

the human body. A detailed, but not exhaustive, list explains what types of objects constitute these materials and equipment. Additionally, the Act states several factors that the trier of fact may consider, in addition to or as part of the proof, in determining whether or not an object is drug paraphernalia.

In an effort to curb the introduction of controlled dangerous substances into the human body, the Act mandates a penalty for the use and possession, distribution, or advertisement to promote the sale of drug paraphernalia. Any person who uses, or possesses with the intent to use, any object classified as drug paraphernalia is guilty of a disorderly persons offense. Any person who distributes, dispenses, or possesses with the intent to distribute or dispense drug paraphernalia so that another person may introduce controlled dangerous substances into the human body commits a crime of the fourth degree. However, any person eighteen years of age or older who delivers drug paraphernalia to someone who is both under eighteen years of age and at least three years his junior commits a crime of the third degree.

The Act also restricts the sale or distribution of a hypodermic syringe or needle without a prescription. It is unlawful for any person to have under his control, without a valid prescription from a duly licensed individual, a hypodermic syringe, needle or any other instrument used to introduce controlled dangerous substances into the human body. The law requires that any person who legitimately fills a prescription for a hypodermic syringe or needle for use with controlled dangerous substances must keep the transaction on record for a period of two years. This record must be available for inspection upon request by an authorized public officer or agent. The prescription will become invalid if not filled within six months of its original issuance. Any person who violates this section is guilty of a disorderly persons offense.

Any drug paraphernalia which is seized in accordance with this Act shall be subject to forfeiture provisions in the New Jersey Code of Criminal Justice.

—*Mary A. Smith*

INVESTIGATION OF ARSON—RELEASE OF INFORMATION ON FIRE
LOSSES BY INSURERS TO AUTHORIZED STATE AGENCIES —
N.J. STAT. ANN. §§ 17:36-14 to -21 (West Supp. 1981)

N.J. STAT. ANN. §§ 17:36-14 to -21 enables the State to gather information pertaining to property losses by fire and suspected arson. It

mandates that an insurer who has reason to believe that an insured's fire claim arises from circumstances which were not accidental report the fire to the local county prosecutor, who will then give the information to the agency responsible for investigating the fire. An authorized agency can initiate this exchange of information by a request in writing to the insurer. The insurer is then required to disclose the requested information and to cooperate with the agency. The agency may then release this information to any other authorized agency to the extent that it is relevant to the latter's investigation of property loss by fire. The information obtained pursuant to this Act may otherwise be disclosed only for use in a civil or criminal proceeding as ordered by a court.

In the event of a civil action, an insurer who furnishes an authorized agency with information is entitled, as a matter of right, to request that the agency release other relevant information to it if such information is not privileged by law. If the insurance company is named as a party to the litigation, personnel of any authorized agency may be required to testify.

This Act changes existing law by providing that an insurer will no longer incur risk or civil liability for divulging required information as long as actual malice is not found on the part of the insurer. A failure to disclose information as required or a failure to hold information in confidence will result in a penalty of not more than \$250. The proceedings may be brought by an authorized agency which has not received information or has not been notified regarding a fire loss, or by an insurer or person who has been injured by failure to keep the information confidential, or by the State. A reasonable and good faith effort to comply with the provisions of this Act is a defense to an alleged violation.

—*Marianne T. Allegro*

DOMESTIC RELATIONS—SPOUSAL ASSAULT—N.J. STAT. ANN. §§
2C:12-4 to -9 (West Supp. 1981)

The Legislature has recognized spousal assault as a significant social issue and has enacted N.J. STAT. ANN. §§ 2C:12-4 to -9. This Act provides an emergency procedure whereby an individual accusing his or her spouse of an assault and battery can seek immediate relief in the municipal court. When such a complaint is brought before a municipal court judge, testimony will be taken concerning the allegations made by the complaining spouse. If it appears that there is probable cause to