ASSEMBLY, No. 3759

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Bars judicially sanctioned name change to persons required to register as sex offender.

CURRENT VERSION OF TEXT

As introduced.

AN ACT barring name change in certain instances and amending N.J.S.2A:52-1 and N.J.S.2A:34-21.

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

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

2A:52-1. **[**Any**]** Except as provided herein, any person may institute an action in Superior Court, for authority to assume another name. The complaint for a change of name shall be accompanied by a sworn affidavit stating the applicant's name, date of birth, social security number, whether or not the applicant has ever been convicted of a crime, and whether any criminal charges are pending against him and, if such convictions or pending charges exist, shall provide such details in connection therewith sufficient to readily identify the matter referred to. The sworn affidavit shall also recite that the action for a change of name is not being instituted for purposes of avoiding or obstructing criminal prosecution or for avoiding creditors or perpetrating a criminal or civil fraud. If criminal charges are pending, the applicant shall serve a copy of the complaint and affidavit upon any State or county prosecuting authority responsible for the prosecution of any pending charges. A person commits a crime of the fourth degree if he knowingly gives or causes to be given false information under this section.

Notwithstanding the provisions of this section, no person who is required to register as a sex offender pursuant to section 2 of P.L. 1994, c.133 (C.2C:7-2) may petition the court for a name change, except in compelling circumstances.

(cf: P.L.1993, c.228, s.1)

2. N.J.S.2A:34-21 is amended to read as follows:

2A:34-21. Surname. The court, upon or after granting a divorce from the bonds of matrimony to either spouse or dissolution of a civil union to either partner in a civil union couple, may, except as provided herein, allow either spouse or partner in a civil union couple to resume any name used by the spouse or partner in a civil union couple before the marriage or civil union, or to assume any surname.

Except in compelling circumstances, the court shall not judicially authorize a name change for a person who is required to register as a sex offender pursuant to section 2 of P.L. 1994, c.133 (C.2C:7-2).

(cf: P.L.2006, c.103, s.77)

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

Currently, two statutes provide for a swift and definitive judicially authorized name change except where the court determines that the action is undertaken for a fraudulent or criminal purpose. N.J.S. 2A:52-1 is the general name change statute and N.J.S. 2A:34-21 permits name change in the context of divorce or dissolution of a civil union.

This bill would bar a person who is required to register as a sex offender from seeking or obtaining a judicially authorized name change.

This bill is similar to and based on Senate Bill 1421 enacted by the Oklahoma Legislature and signed by the Governor in 2014.