

2A:52-1

LEGISLATIVE HISTORY CHECKLIST
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(Name change--various changes)

NJSA: 2A:52-1

LAWS OF: 1993 **CHAPTER:** 228

BILL NO: S1245

SPONSOR(S) O'Connor

DATE INTRODUCED: October 8, 1992

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 21, 1993

SENATE: March 15, 1993

DATE OF APPROVAL: August 6, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED: No

REPORTS: No

HEARINGS: No

KBG:pp

1 **AN ACT** concerning change of name and amending N.J.S.2A:52-1
2 and N.J.S.2A:52-2.

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

6 1. N.J.S.2A:52-1 is amended to read as follows:

7 2A:52-1. Any person may institute an action in Superior
8 Court, for authority to assume another name. The complaint for
9 a change of name shall [state] be accompanied by a sworn
10 affidavit stating the applicant's name, date of birth, social
11 security number, whether or not the applicant has ever been
12 convicted of a crime, and whether any criminal charges are
13 pending against him and, if [so] such convictions or pending
14 charges exist, shall provide such details in connection therewith
15 sufficient to readily identify the matter referred to. [Service of a
16 copy of the complaint, whether or not citing a prior conviction or
17 pending charges, shall be made upon the Attorney General, the
18 county prosecutor of the county in which the action is filed, and,
19 if applicable, upon the prosecutor of the county in which the
20 applicant was previously convicted of a crime or in which charges
21 against him are pending for such response as they may deem
22 appropriate.] The sworn affidavit shall also recite that the action
23 for a change of name is not being instituted for purposes of
24 avoiding or obstructing criminal prosecution or for avoiding
25 creditors or perpetrating a criminal or civil fraud. If criminal
26 charges are pending, the applicant shall serve a copy of the
27 complaint and affidavit upon any State or county prosecuting
28 authority responsible for the prosecution of any pending charges.
29 A person commits a [disorderly persons offense] crime of the
30 fourth degree if he knowingly gives or causes to be given false
31 information under this section.

32 (cf: P.L.1981, c.362, s.1)

33 2. N.J.S.2A:52-2 is amended to read as follows:

34 2A:52-2. Such person, from and after the day specified
35 therefor in the judgment in the action, shall be known by the
36 name which, by the judgment, he is authorized to assume, and by
37 no other. The judgment for change of name shall include the
38 applicant's [date of birth, and the] social security number and
39 date of birth. The clerk of the court shall forward a copy of the
40 judgment to the State Bureau of Identification in the Division of
41 State Police if the person has been convicted of a crime or if
42 there are criminal charges pending against him.

43 (cf: P.L.1981, c.362, s.2)

44 3. This act shall take effect immediately.

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.

STATEMENT

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3 This bill would simplify the procedures in actions for the
4 authority to assume a new name. In so doing, it would both ease
5 the burden on those who seek to change their name and increase
6 the efficiency of the governmental agencies involved in the
7 process.

8 Current law requires all applicants for authority to assume a
9 new name to give notice to prosecutorial agencies. It also
10 requires court clerks to provide copies of all judgments granting
11 such authority to the Division of State Police. The process
12 needlessly burdens applicants, court clerks and the law
13 enforcement officials who must process the substantial number of
14 documents received in order to identify the few cases that
15 require their attention.

16 This bill would revise the law to provide enforcement officials
17 with notice and judgments only in cases where such information
18 will serve the purpose for which it is gathered preventing a
19 person from utilizing the process to avoid prosecution or to
20 escape the consequences of prior convictions. This bill would
21 amend N.J.S.2A:52-1 to require only persons with pending
22 criminal charges to provide prosecutorial agencies with of their
23 application to assume a new name. This bill would also amend
24 N.J.S.2A:52-2 to require the clerk of the Superior Court to
25 provide the Division of State Police with a copy of the judgment
26 only if the applicant has either pending criminal charges or prior
27 criminal convictions. It would further improve the efficiency and
28 accuracy of the law enforcement agencies involved by requiring
29 the applicant to supply his or her social security number.

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34 Clarifies requirements in civil action brought by persons seeking
35 to change their names.

STATEMENT

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This bill would simplify the procedures in actions for the authority to assume a new name. In so doing, it would both ease the burden on those who seek to change their name and increase the efficiency of the governmental agencies involved in the process.

Current law requires all applicants for authority to assume a new name to give notice to prosecutorial agencies. It also requires court clerks to provide copies of all judgments granting such authority to the Division of State Police. The process needlessly burdens applicants, court clerks and the law enforcement officials who must process the substantial number of documents received in order to identify the few cases that require their attention.

This bill would revise the law to provide enforcement officials with notice and judgments only in cases where such information will serve the purpose for which it is gathered preventing a person from utilizing the process to avoid prosecution or to escape the consequences of prior convictions. This bill would amend N.J.S.2A:52-1 to require only persons with pending criminal charges to provide prosecutorial agencies with of their application to assume a new name. This bill would also amend N.J.S.2A:52-2 to require the clerk of the Superior Court to provide the Division of State Police with a copy of the judgment only if the applicant has either pending criminal charges or prior criminal convictions. It would further improve the efficiency and accuracy of the law enforcement agencies involved by requiring the applicant to supply his or her social security number.

Clarifies requirements in civil action brought by persons seeking to change their names.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 1245

STATE OF NEW JERSEY

DATED: JUNE 3, 1993

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1245.

The present procedures governing applications for authority to assume a new name are set forth in N.J.S.2A:52-1 and N.J.S.2A:52-2. These statutes currently require all applicants for name changes to notify prosecutorial agencies. These statutes also require court clerks to provide copies of all judgments granting such authority to the Division of State Police. This process needlessly burdens applicants, court clerks and the law enforcement officials who must process the substantial number of documents received in order to identify the few cases that require their attention.

In order to elevate this situation, the bill would amend N.J.S.A.2A:52-1 to require only persons with pending criminal charges to provide prosecutorial agencies with notice of their application to assume a new name. This bill would also amend N.J.S.A:52-2 to require the clerk of the Superior Court to provide the Division of State Police with a copy of a judgment authorizing a name change only if the applicant has either pending criminal charges or prior criminal convictions. The bill would further improve the efficiency and accuracy of the law enforcement agencies involved by requiring the applicant to supply their social security number.

In addition, this bill would upgrade the penalty for giving false information in connection with a name change application from a disorderly persons offense to a crime of the fourth degree.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1245

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1992

The Senate Judiciary Committee reports favorably Senate Bill No. 1245.

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