit public attendance

1 during any court proceeding at a delinquency case, where it determines  
2 that a substantial likelihood that specific harm to the juvenile would  
3 not result[, and the] . The court shall have the authority to limit and  
4 control attendance in any manner and to the extent it deems  
5 appropriate;

6 (2) In accordance with the provisions of Article I, paragraph 22 of  
7 the State Constitution and P.L.1985, c.249 (C.52:4B-34 et seq.), the  
8 court shall notify the victim or a member of the victim's immediate  
9 family of any court proceeding involving the juvenile and permit the  
10 attendance of the victim or family member at the proceeding except  
11 when, prior to completing testimony as a witness, the victim or family  
12 member is properly sequestered in accordance with the law or the  
13 Rules Governing the Courts of the State of New Jersey;

14 (3) The court shall permit a victim, or a family member of a victim  
15 to make a statement prior to ordering a disposition in any delinquency  
16 proceeding involving an offense that would constitute a crime if  
17 committed by an adult. [The court shall have the authority to limit  
18 and control the attendance in any manner and to the extent it deems  
19 appropriate.]

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

26  
27 2. Section 4 of P.L.1985, c.249 (C.52:4B-37) is amended to read  
28 as follows:

29 4. As used in this act, "victim" means a person who suffers  
30 personal, physical or psychological injury or death or incurs loss of or  
31 injury to personal or real property as a result of a crime committed by  
32 an adult or an act of delinquency by a juvenile against that person.  
33 "Victim" also includes the nearest relative of the victim of a criminal  
34 homicide.

35 (cf: P.L.1985, c.249, s.4)

36  
37 3. This act shall take effect immediately.

38  
39  
40 STATEMENT

41  
42 This bill would allow broader access to information concerning  
43 juveniles charged with delinquency and grant victims the right to be  
44 present at juvenile delinquency proceedings.

45 The bill specifically provides that the social, medical, psychological,  
46 legal and law enforcement records of juveniles charged with

1 delinquency are to be made available to parties in subsequent civil  
2 actions for damages against these juveniles, such as victims or  
3 members of the victim's immediate family. Under the bill, any party to  
4 the proceeding may apply to have these records safeguarded from  
5 disclosure to other members of the public.

6 Under current law, the juvenile information that may be disclosed  
7 to victims, members of the victims' immediate families and parties to  
8 subsequent legal proceedings is limited to the identity of the juvenile,  
9 the offense charged and the adjudication and disposition of the charge.

10 The bill also requires the court, in accordance with the Crime  
11 Victims' Bill of Rights, to notify victims or a family member of the  
12 victim of court proceedings involving juveniles charged with  
13 delinquency and permit the attendance of the victim or a family  
14 member at the proceeding, except when, prior to completing testimony  
15 as a witness, the victim or family member is properly sequestered.

16 The bill amends the definition of a victim in the Crime Victim's Bill  
17 of Rights to clarify that a person is a victim if they suffer injury, death  
18 or property loss as a result of a crime by an adult or an act of  
19 delinquency by a juvenile.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 1439**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 6, 2001

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1439.

This bill provides that the social, medical, psychological, legal and law enforcement records of juveniles charged with delinquency are to be made available to parties in subsequent civil actions for damages against these juveniles, such as victims or members of their immediate family. The bill specifies that any party to the proceeding may apply to have these records safeguarded from disclosure to other members of the public.

The bill also requires the court, in accordance with the Crime Victim's Bill of Rights, to notify victims or a family member of the victim of court proceedings involving juveniles charged with delinquency and permit the attendance of the victim or a family member at the proceeding, except when, prior to completing testimony as a witness, the victim or family member is properly sequestered.

Additionally, the bill amends the definition of a victim in the Crime Victim's Bill of Rights to specifically include persons who suffer injury, death or property loss as a result of an act of delinquency by a juvenile.

This bill is identical to Assembly Bill No. 1913, which also was reported by the committee on this date.

## **ASSEMBLY BILL NO. 1913**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1913, with my recommendations for reconsideration.

