

# 2A:4A-60

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 165

**NJSA:** 2A:4A-60 (Clarifies that law enforcement agencies may access juvenile central registry information)

**BILL NO:** S534 (Substituted for A219)

**SPONSOR(S):** Girgenti and others

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:**

**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 23, 2005

**SENATE:** February 23, 2004

**DATE OF APPROVAL:** August 5, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (1<sup>st</sup> reprint enacted)

**S534**

[SPONSOR'S STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)

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

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A219**

[SPONSOR'S STATEMENT:](#) (Begins on page 6 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 8/28/07

P.L. 2005, CHAPTER 165, *approved August 5, 2005*  
Senate, No. 534 (*First Reprint*)

1 **AN ACT** concerning the disclosure of certain juvenile information to  
2 law enforcement agencies and amending P.L.1982, c.79.

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;

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

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

38 (9) Any potential party in a subsequent civil action for damages  
39 related to an act of delinquency committed by a juvenile, including the  
40 victim or a member of the victim's immediate family, regardless of

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SLP committee amendments adopted February 9, 2004.**

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

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

27 (11) Law enforcement agencies<sup>1</sup> [provided that the records  
28 available under this paragraph shall be limited] with respect<sup>1</sup> to  
29 information available on the juvenile central registry maintained by the  
30 courts pursuant to subsection g. of this section, including, but not  
31 limited to: records of official court documents, such as complaints,  
32 pleadings and orders for the purpose of obtaining juvenile arrest  
33 information; juvenile disposition information; juvenile pretrial  
34 information; and information concerning the probation status of a  
35 juvenile.

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

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

1 disclosed to:

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

3 (2) ~~Any law enforcement agency which investigated the offense,~~  
4 ~~the person or agency which filed the complaint, and any law~~  
5 ~~enforcement agency in the municipality where the juvenile resides;~~  
6 ~~and] Deleted by amendment P.L. , c. (now pending before the~~  
7 ~~Legislature as this bill).~~

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

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

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

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

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

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

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

31 (b) involved the unlawful use or possession of a firearm or other  
32 weapon; or

33 (c) involved the unlawful manufacture, distribution or possession  
34 with intent to distribute a controlled dangerous substance or controlled  
35 substance analog; or

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

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

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

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

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

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

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

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

44 i. Juvenile delinquency proceedings.

45 (1) Except as provided in paragraph (2) of this subsection, the  
46 court may, upon application by the juvenile or his parent or guardian,

1 the prosecutor or any other interested party, including the victim or  
2 complainant or members of the news media, permit public attendance  
3 during any court proceeding at a delinquency case, where it determines  
4 that a substantial likelihood that specific harm to the juvenile would  
5 not result. The court shall have the authority to limit and control  
6 attendance in any manner and to the extent it deems appropriate;

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

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

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

30 (cf: P.L.2001, c.407, s.1)

31

32 2. This act shall take effect immediately.

33

34

35

36

37 Clarifies that law enforcement agencies may access juvenile central  
38 registry information.

**SENATE, No. 534**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Clarifies that law enforcement agencies may access juvenile central registry information.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.





1 AN ACT concerning the disclosure of certain juvenile information to  
2 law enforcement agencies and amending P.L.1982, c.79.

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

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8 as follows:

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

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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;

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

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

38 (9) Any potential party in a subsequent civil action for damages  
39 related to an act of delinquency committed by a juvenile, including the  
40 victim or a member of the victim's immediate family, regardless of  
41 whether the action has been filed against the juvenile; provided,  
42 however, that records available under this paragraph shall be limited  
43 to official court documents, such as complaints, pleadings and orders,

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

**Matter underlined thus is new matter.**

1 and that such records may be disclosed by the recipient only in  
2 connection with asserting legal claims or obtaining indemnification on  
3 behalf of the victim or the victim's family and otherwise shall be  
4 safeguarded from disclosure to other members of the public. Any  
5 potential party in a civil action related to the juvenile offense may file  
6 a motion with the civil trial judge seeking to have the juvenile's social,  
7 medical or psychological records admitted into evidence in a civil  
8 proceeding for damages; [and]

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

24 (11) Law enforcement agencies, provided that the records available  
25 under this paragraph shall be limited to information available on the  
26 juvenile central registry maintained by the courts pursuant to  
27 subsection g. of this section, including, but not limited to: records of  
28 official court documents, such as complaints, pleadings and orders for  
29 the purpose of obtaining juvenile arrest information; juvenile  
30 disposition information; juvenile pretrial information; and information  
31 concerning the probation status of a juvenile.

