

ASSEMBLY, No. 3983

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:
Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)

SYNOPSIS

Requires criminal background check for name change; prohibits persons convicted of violent crime or domestic violence offense from changing name.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/2020)

1 AN ACT concerning an action for change of name, amending
2 N.J.S.2A:52-1 and supplementing Title 2A of the New Jersey
3 Statutes.

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

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

9 2A:52-1. a. Any person may institute an action in Superior
10 Court, for authority to assume another name.

11 b. The complaint for a change of name shall be accompanied
12 by a sworn affidavit stating the applicant's name, date of birth, and
13 social security number~~],~~ whether or not the applicant has ever been
14 convicted of a crime, and whether any criminal charges are pending
15 against him and, if such convictions or pending charges exist, shall
16 provide such details in connection therewith sufficient to readily
17 identify the matter referred to~~].~~ The sworn affidavit shall also
18 recite that the action for a change of name is not being instituted for
19 purposes of avoiding or obstructing criminal prosecution or for
20 avoiding creditors or perpetrating a criminal or civil fraud.

21 c. If the criminal history record background check performed
22 pursuant to section 2 of P.L. , c. (C.) (pending before the
23 Legislature as this bill) indicates that criminal charges are pending,
24 the court shall require the applicant [shall] to serve a copy of the
25 complaint and affidavit upon any State or county prosecuting
26 authority responsible for the prosecution of any pending charges.

27 d. A person commits a crime of the fourth degree if ~~[he]~~ the
28 person knowingly gives or causes to be given false information
29 under this section.

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

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32 2. (New section) a. Upon receipt of a complaint for a change
33 of name, the court shall request the Division of State Police in the
34 Department of Law and Public Safety to conduct a criminal history
35 record background check of the applicant.

36 b. For the purposes of this section, "criminal history record
37 background check" means a determination of whether an applicant
38 has a criminal record by cross-referencing the applicant's name and
39 fingerprints with those on file with the Federal Bureau of
40 Investigation, Criminal Justice Information Services, and the State
41 Bureau of Identification in the Division of State Police.

42 c. Upon the court's request for a criminal history record
43 background check of the applicant, the State Police shall examine
44 its own files and arrange for a similar examination of federal
45 criminal records. The information obtained as a result of any 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 check shall be forwarded to the court.

2 d. The criminal history record background check shall be
3 performed only upon certification by the court that the applicant has
4 consented in writing to the check. The consent shall be in a manner
5 and form prescribed by the court and shall include, but not be
6 limited to, the signature, name, address, and fingerprints of the
7 applicant.

8 e. The applicant shall be responsible for the cost of the
9 background check required by this section.

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11 3. (New section) a. An applicant whose criminal history
12 record background check reveals a conviction for any of the
13 following crimes or offenses shall not be authorized to assume
14 another name pursuant to N.J.S.2A:52-1 unless the request for the
15 name change is made for religious reasons:

16 (1) a violent crime is a crime enumerated in subsection d. of
17 section 2 of P.L.1997, c.117 (C.2C:43-7.2); or

18 (2) any offense involving domestic violence as defined in
19 subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19).

20 b. If the criminal history record background check required
21 pursuant to section 2 of P.L. , c. (C.) (pending before the
22 Legislature as this bill) indicates that the applicant has been
23 convicted of a violent crime or any offense involving domestic
24 violence as those terms are defined in subsection a. of this section,
25 the court shall notify the victim, or an immediate family member of
26 the victim, of the applicant's request for a name change.

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28 4. This act shall take effect on the first day of the third month
29 next following enactment.

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STATEMENT

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34 This bill requires persons who request a name change to undergo
35 a criminal background check. The bill also prohibits applicants
36 who have been convicted of violent crimes or domestic violence
37 crimes from changing their names.

38 Under the bill, when a person applies to the Superior Court for
39 the authority to assume another name, the court is to request the
40 State Police to conduct a criminal history record background check
41 of the applicant. The State Police is to conduct the background
42 check by cross-referencing the applicant's name and fingerprints
43 with those on file with the Federal Bureau of Investigation,
44 Identification Division and the State Bureau of Identification in the
45 Division of State Police. The bill prohibits a background check
46 from being performed without the applicant's consent. Applicants
47 would be required to assume the cost of the check.

1 The bill also prohibits the court from authorizing an applicant
2 who has been convicted of a violent crime or a domestic violence
3 offense to assume another name, unless the applicant establishes
4 that the request is for religious reasons. Violent crimes under the
5 bill include but not limited to: murder; manslaughter; vehicular
6 homicide; aggravated assault; disarming a law enforcement officer;
7 kidnapping; sexual assault; robbery; carjacking; aggravated arson;
8 burglary; extortion; terrorism; first degree racketeering; and
9 firearms trafficking. Domestic violence offenses include homicide;
10 assault; terroristic threats; kidnapping; criminal restraint; false
11 imprisonment; sexual assault; criminal sexual contact; lewdness;
12 criminal mischief; burglary; criminal trespass; harassment; stalking;
13 criminal coercion; robbery; contempt of a domestic violence order
14 that constitutes a crime or disorderly persons offense; any other
15 crime involving risk of death or serious bodily injury to a person
16 protected under the "Prevention of Domestic Violence Act of
17 1991"; and cyber-harassment.

18 The bill also requires the court to notify the victim, or a member
19 of the victim's immediate family, when an applicant who has been
20 convicted of a violent crime or domestic violence offense requests a
21 name change.