

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:4A-60 to 2A:4A-62

(Juveniles--court jurisdiction and proceedings--amend various statutes)

LAWS OF: 1982

CHAPTER: 79

Bill No: A643

Sponsor(s): Kern and others

Date Introduced: January 19, 1982

Committee: Assembly: -----

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted by asterisks. Substituted for S923 (not attached since identical to A643).

Date of Passage: Assembly: February 1, 1982

Senate: May 24, 1982

Date of Approval: July 23, 1982

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: No

974.90 New Jersey. State Family Court Committee.
C866 Report. . . to the 6-24-83 Judicial Conference. June 10, 1983.
1983d Trenton 1983.

(OVER)

- 974.90 New Jersey. Juvenile Justice Task Force. Advisory Committee on
 J97 "Confidentiality"
 1981a Final report . . . January, 1981. Trenton 1981.
- 974.90 New Jersey. Juvenile Justice Task Force. Advisory Committee on
 J97 "Data Collection"
 1981b Final report . . . January, 1981. *Trenton 1981.*
- 974.90 New Jersey. County Prosecutors' Association
 J97 A legislative proposal for juvenile justice.
 1980b 1981. Trenton, 1981.
- 974.90 New Jersey. Legislature, General Assembly. Judiciary, Law,
 J97 Public Safety and Defense Committee . . . Subcommittee on
 1980 Juvenile Justice. Report . . . May 8, 1980.
 Parts 1 & 2 & 3 Trenton.
- 974.90 New Jersey. Legislature. Assembly. Judiciary Committee.
 J97 Subcommittee on Juvenile Justice.
 1979 Public hearing held 7-13-79, Middletown, 8-13-79
 W. Deptford and 8-28-79 Jersey City.

See newspaper clipping file in New Jersey Reference Department, "NJ-Juvenile courts-1982".

Bill, vetoed during previous legislative session--attached A. 3429.

CHAPTER 79 LAWS OF N. J. 1982
APPROVED 7-23-82

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 643

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1982

By Assemblymen KERN, HERMAN, DOYLE, THOMPSON, KAVANAUGH, GORMLEY, KARCHER, GORMAN, VISOTCKY, BOCCHINI, BROWN, PANKOK, D. GALLO, ROCCO, JANISZEWSKI, BRYANT, RILEY, MARSELLA, Assemblywoman COSTA, Assemblyman MARKERT, Assemblywoman PERUN, Assemblymen FORTUNATO, SCHWARTZ, DORIA, PATERNITI, MATTHEWS, ZANGARI, FLYNN, GIRGENTI, PELLECCIA, MAZUR, BAER, DEVERIN, LESNIAK, Assemblywoman WRIGHT, Assemblymen FRANKS, HENDRICKSON, WOLF, ROD, SCHUBER, SHUSTED, HARDWICK, LACORTE, ALBOHN, Assemblywoman BROWN, Assemblymen GILL, BENNETT, PALAIA, SMITH, PATERO, ADUBATO, and Assemblywoman KALIK

(Without Reference)

AN ACT concerning the disclosure of juvenile information.

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

- 1 1. Disclosure of juvenile information: penalties for disclosure.
2 a. Social, medical, psychological, legal and other records of the
3 court and probation department, and records of law enforcement
4 agencies, pertaining to juveniles charged as a delinquent or found
5 to be part of a juvenile-family crisis, shall be strictly safeguarded
6 from public inspection. Such records shall be made available only
7 to:
8 (1) Any court or probation department;
9 (2) The Attorney General or county prosecutor;

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendment adopted February 8, 1982.**

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

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

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

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.

18 b. Records of law enforcement agencies may be disclosed for law
19 enforcement purposes to any law enforcement agency of this State.

20 c. Information as to the identity of a juvenile, the offense
21 charged, the adjudication and disposition shall be disclosed to:

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

23 (2) Any law enforcement agency which investigated the offense,
24 the person or agency which filed the complaint, and any law enforce-
25 ment agency in the municipality where the juvenile resides; and

26 (3) On a confidential basis, the principal of the school where the
27 juvenile is enrolled for use by the principal or his designee in
28 planning programs relevant to the juvenile's educational and social
29 development, which information shall not become part of the
30 juvenile's permanent school records.