This bill would expand access to certain juvenile records and would establish the right of victims to attend juvenile delinquency proceedings. The bill specifically provides that the social, medical, psychological, legal and law enforcement records of juveniles charged with delinquency are to be made available to parties in subsequent civil actions for damages against these juveniles, such as victims or members of the victim's immediate family. Under the bill, any party to the proceeding may apply to have these records safeguarded from disclosure to other members of the public.

Under current law, the juvenile information that may be disclosed to victims, members of victims families and parties subsequent to legal proceedings is limited to the identity of the juvenile, the offense charged and the adjudication and disposition of the charge. The bill also requires the court, in accordance with the Crime Victims' Bill of Rights, to notify victims or a family member of the victim of court proceedings involving juveniles charged with delinquency. The bill permits the attendance of the victim or a family member of the victim at the court proceedings. The bill also amends the definition of a victim in the Crime Victims' Bill of Rights to clarify that a person is a victim if they suffer injury, death or property loss as a result of a crime by an adult or an act of delinquency by a juvenile.

### B. Recommended Action

I commend the sponsors of the bill for their sensitivity to victims' rights and the bill's attempt to ensure that victims are given the opportunity to participate in court proceedings. However, the bill must be amended to more carefully balance the rights of the victim against safeguards established to protect the integrity of the proceedings and the delicate circumstances that are often a part of juvenile matters.

I am concerned that releasing social, medical and psychological records for the purpose of civil litigation would cause them to lose their confidential nature. This release



would allow sensitive records to be used by other members of the public for any purpose. This type of disclosure could be detrimental to a juvenile that has been successfully treated and rehabilitated. I suggest the bill be amended to permit victims access to official court documents but that records such as social, medical and psychological evaluations for use in a civil trial be made available only on motion and with the approval of the court. I believe this procedure would strike the appropriate balance.

Also, I recommend that police or investigative reports should be disclosed to the victim at the discretion of the County Prosecutor or the Division of Criminal Justice with all personal identifying information of individuals, other than the requesting party, redacted from the report. This amendment would allow victims access to the reports while providing prosecutors with the discretion they need to protect the integrity of the police investigative process and the opportunity to determine the investigative impact of releasing the report.

I applaud the attempt by the sponsors to provide victims with notice of court juvenile court proceedings. However, I recommend the bill be amended to reflect the current notification system. My amendment ensures that the court would notify victims or the prosecutor involved in the juvenile matter.

Also, I believe the courts should be provided with discretion over attendance at juvenile hearings. I propose the bill be amended so that a victim or a victim's family member should be granted access to a proceeding except if a juvenile or the juvenile's family member can show, by clear and convincing evidence, that there is a substantial likelihood that specific harm would result from the attendance of the victim or the victim's family member at the proceeding.

Additionally, the current language of the bill does not reflect that both an adult and a juvenile can be convicted of a crime if the juvenile is waived out of juvenile court and into an adult proceeding. I suggest the definition of "victim" be amended to include crimes or acts of delinquency that would constitute a crime if committed by an adult.

As a technical matter, references to Article I, paragraph 22 of the New Jersey State Constitution and N.J.S.A. 52:4-B(34) et. seq. relate to victim's rights associated with criminal offenses that are distinct from acts of juvenile delinquency. Those references are

inaccurate and should be deleted.

Therefore, I herewith return Assembly Bill No. 1913 and recommend that it be amended as follows:

