

2A:4A-20, 2A:4A-22, 2A:4A-26.1 et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2025 **CHAPTER:** 35

NJSA: 2A:4A-20, 2A:4A-22, 2A:4A-26.1 et al Renames Juvenile Justice Commission as Youth Justice Commission.

BILL NO: S2423 (Substituted for A3678 (ACS))

SPONSOR(S) Pou, Nellie and others

DATE INTRODUCED: 1/29/2024

COMMITTEE: **ASSEMBLY:** Public Safety & Preparedness

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 01/30/2025

SENATE: 01/30/2025

DATE OF APPROVAL: 3/17/2025

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S2423 enacted)

ADVANCE LAW	Yes
PAMPHLET LAW	Yes

S2423

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
REPRINT(S):	No	
TECHNICAL REVIEW OF BILL:	Yes	SLP 3/7/24 TR
COMMITTEE STATEMENT: ASSEMBLY:	Yes	
SENATE:	Yes	

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

A3678 (ACS)

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
REPRINT(S):	Yes	APS 12/16/24 ACS
TECHNICAL REVIEW OF BILL:	No	

COMMITTEE STATEMENT:	ASSEMBLY:	Yes
	SENATE:	No

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FLOOR AMENDMENT STATEMENT:	No

LEGISLATIVE FISCAL ESTIMATE:	No

VETO MESSAGE:	No

GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes

LEGISLATOR STATEMENT:	No

FOLLOWING WERE PRINTED:

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REPORTS:	No

HEARINGS:	No

NEWSPAPER ARTICLES:	No

CL/MMcB

P.L. 2025, CHAPTER 35, *approved March 17, 2025*
Senate, No. 2423

- 1 **AN ACT** renaming the Juvenile Justice Commission and amending
2 the various parts of the statutory law.
3
- 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6
- 7 1. Section 1 of P.L.1982, c.77 (C.2A:4A-20) is amended to
8 read as follows:
9 1. This act shall be known and may be cited as the "New Jersey
10 Code of **【Juvenile】** Youth Justice."
11 (cf: P.L.1982, c.77, s.1)
12
- 13 2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to
14 read as follows:
15 3. General definitions. As used in this act:
16 a. "Juvenile" means an individual who is under the age of 18
17 years.
18 b. "Adult" means an individual 18 years of age or older.
19 c. "Detention" means the temporary care of juveniles in
20 physically restricting facilities pending court disposition.
21 d. "Shelter care" means the temporary care of juveniles in
22 facilities without physical restriction pending court disposition.
23 e. "Commit" means to transfer legal custody to an institution.
24 f. "Guardian" means a person, other than a parent, to whom
25 legal custody of the child has been given by court order or who is
26 acting in the place of the parent or is responsible for the care and
27 welfare of the juvenile.
28 g. "Juvenile-family crisis" means behavior, conduct or a
29 condition of a juvenile, parent or guardian or other family member
30 which presents or results in (1) a serious threat to the well-being
31 and physical safety of a juvenile, or (2) a serious conflict between a
32 parent or guardian and a juvenile regarding rules of conduct which
33 has been manifested by repeated disregard for lawful parental
34 authority by a juvenile or misuse of lawful parental authority by a
35 parent or guardian, or (3) unauthorized absence by a juvenile for
36 more than 24 hours from his home, or (4) a pattern of repeated
37 unauthorized absences from school by a juvenile subject to the
38 compulsory education provision of Title 18A of the New Jersey
39 Statutes, or (5) an act which if committed by an adult would
40 constitute prostitution in violation of N.J.S.2C:34-1 or any offense
41 which the juvenile alleges is related to the juvenile being a victim
42 of human trafficking.

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 h. "Repetitive disorderly persons offense" means the second or
2 more disorderly persons offense committed by a juvenile on at least
3 two separate occasions and at different times.

4 i. "Court" means the Superior Court, Chancery Division,
5 Family Part unless a different meaning is plainly required.

6 j. "Commission" means the **【Juvenile】 Youth** Justice
7 Commission established pursuant to section 2 of P.L.1995, c.284
8 (C.52:17B-170).

9 (cf: P.L.2011, c.195, s.2)

10
11 3. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to read
12 as follows:

13 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
14 delinquency case by the Superior Court, Chancery Division, Family
15 Part to an appropriate court and prosecuting authority without the
16 consent of the juvenile shall file a motion within 60 days after the
17 receipt of the complaint, which time may be extended for good cause
18 shown. The motion shall be accompanied by a written statement of
19 reasons clearly setting forth the facts used in assessing all factors
20 contained in paragraph (3) of subsection c. of this section, together
21 with an explanation as to how evaluation of those facts support waiver
22 for each particular juvenile.

23 b. At a hearing, the court shall receive the evidence offered by the
24 State and by the juvenile. The State shall provide proof to satisfy the
25 requirements set forth in paragraphs (1) and (2) of subsection c. of this
26 section. The court also shall review whether the State considered the
27 factors set forth in paragraph (3) of subsection c. of this section.

28 c. Except as provided in paragraph (3) of this subsection, the
29 court shall waive jurisdiction of a juvenile delinquency case without
30 the juvenile's consent and shall refer the case to the appropriate court
31 and prosecuting authority having jurisdiction if:

32 (1) The juvenile was 15 years of age or older at the time of the
33 alleged delinquent act; and

34 (2) There is probable cause to believe that the juvenile committed
35 a delinquent act which if committed by an adult would constitute:

36 (a) criminal homicide, other than death by auto;

37 (b) strict liability for drug-induced deaths;

38 (c) first degree robbery;

39 (d) carjacking;

40 (e) aggravated sexual assault;

41 (f) sexual assault;

42 (g) second degree aggravated assault;

43 (h) kidnapping;

44 (i) aggravated arson;

45 (j) possession of a firearm with a purpose to use it unlawfully
46 against the person of another under subsection a. of N.J.S.2C:39-4, or
47 possession of a firearm while committing or attempting to commit,

1 including the immediate flight therefrom, aggravated assault,
2 aggravated criminal sexual contact, burglary, or escape;

3 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics Trafficking
4 Network);

5 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
6 CDS Production Facility);

7 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
8 (Weapons Possession while Committing certain CDS Offenses);

9 (n) an attempt or conspiracy to commit any of the crimes
10 enumerated in subparagraphs (a) through (m) of this paragraph; or

11 (o) a crime committed at a time when the juvenile previously had
12 been sentenced and confined in an adult correctional facility.

13 (3) The court may deny a motion by the prosecutor to waive
14 jurisdiction of a juvenile delinquency case if it is clearly convinced
15 that the prosecutor abused his discretion in considering the following
16 factors in deciding whether to seek a waiver:

17 (a) The nature and circumstances of the offense charged;

18 (b) Whether the offense was against a person or property,
19 allocating more weight for crimes against the person;

20 (c) Degree of the juvenile's culpability;

21 (d) Age and maturity of the juvenile;

22 (e) Any classification that the juvenile is eligible for special
23 education to the extent this information is provided to the prosecution
24 by the juvenile or by the court;

25 (f) Degree of criminal sophistication exhibited by the juvenile;

26 (g) Nature and extent of any prior history of delinquency of the
27 juvenile and dispositions imposed for those adjudications;

28 (h) If the juvenile previously served a custodial disposition in a
29 State juvenile facility operated by the **【Juvenile】 Youth** Justice
30 Commission, and the response of the juvenile to the programs
31 provided at the facility to the extent this information is provided to the
32 prosecution by the **【Juvenile】 Youth** Justice Commission;

33 (i) Current or prior involvement of the juvenile with child welfare
34 agencies;

35 (j) Evidence of mental health concerns, substance use disorder, or
36 emotional instability of the juvenile to the extent this information is
37 provided to the prosecution by the juvenile or by the court; and

38 (k) If there is an identifiable victim, the input of the victim or
39 victim's family.

40 The Attorney General may develop for dissemination to the county
41 prosecutors those guidelines or directives deemed necessary or
42 appropriate to ensure the uniform application of this section
43 throughout the State.

44 d. An order waiving jurisdiction over a case and referring the case
45 to the appropriate court and prosecuting authority shall specify the
46 alleged act upon which the referral is based and all other delinquent

1 acts charged against the juvenile arising out of or related to the same
2 transaction.

3 e. Testimony of a juvenile at a hearing to determine referral under
4 this section shall not be admissible for any purpose in any subsequent
5 hearing to determine delinquency or guilt of any offense.

6 f. Upon waiver of jurisdiction and referral to the appropriate
7 court and prosecuting authority having jurisdiction:

8 (1) The case shall proceed as if it originated in that court and shall
9 be subject to the sentencing provisions available to that court;
10 provided, however, upon conviction for any offense which is subject to
11 waiver pursuant to paragraph (2) of subsection c. of this section, there
12 shall be a presumption that the juvenile shall serve any custodial
13 sentence imposed in a State juvenile facility operated by the
14 **【Juvenile】 Youth** Justice Commission until the juvenile reaches the
15 age of 21, except that:

16 (a) a juvenile who has not reached the age of 21 may, in the
17 discretion of the **【Juvenile】 Youth** Justice Commission, be transferred
18 to the Department of Corrections in accordance with the plan
19 established pursuant to subsection e. of section 7 of P.L.1995, c.284
20 (C.52:17B-175) and regulations adopted pursuant to that section; and

21 (b) a juvenile who has reached or exceeds the age of 21 may
22 continue to serve a sentence in a State juvenile facility operated by the
23 **【Juvenile】 Youth** Justice Commission in the discretion of the
24 **【Juvenile】 Youth** Justice Commission and if the juvenile so consents;
25 otherwise the juvenile shall serve the remainder of the custodial
26 sentence in a State correctional facility;

27 (2) If a juvenile is not convicted of an offense set forth in
28 paragraph (2) of subsection c. of this section, a conviction for any
29 other offense shall be deemed a juvenile adjudication and be remanded
30 to the Superior Court, Chancery Division, Family Part for disposition,
31 in accordance with the dispositional options available to that court and
32 all records related to the act of delinquency shall be subject to the
33 provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60);

34 (3) With the consent of the defense and the prosecutor, at any point
35 in the proceedings subsequent to the decision ordering waiver the court
36 may remand to the Superior Court, Chancery Division, Family Part if
37 it appears that:

38 (a) the interests of the public and the best interests of the juvenile
39 require access to programs or procedures uniquely available to that
40 court; and

41 (b) the interests of the public are no longer served by waiver.

42 g. (1) The **【Juvenile】 Youth** Justice Commission, in consultation
43 with the Attorney General, shall establish a program to collect, record,
44 and analyze data regarding waiver of jurisdiction of a juvenile
45 delinquency case by the Superior Court, Chancery Division, Family
46 Part to an appropriate court and prosecuting authority. In furtherance
47 of this program, the **【Juvenile】 Youth** Justice Commission shall, in

1 cooperation with the Administrative Office of the Courts, Attorney
2 General, and county prosecutors, collect data related to the decision to
3 seek waiver of jurisdiction of a juvenile delinquency case, which shall
4 include but not be limited to data concerning:

- 5 (a) youth demographics, including age, gender, race, and ethnicity;
- 6 (b) case characteristics, including the degree of the offense waived,
7 the degree of the offense convicted, and the final court resolution;
- 8 (c) case processing times; and
- 9 (d) waiver rates by race and ethnicity.

10 (2) The commission shall prepare and publish on its Internet
11 website biennial reports summarizing the data collected, recorded, and
12 analyzed pursuant to paragraph (1) of this subsection.

13 (3) The commission shall, pursuant to section 2 of P.L. 1991,
14 c.164 (C.52:14-19.1), biennially prepare and transmit to the Governor
15 and the Legislature the reports required in paragraph (2) of this
16 subsection, along with any recommendations the commission may
17 have for legislation concerning waiver of jurisdiction of juvenile
18 delinquency cases.

19 (cf: P.L.2023, c.177, s.1)

20
21 4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
22 read as follows:

23 18. Place of detention or shelter. a. The **【Juvenile】 Youth**
24 Justice Commission established pursuant to section 2 of P.L.1995,
25 c.284 (C.52:17B-170) shall specify the place where a juvenile may
26 be detained; and the Department of Children and Families shall
27 specify where a juvenile may be placed in shelter.

28 b. No juvenile shall be placed in detention or shelter care in
29 any place other than that specified by the **【Juvenile】 Youth** Justice
30 Commission or Department of Children and Families as provided
31 in subsection a.

32 c. A juvenile being held for a charge under this act or for a
33 violation of or contempt in connection with a violation of Title 39
34 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
35 or N.J.S.2C:33-13, including a juvenile who has reached the age of
36 18 years after being charged, shall not be placed in any prison, jail
37 or lockup nor detained in any police station, except that if no other
38 facility is reasonably available a juvenile may be held in a police
39 station in a place other than one designed for the detention of
40 prisoners and apart from any adult charged with or convicted of a
41 crime for a brief period if such holding is necessary to allow release
42 to his parent, guardian, other suitable person, or approved facility.
43 No juvenile shall be placed in a detention facility which has reached
44 its maximum population capacity, as designated by the **【Juvenile】**
45 Youth Justice Commission.

