

2A:4-65

LEGISLATIVE HISTORY CHECKLIST

(Publication of juvenile records under certain circumstances)

NJSA 2A:4-65

Laws of 1977 Chapter 255

BILL No. A2045

Sponsor(s) Scanlon and others

Date Introduced June 14, 1976

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes No

Assembly Committee Substitute for A2045, A3216, A3217, A3037 enacted. (Separate bills as originally introduced are attached.)

Date of passage: Assembly May 9, 1977

Senate July 11, 1977

Date of approval October 5, 1977

Following statements are attached if available:

Sponsor statement Yes ~~X~~No

Committee Statement: Assembly ~~X~~X No

Senate Yes ~~X~~No

Fiscal Note ~~X~~X No

Veto message ~~X~~X No

Message on signing ~~X~~X No

Following were printed:

Reports Yes ~~X~~X

Hearings ~~X~~X No

Report mentioned in sponsor's statement:

974.90 N.J. Task Force on Juvenile Justice.  
J97 Report.  
1977 (In: 100 N.J.L.J. 65, Jan. 27, 1977  
and 100 N.J.L.J. 441, May 19, 1977.)

DO NOT REMOVE FROM LIBRARY

ORIGINAL COPY

(over)

med

10/4/76

12/2/77

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, Nos. 2045,  
3216, 3217 & 3037**

**STATE OF NEW JERSEY**

ADOPTED APRIL 28, 1977

By Assemblymen SCANLON, VILLANE, KARCHER, SHAPIRO,  
CALI, ADUBATO, KOZLOSKI, GREGORIO, KENNEDY,  
Assemblywoman MUHLER, Assemblymen McDERMOTT,  
BASSANO, NEWMAN, DOYLE, T. GALLO and SPIZZIRI

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 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 **[and]**

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

19 (7) *Any law enforcement agency when such records are*  
20 *necessary in connection with the investigation of particular acts of*

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

ASSEMBLY, No. 2045

---

STATE OF NEW JERSEY

---

INTRODUCED JUNE 14, 1976

By Assemblymen SCANLON, SHAPIRO, CALI, ADUBATO and  
KOZLOSKI

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

AN ACT permitting the publishing of juvenile records and photographs under certain circumstances, and supplementing Title 2A of the New Jersey Statutes.

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

1 1. Any law to the contrary notwithstanding, disclosure of the  
2 records, of the juvenile and domestic relations court and of any  
3 law enforcement agency, including any photographs, shall be made  
4 available to newspapers, radio and television stations pertaining  
5 to juveniles charged with the commission of a delinquent act which  
6 would constitute homicide, treason, rape, armed robbery, atrocious  
7 assault and battery and assault with a dangerous weapon if com-  
8 mitted by an adult and such records and photographs may be made  
9 public knowledge.

1 2. This act shall take effect immediately.

---

STATEMENT

The purpose of this bill is expressed in its title.

ASSEMBLY, No. 3216

STATE OF NEW JERSEY

INTRODUCED APRIL 21, 1977

By Assemblymen KARCHER, OTLOWSKI and GREGORIO

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

AN ACT concerning disclosure of juvenile records and repealing  
section 24 of P. L. 1973, c. 306 (C. 2A:4-65).

- 1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*
- 1 1. Section 24 of P. L. 1973, c. 306 (C. 2A:4-65) is repealed.
  - 1 2. This act shall take effect 30 days following enactment.

STATEMENT

The purpose of this bill is to repeal that section of the New Jersey law governing juvenile offenders which restricts public disclosure of juvenile records.

ASSEMBLY, No. 3217

---

STATE OF NEW JERSEY

---

INTRODUCED APRIL 21, 1977

By Assemblymen KARCHER, OTLOWSKI and GREGORIO

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

AN ACT concerning disclosure of juvenile records and supplementing P. L. 1973, c. 306 (C. 2A:4-42 et seq.).

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

1 1. The records of the juvenile and domestic relations court and  
2 of any law enforcement agency, including any photographs, of any  
3 juvenile charged with the commission of a delinquent act which  
4 would constitute a high misdemeanor if committed by an adult,  
5 shall not be subject to the restrictions against public disclosure  
6 set forth in section 24 (C. 2A:4-65) of the act to which this act  
7 is a supplement.

1 2. This act shall take effect 30 days following enactment.

