

2A:4-44

LEGISLATIVE HISTORY CHECKLIST

WSA 2A:4-44; 2A:4-61; 2A:4-65 (Homicide--Definition conformity for juveniles with Title 2C)
 LAWS OF 1980 CHAPTER 95
 Bill No. A1383
 Sponsor(s) Herman
 Date Introduced March 13, 1980
 Committee: Assembly Judiciary, Law, Public Safety & Defense
 Senate Judiciary
 Amended during passage Yes Amendments during passage denoted by asterisks
 Date of Passage: Assembly April 21, 1980
 Senate June 23, 1980
 Date of approval Aug. 28, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/> (Below)
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>
Senate	Yes	<input checked="" type="checkbox"/>
Fiscal Note	<input checked="" type="checkbox"/>	No
Veto message	<input checked="" type="checkbox"/>	No
Message on signing	<input checked="" type="checkbox"/>	No
Following were printed:		
Reports	<input checked="" type="checkbox"/>	No
Hearings	<input checked="" type="checkbox"/>	No

Sponsor's statement:

This bill conforms the definition of juvenile delinquency and the definition of homicide with the terms used in the New Jersey Code of Criminal Justice (C.2C:1-1 et seq.).

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EJ

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8-28-80

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1383

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1980

By Assemblyman HERMAN

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT to amend "An act concerning juveniles, jurisdiction and proceedings in the juvenile and domestic relations court and repealing portions of the statutory law," approved December 14, 1973 (P. L. 1973, c. 306).

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

1 1. Section 3 of P. L. 1973, c. 306 (C. 2A:4-44) is amended to
2 read as follows:

3 3. Definition of delinquency. As used in this act, "delinquency"
4 means the commission of an act by a juvenile which if committed
5 by an adult would constitute:

- 6 a. A homicide or act of treason;
- 7 b. A **[high misdemeanor or misdemeanor]** *crime*;
- 8 c. A disorderly persons offense *or petty disorderly persons of-*
9 *fense*; or
- 10 d. A violation of any other penal statute, ordinance or regula-
- 11 tion.

12 But, the commission of an act which constitutes a violation of
13 chapters 3, 4, 6 or 8 of Title 39, Motor Vehicles, of the Revised
14 Statutes, or of any amendment or supplement thereof, by a juvenile
15 of or over the age of 17 years shall not constitute delinquency as
16 defined in this act.

1 2. Section 20 of P. L. 1973, c. 306 (C. 2A:4-61) is amended to
2 read as follows:

3 20. Disposition of delinquency cases. If a juvenile is adjudged
4 delinquent the juvenile and domestic relations court may order any
5 of the following dispositions:

- 6 a. Adjourn formal entry of disposition of the case for a period
7 not to exceed 12 months for the purpose of determining whether
8 the juvenile makes a satisfactory adjustment, and if during 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.

9 period of continuance the juvenile makes such an adjustment,
10 dismiss the complaint; or

11 b. Release the juvenile to the supervision of his or her parent or
12 guardian; or

13 c. Place the juvenile on probation to the chief probation officer of
14 the county or to any other suitable person who agrees to accept
15 the duty of probation supervision for a period not to exceed 3 years
16 upon such written conditions as the court deems will aid rehabilita-
17 tion of the juvenile; or

18 d. Transfer custody of the juvenile to any relative or other per-
19 son determined by the probation department to be qualified to care
20 for the juvenile; or

21 e. Place the juvenile under the care of the Division of Youth
22 and Family Services pursuant to P. L. 1951, c. 138, s. 2 (c)
23 (C. 30:4C-2 (c)).