46 d. No juvenile charged with delinquency shall be transferred to
47 an adult county jail solely by reason of having reached age 18. The

1 following standards shall apply to any juvenile who has been placed
2 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
3 and who violates the conditions of that probation after reaching the
4 age of 18; who has been placed on parole pursuant to the provisions
5 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.)
6 and who violates the conditions of that parole after reaching the age
7 of 18; or who is arrested after reaching the age of 18 on a warrant
8 emanating from the commission of an act of juvenile delinquency:

9 (1) In the case of a person 18 years of age but less than 20 years
10 of age, the court, upon application by any interested party, shall
11 determine the place of detention, taking into consideration the age
12 and maturity of the person, whether the placement of the person in a
13 juvenile detention facility would present a risk to the safety of
14 juveniles residing at the facility, the likelihood that the person
15 would influence in a negative manner juveniles incarcerated at the
16 facility, whether the facility has sufficient space available for
17 juveniles and any other factor the court deems appropriate. Upon
18 application at any time by the juvenile detention facility
19 administrator or any other interested party, the court may order that
20 the person be relocated to the county jail. The denial of an
21 application shall not preclude subsequent applications based on a
22 change in circumstances or information that was not previously
23 made available to the court. The determination of the place of
24 detention shall be made in a summary manner;

25 (2) In the case of a person 20 years of age or older, the person
26 shall be incarcerated in the county jail unless good cause is shown.

27 e. (1) The **【Juvenile】** Youth Justice Commission and the
28 Department of Children and Families shall promulgate such rules
29 and regulations from time to time as deemed necessary to establish
30 minimum physical facility and program standards for juvenile
31 detention facilities or shelters under their respective supervision.

32 (2) The **【Juvenile】** Youth Justice Commission and the
33 Department of Children and Families, in consultation with the
34 appropriate county administrator of the county facility or shelter,
35 shall assign a maximum population capacity for each juvenile
36 detention facility or shelter based on minimum standards for these
37 facilities.

38 f. (1) Where either the **【Juvenile】** Youth Justice Commission or
39 the Department of Children and Families determines that a juvenile
40 detention facility or shelter under its control or authority is
41 regularly over the maximum population capacity or is in willful and
42 continuous disregard of the minimum standards for these facilities
43 or shelters, the commission or department may restrict new
44 admissions to the facility or shelter.

45 (2) Upon making such determination, the commission or
46 department shall notify the governing body of the appropriate
47 county of its decision to impose such a restriction, which

1 notification shall include a written statement specifying the reasons
2 therefor and corrections to be made. If the commission or
3 department shall determine that no appropriate action has been
4 initiated by the administrator of the facility or shelter within 60
5 days following such notification to correct the violations specified
6 in the notification, it shall order that such juvenile detention facility
7 or shelter shall immediately cease to admit juveniles. The county
8 shall be entitled to a hearing where such a restriction is imposed by
9 the commission or department.

10 (3) Any juvenile detention facility or shelter so restricted shall
11 continue under such order until such time as the commission or
12 department determines that the violation specified in the notice has
13 been corrected or that the facility or shelter has initiated actions
14 which will ensure the correction of said violations.

15 (4) Upon the issuance of an order to cease admissions to a
16 juvenile detention facility or shelter, the commission or department
17 shall determine whether other juvenile detention facilities or
18 shelters have adequate room for admitting juveniles and shall assign
19 the juveniles to the facilities or shelters on the basis of available
20 space; provided that the department shall not assign the juvenile to
21 a facility or shelter where such facility or shelter is at the maximum
22 population. A juvenile detention facility or shelter ordered to
23 accept a juvenile shall do so within five days following the receipt
24 of an order to accept admission of such juvenile.

25 (5) A juvenile detention facility or shelter restricted by an order
26 to cease admissions shall assume responsibility for the
27 transportation of a juvenile sent to another juvenile detention
28 facility or shelter so long as the order shall remain in effect.

29 (6) A facility or shelter receiving juveniles pursuant to
30 paragraph (4) of this subsection shall receive from the sending
31 county a reasonable and appropriate per diem allowance for each
32 juvenile sent to the facility, such allowance to be used for the
33 custody, care, maintenance, and any other services normally
34 provided by the county to juveniles in the facility or shelter and
35 which reflects all county expenditures in maintaining such juvenile,
36 including a proportionate share of all buildings and grounds costs,
37 personnel costs, including fringe benefits, administrative costs and
38 all other direct and indirect costs.

39 (7) The governing body of a county whose juvenile detention
40 facility or shelter has been prohibited from accepting new
41 admissions, and whose juveniles have been assigned to other
42 juvenile detention facilities or shelters, shall appropriate an amount
43 to pay the county receiving such juveniles for all expenses incurred
44 pursuant to paragraph (6) of this subsection.

45 (cf: P.L.2006, c.47, s.16)

1 5. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
2 read as follows:

3 23. Predispositional evaluation. a. Before making a disposition,
4 the court may refer the juvenile to an appropriate individual, agency
5 or institution for examination and evaluation.

6 b. In arriving at a disposition, the court may also consult with
7 such individuals and agencies as may be appropriate to the
8 juvenile's situation, including the county probation division, the
9 Department of Children and Families, the **【Juvenile】** Youth Justice
10 Commission established pursuant to section 2 of P.L.1995, c.284
11 (C.52:17B-170), the county youth services commission, school
12 personnel, clergy, law enforcement authorities, family members and
13 other interested and knowledgeable parties. In so doing, the court
14 may convene a predispositional conference to discuss and
15 recommend disposition.

16 c. (1) The predisposition report ordered pursuant to the Rules of
17 Court may include a statement by the victim of the offense for
18 which the juvenile has been adjudicated delinquent or by the nearest
19 relative of a homicide victim. The statement may include the nature
20 and extent of any physical harm or psychological or emotional harm
21 or trauma suffered by the victim, the extent of any loss to include
22 loss of earnings or ability to work suffered by the victim and the
23 effect of the crime upon the victim's family. The probation division
24 shall notify the victim or nearest relative of a homicide victim of his
25 right to make a statement for inclusion in the predisposition report
26 if the victim or relative so desires. Any statement shall be made
27 within 20 days of notification by the probation division. The report
28 shall further include information on the financial resources of the
29 juvenile. This information shall be made available on request to the
30 Victims of Crime Compensation **【Board】** Office established
31 pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any
32 officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to
33 collect payment of an assessment, restitution or fine.

34 (2) Any predisposition report prepared pursuant to this section
35 shall include:

36 (a) an analysis of the circumstances attending the commission of
37 the act;

38 (b) the impact of the offense on the community;

39 (c) the offender's history of delinquency or criminality;

40 (d) the offender's family situation;

41 (e) the offender's financial resources;

42 (f) the financial resources of the juvenile's parent or guardian;

43 (g) the information concerning the parent or guardian's exercise
44 of supervision and control relevant to commission of the act; and

45 (h) in any case where the juvenile is charged with an act which
46 if committed by an adult would constitute prostitution in violation
47 of N.J.S.2C:34-1 or any offense which the juvenile alleges is related

1 to the juvenile being a victim of human trafficking, the
2 predisposition report may include any information relevant to the
3 commission of the act.

4 Information concerning financial resources included in the report
5 shall be made available to any officer authorized to collect payment
6 on any assessment, restitution or fine.
7 (cf: P.L.2011, c.195, s.3)

8
9 6. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
10 read as follows:

11 24. Disposition of delinquency cases. a. In determining the
12 appropriate disposition for a juvenile adjudicated delinquent the
13 court shall weigh the following factors:

14 (1) The nature and circumstances of the offense;

15 (2) The degree of injury to persons or damage to property
16 caused by the juvenile's offense;

17 (3) The juvenile's age, previous record, prior social service
18 received, and out-of-home placement history;

19 (4) Whether the disposition supports family strength,
20 responsibility, and unity and the well-being and physical safety of
21 the juvenile;

22 (5) Whether the disposition provides for reasonable
23 participation by the child's parent, guardian, or custodian, provided,
24 however, that the failure of a parent or parents to cooperate in the
25 disposition shall not be weighed against the juvenile in arriving at
26 an appropriate disposition;

27 (6) Whether the disposition recognizes and treats the unique
28 physical, psychological, and social characteristics and needs of the
29 child;

30 (7) Whether the disposition contributes to the developmental
31 needs of the child, including the academic and social needs of the
32 child where the child has intellectual disabilities or learning
33 disabilities;

34 (8) Any other circumstances related to the offense and the
35 juvenile's social history as deemed appropriate by the court;

36 (9) The impact of the offense on the victim or victims;

37 (10) The impact of the offense on the community; and

38 (11) The threat to the safety of the public or any individual
39 posed by the child.

40 b. If a juvenile is adjudged delinquent, and except to the extent
41 that an additional specific disposition is required pursuant to this
42 section, the court, in accordance with subsection i. of section 2 of
43 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to
44 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order
45 any one or more of the following dispositions:

46 (1) Adjourn formal entry of disposition of the case for a period
47 not to exceed 12 months for the purpose of determining whether the

- 1 juvenile makes a satisfactory adjustment, and if during the period of
2 continuance the juvenile makes such an adjustment, dismiss the
3 complaint;
- 4 (2) Release the juvenile to the supervision of the juvenile's
5 parent or guardian;
- 6 (3) Place the juvenile on probation to the chief probation officer
7 of the county or to any other suitable person who agrees to accept
8 the duty of probation supervision for a period not to exceed three
9 years upon such written conditions as the court deems will aid
10 rehabilitation of the juvenile;
- 11 (4) Transfer custody of the juvenile to any relative or other
12 person determined by the court to be qualified to care for the
13 juvenile;
- 14 (5) Place the juvenile under the care and responsibility of the
15 Department of Children and Families so that the commissioner may
16 designate a division or organizational unit in the department
17 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
18 providing services in or out of the home. Within 14 days, unless for
19 good cause shown, but not later than 30 days, the Department of
20 Children and Families shall submit to the court a service plan,
21 which shall be presumed valid, detailing the specifics of any
22 disposition order. The plan shall be developed within the limits of
23 fiscal and other resources available to the department. If the court
24 determines that the service plan is inappropriate, given existing
25 resources, the department may request a hearing on that
26 determination;
- 27 (6) Place the juvenile under the care and custody of the
28 Commissioner of Children and Families for the purpose of
29 receiving the services of the Division of Children's System of Care
30 of that department, provided that the juvenile has been determined
31 to be eligible for those services under P.L.1965, c.59, s.16
32 (C.30:4-25.4);
- 33 (7) Commit the juvenile, pursuant to applicable laws and the
34 Rules of Court governing civil commitment, to the Department of
35 Children and Families under the responsibility of the Division of
36 Children's System of Care for the purpose of placement in a suitable
37 public or private hospital or other residential facility for the
38 treatment of persons who are mentally ill, on the ground that the
39 juvenile is in need of involuntary commitment;
- 40 (8) (Deleted by amendment, P.L.2019, c.363)
- 41 (9) Order the juvenile to make restitution to a person or entity
42 who has suffered loss resulting from personal injuries or damage to
43 property as a result of the offense for which the juvenile has been
44 adjudicated delinquent. The court may determine the reasonable
45 amount, terms, and conditions of restitution. If the juvenile
46 participated in the offense with other persons, the participants shall
47 be jointly and severally responsible for the payment of restitution.

