

ASSEMBLY, No. 1977

STATE OF NEW JERSEY
212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

SYNOPSIS

Requires disclosure of juvenile sex offenses in criminal background checks.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning criminal history record background checks and
2 the disclosure of certain juvenile information, supplementing
3 P.L.1982, c.79 (C.2A:4A-60 et seq.) and amending P.L.1985,
4 c.69.

5

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

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9 1. (New section) Notwithstanding any other law to the contrary,
10 the information contained in the records of a law enforcement
11 agency pertaining to a juvenile adjudicated delinquent for, or found
12 guilty of, an offense which, if committed by an adult, would
13 constitute any of the following crimes shall be disclosed by the
14 State Bureau of Identification when conducting a criminal history
15 record background check in a non-criminal matter requested by a
16 person, agency or entity authorized to receive this information by
17 federal or State statute, rule or regulation, executive order,
18 administrative code provision, local ordinance or resolution
19 pursuant to P.L.1985, c.69 (C.53:1-20.5 et seq.): aggravated sexual
20 assault; sexual assault; aggravated criminal sexual contact;
21 kidnapping pursuant to paragraph (2) of subsection c. of
22 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
23 sexual conduct which would impair or debauch the morals of the
24 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
25 welfare of a child pursuant to paragraph (4) of subsection b. of
26 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
27 c.291 (C.2C:13-6); criminal sexual contact pursuant to subsection b.
28 of N.J.S.2C:14-3 if the victim is a minor; kidnapping pursuant to
29 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false
30 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
31 the offender is not the parent of the victim; or an attempt to commit
32 any of these enumerated offenses.

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

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1. As used in this act:

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

42

b. "Noncriminal matter" means any matter, other than the arrest
43 of a person for an indictable offense or other criminal justice
44 purpose, which requires the submission of a person's fingerprints or
45 name search request to the State Bureau of Identification for

**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.

1 processing. These matters include background investigations for
2 licensing or employment, or both.

3 c. For purposes of this section, the criminal history record of a
4 person does not include records concerning charges or adjudications
5 of juvenile delinquency, except as provided in section 1 of
6 P.L. , c. (C.) (now pending before the Legislature as this
7 bill). Such records shall be disclosed only as provided in section 1
8 of P.L.1982, c.79 (C.2A:4A-60).
9 (cf: P.L.1994, c.56, s.5)

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11 2. This act shall take effect immediately.

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STATEMENT

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16 This bill would require the State Bureau of Identification (SBI)
17 in the Division of State Police to disclose sex offenses committed
18 by persons as juveniles in criminal history record background
19 checks conducted in non-criminal matters, such as licensing and
20 employment. This requirement would only apply to State
21 background checks made at the request of authorized persons. Only
22 those sex offenses for which the person was adjudicated delinquent
23 for, or found guilty of, as a juvenile would be disclosed. Under
24 current law, the criminal history record of a person does not include
25 records concerning charges or adjudications of juvenile
26 delinquency.

27 Under the bill, the specific sex offenses which would be
28 disclosed in a criminal history record background check in a non-
29 criminal matter are: aggravated sexual assault; sexual assault;
30 aggravated criminal sexual contact; kidnapping; endangering the
31 welfare of a child by engaging in conduct which would impair or
32 debauch the morals of the child; endangering the welfare of a child
33 by photographing the child in a prohibited sex act; luring or
34 enticing a child into a motor vehicle, structure or isolated area for
35 the purpose of committing a criminal act against that child; criminal
36 sexual contact with a minor under certain circumstances; criminal
37 restraint; false imprisonment of a minor by someone other than a
38 parent; and any attempt to commit any of these offenses.

39 The SBI conducts criminal history record background checks by
40 comparing a person's fingerprints or name to information contained
41 in the New Jersey State Police SBI Criminal Justice Information
42 System, which contains all records of convictions in New Jersey
43 courts and all records of pending arrests and charges. The SBI
44 disseminates this information in non-criminal matters to persons
45 and entities authorized to receive it by federal or State statute, rule
46 or regulation, executive order, administrative code provision, local
47 ordinance or resolution, including: federal, State and other state
48 governmental entities for official governmental purposes,

1 employers for the purpose of determining a person's professional
2 qualifications, licensed attorneys for contested case matters and
3 private detectives for their statutorily specified functions.
4 Governmental agencies, employers and private detectives must
5 certify that they are authorized to receive this information, that the
6 information will be used only for authorized purposes, that the
7 information will not be disseminated to unauthorized persons and
8 that they will provide applicants a reasonable opportunity to
9 challenge the accuracy of the information and make corrections, if
10 necessary.