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

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

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

45 (2) [Any law enforcement agency which investigated the offense,  
46 the person or agency which filed the complaint, and any law

1 enforcement agency in the municipality where the juvenile resides;  
2 and] Deleted by amendment P.L. , c. (C. ) (now pending  
3 before the legislature as this bill).

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

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

14 d. A law enforcement or prosecuting agency shall, at the time of a  
15 charge, adjudication or disposition, advise the principal of the school  
16 where the juvenile is enrolled of the identity of the juvenile charged,  
17 the offense charged, the adjudication and the disposition if:

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

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

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

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

27 (b) involved the unlawful use or possession of a firearm or other  
28 weapon; or

29 (c) involved the unlawful manufacture, distribution or possession  
30 with intent to distribute a controlled dangerous substance or controlled  
31 substance analog; or

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

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

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

43 e. Nothing in this section prohibits a law enforcement or  
44 prosecuting agency from providing the principal of a school with  
45 information identifying one or more juveniles who are under  
46 investigation or have been taken into custody for commission of any

1 act that would constitute an offense if committed by an adult when the  
2 law enforcement or prosecuting agency determines that the  
3 information may be useful to the principal in maintaining order, safety  
4 or discipline in the school or in planning programs relevant to the  
5 juvenile's educational and social development. Information provided  
6 to the principal pursuant to this subsection shall be treated as  
7 confidential but may be made available to such members of the staff  
8 and faculty of the school as the principal deems appropriate for  
9 maintaining order, safety or discipline in the school or for planning  
10 programs relevant to the juvenile's educational and social  
11 development. No information provided pursuant to this section shall  
12 be maintained.

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

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

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

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

40 i. Juvenile delinquency proceedings.

41 (1) Except as provided in paragraph (2) of this subsection, the  
42 court may, upon application by the juvenile or his parent or guardian,  
43 the prosecutor or any other interested party, including the victim or  
44 complainant or members of the news media, permit public attendance  
45 during any court proceeding at a delinquency case, where it determines  
46 that a substantial likelihood that specific harm to the juvenile would

1 not result. The court shall have the authority to limit and control  
2 attendance in any manner and to the extent it deems appropriate;

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

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

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

26 (cf: P.L.2001, c.407, s.1)

27

28 2. This act shall take effect immediately.

29

30

31

#### STATEMENT

32

33 This bill would clarify that law enforcement agencies may access  
34 social, medical, psychological and legal records relating to juveniles  
35 that are compiled in a central registry maintained by this State's courts.  
36 Information in the registry that would be accessible includes records  
37 of official court documents, such as complaints, pleadings and orders  
38 for the purpose of obtaining juvenile arrest information; juvenile  
39 disposition information; juvenile pretrial information; and information  
40 concerning the probation status of a juvenile.

41 Under current law, law enforcement agencies have limited access  
42 to juvenile information. When a juvenile is charged with an offense or  
43 when there is an adjudication or disposition of that charge, the  
44 juvenile's identity, the offense charged, and the adjudication or  
45 disposition may be disclosed to a law enforcement agency only if the  
46 agency investigated the offense or filed the complaint or if the juvenile

**S534 GIRGENTI, SACCO**

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1 resides in the municipality where the agency has jurisdiction. Law  
2 enforcement agencies reviewing applications for permits to purchase  
3 handguns or long guns also may access juvenile information.  
4 This bill would allow law enforcement agencies throughout the  
5 State access to this juvenile central registry information.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 534**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 9, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 534.

This bill would clarify that law enforcement agencies may access certain records relating to juveniles that are compiled in a central registry maintained by this State's courts. Information in the registry that would be accessible includes records of official court documents, such as complaints, pleadings and orders for the purpose of obtaining juvenile arrest information; juvenile disposition information; juvenile pretrial information; and information concerning the probation status of a juvenile.