31 (4) A party in a subsequent legal proceeding involving the
32 juvenile, but only upon approval by the court and for the sole
33 purpose of impeaching the juvenile as a witness.

34 d. There shall be a presumption that information as to the iden-
35 tity of a juvenile adjudicated delinquent, the offense, the adjudi-
36 cation and the disposition shall be disclosed to the public where
37 the offense for which the juvenile has been adjudicated delinquent
38 if committed by an adult, would constitute a crime of the first,
39 second or third degree, or aggravated assault, destruction or
40 damage to property to an extent of more than \$500.00 or the manu-
41 facture or distribution of a narcotic drug, unless upon application
42 at the time of disposition the juvenile can demonstrate a substantial
43 likelihood that specific harm would result from such disclosure.
44 Where the court finds that disclosure would be harmful to the
45 juvenile, the reasons therefor shall be stated on the record.

46 e. Nothing in this section shall prohibit the establishment and
47 maintaining of a central registry of the records of law enforcement
48 agencies relating to juveniles for the purpose of exchange between
49 State or local law enforcement agencies of this State.

50 f. Whoever, except as provided by law, knowingly discloses,
51 publishes, receives, or makes use of or knowingly permits the un-
52 authorized use of information concerning a particular juvenile

53 derived from records listed in subsection a. or acquired in the
54 course of court proceedings, probation, or police duties, shall, upon
55 conviction thereof, be guilty of a disorderly persons's offense.

56 g. The court may, upon application by the juvenile or his parent
57 or guardian, the prosecutor or any other interested party, includ-
58 ing the victim or complainant or members of the news media,
59 permit public attendance during any court proceeding at a delin-
60 quency case, where it determines that a substantial likelihood that
61 specific harm to the juvenile would not result.

62 The court shall have the authority to limit and control the
63 attendance in any manner and to the extent it deems appropriate.

1 2. Fingerprint records photographs of juveniles. a. Fingerprints
2 of a juvenile may be taken only in the following circumstances:

3 (1) Where latent fingerprints are found during the investigation
4 of an offense and a law enforcement officer has reason to believe
5 that they are those of a juvenile, he may, with the consent of the
6 court or juvenile and his parent or guardian fingerprint the juvenile
7 for the purpose of comparison with the latent fingerprints. Finger
8 print records taken pursuant to this paragraph may be retained
9 by the department or agency taking them and shall be destroyed
10 when the purpose for the taking of fingerprints has been fulfilled.

11 (2) Where a juvenile is detained in or committed to an institu-
12 tion, that institution may fingerprint the juvenile for the purpose
13 of identification. Fingerprint records taken pursuant to this para-
14 graph may be retained by the institution taking them and shall be
15 destroyed when the purpose for taking them has been fulfilled,
16 except that if the juvenile was detained or committed as the result
17 of an adjudication of delinquency, the fingerprint records may be
18 retained by the institution.

19 (3) Where a juvenile 14 years of age or older is charged with
20 delinquency on the basis of an act which, if committed by an adult,
21 would constitute a crime, fingerprint records taken pursuant to this
22 paragraph may be retained by a law enforcement agency for
23 criminal identification purposes.

24 b. No juvenile under the age of 14 shall be photographed for
25 criminal identification purposes without the consent of the court
26 or of the juvenile and his parent or guardian.

1 3. Sealing of records. a. On motion of a person who has been
2 the subject of a complaint filed under this act or on its own motion,
3 the court may vacate its order and findings and order the non-
4 disclosure of social, medical, psychological, legal and other records
5 of the court and probation services, and records of law enforcement
6 agencies if it finds:

7 (1) Two years have elapsed since the final discharge of the
8 person from legal custody or supervision, or 2 years have elapsed
9 after the entry of any other court order not involving custody or
10 supervision; and

11 (2) He has not been convicted of a crime, or a disorderly person's
12 offense or adjudged delinquent, during the 2 years prior to the
13 filing of the motion, and no proceeding or complaint is pending
14 seeking such conviction or adjudication.

