

2A:4A-60

**LEGISLATIVE HISTORY CHECKLIST**  
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(Juvenile records)

**NJSA:** 2A:4A-60

**LAWS OF:** 1994 **CHAPTER:** 56

**BILL NO:** S893

**SPONSOR(S):** Bennett and Gormley

**DATE INTRODUCED:** March 21, 1994

**COMMITTEE:** **ASSEMBLY:** Judiciary; Law & Public Safety  
**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
Second reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** June 20, 1994  
**SENATE:** May 12, 1994

**DATE OF APPROVAL:** June 29, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes Also attached statement  
with floor amendments  
6-20-94

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

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

See newspaper clipping--attached:  
"Law cuts secrecy of juvenile crime files," 6-30-94, Asbury Park Press.

KBG:pp

[SECOND REPRINT]

SENATE, No. 893

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1994

By Senators BENNETT, GORMLEY, Cafiero,  
McGreevey and Assemblyman Catania

1 AN ACT concerning access to information related to juvenile  
2 justice proceedings, amending P.L.1982, c.79, R.S.53:1-15 and  
3 P.L.1985, c.69 and supplementing Title 18A of the Revised  
4 Statutes.

5  
6 BE IT ENACTED by the Senate and General Assembly of the  
7 State of New Jersey:

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

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

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

17 (1) Any court or probation department;

18 (2) The Attorney General or county prosecutor;

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

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

22 (5) Any institution to which the juvenile is currently  
23 committed; and

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

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SJU committee amendments adopted May 5, 1994.

<sup>2</sup> Assembly floor amendments adopted June 20, 1994.

1 (3) On a confidential basis, the principal of the school where  
2 the juvenile is enrolled for use by the principal [or his designee in]  
3 and such members of the staff and faculty of the school as the  
4 principal deems appropriate for maintaining order, safety or  
5 discipline in the school or to planning programs relevant to the  
6 juvenile's educational and social development, [which  
7 information shall not become part of the juvenile's permanent  
8 school records] provided that no record of such information shall  
9 be maintained except as authorized by regulation of the  
10 Department of Education; or

11 (4) A party in a subsequent legal proceeding involving the  
12 juvenile, [but only] upon approval by the court [and for the sole  
13 purpose of impeaching the juvenile as a witness].

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

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

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

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

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

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

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

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

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

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

45 e. Nothing in this section prohibits a law enforcement or  
46 prosecuting agency from providing the principal of a school with  
47 information identifying one or more juveniles who are under  
48 investigation or have been taken into custody for commission of  
49 any act that would constitute an offense if committed by an adult  
50 when the law enforcement or prosecuting agency determines that  
51 the information may be useful to the principal in maintaining  
52 order, safety or discipline in the school or in planning programs  
53 relevant to the juvenile's educational and social development.  
54 Information provided to the principal pursuant to this subsection

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

7 [d. There shall be a presumption that information] f.  
8 Information as to the identity of a juvenile adjudicated  
9 delinquent, the offense, the adjudication and the disposition shall  
10 be disclosed to the public where the offense for which the  
11 juvenile has been adjudicated delinquent if committed by an  
12 adult, would constitute a crime of the first, second or third  
13 degree, or aggravated assault, destruction or damage to property  
14 to an extent of more than \$500.00 [or the manufacture or  
15 distribution of a narcotic drug], unless upon application at the  
16 time of disposition the juvenile [can demonstrate] demonstrates a  
17 substantial likelihood that specific <sup>1</sup>and extraordinary<sup>1</sup> harm  
18 would result from such disclosure in the specific case. Where the  
19 court finds that disclosure would be harmful to the juvenile, the  
20 reasons therefor shall be stated on the record.

21 [e.] g. Nothing in this section shall prohibit the establishment  
22 and maintaining of a central registry of the records of law  
23 enforcement agencies relating to juveniles for the purpose of  
24 exchange between ~~the~~ State or local law enforcement agencies of  
25 this State, another state, or the United States.