---

STATEMENT

The purpose of this bill is to remove the restrictions against public disclosure of juvenile records in those cases where the juvenile is charged with an act which would constitute a high misdemeanor if committed by an adult.

ASSEMBLY, No. 3037

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1977

By Assemblymen VILLANE, KENNEDY, Assemblywoman MUHLER,  
Assemblymen McDERMOTT, BASSANO, NEWMAN, DOYLE,  
ADUBATO and T. GALLO

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

AN ACT authorizing the public disclosure of the records adjudging certain juveniles delinquent for commission of offenses which if committed by an adult would constitute a crime and amending P. L. 1973, c. 306, s. 24.

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

1 1. (New section) Notwithstanding any other provision of law  
2 or rule of court the records of the Juvenile and Domestic Relations  
3 Court adjudging a juvenile 14 years of age or older delinquent for  
4 the commission of an offense which if committed by an individual  
5 18 years of age or older would constitute a homicide, act of treason,  
6 high misdemeanor, or misdemeanor shall be public records.

1 2. 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 *other than*  
7 *those adjudging a juvenile 14 years of age or older delinquent for*  
8 *commission of an offense which if committed by an adult would*  
9 *constitute a crime*, shall be strictly safeguarded from public inspec-  
10 tion. Such records shall be made available only to:

- 11 (1) Any court or probation department;
- 12 (2) The Attorney General or county prosecutor;
- 13 (3) The parents or guardian and to the attorney of the juvenile;
- 14 (4) The Division of Youth and Family Services, if providing  
15 care or custody of the juvenile;
- 16 (5) Any institution to which the juvenile is currently committed;
- 17 and

18 (6) Any person or agency interested in a case or in the work of  
19 the agency keeping the records, by order of the court for good cause  
20 shown.

21 b. 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  
25 course of court proceedings, probation, or police duties, shall, upon  
26 conviction thereof, be guilty of a disorderly person's offense.

1 2. This act shall take effect immediately.

---

STATEMENT

Unfortunately, in today's society, with crime being as rampant as it is, especially those where juveniles are involved, it would appear one of the ways in which the condition might be alleviated is by focusing the glaring light of publicity on both the crime and the individual concerned, even though the individual is 14 years of age or older but under 18 years of age.

REFERENCE USE ONLY

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY Nos. 2045, 3216, 3217 and 3037**

---

**STATE OF NEW JERSEY**

---

DATED: JUNE 27, 1977

This bill implements the recommendations of the Supreme Court's Task Force on Juvenile Justice to permit dissemination of certain juvenile court records.

In addition to those to whom such records are presently available, the bill authorizes:

1. Dissemination to law enforcement agencies in connection with the investigation of particular acts of delinquency or crime;
2. Informing the victim or a member of the victim's immediate family of the identity of the juvenile, the offense charged and the adjudication and disposition of the case; and
3. Making available to the public the identity of a juvenile 14 years of age or older adjudged delinquent, the offense, adjudication and disposition where the offense involves violence to the person or if committed by an adult would constitute one of the enumerated serious crimes or the manufacture or distribution of a narcotic drug, unless for good cause the court orders such information not be disclosed.



objection by the juvenile, his attorney or his parents, guardian or custodian, any person seeking permission to attend because of interest in the work of the court shall be excluded from any hearing involving said juvenile.  
The judge may authorize or may himself make such disclosure, or in the name of the court, may issue statements to the press or other communication media with respect to the disposition of any juvenile delinquency or juvenile in need of supervision case heard by him, if he shall determine that such information will serve the interests of the juvenile and the State and be in accordance with the policy expressed in the Juvenile and Domestic Relations Court Law (Title 2A, Chapter 4).

(b) ... (no change).

(c) ... (no change).

(d) ... (no change).

The Committee believed that no effective, comprehensive standards or guidelines could be developed to deal with the problem of disclosure of juvenile court records and that the present approach of leaving each request in the sound discretion of the judge was the only practical approach. With regard to the releasing of information to the Job Corps, Armed Forces, etc., it was agreed that in no event should any information be released without court order pursuant to N.J.S.A. 2A:4-65(a)(6). The Committee strongly and unanimously opposed the furnishing of any identifying data to the Controlled Dangerous Substances Registry.