1 The court shall not require a juvenile to make full or partial
2 restitution if the juvenile reasonably satisfies the court that the
3 juvenile does not have the means to make restitution and could not
4 reasonably acquire the means to pay restitution;

5 (10) Order that the juvenile perform community services under
6 the supervision of a probation division or other agency or individual
7 deemed appropriate by the court. Such services shall be
8 compulsory and reasonable in terms of nature and duration. Such
9 services may be performed without compensation, provided that any
10 money earned by the juvenile from the performance of community
11 services may be applied towards any payment of restitution or fine
12 which the court has ordered the juvenile to pay;

13 (11) Order that the juvenile participate in work programs which
14 are designed to provide job skills and specific employment training
15 to enhance the employability of job participants. Such programs
16 may be without compensation, provided that any money earned by
17 the juvenile from participation in a work program may be applied
18 towards any payment of restitution or fine which the court has
19 ordered the juvenile to pay;

20 (12) Order that the juvenile participate in programs emphasizing
21 self-reliance, such as intensive outdoor programs teaching survival
22 skills, including but not limited to camping, hiking, and other
23 appropriate activities;

24 (13) Order that the juvenile participate in a program of academic
25 or vocational education or counseling, such as a youth service
26 bureau, requiring attendance at sessions designed to afford access to
27 opportunities for normal growth and development. This may
28 require attendance after school, evenings, and weekends;

29 (14) Place the juvenile in a suitable residential or nonresidential
30 program for the treatment of alcohol or narcotic abuse, provided
31 that the juvenile has been determined to be in need of such services;

32 (15) Order the parent or guardian of the juvenile to participate in
33 appropriate programs or services when the court has found either
34 that such person's omission or conduct was a significant
35 contributing factor towards the commission of the delinquent act,
36 or, under its authority to enforce litigant's rights, that such person's
37 omission or conduct has been a significant contributing factor
38 towards the ineffective implementation of a court order previously
39 entered in relation to the juvenile;

40 (16) (a) Place the juvenile in a nonresidential program operated
41 by a public or private agency, providing intensive services to
42 juveniles for specified hours, which may include education,
43 counseling to the juvenile and the juvenile's family if appropriate,
44 vocational training, employment counseling, work, or other
45 services;

46 (b) Place the juvenile under the custody of the **【Juvenile】 Youth**
47 Justice Commission established pursuant to section 2 of P.L.1995,

1 c.284 (C.52:17B-170) for placement with any private group home
2 or private residential facility with which the commission has
3 entered into a purchase of service contract;

4 (17) Instead of or in addition to any disposition made according
5 to this section, the court may postpone, suspend, or revoke for a
6 period not to exceed two years the driver's license, registration
7 certificate, or both of any juvenile who used a motor vehicle in the
8 course of committing an act for which the juvenile was adjudicated
9 delinquent. In imposing this disposition and in deciding the duration
10 of the postponement, suspension, or revocation, the court shall
11 consider the circumstances of the act for which the juvenile was
12 adjudicated delinquent and the potential effect of the loss of driving
13 privileges on the juvenile's ability to be rehabilitated. Any
14 postponement, suspension, or revocation shall be imposed
15 consecutively with any custodial commitment;

16 (18) Order that the juvenile satisfy any other conditions
17 reasonably related to the rehabilitation of the juvenile;

18 (19) Order a parent or guardian who has failed or neglected to
19 exercise reasonable supervision or control of a juvenile who has
20 been adjudicated delinquent to make restitution to any person or
21 entity who has suffered a loss as a result of that offense. The court
22 may determine the reasonable amount, terms, and conditions of
23 restitution; or

24 (20) Place the juvenile, if eligible, in an appropriate juvenile
25 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
26 et al.).

27 c. (1) If the county in which the juvenile has been adjudicated
28 delinquent has a juvenile detention facility meeting the physical and
29 program standards established pursuant to this subsection by the
30 **【Juvenile】 Youth** Justice Commission, the court may, in addition to
31 any of the dispositions not involving placement out of the home
32 enumerated in this section, incarcerate the juvenile in the youth
33 detention facility in that county for a term not to exceed 60
34 consecutive days. The decision by the court to incarcerate a
35 juvenile shall be made in accordance with subsection i. of section 2
36 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
37 their own juvenile detention facilities may contract for the use of
38 approved commitment programs with counties with which they
39 have established agreements for the use of pre-disposition juvenile
40 detention facilities. The **【Juvenile】 Youth** Justice Commission
41 shall promulgate such rules and regulations from time to time as
42 deemed necessary to establish minimum physical facility and
43 program standards for the use of juvenile detention facilities
44 pursuant to this subsection.

45 (2) A juvenile shall not be incarcerated in any county detention
46 facility unless the county has entered into an agreement with the
47 **【Juvenile】 Youth** Justice Commission concerning the use of the

1 facility for sentenced juveniles. Upon agreement with the county,
2 the **【Juvenile】 Youth** Justice Commission shall certify detention
3 facilities which may receive juveniles sentenced pursuant to this
4 subsection and shall specify the capacity of the facility that may be
5 made available to receive such juveniles; provided, however, that in
6 no event shall the number of juveniles incarcerated pursuant to this
7 subsection exceed **【50%】 50 percent** of the maximum capacity of
8 the facility.

9 (3) The court may fix a term of incarceration under this
10 subsection that is in accordance with subsection i. of section 2 of
11 P.L.1982, c.77 (C.2A:4A-21) and:

12 (a) The act for which the juvenile was adjudicated delinquent, if
13 committed by an adult, would have constituted a crime or repetitive
14 disorderly persons offense;

15 (b) Incarceration of the juvenile is consistent with the goals of
16 public safety, accountability, and rehabilitation and the court is
17 clearly convinced that the aggravating factors substantially
18 outweigh the mitigating factors as set forth in section 25 of
19 P.L.1982, c.77 (C.2A:4A-44); and

20 (c) The detention facility has been certified for admission of
21 adjudicated juveniles pursuant to paragraph (2).

22 (4) If as a result of incarceration of adjudicated juveniles
23 pursuant to this subsection, a county is required to transport a
24 predisposition juvenile to a juvenile detention facility in another
25 county, the costs of such transportation shall be borne by the
26 **【Juvenile】 Youth** Justice Commission.

27 d. Whenever the court imposes a disposition upon an
28 adjudicated delinquent which requires the juvenile to perform a
29 community service, restitution, or to participate in any other
30 program provided for in this section other than subsection c., the
31 duration of the juvenile's mandatory participation in such
32 alternative programs shall extend for a period consistent with the
33 program goal for the juvenile and shall in no event exceed one year
34 beyond the maximum duration permissible for the delinquent if the
35 juvenile had been committed to a term of incarceration.

36 e. In addition to any disposition the court may impose pursuant
37 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
38 following orders shall be included in dispositions of the
39 adjudications set forth below:

40 (1) An order to perform community service pursuant to
41 paragraph (10) of subsection b. of this section for a period of at
42 least 60 days, if the juvenile has been adjudicated delinquent for an
43 act which, if committed by an adult, would constitute the crime of
44 theft of a motor vehicle, or the crime of unlawful taking of a motor
45 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
46 degree crime of eluding in violation of subsection b. of
47 N.J.S.2C:29-2; and

1 (2) (Deleted by amendment, P.L.2019, c.363)

2 (3) An order to perform community service pursuant to
3 paragraph (10) of subsection b. of this section for a period of at
4 least 30 days, if the juvenile has been adjudicated delinquent for an
5 act which, if committed by an adult, would constitute the fourth
6 degree crime of unlawful taking of a motor vehicle in violation of
7 subsection b. of N.J.S.2C:20-10.

8 (4) (Deleted by amendment, P.L.2019, c.363)

9 f. (1) (Deleted by amendment, P.L.2019, c.363)

10 (2) (Deleted by amendment, P.L.2019, c.363)

11 (3) (Deleted by amendment, P.L.2019, c.363)

12 g. Whenever the court imposes a disposition upon an
13 adjudicated delinquent which requires the juvenile to perform a
14 community service, restitution, or to participate in any other
15 program provided for in this section, the order shall include
16 provisions which provide balanced attention to the protection of the
17 community, accountability for offenses committed, fostering
18 interaction and dialogue between the offender, victim, and
19 community and the development of competencies to enable the
20 child to become a responsible and productive member of the
21 community.

22 (cf: P.L.2021, c.342, s.1)

23

24 7. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
25 read as follows:

26 8. a. In addition to any other disposition made pursuant to law,
27 a court shall order a juvenile charged with delinquency or
28 adjudicated delinquent for an act which, if committed by an adult
29 would constitute a crime, a disorderly persons offense or a petty
30 disorderly persons offense, to submit to an approved serological test
31 for acquired immune deficiency syndrome (AIDS) or infection with
32 the human immunodeficiency virus (HIV) or any other related virus
33 identified as a probable causative agent of AIDS if:

34 (1) in the course of the commission of the act, including the
35 immediate flight thereafter or during any investigation or arrest
36 related to that act, a law enforcement officer, the victim or other
37 person suffered a prick from a hypodermic needle, provided there is
38 probable cause to believe that the juvenile is an intravenous user of
39 controlled dangerous substances; or

40 (2) in the course of the commission of the act, including the
41 immediate flight thereafter or during any investigation or arrest
42 related to that act, a law enforcement officer, the victim or other
43 person had contact with the juvenile which involved or was likely to
44 involve the transmission of bodily fluids.

45 The court may order a juvenile to submit to an approved
46 serological test for AIDS or infection with the HIV or any other
47 related virus identified as a probable causative agent of AIDS if in

1 the course of the performance of any other law enforcement duties,
2 a law enforcement officer suffers a prick from a hypodermic needle,
3 provided that there is probable cause to believe that the defendant is
4 an intravenous user of controlled dangerous substances, or had
5 contact with the defendant which involved or was likely to involve
6 the transmission of bodily fluids. The court shall issue such an
7 order only upon the request of the law enforcement officer, victim
8 of the offense or other affected person made at the time of
9 indictment, charge or conviction. If a county prosecutor declines to
10 make such an application within 72 hours of being requested to do
11 so by the law enforcement officer, the law enforcement officer may
12 appeal to the Division of Criminal Justice in the Department of Law
13 and Public Safety for that officer to bring the application. The
14 juvenile shall be ordered by the court to submit to such repeat or
15 confirmatory tests as may be medically necessary.

16 b. A court order issued pursuant to subsection a. of this section
17 shall require testing to be performed as soon as practicable by the
18 Executive Director of the **【Juvenile】 Youth** Justice Commission
19 pursuant to authority granted to the executive director by sections 6
20 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider
21 of health care or at a health care facility licensed pursuant to section
22 12 of P.L.1971, c.136 (C.26:2H-12). The order shall also require
23 that the results of the test be reported to the offender, the
24 appropriate Office of Victim-Witness Advocacy if a victim of an
25 offense is tested, and the affected law enforcement officer. Upon
26 receipt of the result of a test ordered pursuant to subsection a. of
27 this section, the Office of Victim-Witness Advocacy shall provide
28 the victim with appropriate counseling, referral for counseling and
29 if appropriate, referral for health care. The office shall notify the
30 victim or make appropriate arrangements for the victim to be
31 notified of the test result.

32 c. (Deleted by amendment, P.L.2021, c.342)

33 d. The result of a test ordered pursuant to subsection a. of this
34 section shall be confidential and health care providers and
35 employees of the **【Juvenile】 Youth** Justice Commission, the Office
36 of Victim-Witness Advocacy, a health care facility or counseling
37 service shall not disclose the result of a test performed pursuant to
38 this section except as authorized herein or as otherwise authorized
39 by law or court order. The provisions of this section shall not be
40 deemed to prohibit disclosure of a test result to the person tested.

41 e. Persons who perform tests ordered pursuant to subsection a.
42 of this section in accordance with accepted medical standards for
43 the performance of such tests shall be immune from civil and
44 criminal liability arising from their conduct.

45 f. This section shall not be construed to preclude or limit any
46 other testing for AIDS or infection with the HIV or any other

1 related virus identified as a probable causative agent of AIDS which
2 is otherwise permitted by statute, court rule or common law.

3 (cf: P.L.2021, c.342, s.2)

4
5 8. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read
6 as follows:

7 25. Incarceration--Aggravating and mitigating factors

8 a. (1) In determining whether incarceration is an appropriate
9 disposition and in addition to the considerations set forth in subsection
10 i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court shall consider
11 the following aggravating circumstances:

12 (a) The fact that the nature and circumstances of the act, and the
13 role of the juvenile therein, was committed in an especially heinous,
14 cruel, or depraved manner;

15 (b) The fact that there was grave and serious harm inflicted on the
16 victim and that based upon the juvenile's age or mental capacity the
17 juvenile knew or reasonably should have known that the victim was
18 particularly vulnerable or incapable of resistance due to advanced age,
19 disability, ill-health, or extreme youth, or was for any other reason
20 substantially incapable;

21 (c) The character and attitude of the juvenile indicate that the
22 juvenile is likely to commit another delinquent or criminal act;

23 (d) The juvenile's prior record and the seriousness of any acts for
24 which the juvenile has been adjudicated delinquent;

25 (e) The fact that the juvenile committed the act pursuant to an
26 agreement that the juvenile either pay or be paid for the commission of
27 the act and that the pecuniary incentive was beyond that inherent in the
28 act itself;

29 (f) The fact that the juvenile committed the act against a
30 policeman or other law enforcement officer, correctional employee or
31 fireman, acting in the performance of his duties while in uniform or
32 exhibiting evidence of his authority, or the juvenile committed the act
33 because of the status of the victim as a public servant;

34 (g) The need for deterring the juvenile and others from violating
35 the law;

36 (h) The fact that the juvenile knowingly conspired with others as
37 an organizer, supervisor, or manager to commit continuing criminal
38 activity in concert with two or more persons and the circumstances of
39 the crime show that he has knowingly devoted himself to criminal
40 activity as part of an ongoing business activity;

41 (i) The fact that the juvenile on two separate occasions was
42 adjudged a delinquent on the basis of acts which if committed by an
43 adult would constitute crimes;

44 (j) The impact of the offense on the victim or victims;

45 (k) The impact of the offense on the community; and

46 (l) The threat to the safety of the public or any individual posed by
47 the child.