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

33 [g.] i. The court may, upon application by the juvenile or his  
34 parent or guardian, the prosecutor or any other interested party,  
35 including the victim or complainant or members of the news  
36 media, permit public attendance during any court proceeding at a  
37 delinquency case, where it determines that a substantial  
38 likelihood that specific harm to the juvenile would not result, and  
39 <sup>2</sup>[, upon application,]<sup>2</sup> the court shall permit a victim, or a family  
40 member of a victim <sup>2</sup>[, who has filed a statement pursuant to  
41 subsection c. of section 23 of P.L.1982, c.77 (C.2A:4A-42)]<sup>2</sup> to  
42 make a statement prior to ordering a disposition in any  
43 delinquency proceeding involving an offense that would constitute  
44 a crime if committed by an adult. The court shall have the  
45 authority to limit and control the attendance in any manner and  
46 to the extent it deems appropriate.

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

53 (cf: P.L.1982, c.79, s.1)

54 2. Section 2 of P.L.1982, c.79 (C.2A:4A-61) is amended to read

1 as follows:

2 2. Fingerprint records; photographs of juveniles.

3 a. Fingerprints of a juvenile may be taken only in the following  
4 circumstances:

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

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

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

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

30 c. Fingerprints of a juvenile shall be taken if the juvenile <sup>1</sup>[is  
31 14 years of age or older and] <sup>1</sup>is adjudicated delinquent on the  
32 basis of an act which, if committed by an adult, would constitute  
33 a crime.

34 d. Fingerprints taken pursuant to subsection c. of this section  
35 shall be taken according to the fingerprint system of  
36 identification established by the Superintendent of State Police  
37 on the forms prescribed and shall be forwarded without delay to  
38 the State Bureau of Identification together with such information  
39 concerning the juvenile and the adjudication as the  
40 Superintendent may require. The State Bureau of Identification  
41 shall retain records received pursuant to this subsection for the  
42 sole purpose of exchange between State or local law enforcement  
43 agencies of this State, and law enforcement agencies of another  
44 state or the United States.

45 (cf: P.L.1982, c.79, s.2)

46 3. Section 3 of P.L.1982, c.79 (C.2A:4A-62) is amended to read  
47 as follows:

48 3. Sealing of records.

49 a. On motion of a person who has been the subject of a  
50 complaint filed under this act or on its own motion, the court  
51 may vacate its order and findings and order the nondisclosure of  
52 social, medical, psychological, legal and other records of the  
53 court and probation services, and records of law enforcement  
54 agencies if it finds:

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

5 (2) He has not been convicted of a crime, or a disorderly  
6 persons offense or adjudged delinquent, during the 2 years prior  
7 to the filing of the motion, and no proceeding or complaint is  
8 pending seeking such conviction or adjudication.

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

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

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

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

25 (3) The law enforcement office, department, and central  
26 depository having custody of the files and records if such files  
27 and records are included in the motion.

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

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

47 e. Any adjudication of delinquency or conviction of a crime  
48 subsequent to sealing shall have the effect of nullifying the  
49 sealing order.

50 f. Expungement of juvenile records shall be governed by the  
51 applicable provisions of chapter 52 of Title 2C of the New Jersey  
52 Statutes.

53 (cf: P.L.1982, c.79, s.3)

54 4. R.S.53:1-15 is amended to read as follows:

1 53:1-15. The sheriffs, chiefs of police, members of the State  
2 Police and any other law enforcement agencies and officers shall,  
3 immediately upon the arrest of any person for an indictable  
4 offense, or of any person believed to be wanted for an indictable  
5 offense, or believed to be an habitual criminal, or within a  
6 reasonable time after the filing of a complaint by a law  
7 enforcement officer charging any person with an indictable  
8 offense, or upon the arrest of any person for shoplifting, pursuant  
9 to N.J.S.2C:20-11, or the conviction of any other person charged  
10 with a nonindictable offense, where the identity of the person  
11 charged is in question, take the fingerprints of such person,  
12 according to the fingerprint system of identification established  
13 by the Superintendent of State Police and on the forms  
14 prescribed, and forward without delay two copies or more of the  
15 same, together with photographs and such other descriptions as  
16 may be required and with a history of the offense committed, to  
17 the State Bureau of Identification.