*Judicial Conference Proceedings, 1975.  
Report of Supreme Court Committee  
on Juvenile and Domestic Relations Court.*

The Committee recommended the amendment of R.5:10-7, in light of the JINS statutes and recent policy and case decisions:

5:10-7. Classification and Availability of Court Records

(a) ... (no change).

(b) ... (no change).

(c) [Availability. All procedural and social records in juvenile matters and all social records in adult matters shall be strictly safeguarded from indiscriminate public inspection. The court may, in its discretion, in the best interest of a juvenile or adult or for other good cause, permit inspection of any procedural or social record, except that procedural and social records shall be available on a confidential basis, without court order, to attorneys for the parties and in juvenile matters also to his parents, guardian or custodian, to the chief probation officer and his assistants; to state and county correctional training schools and institutions, to the State Bureau of Children's Services for investigational, treatment or placement purposes; to justices and judges of the Supreme and Superior Court and the county and juvenile and domestic relations courts; and to the Governor of the State. Social records shall not be used as evidence during the trial or hearing of any person, except as otherwise permitted by these rules or the rules of evidence.]

Availability of Adult Records. All social records in adult matters shall be strictly safeguarded from indiscriminate public inspection. The court by order may in its discretion and for good cause shown permit inspection of any social record concerning an adult, except that social records shall be

available on a confidential basis, without court order, to all parties and to the attorneys for the parties, to any court or probation department and to the Division of Youth and Family Services for investigational, treatment and placement purposes. Social records shall not be used as evidence during any trial or hearing, except as otherwise permitted by these rules or the rules of evidence.

(d) Availability of Juvenile Records.

All procedural and social records in juvenile matters shall be strictly safeguarded from indiscriminate public inspection. The court by order may be in its discretion and in the best interest of a juvenile or for other good cause shown permit the inspection of any procedural or social record by any person or agency interested in a case or in the work of the agency keeping the records. The court shall make such records available on a confidential basis, without court order, to the juvenile's parents, guardian or custodian and to his attorney, to any court or probation department, to the attorney general, to the county prosecutor, to the Division of Youth and Family Services if providing care or custody of the juvenile and to any institution to which the juvenile is committed. Social records shall not be used as evidence during the adjudicatory stage of any trial or hearing, except as otherwise permitted by these rules or the rules of evidence.

In January, 1975, N.J.S.A. 9:8.21, et seq., became operative. This legislation provided for the juvenile and domestic relations court to have exclusive jurisdiction over child abuse and neglect matters. There is an indication that this statute will probably be amended to clarify procedural and other questions.

5. Restitution. Since a juvenile's development of an awareness of the value of property in an essential element of rehabilitation in many cases, the Committee recommends the revision of N.J.S.A. 2A:4-61 to express specifically the Juvenile Court's authority to order reasonable restitution as a condition of probation in appropriate instances. Periodic payments during probation should be considered when necessary to make compliance possible.

6. Family Therapy. Frequently, major underlying factors contributing to delinquent conduct by many juveniles are the attitude, conduct or actions of the parents of the juvenile. Therefore, the Committee recommends that there be a revision of N.J.S.A. 2A:4-61 and 2A:4-62 to recognize, expressly, the authority of the Juvenile Court to order the parents, as well as the juvenile, to participate in a suitable therapy or counselling program as a condition of probation. This would make clearer the Court's power to assure participation in such a program once that rehabilitative measure has been deemed appropriate and has been ordered.

7. Disclosure of Juvenile Records. The Committee strongly opposes general dissemination of juvenile

court, law enforcement and probation records. This would destroy the confidentiality of the juvenile justice process which is essential to rehabilitation and reintegration of the juvenile into the community. However, a law enforcement agency should be permitted to make information available to another law enforcement agency during the course of a particular investigation.

A majority of the Committee opposes the publication of juveniles' names except where the matter has been transferred to the adult court. It was felt that disclosure of juveniles' names can only serve to impede and render ineffective the rehabilitation plan which the Court has ordered for the juvenile. In the past, such information has been used against a juvenile offender when seeking employment and induction into the Armed Services. It was felt that if public recognition of punishment is appropriate, then the juvenile probably should be referred to the adult court.

Various matters of a practical or administrative nature were also reviewed by this Committee. Since there were matters of limited, as opposed to general, application and will be reported upon to the Supreme