Under current law, law enforcement agencies have limited access to juvenile information. When a juvenile is charged with an offense or when there is an adjudication or disposition of that charge, the juvenile's identity, the offense charged, and the adjudication or disposition may be disclosed to a law enforcement agency only if the agency investigated the offense or filed the complaint or if the juvenile resides in the municipality where the agency has jurisdiction. Law enforcement agencies reviewing applications for permits to purchase handguns or long guns also may access juvenile information.

This bill would allow law enforcement agencies throughout the State access to this juvenile central registry information.

The committee amended the bill to delete language that might be construed as prohibiting law enforcement agencies from obtaining information that they are currently authorized to receive.

As amended and released by the committee, this bill is identical to Assembly Bill No. 219 [1R].

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

**ASSEMBLY, No. 219**

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**STATE OF NEW JERSEY**

**211th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblywoman MARY T. PREVITE**

**District 6 (Camden)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

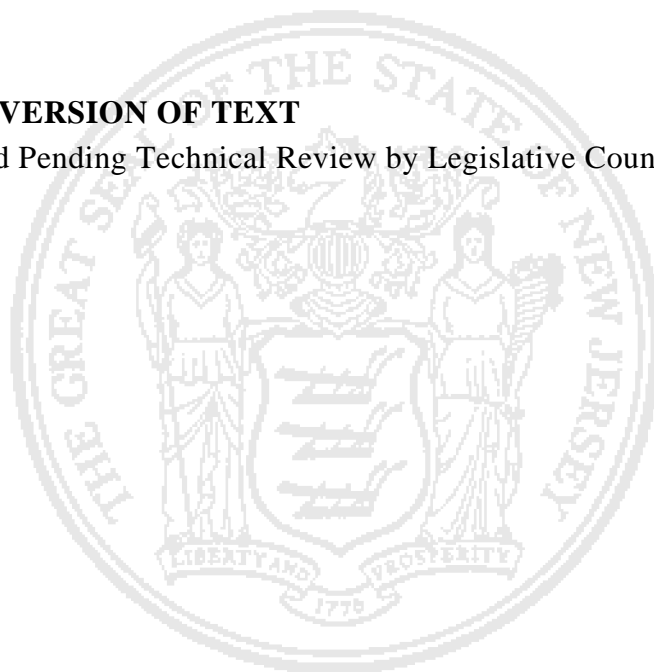
**Assemblymen Diegnan, Egan, Eagler, Assemblywoman Pou, Assemblymen  
Greenwald, R.Smith, Gusciora, Johnson, Assemblywomen Quigley and  
Cruz-Perez**

**SYNOPSIS**

Clarifies that law enforcement agencies may access juvenile central registry information.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.





A219 PREVITE, BARNES

2

1 AN ACT concerning the disclosure of certain juvenile information to  
2 law enforcement agencies and amending P.L.1982, c.79.

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;

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

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

38 (9) Any potential party in a subsequent civil action for damages  
39 related to an act of delinquency committed by a juvenile, including the  
40 victim or a member of the victim's immediate family, regardless of  
41 whether the action has been filed against the juvenile; provided,  
42 however, that records available under this paragraph shall be limited  
43 to official court documents, such as complaints, pleadings and orders,

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

**Matter underlined thus is new matter.**

1 and that such records may be disclosed by the recipient only in  
2 connection with asserting legal claims or obtaining indemnification on  
3 behalf of the victim or the victim's family and otherwise shall be  
4 safeguarded from disclosure to other members of the public. Any  
5 potential party in a civil action related to the juvenile offense may file  
6 a motion with the civil trial judge seeking to have the juvenile's social,  
7 medical or psychological records admitted into evidence in a civil  
8 proceeding for damages; [and]

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

24 (11) Law enforcement agencies, provided that the records available  
25 under this paragraph shall be limited to information available on the  
26 juvenile central registry maintained by the courts pursuant to  
27 subsection g. of this section, including, but not limited to: records of  
28 official court documents, such as complaints, pleadings and orders for  
29 the purpose of obtaining juvenile arrest information; juvenile  
30 disposition information; juvenile pretrial information; and information  
31 concerning the probation status of a juvenile.