- Page 2, Section 1(a)(7), Line 34: Delete “and”; Insert “(8) Any potential party in a subsequent civil action for damages related to an act of delinquency committed by a juvenile, including the victim or a member of the victim’s immediate family, regardless of whether the action has been filed against the juvenile; provided, however, that records available under this paragraph shall be limited to official court documents, such as complaints, pleadings and orders, and that such records may be disclosed by the recipient only in connection with asserting legal claims or obtaining indemnification on behalf of the victim or the victim’s family and otherwise shall be safeguarded from disclosure to other members of the public. Any potential party in a civil action related to the juvenile offense may file a motion with the civil trial judge seeking to have the juvenile’s social, medical or psychological records admitted into evidence in a civil proceeding for damages; and”
- Page 2, Section 1(a), Line 40: Insert “(9) Any potential party in a subsequent civil action for damages related to an act of delinquency committed by a juvenile, including the victim or a member of the victim’s immediate family, regardless of whether the action has been filed against the juvenile; provided, however, that records available under this paragraph shall be limited to police or investigation reports concerning acts of delinquency, which shall be disclosed by a law enforcement agency only with the approval of the County Prosecutor’s Office or the Division of Criminal Justice. Prior to disclosure, all personal information regarding all individuals, other than the requesting party and the arresting or investigating officer, shall be redacted. Such records may be disclosed by the recipient only in connection with asserting legal claims or obtaining indemnification on behalf of the victim or the victim’s family, and otherwise shall be safeguarded from disclosure to other members of the public”
- Page 4, Section 1(i), lines 45-46: Insert “the victim or complainant or” after “including”
- Page 5, Section 1(i)(2), lines 6 –7: Delete “in accordance...court”; Insert “The court or, in cases where the county prosecutor has entered an appearance, the county prosecutor” before “shall”
- Page 5, Section 1(i)(2), line 9: Insert “the court shall” before “permit”
- Page 5, Section 1(i)(2), line 13: Insert “or when the juvenile or the juvenile’s family member shows, by clear and convincing evidence, that such attendance would result in a substantial likelihood that specific harm to

the juvenile would result from the attendance of the victim or a family member at a proceeding or any portion of a proceeding and that such harm substantially outweighs the interest of the victim or family member to attend that portion of the proceeding.” after “New Jersey”

Page 5, Section 4, Line 32:

Delete “by a juvenile” after “delinquency”;  
Insert “that would constitute a crime if committed by an adult, committed” before “against”

Respectfully,

Donald D. DiFrancesco  
Acting Governor

Attest:

James A. Harkness  
Chief Counsel to the Governor

P.L. 2001, CHAPTER 407, *approved January 8, 2002*  
Assembly, No. 1913 (*First Reprint*)

1 **AN ACT** concerning juveniles charged with delinquency and amending  
2 P.L.1982, c.79 and P.L.1985, c.249.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read  
8 as follows:

9 1. Disclosure of juvenile information; penalties for disclosure.  
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); <sup>1</sup>**[and]**

35 (8) Any party in a subsequent civil action for damages against the  
36 juvenile, including the victim or a member of the victim's immediate  
37 family; provided, however, upon application of a party to the  
38 proceeding, such records shall be safeguarded from disclosure to other  
39 members of the public in accordance with a court order.]

**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:**

<sup>1</sup> **Assembly amendments adopted in accordance with Governor's recommendations January 7, 2002.**

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

15       (9) Any potential party in a subsequent civil action for damages  
16 related to an act of delinquency committed by a juvenile, including the  
17 victim or a member of the victim's immediate family, regardless of  
18 whether the action has been filed against the juvenile; provided,  
19 however, that records available under this paragraph shall be limited  
20 to police or investigation reports concerning acts of delinquency,  
21 which shall be disclosed by a law enforcement agency only with the  
22 approval of the County Prosecutor's Office or the Division of Criminal  
23 Justice. Prior to disclosure, all personal information regarding all  
24 individuals, other than the requesting party and the arresting or  
25 investigating officer, shall be redacted. Such records may be disclosed  
26 by the recipient only in connection with asserting legal claims or  
27 obtaining indemnification on behalf of the victim or the victim's family,  
28 and otherwise shall be safeguarded from disclosure to other members  
29 of the public.<sup>1</sup>

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

36       c. At the time of charge, adjudication or disposition, information  
37 as to the identity of a juvenile charged with an offense, the offense  
38 charged, the adjudication and disposition shall, upon request, be  
39 disclosed to:

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

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

44       (3) On a confidential basis, the principal of the school where the  
45 juvenile is enrolled for use by the principal and such members of the  
46 staff and faculty of the school as the principal deems appropriate for