15 b. In any case wherein a juvenile has been adjudicated delinquent
16 and said juvenile enlists in any branch of the Armed Forces of the
17 United States, he may at any time after the date of such adjudica-
18 tion present a duly verified petition to the court where such
19 adjudication was entered, setting forth all the facts in the matter,
20 including proof of enlistment and acceptance in said armed forces,
21 and praying for the relief provided in this section and subject to
22 the limitations hereinafter provided in this section, an order may
23 be granted to seal all the records concerning such adjudication
24 including records of the court, probation services and law enforce-
25 ment agencies. Failure to enter the armed forces shall have the
26 effect of nullifying the sealing order.

27 c. Reasonable written notice of the motion shall be given to:

28 (1) The Attorney General and the county prosecutor;

29 (2) The authority granting the discharge if the final discharge
30 was from an institution, parole, or probation; and

31 (3) The law enforcement office, department, and central deposi-
32 tory having custody of the files and records if such files and records
33 are included in the motion.

34 d. Upon the entry of the order, the proceedings in the case
35 shall be sealed and all index references shall be marked "not
36 available" or "no record" and law enforcement officers and depart-
37 ments shall reply and the person may reply to any inquiry that
38 there is no record with respect to such person, except that records
39 may be maintained for purposes of prior offender status. This
40 section shall not apply to reports required under the Controlled
41 Dangerous Substances Registry Act of 1970, P. L. 1970, c. 227
42 (C. 26:2G-17 et seq.). Copies of the order shall be sent to each
43 agency or official named therein.

44 Inspection of the files and records included in the order may
45 thereafter be permitted by the court only upon motion and only to
46 those persons named in the motion; provided, however, the court,
47 in its discretion, may by special order in an individual case permit
48 inspection by or release of information in the records to any clinic,
49 hospital, or agency which has the person under care or treatment
50 or to individuals or agencies engaged in fact-finding or research.

51 e. Any adjudication of delinquency or conviction of a crime
52 subsequent to sealing shall have the effect of nullifying the sealing
53 order.

54 f. Expungement of juvenile records shall be governed by the
55 applicable provisions of chapter 52 of Title 2C *of the New Jersey*
56 *Statutes**

1 4. This act shall take effect on September 1, 1983, but shall re-
2 main inoperative unless and until the following bills now pending
3 before the Legislature as Assembly Bill No. 641, Assembly Bill No.
4 642, Assembly Bill No. 644 and Assembly Bill No. 645 are enacted
5 into law.

ASSEMBLY, No. 643

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1982

By Assemblymen KERN, HERMAN, DOYLE, THOMPSON, KAVANAUGH, GORMLEY, KARCHER, GORMAN, VISOTCKY, BOCCHINI, BROWN, PANKOK, D. GALLO, ROCCO, JANISZEWSKI, BRYANT, RILEY, MARSELLA, Assemblywoman COSTA, Assemblyman MARKERT, Assemblywoman PERUN, Assemblymen FORTUNATO, SCHWARTZ, DORIA, PATERNITI, MATTHEWS, ZANGARI, FLYNN, GIRGENTI, PELLECCIA, MAZUR, BAER, DEVERIN, LESNIAK, Assemblywoman WRIGHT, Assemblymen FRANKS, HENDRICKSON, WOLF, ROD, SCHUBER, SHUSTED, HARDWICK, LACORTE, ALBOHN, Assemblywoman BROWN, Assemblymen GILL, BENNETT, PALAIA, SMITH, PATERO, ADUBATO, and Assemblywoman KALIK

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4 agencies, pertaining to juveniles charged as a delinquent or found
5 to be part of a juvenile-family crisis, shall be strictly safeguarded
6 from public inspection. Such records shall be made available only
7 to:

8 (1) Any court or probation department;

9 (2) The Attorney General or county prosecutor;

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

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

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

14 and

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.