- 1 (2) In determining whether incarceration is an appropriate
2 disposition the court shall consider the following mitigating
3 circumstances:
- 4 (a) The child is under the age of 14;
- 5 (b) The juvenile's conduct neither caused nor threatened serious
6 harm;
- 7 (c) The juvenile did not contemplate that the juvenile's conduct
8 would cause or threaten serious harm;
- 9 (d) The juvenile acted under a strong provocation;
- 10 (e) There were substantial grounds tending to excuse or justify the
11 juvenile's conduct, though failing to establish a defense;
- 12 (f) The victim of the juvenile's conduct induced or facilitated its
13 commission;
- 14 (g) The juvenile has compensated or will compensate the victim
15 for the damage or injury that the victim has sustained, or will
16 participate in a program of community service;
- 17 (h) The juvenile has no history of prior delinquency or criminal
18 activity or has led a law-abiding life for a substantial period of time
19 before the commission of the present act;
- 20 (i) The juvenile's conduct was the result of circumstances unlikely
21 to recur;
- 22 (j) The character and attitude of the juvenile indicate that the
23 juvenile is unlikely to commit another delinquent or criminal act;
- 24 (k) The juvenile is particularly likely to respond affirmatively to
25 noncustodial treatment;
- 26 (l) The separation of the juvenile from the juvenile's family by
27 incarceration of the juvenile would entail excessive hardship to the
28 juvenile or the juvenile's family;
- 29 (m) The willingness of the juvenile to cooperate with law
30 enforcement authorities;
- 31 (n) The conduct of the juvenile was substantially influenced by
32 another person more mature than the juvenile.
- 33 b. (1) There shall be a presumption of nonincarceration for any
34 crime or offense of the fourth degree or less committed by a juvenile
35 who has not previously been adjudicated delinquent or convicted of a
36 crime or offense.
- 37 (2) Where incarceration is imposed, the court and a panel
38 comprised of at least two members of the **【Juvenile】 Youth** Justice
39 Commission designated by the executive director and a member of the
40 State Parole Board designated by the chairman shall consider the
41 juvenile's eligibility for release pursuant to the provisions of
42 subsection d. of this section.
- 43 c. The following juveniles shall not be committed to a State
44 juvenile facility:
- 45 (1) Juveniles age 11 or under unless adjudicated delinquent for the
46 crime of arson or a crime which, if committed by an adult, would be a
47 crime of the first or second degree; and

1 (2) Juveniles who are developmentally disabled as defined in
2 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82 (C.30:6D-
3 3).

4 d. (1) When the court determines that, based on the consideration
5 of all the factors set forth in subsection a., the juvenile shall be
6 incarcerated, unless it orders the incarceration pursuant to subsection
7 c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall state on the
8 record the reasons for imposing incarceration, including any findings
9 with regard to these factors, and commit the juvenile to the custody of
10 the **【Juvenile】 Youth** Justice Commission which shall provide for the
11 juvenile's placement in a suitable juvenile facility pursuant to the
12 conditions set forth in this subsection and for terms not to exceed the
13 maximum terms as provided herein for what would constitute the
14 following crimes if committed by an adult:

15 (a) Murder under 2C:11-3a(1) or (2)	20 years
16 (b) Murder under 2C:11-3a(3)	10 years
17 (c) Crime of the first degree, except murder	4 years
18 (d) Crime of the second degree	3 years
19 (e) Crime of the third degree	2 years
20 (f) Crime of the fourth degree	1 year
21 (g) Disorderly persons offense	6 months

22 (2) The period of confinement shall continue until the panel
23 established pursuant to subsection b. of this section determines that the
24 person is eligible for early release on parole or until expiration of the
25 term of confinement, whichever shall occur first; except that in no case
26 shall the period of confinement and parole exceed the maximum
27 provided by law for the offense. A juvenile shall be granted early
28 release on parole when it appears that the juvenile has made
29 substantial progress toward positive behavioral adjustment and
30 rehabilitative goals articulated by the panel established pursuant to
31 subsection b. of this section to the juvenile. However, if a juvenile is
32 approved for parole by the panel established pursuant to subsection b.
33 of this section prior to serving one-third of any term imposed for any
34 crime of the first, second, or third degree, including any extended term
35 imposed pursuant to paragraph (3) or (4) of this subsection, or one-
36 fourth of any term imposed for any other crime the granting of parole
37 shall be subject to approval of the sentencing court. Prior to approving
38 parole, the court shall give the prosecuting attorney notice and an
39 opportunity to be heard. If the court denies the parole of a juvenile
40 pursuant to this paragraph it shall state its reasons in writing and notify
41 the panel established pursuant to subsection b. of this section, the
42 juvenile, and the juvenile's attorney. The court shall have 30 days from
43 the date of notice of the pending parole to exercise the power granted
44 under this paragraph. If the court does not respond within that time
45 period, the parole will be deemed approved.

46 The panel established pursuant to subsection b. of this section shall
47 determine at the time of release the conditions of parole, which shall

1 be appropriately tailored to the needs of each juvenile. Any conditions
2 imposed at the time of release or modified thereafter as a graduated
3 intervention in lieu of initiating parole revocation proceedings shall
4 constitute the least restrictive alternatives necessary to promote the
5 successful return of the juvenile to the community. The juvenile shall
6 not be required to enter or complete a residential community release
7 program, residential treatment program, or other out-of-home
8 placement as a condition of parole unless it is determined that the
9 condition is necessary to protect the safety of the juvenile.

10 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
11 seq.) who is released on parole prior to the expiration of the juvenile's
12 maximum term may be retained under parole supervision for a period
13 not exceeding the unserved portion of the term. The panel established
14 pursuant to subsection b. of this section, the juvenile, the juvenile's
15 attorney, the juvenile's parent or guardian or, with leave of the court
16 any other interested party, may make a motion to the court, with notice
17 to the prosecuting attorney, for the return of the juvenile from a
18 juvenile facility prior to the juvenile's parole and provide for an
19 alternative disposition which would not exceed the duration of the
20 original time to be served in the facility.

21 (3) Upon application by the prosecutor, the court may sentence a
22 juvenile who has been convicted of a crime of the first, second, or
23 third degree if committed by an adult, to an extended term of
24 incarceration beyond the maximum set forth in paragraph (1) of this
25 subsection, if it finds that the juvenile was previously adjudged
26 delinquent on at least two separate occasions, for offenses which, if
27 committed by an adult, would constitute a crime of the first or second
28 degree. The extended term shall not exceed five additional years for an
29 act which would constitute murder and shall not exceed three
30 additional years for all other crimes of the first degree and shall not
31 exceed two additional years for a crime of the second degree, if
32 committed by an adult, and one additional year for a crime of the third
33 degree, if committed by an adult.

34 (4) Upon application by the prosecutor, when a juvenile is before
35 the court at one time for disposition of three or more unrelated
36 offenses which, if committed by an adult, would constitute crimes of
37 the first, second or third degree and which are not part of the same
38 transaction, the court may sentence the juvenile to an extended term of
39 incarceration not to exceed the maximum of the permissible term for
40 the most serious offense for which the juvenile has been adjudicated
41 plus two additional years.

42 (5) The panel established pursuant to subsection b. of this section
43 may impose a term of post-incarceration supervision following the
44 juvenile's release from custody only if it is deemed necessary to
45 effectuate the juvenile's rehabilitation and reintegration into society.
46 Post-incarceration supervision shall not exceed six months, except the
47 term may be extended for an additional six months if the panel

1 established pursuant to subsection b. of this section deems
2 continuation of the post-incarceration supervision necessary to
3 effectuate the juvenile's rehabilitation and reintegration into society.
4 Post-incarceration supervision shall not exceed one year. Post-
5 incarceration supervision shall not be imposed on any juvenile who
6 has completed a period of parole supervision of six months or more.
7 The term of post-incarceration supervision shall commence on the date
8 of the expiration of the juvenile's maximum sentence. During the term
9 of post-incarceration supervision the juvenile shall remain in the
10 community and in the legal custody of the commission. The juvenile
11 shall not be required to enter or complete a residential community
12 release program, residential treatment program, or other out-of-home
13 placement as a condition of post-incarceration supervision. A term of
14 post-incarceration supervision imposed pursuant to this paragraph may
15 be terminated by the panel established pursuant to subsection b. of this
16 section or court if the juvenile has made a satisfactory adjustment in
17 the community while under supervision and if continued supervision is
18 not required.

19 (6) The commission shall review the case of each juvenile
20 sentenced to a term of commitment with the commission at least every
21 three months and submit a status report to the court, the prosecutor,
22 and the counsel for the juvenile. The commission's review and status
23 report shall include, but not be limited to:

- 24 (a) information on the treatment, care, and custody of the juvenile;
- 25 (b) whether the juvenile is receiving the mental health, substance
26 use disorder, educational, and other rehabilitative services necessary to
27 promote the juvenile's successful reintegration into the community;
- 28 (c) any incidents of violence involving the juvenile; and
- 29 (d) the juvenile's eligibility for parole.

30 Counsel for the juvenile shall have the opportunity to respond to
31 the report required pursuant to this paragraph.

32 The commission shall continue to submit quarterly reports to the
33 court until the juvenile is paroled or released at the expiration of the
34 term of incarceration and shall resume the quarterly reviews if the
35 juvenile is returned to the custody of the commission. The court may
36 conduct a hearing at any time to determine whether commitment with
37 the commission continues to be appropriate pursuant to section 24 of
38 P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77
39 (C.2A:4A-44), and may release the juvenile or otherwise modify the
40 dispositional order. Nothing in this paragraph shall abrogate the
41 court's retention of jurisdiction pursuant to section 26 of P.L.1982,
42 c.77 (C.2A:4A-45).

43 e. If the panel established pursuant to subsection b. of this section
44 determines there is probable cause to believe that the juvenile has
45 seriously or persistently violated the terms and conditions of parole,
46 the commission shall conduct a hearing to determine if the juvenile's
47 parole should be revoked. The juvenile shall be represented by

1 counsel at the hearing. The hearing shall be conducted by a hearing
2 officer who is licensed as an attorney-at-law in this State. The juvenile
3 shall not be incarcerated prior to the hearing unless the panel
4 established pursuant to subsection b. of this section determines by
5 objective and credible evidence that the juvenile poses an immediate
6 and substantial danger to public safety. If the juvenile is incarcerated
7 prior to the hearing, the hearing shall be held within 72 hours of the
8 juvenile's return to custody and a written decision made and
9 transmitted to the juvenile and the juvenile's counsel within 48 hours
10 of the hearing. Upon request of counsel for the juvenile, the hearing
11 officer shall adjourn the hearing for not more than 72 hours.
12 Subsequent adjournments may be granted upon request of the juvenile
13 and good cause shown.

14 The panel established pursuant to subsection b. of this section shall
15 not revoke the parole of a juvenile unless the hearing officer
16 determines, by clear and convincing evidence, that:

17 (1) the juvenile has seriously or persistently violated the conditions
18 of parole;

19 (2) the juvenile poses a substantial danger to public safety and no
20 form of community-based supervision would alleviate that danger; and

21 (3) revocation is consistent with the provisions of section 2 of
22 P.L.1982, c.77 (C.2A:4A-21).

23 The procedures and standards set forth in sections 15 through 21 of
24 P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall apply to
25 juvenile parole revocation hearings, unless the procedures and
26 standards conflict with those set forth in this subsection.

27 Notwithstanding a determination that the juvenile violated a
28 condition of parole, the panel established pursuant to subsection b. of
29 this section may modify those conditions.

30 f. The panel established pursuant to subsection b. of this section
31 may relieve a juvenile of any parole conditions, and may permit a
32 parolee to reside outside the State pursuant to the provisions of the
33 Interstate Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),
34 and after providing notice to the Attorney General, may consent to the
35 supervision of a parolee by the federal government pursuant to the
36 federal Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521
37 et seq.). The panel established pursuant to subsection b. of this section
38 may revoke permission, except in the case of a juvenile under the
39 Witness Security Reform Act, or reinstate relieved parole conditions
40 for any period of time during which a juvenile is under its jurisdiction.

41 g. The commission shall promulgate rules and regulations
42 governing the commission's duties and responsibilities concerning
43 parole eligibility, supervision, and revocation.

44 h. The member of the State Parole Board who is designated by
45 the chairman to be on the panel established pursuant to subsection b.
46 of this section shall have experience in juvenile justice or have
47 successfully completed a juvenile justice training program to be

1 established by the chairman. The training program shall be comprised
2 of seven hours of instruction including, but not limited to: emerging
3 scientific knowledge concerning adolescent development, particularly
4 adolescent brain function and how adolescent development relates to
5 incarcerated youth, the influence of peer relationships among
6 adolescents and peer contagion effects, and the effects of juvenile
7 crime on victims.