1 maintaining order, safety or discipline in the school or to planning  
2 programs relevant to the juvenile's educational and social  
3 development, provided that no record of such information shall be  
4 maintained except as authorized by regulation of the Department of  
5 Education; or

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

8 d. A law enforcement or prosecuting agency shall, at the time of a  
9 charge, adjudication or disposition, advise the principal of the school  
10 where the juvenile is enrolled of the identity of the juvenile charged,  
11 the offense charged, the adjudication and the disposition if:

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

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

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

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

21 (b) involved the unlawful use or possession of a firearm or other  
22 weapon; or

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

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

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

30 Information provided to the principal pursuant to this subsection  
31 shall be treated as confidential but may be made available to such  
32 members of the staff and faculty of the school as the principal deems  
33 appropriate for maintaining order, safety or discipline in the school or  
34 for planning programs relevant to a juvenile's educational and social  
35 development, and no record of such information shall be maintained  
36 except as authorized by regulation of the Department of Education.

37 e. Nothing in this section prohibits a law enforcement or  
38 prosecuting agency from providing the principal of a school with  
39 information identifying one or more juveniles who are under  
40 investigation or have been taken into custody for commission of any  
41 act that would constitute an offense if committed by an adult when the  
42 law enforcement or prosecuting agency determines that the  
43 information may be useful to the principal in maintaining order, safety  
44 or discipline in the school or in planning programs relevant to the  
45 juvenile's educational and social development. Information provided  
46 to the principal pursuant to this subsection shall be treated as

1 confidential but may be made available to such members of the staff  
2 and faculty of the school as the principal deems appropriate for  
3 maintaining order, safety or discipline in the school or for planning  
4 programs relevant to the juvenile's educational and social  
5 development. No information provided pursuant to this section shall  
6 be maintained.

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

18 g. Nothing in this section shall prohibit the establishment and  
19 maintaining of a central registry of the records of law enforcement  
20 agencies relating to juveniles for the purpose of exchange between  
21 State or local law enforcement agencies of this State, another state, or  
22 the United States.

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

29 i. [The] Juvenile delinquency proceedings.

30 (1) Except as provided in paragraph (2) of this subsection, the  
31 court may, upon application by the juvenile or his parent or guardian,  
32 the prosecutor or any other interested party, including [the victim or  
33 complainant or] <sup>1</sup>the victim or complainant or<sup>1</sup> members of the news  
34 media, permit public attendance during any court proceeding at a  
35 delinquency case, where it determines that a substantial likelihood that  
36 specific harm to the juvenile would not result[, and the]. The court  
37 shall have the authority to limit and control attendance in any manner  
38 and to the extent it deems appropriate:

39 (2) <sup>1</sup> [In accordance with the provisions of Article I, paragraph 22  
40 of the State Constitution and P.L.1985, c.249 (C.52:4B-34 et seq.),  
41 the court] The court or, in cases where the county prosecutor has  
42 entered an appearance, the county prosecutor<sup>1</sup> shall notify the victim  
43 or a member of the victim's immediate family of any court proceeding  
44 involving the juvenile and <sup>1</sup>the court shall<sup>1</sup> permit the attendance of  
45 the victim or family member at the proceeding except when, prior to  
46 completing testimony as a witness, the victim or family member is

1 properly sequestered in accordance with the law or the Rules  
2 Governing the Courts of the State of New Jersey <sup>1</sup>or when the  
3 juvenile or the juvenile's family member shows, by clear and  
4 convincing evidence, that such attendance would result in a substantial  
5 likelihood that specific harm to the juvenile would result from the  
6 attendance of the victim or a family member at a proceeding or any  
7 portion of a proceeding and that such harm substantially outweighs the  
8 interest of the victim or family member to attend that portion of the  
9 proceeding<sup>1</sup>;

10 (3) The court shall permit a victim, or a family member of a victim  
11 to make a statement prior to ordering a disposition in any delinquency  
12 proceeding involving an offense that would constitute a crime if  
13 committed by an adult. [The court shall have the authority to limit  
14 and control the attendance in any manner and to the extent it deems  
15 appropriate.]