18 b. Records of law enforcement agencies may be disclosed for law
19 enforcement purposes to any law enforcement agency of this State.

20 c. Information as to the identity of a juvenile, the offense
21 charged, the adjudication and disposition shall be disclosed to:

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

23 (2) Any law enforcement agency which investigated the offense,
24 the person or agency which filed the complaint, and any law enforce-
25 ment agency in the municipality where the juvenile resides; and

26 (3) On a confidential basis, the principal of the school where the
27 juvenile is enrolled for use by the principal or his designee in
28 planning programs relevant to the juvenile's educational and social
29 development, which information shall not become part of the
30 juvenile's permanent school records.

31 (4) A party in a subsequent legal proceeding involving the
32 juvenile, but only upon approval by the court and for the sole
33 purpose of impeaching the juvenile as a witness.

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35 tity of a juvenile adjudicated delinquent, the offense, the adjudi-
36 cation and the disposition shall be disclosed to the public where
37 the offense for which the juvenile has been adjudicated delinquent
38 if committed by an adult, would constitute a crime of the first,
39 second or third degree, or aggravated assault, destruction or
40 damage to property to an extent of more than \$500.00 or the manu-
41 facture or distribution of a narcotic drug, unless upon application
42 at the time of disposition the juvenile can demonstrate a substantial
43 likelihood that specific harm would result from such disclosure.
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45 juvenile, the reasons therefor shall be stated on the record.

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47 maintaining of a central registry of the records of law enforcement
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49 State or local law enforcement agencies of this State.

50 f. Whoever, except as provided by law, knowingly discloses,
51 publishes, receives, or makes use of or knowingly permits the un-
52 authorized use of information concerning a particular juvenile
53 derived from records listed in subsection a. or acquired in the
54 course of court proceedings, probation, or police duties, shall, upon
55 conviction thereof, be guilty of a disorderly persons's offense.

56 g. The court may, upon application by the juvenile or his parent
57 or guardian, the prosecutor or any other interested party, includ-
58 ing the victim or complainant or members of the news media,
59 permit public attendance during any court proceeding at a delin-
60 quency case, where it determines that a substantial likelihood that
61 specific harm to the juvenile would not result.

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63 attendance in any manner and to the extent it deems appropriate.

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17 of an adjudication of delinquency, the fingerprint records may be
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19 (3) Where a juvenile 14 years of age or older is charged with
20 delinquency on the basis of an act which, if committed by an adult,
21 would constitute a crime, fingerprint records taken pursuant to this
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24 b. No juvenile under the age of 14 shall be photographed for
25 criminal identification purposes without the consent of the court
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1 3. Sealing of records. a. On motion of a person who has been
2 the subject of a complaint filed under this act or on its own motion,
3 the court may vacate its order and findings and order the non-
4 disclosure of social, medical, psychological, legal and other records
5 of the court and probation services, and records of law enforcement
6 agencies if it finds:

7 (1) Two years have elapsed since the final discharge of the
8 person from legal custody or supervision, or 2 years have elapsed
9 after the entry of any other court order not involving custody or
10 supervision; and

11 (2) He has not been convicted of a crime, or a disorderly person's
12 offense or adjudged delinquent, during the 2 years prior to the
13 filing of the motion, and no proceeding or complaint is pending
14 seeking such conviction or adjudication.

15 b. In any case wherein a juvenile has been adjudicated delinquent
16 and said juvenile enlists in any branch of the Armed Forces of the

17 United States, he may at any time after the date of such adjudica-
18 tion present a duly verified petition to the court where such
19 adjudication was entered, setting forth all the facts in the matter,
20 including proof of enlistment and acceptance in said armed forces,
21 and praying for the relief provided in this section and subject to
22 the limitations hereinafter provided in this section, an order may
23 be granted to seal all the records concerning such adjudication
24 including records of the court, probation services and law enforce-
25 ment agencies. Failure to enter the armed forces shall have the
26 effect of nullifying the sealing order.