18 Such sheriffs, chiefs of police, members of the State Police and  
19 any other law enforcement agencies and officers shall also take  
20 the fingerprints, descriptions and such other information as may  
21 be required of unknown dead persons and as required by section 2  
22 of P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated  
23 delinquent and shall forward same to the State Bureau of  
24 Identification.

25 Any person charged in a complaint filed by a law enforcement  
26 officer with an indictable offense, who has not been arrested, or  
27 any person charged in an indictment, who has not been arrested,  
28 shall submit himself to the identification procedures provided  
29 herein either on the date of any court appearance or upon written  
30 request of the appropriate law enforcement agency within a  
31 reasonable time after the filing of the complaint. Any person  
32 who refuses to submit to such identification procedures shall be a  
33 disorderly person.

34 (cf: P.L.1982, c.219, s.1)

35 5. Section 1 of P.L.1985, c.69 (C.53:1-20.5) is amended to read  
36 as follows:

37 1. As used in this act:

38 a. "Processing criminal history record background checks"  
39 means the process whereby the State Bureau of Identification  
40 compares a set of fingerprints or name search request with those  
41 in its files for a determination as to the criminal history of the  
42 person identified by the request.

43 b. "Noncriminal matter" means any matter, other than the  
44 arrest of a person for an indictable offense or other criminal  
45 justice purpose, which requires the submission of a person's  
46 fingerprints or name search request to the State Bureau of  
47 Identification for processing. These matters include background  
48 investigations for licensing or employment, or both.

49 c. For purposes of this section, the criminal history record of a  
50 person does not include records concerning charges or  
51 adjudications of juvenile delinquency. Such records shall be  
52 disclosed only as provided in section 1 of P.L.1982, c.79  
53 (C.2A:4A-60).

54 (cf: P.L.1985, c.69, s.1)

1       6. (New section) The State Board of Education, in consultation  
2 and cooperation with the Attorney General, shall adopt, pursuant  
3 to the "Administrative Procedure Act," P.L.1968, c.410  
4 (C.52:14B-1 et seq.) rules and regulations regarding law  
5 enforcement activities on school grounds and the reporting of  
6 suspected offenses and acts of delinquency to law enforcement.

7       7. This act shall take effect immediately.

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11       Increases public access to information related to juvenile justice  
12 system.



1 and cooperation with the Attorney General, shall adopt, pursuant  
2 to the "Administrative Procedure Act," P.L.1968, c.410  
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5 suspected offenses and acts of delinquency to law enforcement.

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Sponsors' STATEMENT

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This bill would permit greater access to information concerning  
12 juveniles and delinquent acts.

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In order to aid law enforcement in dealing with juveniles  
26 involved in criminal acts, the bill would permit law enforcement  
27 officers to exchange information concerning juveniles with law  
28 enforcement officers of other states and of the United States.  
29 For the same reason, it would require law enforcement officers  
30 to take and keep fingerprint records of juveniles adjudicated  
31 delinquent. Accurate fingerprint records will not only facilitate  
32 detection of juveniles involved in criminal acts but also ensure  
33 that juveniles who have prior adjudications of delinquency will  
34 not be treated as first offenders.

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44 Finally, the bill would recognize that a victim of juvenile  
45 delinquency has a right to make an oral statement prior to the  
46 entry of a disposition.

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Increases public access to information related to juvenile justice  
52 system.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

[FIRST REPRINT]  
SENATE, No. 893

STATE OF NEW JERSEY

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DATED: May 19, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 893(1R).

This bill is intended to provide greater access to information concerning juvenile offenders. The following is a summary of the bill's provisions:

1. In order to provide the public with greater access to information concerning juveniles who have been adjudicated delinquent on the basis of serious crimes, the bill would require disclosure of the identity of the juvenile. The juvenile's identity would be disclosed unless the juvenile made an affirmative showing of specific and extraordinary harm at the time of disposition. Thus, the prosecutor would be permitted to make a public statement at the time of disposition in any case in which the juvenile fails to make this special showing of harm. Under present law, there is only a presumption that such information will be disclosed.