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

22  
23 2. Section 4 of P.L.1985, c.249 (C.52:4B-37) is amended to read  
24 as follows:

25 4. As used in this act, "victim" means a person who suffers  
26 personal, physical or psychological injury or death or incurs loss of or  
27 injury to personal or real property as a result of a crime committed by  
28 an adult or an act of delinquency <sup>1</sup>[by a juvenile] that would  
29 constitute a crime if committed by an adult, committed<sup>1</sup> against that  
30 person. "Victim" also includes the nearest relative of the victim of a  
31 criminal homicide.

32 (cf: P.L.1985, c.249, s.4)

33  
34 3. This act shall take effect immediately.  
35  
36  
37  
38

39 Expands access to certain juvenile records; establishes right of victims  
40 to attend juvenile delinquency proceedings.



## CHAPTER 407

AN ACT concerning juveniles charged with delinquency and amending P.L.1982, c.79 and P.L.1985, c.249.

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

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

C.2A:4A-60 Disclosure of juvenile information; penalties for disclosure.

1. Disclosure of juvenile information; penalties for disclosure.

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

- (1) Any court or probation division;
- (2) The Attorney General or county prosecutor;
- (3) The parents or guardian and to the attorney of the juvenile;
- (4) The Department of Human Services, if providing care or custody of the juvenile;
- (5) Any institution or facility to which the juvenile is currently committed or in which the juvenile is placed;

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

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

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

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

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

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

necessary to execution of the warrant.

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

- (1) The victim or a member of the victim's immediate family;
- (2) Any law enforcement agency which investigated the offense, the person or agency which filed the complaint, and any law enforcement agency in the municipality where the juvenile resides; and
- (3) On a confidential basis, the principal of the school where the juvenile is enrolled for use by the principal and such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or to planning programs relevant to the juvenile's educational and social development, provided that no record of such information shall be maintained except as authorized by regulation of the Department of Education; or
- (4) A party in a subsequent legal proceeding involving the juvenile, upon approval by the court.

d. A law enforcement or prosecuting agency shall, at the time of a charge, adjudication or disposition, advise the principal of the school where the juvenile is enrolled of the identity of the juvenile charged, the offense charged, the adjudication and the disposition 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; or
- (2) The juvenile was taken into custody as a result of information or evidence provided by school officials; or
- (3) The offense, if committed by an adult, would constitute a crime, and the offense:
  - (a) resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury; or
  - (b) involved the unlawful use or possession of a firearm or other weapon; or
  - (c) involved the unlawful manufacture, distribution or possession with intent to distribute a controlled dangerous substance or controlled substance analog; or
  - (d) was committed by a juvenile who acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or
  - (e) would be a crime of the first or second degree.

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

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

f. Information as to the identity of a juvenile adjudicated delinquent, the offense, the adjudication and the disposition shall be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent if committed by an adult, would constitute a crime of the first, second or third degree, or aggravated assault, destruction or damage to property to an extent of more than \$500.00, unless upon application at the time of disposition the juvenile demonstrates a substantial likelihood that specific and extraordinary harm would result from such

disclosure in the specific case. Where the court finds that disclosure would be harmful to the juvenile, the reasons therefor shall be stated on the record.

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

(2) Certain information and records relating to juveniles in the central registry maintained by the courts shall be available to State and local law enforcement agencies and prosecutors on a 24-hour basis.

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

i. Juvenile delinquency proceedings.

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

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

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

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

2. Section 4 of P.L.1985, c.249 (C.52:4B-37) is amended to read as follows:

C.52:4B-37 "Victim" defined.

4. As used in this act, "victim" means a person who suffers personal, physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed by an adult or an act of delinquency that would constitute a crime if committed by an adult, committed against that person. "Victim" also includes the nearest relative of the victim of a criminal homicide.

3. This act shall take effect immediately.

Approved January 8, 2002.