27 c. Reasonable written notice of the motion shall be given to:

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30 was from an institution, parole, or probation; and

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32 tory having custody of the files and records if such files and records
33 are included in the motion.

34 d. Upon the entry of the order, the proceedings in the case
35 shall be sealed and all index references shall be marked "not
36 available" or "no record" and law enforcement officers and depart-
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38 there is no record with respect to such person, except that records
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43 agency or official named therein.

44 Inspection of the files and records included in the order may
45 thereafter be permitted by the court only upon motion and only to
46 those persons named in the motion; provided, however, the court,
47 in its discretion, may by special order in an individual case permit
48 inspection by or release of information in the records to any clinic,
49 hospital, or agency which has the person under care or treatment
50 or to individuals or agencies engaged in fact-finding or research.

51 e. Any adjudication of delinquency or conviction of a crime
52 subsequent to sealing shall have the effect of nullifying the sealing
53 order.

54 f. Expungement of juvenile records shall be governed by the
55 applicable provisions of chapter 52 of Title 2C.

1 4. This act shall take effect on September 1, 1983, but shall re-
2 main inoperative unless and until the following bills now pending
3 before the Legislature as Assembly Bill No. 641, Assembly Bill No.
4 642, Assembly Bill No. 644 and Assembly Bill No. 645 are enacted
5 into law.

STATEMENT

This bill revises the laws concerning the disclosure of juvenile records. It is one of the several bills in the package of legislation revising the present juvenile justice laws.

The law regulating disclosure of information pertaining to juvenile offenders must recognize two major considerations: the public's right to be informed and the rehabilitation of the juvenile. It is the balancing of these interests which form the basis of this bill.

Section 1 permits a juvenile's social, medical, psychological, legal, and other records of the court and probation to be made available only to the following:

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

Section 1 also allows records of law enforcement concerning juveniles to be disclosed to other law enforcement agencies of this State for law enforcement purposes.

In addition, this section establishes mandatory disclosure of information concerning a juvenile, including his identity and disposition to a victim and his immediate family, certain law enforcement agencies, school principals with the strict proviso that school principals use the information on a confidential basis solely for the purpose of planning the juvenile's school program. Disclosure is also permitted to parties in subsequent legal proceedings involving the juvenile, but only after approval by the court and for the purpose of impeaching the juvenile as a witness.

Public disclosure is also provided for in section 1. Specifically, this section creates a presumption that the identity of a juvenile adjudicated delinquent and the nature of the offense and disposition be disclosed to the public where certain more serious crimes such as crimes of the first, second or third degree, aggravated assault, or extensive property damage occur, unless the juvenile can demonstrate that a substantial likelihood and a specific harm would result from the disclosure. A person who intentionally discloses information concerning a juvenile contrary to this section is a disorderly person.

Finally, section 1 provides that court proceedings in delinquency cases may be open to the public where the court determines that a

substantial likelihood of specific harm to the juvenile would not result.

Section 2 of this bill concerns fingerprinting and photographing of juveniles. This section provides that upon court order or after consent of the juvenile or his parent, a juvenile's fingerprints may be taken for comparative investigative purposes and that the juvenile's fingerprints must be destroyed after this purpose has been fulfilled. Where a juvenile is in an institution the juvenile may be fingerprinted for the purpose of identification. Fingerprints may be retained by the institution and are to be destroyed after the identification purposes has been fulfilled. However, if a juvenile in an institution as the result of an adjudication of delinquency, the fingerprints may be retained.

Section 2 also provides that where a juvenile 14 years of age or older is charged with delinquency for an act which, if committed by an adult, would be a crime, any fingerprints taken for the reasons set forth in this section may be retained by a law enforcement agency for criminal identification purposes.

In addition, no juvenile under the age of 14 shall be photographed for criminal identification purposes without the consent of the court or juvenile and his parent or guardian.

