NOTICE TO THE BAR

AMENDMENTS TO RULES 1:38-3 AND 1:38-5 (PUBLIC ACCESS TO JUDICIARY RECORDS)

The Supreme Court on December 9, 2014 adopted amendments to Rules 1:38-3 ("Court Records Excluded from Public Access") and 1:38-5 ("Administrative Records Excluded from Public Access"), with the amendments effective as of the date of adoption. Published with this notice are the Court's order and appended amendments, as follows:

(1) Amendment to Rule 1:38-3(f)(2) so as to provide for the confidentiality of civil commitment expungement applications and proceedings and the confidentiality of expunged civil commitment records;

(2) Amendment to Rule 1:38-3(f)(5) so as to add a reference to the municipal courts in the list of court records relating to persons on probation that are excluded from public access;

(3) Addition of a new subparagraph (9) to Rule 1:38-3(f) to align it with recent statutory amendments (L. 2014, c. 19) regarding crime victims' access to court records; and

(4) Amendment to Rule 1:38-5(h) so as to clarify that reports submitted by judges to the Administrative Director of the Courts pursuant to Directive #05-10 regarding sealed records are excluded from public access.

Hon. Glenn A. Grant, J.A.D. Acting Administrative Director of the Courts

Dated: January 2, 2015

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 1:38-3 and 1:38-5 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

Chief Justice

Dated: December 9, 2014

1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) ... no change

(b) ... no change

 (\underline{c}) ... no change

(d) ... no change

(e) ... no change

(f) Records of Other Proceedings.

 $(1) \dots$ no change

(2) Records and transcripts of civil commitment proceedings, <u>civil commitment</u>
<u>expungement petitions and proceedings, and expunged civil commitment records</u>, pursuant to
N.J.S.A. 30:4-24.3, N.J.S.A. 30:4-27.27(c), <u>N.J.S.A. 30:4-80.8 – 80.11</u>, N.J.S.A. 30:4-82.4 h., R.
4:74-7, and R. 4:74-7A;

 $(3) \dots$ no change

 $(4) \dots$ no change

(5) Criminal, Family, <u>Municipal</u>, and Probation Division records pertaining to any investigations and reports made by court staff or pursuant to court order for a court or pertaining to persons on probation;

(6) ... no change

(7) ... no change

(8) Records of appeals from the Division of Developmental Disabilities in accordance with N.J.S.A. 30:4-24.3; [.]

(9) Written requests by a crime victim, or if such a person is deceased or

incapacitated, a member of that person's immediate family, for a record to which the victim is

entitled pursuant to N.J.S.A. 47:1A-5(b)(2).

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 26, 2010 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately.

1:38-5. Administrative Records Excluded from Public Access

The following administrative records are excluded from public access:

 (\underline{a}) ... no change

(b) ... no change

(c) ... no change

 (\underline{d}) ... no change

(e) ... no change

 (\underline{f}) ... no change

(g) ... no change

(h) Reports required to be prepared by trial court judges on a weekly, monthly, or other basis and submitted to the Administrative Director of the Courts pursuant to R. 1:32-1 and/or R. 1:38-11;

(i) ... no change

(i) ... no change

(k) ... no change

 (\underline{l}) ... no change

 (\underline{m}) ... no change

 (\underline{n}) ... no change

(0) ... no change

(p) ... no change

(q) ... no change

 (\mathbf{r}) ... no change

Note: New Rule 1:38-5 adopted July 16, 2009 to be effective September 1, 2009; paragraph (g) amended January 5, 2010 to be effective immediately; paragraph (p) amended and new paragraph (q) added October 18, 2011 to be effective immediately; new paragraph (r) adopted November 12, 2014 to be effective immediately; paragraph (h) amended December 9, 2014 to be effective immediately.