8 i. Any decision concerning parole made by the panel established
9 pursuant to subsection b. of this section shall be unanimous.

10 (cf: P.L.2023, c.177, s.2)

11
12 9. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to
13 read as follows:

14 1. The **【Juvenile】 Youth** Justice Commission established
15 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) may enter
16 into an agreement with any county concerning the use of that
17 county's juvenile detention facility for the housing of juveniles the
18 court has placed under the custody of the commission for placement
19 in State correctional facilities only if the county's juvenile detention
20 facility is not over its maximum rated capacity.

21 Unless the contract otherwise provides or the commission so
22 directs in order to provide for the secure and orderly operation of
23 the facility, a juvenile placed in a county detention facility pursuant
24 to the provisions of this act shall not be segregated from the
25 juveniles otherwise placed in the county detention facility or
26 excluded from any program or activity offered in that facility.

27 Any contract entered into pursuant to this section shall ensure
28 that educational, vocational, mental health, health and rehabilitative
29 services are provided to the juveniles and that these services are, at
30 minimum, equivalent to those provided to adjudicated juveniles in
31 State-operated facilities.

32 (cf: P.L.1995, c.280, s.12)

33
34 10. Section 2 of P.L.2020, c.111 (C.2A:4A-44.2) is amended to
35 read as follows:

36 2. a. Except as provided in subsection b. of this section, the
37 award of public health emergency credits pursuant to section 1 of
38 P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile
39 serving a sentence in a State correctional facility operated by the
40 **【Juvenile】 Youth** Justice Commission who due to the expiration of
41 the juvenile's term of commitment is scheduled to be released from
42 custody within 365 days .

43 b. Public health emergency credits shall not be awarded to any
44 juvenile serving a sentence in a State correctional facility operated
45 by the **【Juvenile】 Youth** Justice Commission for:

46 (1) murder pursuant to N.J.S.2C:11-3;

1 (2) aggravated sexual assault pursuant to subsection a. of
2 N.J.S.2C:14-2; or

3 (3) any offense enumerated in N.J.S.2C:47-1 and who is deemed
4 a repetitive, compulsive sex offender.

5 c. A juvenile who was serving a sentence in a State
6 correctional facility operated by the **【Juvenile】 Youth** Justice
7 Commission during the Public Health Emergency and State of
8 Emergency declared by the Governor in Executive Order 103 of
9 2020 concerning the coronavirus disease 2019 pandemic shall
10 receive public health emergency credits in accordance with section
11 1 of P.L.2020, c.111 (C.30:4-123.100).

12 d. A juvenile scheduled to be released from the custody of the
13 **【Juvenile】 Youth** Justice Commission following an award of public
14 health emergency credits pursuant to section 1 of P.L.2020, c.111
15 (C.30:4-123.100) shall be released on the scheduled release date
16 based on the award of public health emergency credits.

17 e. (1) Notwithstanding the provisions of subsection d. of this
18 section, a juvenile scheduled to be released from the custody of the
19 **【Juvenile】 Youth** Justice Commission following an award of public
20 health emergency credits pursuant to section 1 of P.L.2020, c.111
21 (C.30:4-123.100) whose scheduled release date is less than 45 days
22 after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.)
23 shall be released within 45 days after the effective date, in order to
24 allow the **【Juvenile】 Youth** Justice Commission to devise and
25 implement a release plan for the juvenile and arrange for services to
26 be provided to the juvenile upon release.

27 (2) A juvenile who is released from custody following an award
28 of public health emergency credits pursuant to this section shall be
29 prohibited from making contact with a victim as set forth in section
30 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall
31 remain in force until the time that the juvenile was scheduled to be
32 released prior to the award of public health emergency credits .

33 f. Prior to releasing a juvenile from the custody of the
34 **【Juvenile】 Youth** Justice Commission following an award of public
35 health emergency credits pursuant to section 1 of P.L.2020, c.111
36 (C.30:4-123.100), the Executive Director of the **【Juvenile】 Youth**
37 Justice Commission shall:

38 (1) notify the juvenile in writing of the prohibition against
39 making contact with any victim of the crime for which the juvenile
40 was serving a sentence pursuant to section 5 of P.L.2020, c.111
41 (C.30:4-123.103);

42 (2) notify the juvenile that a violation of the prohibition against
43 contact with the victim is a crime of the fourth degree; and

44 (3) require the juvenile to acknowledge in writing the receipt of
45 the notifications provided pursuant to this subsection .

46 (cf: P.L.2020, c.111, s.2)

1 11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to
2 read as follows:

3 6. a. The Executive Director of the **【Juvenile】 Youth** Justice
4 Commission shall immediately identify any juvenile who is
5 scheduled to be released from the custody of the **【Juvenile】 Youth**
6 Justice Commission within 365 days as a result of the award of
7 public health emergency credits pursuant to section 1 of P.L.2020,
8 c.111 (C.30:4-123.100).

9 b. Notwithstanding any provisions of law to the contrary, the
10 Executive Director of the **【Juvenile】 Youth** Justice Commission
11 shall provide notice to the prosecutor of the county in which the
12 juvenile was adjudicated delinquent or the Attorney General if the
13 matter was prosecuted by the Attorney General. The notice shall
14 include:

15 (1) the name of any juvenile who, due to the expiration of the
16 juvenile's term of commitment, is scheduled to be released from the
17 custody of the **【Juvenile】 Youth** Justice Commission within 365
18 days as a result of the award of public health emergency credits;

19 (2) the date on which the juvenile is scheduled to be released
20 from custody based on the award of public health emergency
21 credits; and

22 (3) the date on which the juvenile was scheduled to be released
23 from custody prior to the award of public health emergency credits.

24 c. The Executive Director of the **【Juvenile】 Youth** Justice
25 Commission shall make available to the public on the Internet
26 website of the **【Juvenile】 Youth** Justice Commission, in both
27 English and Spanish, information concerning:

28 (1) the procedures for filing an application for a restraining
29 order pursuant to the "Prevention of Domestic Violence Act of
30 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

31 (2) resources for victims of domestic violence; and

32 (3) procedures for filing with the court a petition to dissolve the
33 prohibition established pursuant to section 5 of P.L.2020, c.111
34 (C.30:4-123.103) prohibiting a juvenile from making contact with
35 any victim of the crime for which the juvenile was serving a
36 sentence.

37 (cf: P.L.2020, c.111, s.6)

38

39 12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to
40 read as follows:

41 7. Notwithstanding the provisions of any law to the contrary,
42 upon receipt of notice from the Executive Director of the
43 **【Juvenile】 Youth** Justice Commission that a juvenile is scheduled
44 to be released from the custody of the **【Juvenile】 Youth** Justice
45 Commission within 365 days based on the award of public health
46 emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-

1 123.100), the prosecutor or Attorney General, prior to the juvenile's
2 scheduled release date, may:

3 a. use any reasonable means available to notify any identifiable
4 victim of the crime for which the juvenile is serving a sentence in a
5 State correctional facility operated by the **【Juvenile】 Youth** Justice
6 Commission of the juvenile's scheduled release date;

7 b. notify the identifiable victim that the law prohibits the
8 juvenile from having any contact with the victim unless a petition is
9 filed with the court to dissolve the prohibition in accordance with
10 the procedures established by the court;

11 c. notify the victim of the duration of the prohibition against
12 the juvenile having contact with the victim;

13 d. notify the victim of the penalties imposed for the juvenile's
14 violation of the prohibition against contact;

15 e. provide information to the victim concerning how a petition
16 may be filed with the court to dissolve the prohibition against the
17 juvenile having contact with the victim; and

18 f. provide information to the victim concerning the procedures
19 for filing an application for a restraining order pursuant to the
20 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
21 (C.2C:25-17 et seq.), and resources for victims of domestic
22 violence.

23 (cf: P.L.2020, c.111, s.7)
24

25 13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
26 read as follows:

27 1. Disclosure of juvenile information; penalties for disclosure.

28 a. Social, medical, psychological, legal and other records of the
29 court and probation division, and records of law enforcement
30 agencies, pertaining to juveniles charged as a delinquent or found to
31 be part of a juvenile-family crisis, shall be strictly safeguarded from
32 public inspection. Such records shall be made available only to:

33 (1) Any court or probation division;

34 (2) The Attorney General or county prosecutor;

35 (3) The parents or guardian and to the attorney of the juvenile;

36 (4) The Department of Human Services or Department of
37 Children and Families, if providing care or custody of the juvenile;

38 (5) Any institution or facility to which the juvenile is currently
39 committed or in which the juvenile is placed;

40 (6) Any person or agency interested in a case or in the work of
41 the agency keeping the records, by order of the court for good cause
42 shown, except that information concerning adjudications of
43 delinquency, records of custodial confinement, payments owed on
44 assessments imposed pursuant to section 2 of P.L.1979, c.396
45 (C.2C:43-3.1) or restitution ordered following conviction of a crime
46 or adjudication of delinquency, and the juvenile's financial
47 resources, shall be made available upon request to the Victims of

1 Crime Compensation Agency established pursuant to section 2 of
2 P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information
3 and records confidential;

4 (7) The **【Juvenile】** Youth Justice Commission established
5 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

6 (8) Law enforcement agencies for the purpose of reviewing
7 applications for a permit to purchase a handgun or firearms
8 purchaser identification card;

9 (9) Any potential party in a subsequent civil action for damages
10 related to an act of delinquency committed by a juvenile, including
11 the victim or a member of the victim's immediate family, regardless
12 of whether the action has been filed against the juvenile; provided,
13 however, that records available under this paragraph shall be
14 limited to official court documents, such as complaints, pleadings
15 and orders, and that such records may be disclosed by the recipient
16 only in connection with asserting legal claims or obtaining
17 indemnification on behalf of the victim or the victim's family and
18 otherwise shall be safeguarded from disclosure to other members of
19 the public. Any potential party in a civil action related to the
20 juvenile offense may file a motion with the civil trial judge seeking
21 to have the juvenile's social, medical or psychological records
22 admitted into evidence in a civil proceeding for damages;

23 (10) Any potential party in a subsequent civil action for
24 damages related to an act of delinquency committed by a juvenile,
25 including the victim or a member of the victim's immediate family,
26 regardless of whether the action has been filed against the juvenile;
27 provided, however, that records available under this paragraph shall
28 be limited to police or investigation reports concerning acts of
29 delinquency, which shall be disclosed by a law enforcement agency
30 only with the approval of the County Prosecutor's Office or the
31 Division of Criminal Justice. Prior to disclosure, all personal
32 information regarding all individuals, other than the requesting
33 party and the arresting or investigating officer, shall be redacted.
34 Such records may be disclosed by the recipient only in connection
35 with asserting legal claims or obtaining indemnification on behalf
36 of the victim or the victim's family, and otherwise shall be
37 safeguarded from disclosure to other members of the public;

38 (11) The Office of the Child Advocate established pursuant to
39 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
40 information received by the child advocate pursuant to this
41 paragraph shall be in accordance with the provisions of section 76
42 of P.L.2005, c.155 (C.52:27EE-76);

43 (12) Law enforcement agencies with respect to information
44 available on the juvenile central registry maintained by the courts
45 pursuant to subsection g. of this section, including, but not limited
46 to: records of official court documents, such as complaints,
47 pleadings and orders for the purpose of obtaining juvenile arrest

1 information; juvenile disposition information; juvenile pretrial
2 information; and information concerning the probation status of a
3 juvenile; and

4 (13) A Court Appointed Special Advocate as defined in section
5 1 of P.L.2009, c.217 (C.2A:4A-92).

6 b. Records of law enforcement agencies may be disclosed for
7 law enforcement purposes, or for the purpose of reviewing
8 applications for a permit to purchase a handgun or a firearms
9 purchaser identification card to any law enforcement agency of this
10 State, another state or the United States, and the identity of a
11 juvenile under warrant for arrest for commission of an act that
12 would constitute a crime if committed by an adult may be disclosed
13 to the public when necessary to execution of the warrant.

14 c. At the time of charge, adjudication or disposition,
15 information as to the identity of a juvenile charged with an offense,
16 the offense charged, the adjudication and disposition shall, upon
17 request, be disclosed to:

18 (1) The victim or a member of the victim's immediate family;

19 (2) (Deleted by amendment, P.L.2005, c.165).

20 (3) On a confidential basis, the principal of the school where the
21 juvenile is enrolled for use by the principal and such members of
22 the staff and faculty of the school as the principal deems
23 appropriate for maintaining order, safety or discipline in the school
24 or to planning programs relevant to the juvenile's educational and
25 social development, provided that no record of such information
26 shall be maintained except as authorized by regulation of the
27 Department of Education; or

28 (4) A party in a subsequent legal proceeding involving the
29 juvenile, upon approval by the court.