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

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

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

45 [(2) Any law enforcement agency which investigated the offense,  
46 the person or agency which filed the complaint, and any law

1 enforcement agency in the municipality where the juvenile resides;  
2 and]

3 (3) On a confidential basis, the principal of the school where the  
4 juvenile is enrolled for use by the principal and such members of the  
5 staff and faculty of the school as the principal deems appropriate for  
6 maintaining order, safety or discipline in the school or to planning  
7 programs relevant to the juvenile's educational and social  
8 development, provided that no record of such information shall be  
9 maintained except as authorized by regulation of the Department of  
10 Education; or

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

13 d. A law enforcement or prosecuting agency shall, at the time of a  
14 charge, adjudication or disposition, advise the principal of the school  
15 where the juvenile is enrolled of the identity of the juvenile charged,  
16 the offense charged, the adjudication and the disposition if:

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

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

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

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

26 (b) involved the unlawful use or possession of a firearm or other  
27 weapon; or

28 (c) involved the unlawful manufacture, distribution or possession  
29 with intent to distribute a controlled dangerous substance or controlled  
30 substance analog; or

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

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

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

42 e. Nothing in this section prohibits a law enforcement or  
43 prosecuting agency from providing the principal of a school with  
44 information identifying one or more juveniles who are under  
45 investigation or have been taken into custody for commission of any  
46 act that would constitute an offense if committed by an adult when the

1 law enforcement or prosecuting agency determines that the  
2 information may be useful to the principal in maintaining order, safety  
3 or discipline in the school or in planning programs relevant to the  
4 juvenile's educational and social development. Information provided  
5 to the principal pursuant to this subsection shall be treated as  
6 confidential but may be made available to such members of the staff  
7 and faculty of the school as the principal deems appropriate for  
8 maintaining order, safety or discipline in the school or for planning  
9 programs relevant to the juvenile's educational and social  
10 development. No information provided pursuant to this section shall  
11 be maintained.

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

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

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

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

39 i. Juvenile delinquency proceedings.

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

1 attendance in any manner and to the extent it deems appropriate;

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

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

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.2001, c.407, s.1)

26

27 2. This act shall take effect immediately.

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#### STATEMENT

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32 This bill would clarify that law enforcement agencies may access  
33 social, medical, psychological and legal records relating to juveniles  
34 that are compiled in a central registry maintained by this State's courts.  
35 Information in the registry that would be accessible includes records  
36 of official court documents, such as complaints, pleadings and orders  
37 for the purpose of obtaining juvenile arrest information; juvenile  
38 disposition information; juvenile pretrial information; and information  
39 concerning the probation status of a juvenile.

40 Under current law, law enforcement agencies have limited access  
41 to juvenile information. When a juvenile is charged with an offense or  
42 when there is an adjudication or disposition of that charge, the  
43 juvenile's identity, the offense charged, and the adjudication or  
44 disposition may be disclosed to a law enforcement agency only if the  
45 agency investigated the offense or filed the complaint or if the juvenile  
46 resides in the municipality where the agency has jurisdiction. Law

**A219 PREVITE, BARNES**

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- 1 enforcement agencies reviewing applications for permits to purchase
- 2 handguns or long guns also may access juvenile information.
- 3 This bill would allow law enforcement agencies throughout the
- 4 State access to this juvenile central registry information.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY BILL No. 219**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 22, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 219.

Assembly Bill No. 219 authorizes law enforcement agencies to access certain records relating to juveniles that are compiled in a central registry maintained by this State's courts. Information in the registry that would be accessible to law enforcement agencies under the bill includes records of official court documents, such as complaints, pleadings and orders for the purpose of obtaining juvenile arrest information; juvenile disposition information; juvenile pretrial information; and information concerning the probation status of a juvenile.

Under current law, law enforcement agencies have limited access to juvenile information. When a juvenile is charged with an offense or when there is an adjudication or disposition of that charge, the juvenile's identity, the offense charged, and the adjudication or disposition may be disclosed to a law enforcement agency only if the agency investigated the offense or filed the complaint or if the juvenile resides in the municipality where the agency has jurisdiction. Law enforcement agencies reviewing applications for permits to purchase handguns or long guns also may access juvenile information under current law.

Under the bill, law enforcement agencies would have access to all the information in the juvenile central registry.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS:

The committee amended the bill at the request of the Juvenile Justice Commission to delete language that might be construed as prohibiting law enforcement agencies from obtaining information that they are currently authorized to receive under current law.

The committee also made technical amendments.