24 f. Place the juvenile under the care and custody of the Com-
25 missioner of the Department of [Institutions and Agencies] *Hu-*
26 *man Services* for the purpose of receiving the services of the Divi-
27 sion of Mental Retardation of that department, provided that the
28 juvenile has been determined to be eligible for those services under
29 P. L. 1965, c. 59, s. 16 (C. 30:4-25.4); or

30 g. Commit the juvenile to a suitable institution for the treatment
31 of mental illness if after hearing it is determined from psychiatric
32 evidence that the juvenile does or may constitute a danger to him-
33 self or to other persons if not so committed; or

34 h. Commit the juvenile to a suitable institution maintained for
35 the rehabilitation of delinquents for an indeterminate term not to
36 exceed 3 years; except, that, any time an adjudication of juvenile
37 delinquency is predicated upon an offense which, if committed by
38 a person of the age of 18 years or over would constitute any form
39 of homicide as defined in [N. J. S. A. 2A:113-1, 2A:113-2, 2A:113-4
40 or 2A:113-5] *sections 2C:11-2, 2C:11-3 or 2C:11-4 of the New*
41 *Jersey Statutes, except death by auto as defined in N. J. S.*
42 *2C:11-5*, then the period of confinement shall be indeterminate and
43 shall continue until the appropriate paroling authority determines
44 that such person should be paroled; and, except that in any case
45 the period of confinement and parole shall not exceed the maximum
46 provided by law for such offense if committed by a person of the
47 age of 18 years or over.

48 Any juvenile committed under this act who is released on parole
49 prior to the expiration of his maximum term may be retained
50 under parole supervision for a period not exceeding the unserved
51 portion of the term.

52 . . . i. Such other disposition not inconsistent with this act as the
53 court may determine.

1 *3. Section 24 of P. L. 1973, c. 306 (C. 2A:4-65) is amended to
2 read as follows:

3 24. Disclosure of juvenile records: penalties for disclosure.

4 a. Social, medical, psychological, legal and other records of the
5 court and probation department, and records of law enforcement
6 agencies, pertaining to juveniles charged under this act, shall be
7 strictly safeguarded from public inspection. Such records shall be
8 made available only to:

9 (1) Any court or probation department;

10 (2) The Attorney General or county prosecutor;

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

12 (4) The Division of Youth and Family Services, if providing
13 care or custody of the juvenile;

14 (5) Any institution to which the juvenile is currently committed;

15 (6) Any person or agency interested in a case or in the work of
16 the agency keeping the records, by order of the court for good cause
17 shown; and

18 (7) Any law enforcement agency when such records are neces-
19 sary in connection with the investigation of particular acts of
20 delinquency or crime, or when such records are necessary to assist
21 in the protection, apprehension or location of a particular juvenile.

22 b. Information as to the identity of a juvenile, the offense
23 charged, the adjudication and disposition may be disclosed to the
24 victim or a member of the victim's immediate family.

25 c. Information as to the identity of a juvenile 14 years of age or
26 older adjudicated delinquent, the offense, the adjudication and the
27 disposition may be disclosed to the public where the offense for
28 which the juvenile has been adjudicated delinquent [involved
29 violence to the person or,] if committed by an adult, would con-
30 stitute a [high misdemeanor, murder, manslaughter] *crime of the*
31 *first, second or third degree, or aggravated assault, destruction or*
32 *damage to property to an extent of more than \$500.00 [or more],*
33 *or the manufacture or distribution of a narcotic drug, unless upon*
34 *application at the time of disposition and for good cause shown, or*
35 *upon its own motion, the court orders the withholding from public*
36 *dissemination of all or a portion of such information on the grounds*
37 *that public disclosure would not serve the best interests of the*
38 *juvenile and the public.*

39 d. Whoever, except as provided by law, knowingly discloses,
40 publishes, receives, or makes use of or knowingly permits the
41 unauthorized use of information concerning a particular juvenile

42 derived from records listed in subsection a. or acquired in the
43 course of court proceedings, probation, or police duties, shall, upon
44 conviction thereof, be guilty of a disorderly person's offense.*

1 ***[3.]*** *4.* This act shall take effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1383

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 24, 1980

This bill, as amended by the committee, conforms the definition of juvenile delinquency and the definition of homicide with the terms used in the New Jersey Code of Criminal Justice (C. 2C:1-1 et seq.).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1383

STATE OF NEW JERSEY

DATED: JUNE 5, 1980

This bill changes certain terms and statutory references in the juvenile law to conform with the terminology of the penal code.