30 d. A law enforcement or prosecuting agency shall, at the time
31 of a charge, adjudication or disposition, send written notice to the
32 principal of the school where the juvenile is enrolled of the identity
33 of the juvenile charged, the offense charged, the adjudication and
34 the disposition if:

35 (1) The offense occurred on school property or a school bus,
36 occurred at a school-sponsored function or was committed against
37 an employee or official of the school; or

38 (2) The juvenile was taken into custody as a result of
39 information or evidence provided by school officials; or

40 (3) The offense, if committed by an adult, would constitute a
41 crime, and the offense:

42 (a) resulted in death or serious bodily injury or involved an
43 attempt or conspiracy to cause death or serious bodily injury; or

44 (b) involved the unlawful use or possession of a firearm or other
45 weapon; or

1 (c) involved the unlawful manufacture, distribution or
2 possession with intent to distribute a controlled dangerous
3 substance or controlled substance analog; or

4 (d) was committed by a juvenile who acted with a purpose to
5 intimidate an individual or group of individuals because of race,
6 color, religion, sexual orientation or ethnicity; or

7 (e) would be a crime of the first, second, or third degree.

8 Information provided to the principal pursuant to this subsection
9 shall be maintained by the school and shall be treated as
10 confidential but may be made available to such members of the staff
11 and faculty of the school as the principal deems appropriate for
12 maintaining order, safety or discipline in the school or for planning
13 programs relevant to a juvenile's educational and social
14 development.

15 e. Nothing in this section prohibits a law enforcement or
16 prosecuting agency from providing the principal of a school with
17 information identifying one or more juveniles who are under
18 investigation or have been taken into custody for commission of any
19 act that would constitute an offense if committed by an adult when
20 the law enforcement or prosecuting agency determines that the
21 information may be useful to the principal in maintaining order,
22 safety or discipline in the school or in planning programs relevant
23 to the juvenile's educational and social development. Information
24 provided to the principal pursuant to this subsection shall be treated
25 as confidential but may be made available to such members of the
26 staff and faculty of the school as the principal deems appropriate for
27 maintaining order, safety or discipline in the school or for planning
28 programs relevant to the juvenile's educational and social
29 development. No information provided pursuant to this section
30 shall be maintained.

31 f. Information as to the identity of a juvenile adjudicated
32 delinquent, the offense, the adjudication and the disposition shall be
33 disclosed to the public where the offense for which the juvenile has
34 been adjudicated delinquent if committed by an adult, would
35 constitute a crime of the first, second or third degree, or aggravated
36 assault, destruction or damage to property to an extent of more than
37 \$500.00, unless upon application at the time of disposition the
38 juvenile demonstrates a substantial likelihood that specific and
39 extraordinary harm would result from such disclosure in the specific
40 case. Where the court finds that disclosure would be harmful to the
41 juvenile, the reasons therefor shall be stated on the record.

42 g. (1) Nothing in this section shall prohibit the establishment and
43 maintaining of a central registry of the records of law enforcement
44 agencies relating to juveniles for the purpose of exchange between
45 State and local law enforcement agencies and prosecutors of this
46 State, another state, or the United States. These records of law
47 enforcement agencies shall be available on a 24-hour basis.

1 (2) Certain information and records relating to juveniles in the
2 central registry maintained by the courts, as prescribed in paragraph
3 (12) of subsection a. of this section, shall be available to State and
4 local law enforcement agencies and prosecutors on a 24-hour basis.

5 h. Whoever, except as provided by law, knowingly discloses,
6 publishes, receives, or makes use of or knowingly permits the
7 unauthorized use of information concerning a particular juvenile
8 derived from records listed in subsection a. or acquired in the
9 course of court proceedings, probation, or police duties, shall, upon
10 conviction thereof, be guilty of a disorderly persons offense.

11 i. Juvenile delinquency proceedings.

12 (1) Except as provided in paragraph (2) of this subsection, the
13 court may, upon application by the juvenile or his parent or
14 guardian, the prosecutor or any other interested party, including the
15 victim or complainant or members of the news media, permit public
16 attendance during any court proceeding at a delinquency case,
17 where it determines that a substantial likelihood that specific harm
18 to the juvenile would not result. The court shall have the authority
19 to limit and control attendance in any manner and to the extent it
20 deems appropriate;

21 (2) The court or, in cases where the county prosecutor has
22 entered an appearance, the county prosecutor shall notify the victim
23 or a member of the victim's immediate family of any court
24 proceeding involving the juvenile and the court shall permit the
25 attendance of the victim or family member at the proceeding except
26 when, prior to completing testimony as a witness, the victim or
27 family member is properly sequestered in accordance with the law
28 or the Rules Governing the Courts of the State of New Jersey or
29 when the juvenile or the juvenile's family member shows, by clear
30 and convincing evidence, that such attendance would result in a
31 substantial likelihood that specific harm to the juvenile would result
32 from the attendance of the victim or a family member at a
33 proceeding or any portion of a proceeding and that such harm
34 substantially outweighs the interest of the victim or family member
35 to attend that portion of the proceeding;

36 (3) The court shall permit a victim, or a family member of a
37 victim to make a statement prior to ordering a disposition in any
38 delinquency proceeding involving an offense that would constitute a
39 crime if committed by an adult.

40 j. The Department of Education, in consultation with the
41 Attorney General, shall adopt, pursuant to the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
43 regulations concerning the creation, maintenance and disclosure of
44 pupil records including information acquired pursuant to this
45 section.

46 (cf: P.L.2009, c.217, s.2)

1 14. N.J.S.2C:4-11 is amended to read as follows:

2 2C:4-11. a. A person shall not be tried for or convicted of an
3 offense if:

4 (1) At the time of the conduct charged to constitute the offense
5 he was less than 14 years of age, in which case the family court
6 shall have exclusive jurisdiction unless pursuant to section 8 of the
7 "New Jersey Code of **【Juvenile】** Youth Justice" the juvenile has
8 demanded indictment and trial by jury; or

9 (2) At the time of the conduct charged to constitute the offense
10 he was 14, 15, 16 or 17 years of age, unless:

11 (a) The family court has no jurisdiction over him;

12 (b) The family court has, pursuant to section 7 of the "New
13 Jersey Code of **【Juvenile】** Youth Justice," entered an order waiving
14 jurisdiction and referring the case to the county prosecutor for the
15 institution of criminal proceedings against him;

16 (c) The juvenile has, pursuant to section 8 of the "New Jersey
17 Code of **【Juvenile】** Youth Justice," demanded indictment and trial
18 by jury.

19 b. No court shall have jurisdiction to try and convict a person of
20 an offense if criminal proceedings against him are barred by
21 subsection a. of this section. When it appears that a person charged
22 with the commission of an offense may be of such an age that
23 proceedings may be barred under subsection a. of this section, the
24 court shall hold a hearing thereon, and the burden shall be on such
25 person to establish to the satisfaction of the court that the
26 proceeding is barred upon such grounds. If the court determines
27 that the proceeding is barred, custody of the person charged shall be
28 surrendered to the family court and the case, including all papers
29 and processes relating thereto shall be transferred.

30 (cf: P.L.1982, c.77, s.32)

31

32 15. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
33 as follows:

34 2. a. (1) A person who has been convicted, adjudicated
35 delinquent or found not guilty by reason of insanity for commission
36 of a sex offense as defined in subsection b. of this section shall
37 register as provided in subsections c. and d. of this section.

38 (2) A person who in another jurisdiction is required to register
39 as a sex offender and (a) is enrolled on a full-time or part-time basis
40 in any public or private educational institution in this State,
41 including any secondary school, trade or professional institution,
42 institution of higher education or other post-secondary school, or
43 (b) is employed or carries on a vocation in this State, on either a
44 full-time or a part-time basis, with or without compensation, for
45 more than 14 consecutive days or for an aggregate period exceeding
46 30 days in a calendar year, shall register in this State as provided in
47 subsections c. and d. of this section.

1 (3) A person who fails to register as required under this act shall
2 be guilty of a crime of the third degree.

3 b. For the purposes of this act a sex offense shall include the
4 following:

5 (1) Aggravated sexual assault, sexual assault, aggravated
6 criminal sexual contact, kidnapping pursuant to paragraph (2) of
7 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
8 crimes if the court found that the offender's conduct was
9 characterized by a pattern of repetitive, compulsive behavior,
10 regardless of the date of the commission of the offense or the date
11 of conviction;

12 (2) A conviction, adjudication of delinquency, or acquittal by
13 reason of insanity for aggravated sexual assault; sexual assault;
14 aggravated criminal sexual contact; kidnapping pursuant to
15 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
16 welfare of a child by engaging in sexual conduct which would
17 impair or debauch the morals of the child pursuant to subsection a.
18 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
19 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or
20 (ii) of subparagraph (b) of paragraph (5) of subsection b. of
21 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
22 c.291 (C.2C:13-6); criminal sexual contact pursuant to
23 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to
24 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false
25 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
26 the offender is not the parent of the victim; knowingly promoting
27 prostitution of a child pursuant to paragraph (3) or paragraph (4) of
28 subsection b. of N.J.S.2C:34-1; leader of a child pornography
29 network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or
30 an attempt to commit any of these enumerated offenses if the
31 conviction, adjudication of delinquency or acquittal by reason of
32 insanity is entered on or after the effective date of this act or the
33 offender is serving a sentence of incarceration, probation, parole or
34 other form of community supervision as a result of the offense or is
35 confined following acquittal by reason of insanity or as a result of
36 civil commitment on the effective date of this act;

37 (3) A conviction, adjudication of delinquency, or acquittal by
38 reason of insanity for an offense similar to any offense enumerated
39 in paragraph (2) or a sentence on the basis of criteria similar to the
40 criteria set forth in paragraph (1) of this subsection entered or
41 imposed under the laws of the United States, this State, or another
42 state.

43 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)
44 of this subsection, a sex offense shall not include an adjudication of
45 delinquency for endangering the welfare of a child pursuant to
46 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that
47 the actor demonstrates that:

- 1 (a) the facts of the case are limited to the creation, exhibition or
2 distribution of a photograph depicting nudity or portraying a child
3 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
4 through the use of an electronic communications device, an
5 interactive wireless communications device, or a computer;
- 6 (b) the creator and subject of the photograph are juveniles or
7 were juveniles at the time of its making; and
- 8 (c) the subject of the photograph whose nudity is depicted or
9 who is portrayed in a sexually suggestive manner, as the case may
10 be, knowingly consented to the making of the photograph.
- 11 c. A person required to register under the provisions of this act
12 shall do so on forms to be provided by the designated registering
13 agency as follows:
- 14 (1) A person who is required to register and who is under
15 supervision in the community on probation, parole, furlough, work
16 release, or a similar program, shall register at the time the person is
17 placed under supervision or no later than 120 days after the
18 effective date of this act, whichever is later, in accordance with
19 procedures established by the Department of Corrections, the
20 Department of Human Services, the **【Juvenile】 Youth** Justice
21 Commission established pursuant to section 2 of P.L.1995, c.284
22 (C.52:17B-170) or the Administrative Office of the Courts,
23 whichever is responsible for supervision;
- 24 (2) A person confined in a correctional or juvenile facility or
25 involuntarily committed who is required to register shall register
26 prior to release in accordance with procedures established by the
27 Department of Corrections, the Department of Human Services or
28 the **【Juvenile】 Youth** Justice Commission and, within 48 hours of
29 release, shall also register with the chief law enforcement officer of
30 the municipality in which the person resides or, if the municipality
31 does not have a local police force, the Superintendent of State
32 Police;
- 33 (3) A person moving to or returning to this State from another
34 jurisdiction shall register with the chief law enforcement officer of
35 the municipality in which the person will reside or, if the
36 municipality does not have a local police force, the Superintendent
37 of State Police within 120 days of the effective date of this act or 10
38 days of first residing in or returning to a municipality in this State,
39 whichever is later;
- 40 (4) A person required to register on the basis of a conviction
41 prior to the effective date who is not confined or under supervision
42 on the effective date of this act shall register within 120 days of the
43 effective date of this act with the chief law enforcement officer of
44 the municipality in which the person will reside or, if the
45 municipality does not have a local police force, the Superintendent
46 of State Police;

1 (5) A person who in another jurisdiction is required to register
2 as a sex offender and who is enrolled on a full-time or part-time
3 basis in any public or private educational institution in this State,
4 including any secondary school, trade or professional institution,
5 institution of higher education or other post-secondary school shall,
6 within ten days of commencing attendance at such educational
7 institution, register with the chief law enforcement officer of the
8 municipality in which the educational institution is located or, if the
9 municipality does not have a local police force, the Superintendent
10 of State Police;

11 (6) A person who in another jurisdiction is required to register
12 as a sex offender and who is employed or carries on a vocation in
13 this State, on either a full-time or a part-time basis, with or without
14 compensation, for more than 14 consecutive days or for an
15 aggregate period exceeding 30 days in a calendar year, shall, within
16 ten days after commencing such employment or vocation, register
17 with the chief law enforcement officer of the municipality in which
18 the employer is located or where the vocation is carried on, as the
19 case may be, or, if the municipality does not have a local police
20 force, the Superintendent of State Police;

21 (7) In addition to any other registration requirements set forth in
22 this section, a person required to register under this act who is
23 enrolled at, employed by or carries on a vocation at an institution of
24 higher education or other post-secondary school in this State shall,
25 within 10 days after commencing such attendance, employment or
26 vocation, register with the law enforcement unit of the educational
27 institution, if the institution has such a unit.

