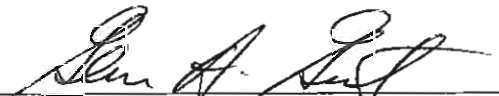


NOTICE TO THE BAR

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,

A handwritten signature in black ink, appearing to read "S. R. Guadagno", written over a horizontal line.

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

(c) ... no change

(d) ... no change

(e) ... no change

(f) Records of Other Proceedings.

(1) ... no change

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

(3) ... no change

(4) ... no change

(5) Criminal, Family, Municipal, 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:

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(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

(j) ... no change

(k) ... no change

(l) ... no change

(m) ... no change

(n) ... no change

(o) ... no change

(p) ... no change

(q) ... no change

(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.