Section 3 concerns the sealing of juvenile records. This section substantially restates the present law in this area by permitting the court to vacate its order and findings and order the nondisclosure of juvenile records where it finds that:

- (1) Two years have elapsed since the final discharge of the person from legal custody or supervision after the entry of any other court order which did not involve custody or supervision; and
- (2) The juvenile has not been convicted of a crime, offense or adjudged delinquent during the 2 years prior to the filing of his motion to seal and no action is pending seeking such a conviction or adjudication.

In addition, section 3 alters the present law concerning the sealing of juvenile records on the basis of enlistment. This section would now permit the sealing of those juvenile records only where the juvenile actually can prove enlistment and acceptance into the armed forces.

Section 3 would also require written notice of a sealing order be given to the Attorney General and the county prosecutor; the authority granting the discharge if there was custody or supervision; and the law enforcement agency having custody of the juvenile's records. This section also restates the present law concerning sealing procedures, as well as the inspection of sealed records when permitted by the court. Expungement of juvenile records would be governed by Title 2C.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 643

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1982

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- (3) The parents or guardian and to the attorney of the juvenile;
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- (5) Any institution to which the juvenile is currently committed; and
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The committee amendments are of a technical nature.

[SENATE REPRINT]

ASSEMBLY, No. 643

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1982

By Assemblymen KERN, HERMAN, DOYLE, THOMPSON, KAVANAUGH, GORMLEY, KARCHER, GORMAN, VISOTCKY, BOCCHINI, BROWN, PANKOK, D. GALLO, ROCCO, JANISZEWSKI, BRYANT, RILEY, MARSELLA, Assemblywoman COSTA, Assemblyman MARKERT, Assemblywoman PERUN, Assemblymen FORTUNATO, SCHWARTZ, DORIA, PATERNITI, MATTHEWS, ZANGARI, FLYNN, GIRGENTI, PELLECCIA, MAZUR, BAER, DEVERIN, LESNIAK, Assemblywoman WRIGHT, Assemblymen FRANKS, HENDRICKSON, WOLF, ROD, SCHUBER, SHUSTED, HARDWICK, LACORTE, ALBOHN, Assemblywoman BROWN, Assemblymen GILL, BENNETT, PALAIA, SMITH, PATERO, ADUBATO, and Assemblywoman KALIK

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2 *of New Jersey:*

1 1. Disclosure of juvenile information: penalties for disclosure.
2 a. Social, medical, psychological, legal and other records of the
3 court and probation department, and records of law enforcement
4 agencies, pertaining to juveniles charged as a delinquent or found
5 to be part of a juvenile-family crisis, shall be strictly safeguarded
6 from public inspection. Such records shall be made available only
7 to:

- 8 (1) Any court or probation department;
9 (2) The Attorney General or county prosecutor;

Matter printed in italics *thus is new matter.*

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted February 8, 1982.

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

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

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

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.

18 b. Records of law enforcement agencies may be disclosed for law
19 enforcement purposes to any law enforcement agency of this State.

20 c. Information as to the identity of a juvenile, the offense
21 charged, the adjudication and disposition shall be disclosed to:

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

23 (2) Any law enforcement agency which investigated the offense,
24 the person or agency which filed the complaint, and any law enforce-
25 ment agency in the municipality where the juvenile resides; and

26 (3) On a confidential basis, the principal of the school where the
27 juvenile is enrolled for use by the principal or his designee in
28 planning programs relevant to the juvenile's educational and social
29 development, which information shall not become part of the
30 juvenile's permanent school records.

31 (4) A party in a subsequent legal proceeding involving the
32 juvenile, but only upon approval by the court and for the sole
33 purpose of impeaching the juvenile as a witness.

34 d. There shall be a presumption that information as to the iden-
35 tity of a juvenile adjudicated delinquent, the offense, the adjudi-
36 cation and the disposition shall be disclosed to the public where
37 the offense for which the juvenile has been adjudicated delinquent
38 if committed by an adult, would constitute a crime of the first,
39 second or third degree, or aggravated assault, destruction or
40 damage to property to an extent of more than \$500.00 or the manu-
41 facture or distribution of a narcotic drug, unless upon application
42 at the time of disposition the juvenile can demonstrate a substantial
43 likelihood that specific harm would result from such disclosure.
44 Where the court finds that disclosure would be harmful to the
45 juvenile, the reasons therefor shall be stated on the record.