28 d. (1) Upon a change of address, a person shall notify the law
29 enforcement agency with which the person is registered and shall
30 re-register with the appropriate law enforcement agency no less
31 than 10 days before he intends to first reside at his new address.
32 Upon a change of employment or school enrollment status, a person
33 shall notify the appropriate law enforcement agency no later than
34 five days after any such change. A person who fails to notify the
35 appropriate law enforcement agency of a change of address or status
36 in accordance with this subsection is guilty of a crime of the third
37 degree.

38 (2) A person required to register under this act shall provide the
39 appropriate law enforcement agency with information as to whether
40 the person has routine access to or use of a computer or any other
41 device with Internet capability. A person who fails to notify the
42 appropriate law enforcement agency of such information or of a
43 change in the person's access to or use of a computer or other
44 device with Internet capability or who provides false information
45 concerning the person's access to or use of a computer or any other
46 device with Internet capability is guilty of a crime of the third
47 degree.

1 e. A person required to register under paragraph (1) of
2 subsection b. of this section or under paragraph (3) of subsection b.
3 due to a sentence imposed on the basis of criteria similar to the
4 criteria set forth in paragraph (1) of subsection b. shall verify his
5 address with the appropriate law enforcement agency every 90 days
6 in a manner prescribed by the Attorney General. A person required
7 to register under paragraph (2) of subsection b. of this section or
8 under paragraph (3) of subsection b. on the basis of a conviction for
9 an offense similar to an offense enumerated in paragraph (2) of
10 subsection b. shall verify his address annually in a manner
11 prescribed by the Attorney General. In addition to address
12 information, the person shall provide as part of the verification
13 process any additional information the Attorney General may
14 require. One year after the effective date of this act, the Attorney
15 General shall review, evaluate and, if warranted, modify pursuant to
16 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
17 seq.) the verification requirement. Any person who knowingly
18 provides false information concerning his place of residence or who
19 fails to verify his address with the appropriate law enforcement
20 agency or other entity, as prescribed by the Attorney General in
21 accordance with this subsection, is guilty of a crime of the third
22 degree.

23 f. Except as provided in subsection g. of this section, a person
24 required to register under this act may make application to the
25 Superior Court of this State to terminate the obligation upon proof
26 that the person has not committed an offense within 15 years
27 following conviction or release from a correctional facility for any
28 term of imprisonment imposed, whichever is later, and is not likely
29 to pose a threat to the safety of others.

30 g. A person required to register under this section who has
31 been convicted of, adjudicated delinquent, or acquitted by reason of
32 insanity for more than one sex offense as defined in subsection b. of
33 this section or who has been convicted of, adjudicated delinquent,
34 or acquitted by reason of insanity for aggravated sexual assault
35 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
36 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
37 eligible under subsection f. of this section to make application to
38 the Superior Court of this State to terminate the registration
39 obligation.

40 (cf: P.L.2017, c.141, s.3)

41

42 16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
43 as follows:

44 3. Notice of the obligation to register shall be provided as
45 follows:

46 (1) A court imposing a sentence, disposition or order of
47 commitment following acquittal by reason of insanity shall notify

1 the defendant of the obligation to register pursuant to section 2 of
2 this act.

3 (2) The Department of Corrections, the Administrative Office of
4 the Courts, the **【Juvenile】** Youth Justice Commission established
5 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and the
6 Department of Human Services shall (a) establish procedures for
7 notifying persons under their supervision of the obligation to
8 register pursuant to this act and (b) establish procedures for
9 registration by persons with the appropriate law enforcement
10 agency who are under supervision in the community on probation,
11 parole, furlough, work release or similar program outside the
12 facility, and registration with the appropriate law enforcement
13 agency of persons who are released from the facility in which they
14 are confined without supervision.

15 (3) The Division of Motor Vehicles in the Department of Law
16 and Public Safety shall provide notice of the obligation to register
17 pursuant to this section in connection with each application for a
18 license to operate a motor vehicle and each application for an
19 identification card issued pursuant to section 2 of P.L.1980, c.47
20 (C.39:3-29.3).

21 (4) The Attorney General shall cause notice of the obligation to
22 register to be published in a manner reasonably calculated to reach
23 the general public within 30 days of the effective date of this act.
24 (cf: P.L.1995, c.280, s.19)

25

26 17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
27 as follows:

28 4. a. Within 60 days of the effective date of this act, the
29 Superintendent of State Police, with the approval of the Attorney
30 General, shall prepare the form of registration statement as required
31 in subsection b. of this section and shall provide such forms to each
32 organized full-time municipal police department, the Department of
33 Corrections, the Administrative Office of the Courts and the
34 Department of Human Services. In addition, the Superintendent of
35 State Police shall make such forms available to the **【Juvenile】**
36 Youth Justice Commission established pursuant to section 2 of
37 P.L.1995, c.284 (C.52:17B-170).

38 b. The form of registration required by this act shall include:

39 (1) A statement in writing signed by the person required to
40 register acknowledging that the person has been advised of the duty
41 to register and reregister imposed by this act and including the
42 person's name, social security number, age, race, sex, date of birth,
43 height, weight, hair and eye color, address of legal residence,
44 address of any current temporary residence, date and place of
45 employment; and any anticipated or current school enrollment,
46 including but not limited to enrollment at or employment by any
47 institution of higher education;

1 (2) Date and place of each conviction, adjudication or acquittal
2 by reason of insanity, indictment number, fingerprints, and a brief
3 description of the crime or crimes for which registration is required;
4 and

5 (3) Any other information that the Attorney General deems
6 necessary to assess risk of future commission of a crime, including
7 criminal and corrections records, nonprivileged personnel,
8 treatment, and abuse registry records, and evidentiary genetic
9 markers when available.

10 c. Within three days of receipt of a registration pursuant to
11 subsection c. of section 2 of this act, the registering agency shall
12 forward the statement and any other required information to the
13 prosecutor who shall, as soon as practicable, transmit the form of
14 registration to the Superintendent of State Police, and, if the
15 registrant will reside in a different county, to the prosecutor of the
16 county in which the person will reside. The prosecutor of the
17 county in which the person will reside shall transmit the form of
18 registration to the law enforcement agency responsible for the
19 municipality in which the person will reside and other appropriate
20 law enforcement agencies. The superintendent shall promptly
21 transmit the conviction data and fingerprints to the Federal Bureau
22 of Investigation.

23 d. The Superintendent of State Police shall maintain a central
24 registry of registrations provided pursuant to this act.

25 (cf: P.L.2003, c.34, s.2)

26
27 18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
28 read as follows:

29 2. Application for Temporary Protective Order.

30 a. (1) Any person alleging to be a victim of nonconsensual sexual
31 contact, sexual penetration, or lewdness, or any attempt at such
32 conduct, or stalking or cyber-harassment, and who is not eligible for
33 a restraining order as a "victim of domestic violence" as defined by
34 the provisions of subsection d. of section 3 of P.L.1991, c.261
35 (C.2C:25-19), may, except as provided in subsection b. of this
36 section, file an application with the Superior Court pursuant to the
37 Rules of Court alleging the commission of such conduct or
38 attempted conduct and seeking a temporary protective order.

39 As used in this section and in sections 3, 4, and 8 of P.L.2015,
40 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

41 "Sexual contact" means an intentional touching by the victim or
42 actor, either directly or through clothing, of the victim's or actor's
43 intimate parts for the purpose of degrading or humiliating the victim
44 or sexually arousing or sexually gratifying the actor.

45 "Sexual penetration" means vaginal intercourse, cunnilingus,
46 fellatio or anal intercourse between persons or insertion of the hand,

1 finger or object into the anus or vagina either by the actor or upon
2 the actor's instruction.

3 "Lewdness" means the exposing of the genitals for the purpose
4 of arousing or gratifying the sexual desire of the actor or of any
5 other person.

6 "Intimate parts" means the following body parts: sexual organs,
7 genital area, anal area, inner thigh, groin, buttock or breast of a
8 person.

9 "Stalking" means purposefully or knowingly engaging in a
10 course of conduct directed at or toward a person that would cause a
11 reasonable person to fear for the reasonable person's own safety or
12 the safety of a third person, or suffer other emotional distress,
13 because the conduct involves: repeatedly maintaining a visual or
14 physical proximity to a person; directly, indirectly, or through third
15 parties, by any action, method, device, or means, following,
16 monitoring, observing, surveilling, threatening, or communicating
17 to or about a person, or interfering with a person's property;
18 repeatedly committing harassment against a person; or repeatedly
19 conveying, or causing to be conveyed, verbal or written threats or
20 threats conveyed by any other means of communication or threats
21 implied by conduct or a combination thereof directed at or towards
22 a person.

23 "Repeatedly" means on two or more occasions.

24 "Emotional distress" means significant mental suffering or
25 distress.

26 "Cause a reasonable person to fear" means to cause fear which a
27 reasonable victim, similarly situated, would have under the
28 circumstances.

29 "Cyber-harassment" means conduct that occurs, while making
30 one or more communications in an online capacity via any
31 electronic device or through a social networking site and with the
32 purpose to harass another, that involves: threatening to inflict injury
33 or physical harm to any person or the property of any person;
34 knowingly sending, posting, commenting, requesting, suggesting, or
35 proposing any lewd, indecent, or obscene material to or about a
36 person with the intent to emotionally harm a reasonable person or
37 place a reasonable person in fear of physical or emotional harm to
38 the reasonable person; or threatening to commit any crime against a
39 person or the person's property.

40 (2) Except as provided in subsection b. of this section, an
41 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
42 be filed by the alleged victim's parent or guardian on behalf of the
43 alleged victim in any case in which the alleged victim:

44 (a) is less than 18 years of age; or

45 (b) has a developmental disability as defined in section 3 of
46 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
47 renders the alleged victim temporarily or permanently incapable of

1 understanding the nature of the alleged victim's conduct, including,
2 but not limited to, being incapable of providing consent, or of
3 understanding the nature of the alleged conduct that is the subject of
4 the application.

5 b. (1) When it is alleged that nonconsensual sexual contact,
6 sexual penetration, or lewdness, or any attempt at such conduct, or
7 stalking or cyber-harassment has been committed by an
8 unemancipated minor, an applicant seeking a protective order shall
9 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
10 al.), but may seek a protective order and other relief under the "New
11 Jersey Code of **Juvenile** Youth Justice," P.L.1982, c.77
12 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
13 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

14 (2) When it is alleged that nonconsensual sexual contact, sexual
15 penetration, or lewdness, or any attempt at such conduct, or stalking
16 or cyber-harassment has been committed against an unemancipated
17 minor by a parent, guardian, or other person having care, custody
18 and control of that child as defined in R.S.9:6-2, an applicant
19 seeking a protective order shall not proceed under the provisions of
20 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
21 the Department of Children and Families for appropriate action.

22 c. (1) An applicant may seek a protective order pursuant to
23 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
24 order regardless of whether criminal charges based on the incident
25 were filed and regardless of the disposition of any such charges.

26 (2) The filing of an application pursuant to this section shall not
27 prevent the filing of a criminal complaint, or the institution or
28 maintenance of a criminal prosecution based on the same act.

29 d. The court shall waive any requirement that the applicant's or
30 alleged victim's place of residence appear on the application.

31 e. An applicant may seek a protective order pursuant to
32 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
33 over the place where the alleged conduct or attempted conduct
34 occurred, where the respondent resides, or where the alleged victim
35 resides or is sheltered.

36 f. No fees or other costs shall be assessed against an applicant
37 for seeking a protective order pursuant to P.L.2015, c.147
38 (C.2C:14-13 et al.).

39 (cf: P.L.2023, c.127, s.2)

40
41 19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to
42 read as follows:

43 1. a. For the purposes of this section:

44 "County correctional facility" means any prison or other secure
45 facility managed and operated by any county of this State in which
46 adult offenders are incarcerated.

1 "County juvenile detention facility" means any secure juvenile
2 facility managed and operated by any county of this State.

3 "Secure juvenile facility" means the New Jersey Training School
4 for Boys, the Juvenile Medium Security Facility, and any other
5 secure juvenile facility managed and operated by the **【Juvenile】**
6 Youth Justice Commission.

7 "State correctional facility" means a State prison or other penal
8 institution.

