

ASSEMBLY, No. 489

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

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District 16 (Morris and Somerset)

SYNOPSIS

Enables authorized persons to obtain criminal background checks on juveniles to determine suitability for work with children, the elderly and the developmentally disabled.

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 an
12 offense which, if committed by an adult, would constitute any of the
13 following crimes shall be disclosed by the State Bureau of
14 Identification when conducting a criminal history record
15 background check in a non-criminal matter requested by a person,
16 agency or entity authorized to receive this information by federal or
17 State statute, rule or regulation, executive order, administrative
18 code provision, local ordinance or resolution pursuant to P.L.1985,
19 c.69 (C.53:1-20.5 et seq.) for the purposes of determining whether
20 the juvenile is qualified for employment, volunteer work or other
21 performance of services involving contact with children, the elderly
22 or the developmentally disabled: any crime of the first, second or
23 third degree; aggravated assault; criminal sexual contact pursuant to
24 subsection b. of N.J.S.2C:14-3 if the victim is a minor, or an
25 attempt to commit any of these offenses.

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

29 1. As used in this act:

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

35 b. "Noncriminal matter" means any matter, other than the arrest
36 of a person for an indictable offense or other criminal justice
37 purpose, which requires the submission of a person's fingerprints or
38 name search request to the State Bureau of Identification for
39 processing. These matters include background investigations for
40 licensing or employment, or both.

41 c. For purposes of this section, the criminal history record of a
42 person does not include records concerning charges or adjudications
43 of juvenile delinquency, except as provided in section 1 of P.L. ,
44 c. (C.) (now pending before the Legislature as this bill). Such

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 records shall be disclosed only as provided in section 1 of P.L.1982,
2 c.79 (C.2A:4A-60).
3 (cf: P.L.1994, c.56, s.5)

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5 3. This act shall take effect immediately.

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STATEMENT

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10 This bill would enable authorized persons, agencies and entities
11 to obtain criminal history record background checks on juveniles in
12 order to determine their suitability for employment, volunteer work
13 or other performance of services involving contact with children,
14 the elderly or the developmentally disabled.

15 Under the provisions of the bill, the information available would
16 be related to adjudications of delinquency involving: crimes of the
17 first, second or third degree; aggravated assault; criminal sexual
18 contact pursuant to subsection b. of N.J.S.A.2C:14-3 if the victim is
19 a minor; or an attempt to commit any such offense.