2. In order to aid law enforcement in dealing with juveniles involved in criminal acts, the bill would permit law enforcement officers to exchange information concerning juveniles with law enforcement officers in other states and with federal authorities. This bill would require law enforcement officers to take and keep fingerprint records of juveniles adjudicated delinquent. Accurate fingerprint records will not only facilitate detection of juveniles involved in criminal acts but also ensure that juveniles who have prior adjudications of delinquency will not be treated as first offenders. Present law seems to permit exchanges of information about juveniles only with other New Jersey agencies and does not require the fingerprinting of juveniles. As introduced, the bill would have required that fingerprint records be kept of only those juveniles adjudicated delinquent who were 14 years of age or older. By amendment the Senate committee deleted this age limitation.

3. In order to aid educators in dealing with juveniles involved in criminal acts, the bill would revise the law to permit principals to use information concerning charges and adjudications of delinquency for purposes of maintaining order, safety and discipline in the school. Law enforcement would be required to advise school principals of charges and adjudications involving serious or violent criminal acts or incidents occurring on school property or at school events. This bill also authorizes the Department of Education in consultation with the Attorney General to promulgate regulations regarding law enforcement activities in school grounds and the reporting of suspected offenses to law enforcement officials. Presently, school officials are only notified after a juvenile is adjudicated delinquent.

4. With regard to victims of juvenile crimes, the bill provides that a victim of juvenile delinquency has a right to make an oral statement prior to the entry of a disposition. Presently, victims of juvenile departments are permitted to submit a written statement prior to disposition. This bill also provides that the identity of a juvenile could be disclosed, upon request, to a victim and the victim's family when the juvenile is charged with the offense. Presently, the identity of the juvenile is disclosed only after adjudicated.

This bill is identical to the Assembly Committee Substitute for Assembly Bills Nos. 35 and 26.

SENATE JUDICIARY COMMITTEE

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STATEMENT TO

SENATE, No. 893

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 1994

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 893.

This bill is intended to provide greater access to information concerning juvenile offenders. The following is a summary of the bill's provisions:

1. In order to provide the public with greater access to information concerning juveniles who have been adjudicated delinquent on the basis of serious crimes, the bill would require disclosure of the identity of the juvenile. As amended by the committee, the juvenile's identity would be disclosed unless the juvenile made an affirmative showing of specific and extraordinary harm at the time of disposition. Thus, the prosecutor would be permitted to make a public statement at the time of disposition in any case in which the juvenile fails to make this special showing of harm. Under present law, there is only a presumption that such information will be disclosed.

2. In order to aid law enforcement in dealing with juveniles involved in criminal acts, the bill would permit law enforcement officers to exchange information concerning juveniles with law enforcement officers in other states and with federal authorities. This bill would require law enforcement officers to take and keep fingerprint records of juveniles adjudicated delinquent. Accurate fingerprint records will not only facilitate detection of juveniles involved in criminal acts but also ensure that juveniles who have prior adjudications of delinquency will not be treated as first offenders. Present law seems to permit exchanges of information about juveniles only with other New Jersey agencies and does not require the fingerprinting of juveniles. As introduced, the bill would have required that fingerprint records be kept of only those juveniles adjudicated delinquent who were 14 years of age or older. By amendment the committee deleted this age limitation.

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4. With regard to victims of juvenile crimes, the bill provides that a victim of juvenile delinquency has a right to make an oral statement prior to the entry of a disposition. Presently, victims of juvenile departments are permitted to submit a written statement prior to disposition. This bill also provides that the identity of a juvenile could be disclosed, upon request, to a victim and the victim's family when the juvenile is charged with the offense. Presently, the identity of juvenile is disclosed only after adjudicated.

STATEMENT TO  
[FIRST REPRINT]  
**SENATE, No. 893**

with Assembly Floor Amendments  
(Proposed by Assemblyman Garcia)

DATED June 20, 1994

STATEMENT

These floor amendments would remove any impediments to a victim's right to make a statement prior to disposition regarding any delinquency proceeding involving an offense that would constitute a crime if committed by an adult.