46 e. Nothing in this section shall prohibit the establishment and
47 maintaining of a central registry of the records of law enforcement
48 agencies relating to juveniles for the purpose of exchange between
49 State or local law enforcement agencies of this State.

50 f. Whoever, except as provided by law, knowingly discloses,
51 publishes, receives, or makes use of or knowingly permits the un-
52 authorized use of information concerning a particular juvenile

53 derived from records listed in subsection a. or acquired in the
54 course of court proceedings, probation, or police duties, shall, upon
55 conviction thereof, be guilty of a disorderly persons's offense.

56 g. The court may, upon application by the juvenile or his parent
57 or guardian, the prosecutor or any other interested party, includ-
58 ing the victim or complainant or members of the news media,
59 permit public attendance during any court proceeding at a delin-
60 quency case, where it determines that a substantial likelihood that
61 specific harm to the juvenile would not result.

62 The court shall have the authority to limit and control the
63 attendance in any manner and to the extent it deems appropriate.

1 2. Fingerprint records photographs of juveniles. a. Fingerprints
2 of a juvenile may be taken only in the following circumstances:

3 (1) Where latent fingerprints are found during the investigation
4 of an offense and a law enforcement officer has reason to believe
5 that they are those of a juvenile, he may, with the consent of the
6 court or juvenile and his parent or guardian fingerprint the juvenile
7 for the purpose of comparison with the latent fingerprints. Finger
8 print records taken pursuant to this paragraph may be retained
9 by the department or agency taking them and shall be destroyed
10 when the purpose for the taking of fingerprints has been fulfilled.

11 (2) Where a juvenile is detained in or committed to an institu-
12 tion, that institution may fingerprint the juvenile for the purpose
13 of identification. Fingerprint records taken pursuant to this para-
14 graph may be retained by the institution taking them and shall be
15 destroyed when the purpose for taking them has been fulfilled,
16 except that if the juvenile was detained or committed as the result
17 of an adjudication of delinquency, the fingerprint records may be
18 retained by the institution.

19 (3) Where a juvenile 14 years of age or older is charged with
20 delinquency on the basis of an act which, if committed by an adult,
21 would constitute a crime, fingerprint records taken pursuant to this
22 paragraph may be retained by a law enforcement agency for
23 criminal identification purposes.

24 b. No juvenile under the age of 14 shall be photographed for
25 criminal identification purposes without the consent of the court
26 or of the juvenile and his parent or guardian.

1 3. Sealing of records. a. On motion of a person who has been
2 the subject of a complaint filed under this act or on its own motion,
3 the court may vacate its order and findings and order the non-
4 disclosure of social, medical, psychological, legal and other records
5 of the court and probation services, and records of law enforcement
6 agencies if it finds:

7 (1) Two years have elapsed since the final discharge of the
8 person from legal custody or supervision, or 2 years have elapsed
9 after the entry of any other court order not involving custody or
10 supervision; and

11 (2) He has not been convicted of a crime, or a disorderly person's
12 offense or adjudged delinquent, during the 2 years prior to the
13 filing of the motion, and no proceeding or complaint is pending
14 seeking such conviction or adjudication.

15 b. In any case wherein a juvenile has been adjudicated delinquent
16 and said juvenile enlists in any branch of the Armed Forces of the
17 United States, he may at any time after the date of such adjudica-
18 tion present a duly verified petition to the court where such
19 adjudication was entered, setting forth all the facts in the matter,
20 including proof of enlistment and acceptance in said armed forces,
21 and praying for the relief provided in this section and subject to
22 the limitations hereinafter provided in this section, an order may
23 be granted to seal all the records concerning such adjudication
24 including records of the court, probation services and law enforce-
25 ment agencies. Failure to enter the armed forces shall have the
26 effect of nullifying the sealing order.

27 c. Reasonable written notice of the motion shall be given to:

28 (1) The Attorney General and the county prosecutor;

29 (2) The authority granting the discharge if the final discharge
30 was from an institution, parole, or probation; and

31 (3) The law enforcement office, department, and central deposi-
32 tory having custody of the files and records if such files and records
33 are included in the motion.

34 d. Upon the entry of the order, the proceedings in the case
35 shall be sealed and all index references shall be marked "not
36 available" or "no record" and law enforcement officers and depart-
37 ments shall reply and the person may reply to any inquiry that
38 there is no record with respect to such person, except that records
39 may be maintained for purposes of prior offender status. This
40 section shall not apply to reports required under the Controlled
41 Dangerous Substances Registry Act of 1970, P. L. 1970, c. 227
42 (C. 26:2G-17 et seq.). Copies of the order shall be sent to each
43 agency or official named therein.

44 Inspection of the files and records included in the order may
45 thereafter be permitted by the court only upon motion and only to
46 those persons named in the motion; provided, however, the court,
47 in its discretion, may by special order in an individual case permit
48 inspection by or release of information in the records to any clinic,
49 hospital, or agency which has the person under care or treatment
50 or to individuals or agencies engaged in fact-finding or research.

51 e. Any adjudication of delinquency or conviction of a crime
52 subsequent to sealing shall have the effect of nullifying the sealing
53 order.

54 f. Expungement of juvenile records shall be governed by the
55 applicable provisions of chapter 52 of Title 2C **of the New Jersey*
56 *Statutes**.

1 4. This act shall take effect on September 1, 1983, but shall re-
2 main inoperative unless and until the following bills now pending
3 before the Legislature as Assembly Bill No. 641, Assembly Bill No.
4 642, Assembly Bill No. 644 and Assembly Bill No. 645 are enacted
5 into law.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

FRIDAY, JULY 23, 1982

A comprehensive revision of New Jersey's juvenile justice laws, including a crackdown on crimes of violence and the creation of a Family Court to deal with juvenile matters was signed into law today by Governor Thomas H. Kean.

The five-bill package was signed by the Governor at a ceremony in the Assembly Chamber.

"This signing ceremony today culminates efforts of several years to upgrade, modernize and improve the manner in which the juvenile justice system functions in New Jersey," Kean said. "It recognizes very clearly the need to deal swiftly and sternly with violent young criminals and it tempers that recognition with the understanding that there are cases in which counseling and rehabilitation will be an adequate and appropriate response."

The five bills signed by the Governor are:

A-641, sponsored by Assemblyman Martin Herman (D-Gloucester) which permits judge to refer juveniles over the age of 14 years to trial as an adult when charged with a serious crime such as homicide, kidnapping, or sexual assault.

A-642, also sponsored by Herman, which establishes a Family Court in place of the Juvenile and Domestic Relations Court and extends its jurisdiction to the parent of the juvenile or other members of the family who might have contributed to the crisis.

A-643, sponsored by Assemblyman Walter M. D. Kern (R-Bergen) setting standards for the disclosure of juvenile identities and permits the fingerprinting of juvenile in certain cases.

A-644, sponsored by Assemblyman John Doyle (D-Ocean) to establish juvenile-family crisis intervention units in each county to assist juveniles and their families whose behavior creates a crisis situation.

A-645, sponsored by Assemblyman Eugene Thompson (D-Essex) which revises and standardizes in all counties the processing and handling of juvenile matters prior to involvement by the court, thus permitting some matters to be disposed of outside the courtroom.

"This program achieves a balance between the need for law-abiding society to be protected from the violent acts of young persons and the need for that same society to rehabilitate juveniles and turn them away from a career of crime," Kean said.

The Governor noted that he had been a long time advocate of the programs embodied in the package of bills.

"Crime --- and particularly violent crime --- is continually expressed by people as their major concern," Kean said. "The rapid and tragic upward surge in juvenile crime has been of deepening concern and demands that government deal with it.

"The package of bills I have signed today represents a most appropriate response to the problem and I am confident that New Jersey will make great strides in combating juvenile crime," Kean said.

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