9 b. A person who possesses or uses an electronic
10 communication device or a battery or device to recharge an
11 electronic communication device while confined to a State
12 correctional facility, secure juvenile facility, county correctional
13 facility, or county juvenile detention facility is guilty of a crime of
14 the third degree.

15 c. A person, other than an employee or a contract employee of
16 the Department of Corrections, the **【Juvenile】** Youth Justice
17 Commission, a county correctional facility, or a county juvenile
18 detention facility who knowingly sells, transfers, assigns, provides,
19 or otherwise gives an electronic communication device to a person
20 who is confined in a State correctional facility, secure juvenile
21 facility, county correctional facility, or county juvenile detention
22 facility is guilty of a crime of the third degree.

23 d. An employee or a contract employee of the Department of
24 Corrections, the **【Juvenile】** Youth Justice Commission, a county
25 correctional facility, or a county juvenile detention facility who
26 knowingly sells, transfers, assigns, provides, or otherwise gives an
27 electronic communication device to a person who is confined in a
28 State correctional facility, secure juvenile facility, county
29 correctional facility, or county juvenile detention facility is guilty of
30 a crime of the second degree.

31 (cf: P.L.2007, c.127, s.1)

32

33 20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
34 read as follows:

35 4. a. (1) The Attorney General shall biannually issue a
36 comprehensive report detailing the number of occurrences and other
37 statistics, without revealing or including any personal identifying
38 information, concerning first, second, third and subsequent
39 violations of paragraph (1) of subsection a. of section 1 of
40 P.L.1979, c.264 (C.2C:33-15) involving the possession or
41 consumption of any alcoholic beverage, marijuana, hashish, or
42 cannabis items by persons under the legal age to purchase alcoholic
43 beverages or cannabis items, the municipal, county or other
44 geographic areas within which first, second, third and subsequent
45 violations occur, and the law enforcement agencies involved in
46 first, second, third and subsequent violations, covering the previous
47 six-month period. The initial report shall be issued by June 30,

1 2021, the second report shall be issued by January 30, 2022, and
2 then the next report issued every six months thereafter. Each report
3 shall also be submitted to the Governor and the Legislature pursuant
4 to section 2 of P.L.1991, c.164 (C.52:14-19.1).

5 (2) The Attorney General shall also make reports available to
6 the task force established pursuant to subsection b. of this section
7 based on the Attorney General's periodic review of body worn
8 camera recordings of law enforcement officers responding to a call
9 for service related to a violation or suspected violation of paragraph
10 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
11 at the initiation of any other law enforcement or investigative
12 encounter between an officer and a person related to a violation or
13 suspected violation of that paragraph, which recordings are required
14 to be made in accordance with paragraph (4) of subsection a. of
15 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
16 shall be conducted using body worn camera recordings both
17 selected by the Attorney General and randomly determined, and the
18 task force may request an Attorney General review a particular
19 municipality, region, or time period. The identity of any person
20 included in a recording reviewed by the Attorney General shall be
21 kept confidential and shall not be revealed to the members of the
22 task force or any staff provided to the task force by the Department
23 of Law and Public Safety pursuant to paragraph (6) of subsection b.
24 of this section to support its work.

25 b. (1) A taskforce shall be established in the Department of Law
26 and Public Safety, comprised of 26 members to review each
27 Attorney General report described in subsection a. of this section,
28 and make recommendations thereon to the Governor and
29 Legislature related to law enforcement activities to address the
30 enforcement of underage possession or consumption of alcoholic
31 beverages, marijuana, hashish, or cannabis items in violation of
32 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
33 issue of underage possession or consumption of these substances.

34 (2) The membership of the taskforce shall include the following
35 individuals:

- 36 (a) the Attorney General, or a designee;
- 37 (b) the Public Defender, or a designee;
- 38 (c) the Commissioner of the Department of Children and
39 Families, or a designee;
- 40 (d) the Commissioner of Education, or a designee;
- 41 (e) a representative from the **【Juvenile】** Youth Justice
42 Commission, appointed by the Governor;
- 43 (f) a representative from the Division of Criminal Justice in the
44 Department of Law and Public Safety, appointed by the Governor;
- 45 (g) the Chair of the Governor's **【Juvenile】** Youth Justice
46 Delinquency and Prevention Committee;

- 1 (h) two members appointed by the Governor upon the
2 recommendation of the President of the Senate, at least one of
3 whom shall be a member of the Legislative Black Caucus or
4 Legislative Latino Caucus, determined in coordination with the
5 members recommended by the Speaker of the General Assembly
6 pursuant to subparagraph (i) of this paragraph, so that there is at
7 least one member of each caucus serving as a member of the task
8 force;
- 9 (i) two members appointed by the Governor
10 upon the recommendation of the Speaker of the General
11 Assembly, at least one of whom shall be a member of the
12 Legislative Black Caucus or Legislative Latino Caucus, determined
13 in coordination with the members recommended by the Senate
14 President pursuant to subparagraph (h) of this paragraph, so that
15 there is at least one member of each caucus serving as a member of
16 the task force;
- 17 (j) the Administrative Director of the Courts, or a designee;
- 18 (k) a representative from the New Jersey Institute for Social
19 Justice, appointed by the Governor;
- 20 (l) a representative from the American Civil Liberties Union of
21 New Jersey, appointed by the Governor;
- 22 (m) a representative from the County Prosecutors Association of
23 New Jersey who is actively and presently involved in juvenile
24 matters, appointed by the Governor;
- 25 (n) a representative from the New Jersey Juvenile Officers
26 Association, appointed by the Governor;
- 27 (o) one representative each from the Annie E. Casey Foundation
28 and Vera Institute of Justice, both appointed by the Governor;
- 29 (p) a representative of the NAACP New Jersey State
30 Conference, appointed by the Governor;
- 31 (q) a representative of Salvation and Social Justice, appointed
32 by the Governor;
- 33 (r) a representative from the County Youth Services
34 Commission Administrators, appointed by the Governor;
- 35 (s) a representative from the faith-based ethical community in
36 New Jersey, appointed by the Governor;
- 37 (t) a representative of an employee organization representing
38 employees who work at juvenile justice facilities, appointed by the
39 Governor; and
- 40 (u) three representatives who have been involved with the New
41 Jersey juvenile justice system, appointed by the Governor,
42 including at least one representative of a non-profit organization
43 that deals with juvenile justice issues and at least one individual
44 who has been subject to the custody of the juvenile justice system.
- 45 (3) All members appointed by the Governor, other than the
46 members of the Legislature recommended for appointment, shall
47 serve at the pleasure of the Governor. The members of the

1 Legislature shall serve on the task force during their elective term
2 of office. Any vacancies in the membership of the task force shall
3 be filled in the same manner as the original appointments were
4 made.

5 (4) Members of the task force shall serve without compensation,
6 but shall be reimbursed for necessary expenditures incurred in the
7 performance of their duties as members of the task force within the
8 limits of funds appropriated or otherwise made available to the task
9 force for its purposes.

10 (5) The task force shall organize as soon as practicable
11 following the appointment of its members. The task force shall
12 choose a chairperson from among its members and shall appoint a
13 secretary who need not be a member of the task force.

14 (6) The Department of Law and Public Safety shall provide such
15 stenographic, clerical, and other administrative assistants, and such
16 professional staff as the task force requires to carry out its work.

17 (cf: P.L.2021, c.25, s.4)

18

19 21. N.J.S.2C:39-6 is amended to read as follows:

20 2C:39-6. a. Provided a person complies with the requirements of
21 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

22 (1) Members of the Armed Forces of the United States or of the
23 National Guard while actually on duty, or while traveling between
24 places of duty and carrying authorized weapons in the manner
25 prescribed by the appropriate military authorities;

26 (2) Federal law enforcement officers, and any other federal
27 officers and employees required to carry firearms in the
28 performance of their official duties;

29 (3) Members of the State Police and, under conditions
30 prescribed by the superintendent, members of the Marine Law
31 Enforcement Bureau of the Division of State Police;

32 (4) A sheriff, undersheriff, sheriff's officer, prosecutor's
33 detective or investigator, State investigator employed by the
34 Division of Criminal Justice of the Department of Law and Public
35 Safety, investigator employed by the State Commission of
36 Investigation, inspector of the Alcoholic Beverage Control
37 Enforcement Bureau of the Division of State Police in the
38 Department of Law and Public Safety authorized to carry weapons
39 by the Superintendent of State Police, State park police officer, or
40 State conservation police officer;

41 (5) Except as hereinafter provided, a State correctional police
42 officer, or a prison or jail warden of any penal institution in this
43 State or the warden's deputies, or an employee of the Department of
44 Corrections engaged in the interstate transportation of convicted
45 offenders, while in the performance of the employee's duties, and
46 when required to possess the weapon by a superior officer, or a
47 correctional police officer or keeper of a penal institution in this

1 State at all times while in the State of New Jersey, provided the
2 person annually passes an examination approved by the
3 superintendent testing the person's proficiency in the handling of
4 firearms;

5 (6) A civilian employee of the United States Government under
6 the supervision of the commanding officer of any post, camp,
7 station, base or other military or naval installation located in this
8 State who is required, in the performance of the employee's official
9 duties, to carry firearms, and who is authorized to carry firearms by
10 the commanding officer, while in the actual performance of the
11 employee's official duties;

12 (7) (a) A regularly employed member, including a detective, of
13 the police department of any county or municipality, or of any
14 State, interstate, municipal or county park police force or boulevard
15 police force, at all times while in the State of New Jersey;

16 (b) A special law enforcement officer authorized to carry a
17 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
18 (C.40A:14-146.14);

19 (c) An airport security officer or a special law enforcement
20 officer appointed by the governing body of any county or
21 municipality, except as provided in subparagraph (b) of this
22 paragraph, or by the commission, board or other body having
23 control of a county park or airport or boulevard police force, while
24 engaged in the actual performance of the officer's official duties and
25 when specifically authorized by the governing body to carry
26 weapons;

27 (8) A full-time, paid member of a paid or part-paid fire
28 department or force of any municipality who is assigned full-time
29 or part-time to an arson investigation unit created pursuant to
30 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
31 investigation unit in the county prosecutor's office, while either
32 engaged in the actual performance of arson investigation duties or
33 while actually on call to perform arson investigation duties and
34 when specifically authorized by the governing body or the county
35 prosecutor, as the case may be, to carry weapons. Prior to being
36 permitted to carry a firearm, a member shall take and successfully
37 complete a firearms training course administered by the Police
38 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
39 seq.), and shall annually qualify in the use of a revolver or similar
40 weapon prior to being permitted to carry a firearm;

41 (9) A juvenile correctional police officer in the employment of
42 the **【Juvenile】** Youth Justice Commission established pursuant to
43 section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the
44 regulations promulgated by the commission;

45 (10) A designated employee or designated licensed agent for a
46 nuclear power plant under license of the Nuclear Regulatory
47 Commission, while in the actual performance of the person's

1 official duties, if the federal licensee certifies that the designated
2 employee or designated licensed agent is assigned to perform site
3 protection, guard, armed response or armed escort duties and is
4 appropriately trained and qualified, as prescribed by federal
5 regulation, to perform those duties. Any firearm utilized by an
6 employee or agent for a nuclear power plant pursuant to this
7 paragraph shall be returned each day at the end of the employee's or
8 agent's authorized official duties to the employee's or agent's
9 supervisor. All firearms returned each day pursuant to this
10 paragraph shall be stored in locked containers located in a secure
11 area;

12 (11) A county correctional police officer at all times while in the
13 State of New Jersey, provided the officer annually passes an
14 examination approved by the superintendent testing the officer's
15 proficiency in the handling of firearms;

16 (12) A county prosecutor, assistant prosecutor, federal
17 prosecutor, municipal prosecutor, Attorney General, assistant
18 attorney general, deputy attorney general and federal, State, county,
19 or municipal court judge, including a judge of the Tax Court and
20 any other court of limited jurisdiction established, altered, or
21 abolished by law, a judge of the Office of Administrative Law, a
22 judge of the Division of Workers' Compensation at all times while
23 in this State. Prior to being permitted to carry a firearm, a person
24 subject to this paragraph shall take and successfully complete a
25 firearms training course administered by the Police Training
26 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
27 shall annually qualify in the use of a handgun or similar weapon
28 prior to being permitted to carry a firearm. The superintendent may
29 issue identification cards indicating that such a person is permitted
30 to carry a handgun pursuant to this paragraph.

31 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

32 (1) A law enforcement officer employed by a governmental
33 agency outside of the State of New Jersey while actually engaged in
34 the officer's official duties, provided, however, that the officer has
35 first notified the superintendent or the chief law enforcement officer
36 of the municipality or the prosecutor of the county in which the
37 officer is engaged; or

38 (2) A licensed dealer in firearms and the dealer's registered
39 employees during the course of their normal business while
40 traveling to and from their place of business and other places for the
41 purpose of demonstration, exhibition or delivery in connection with
42 a sale, provided, however, that the weapon is carried in the manner
43 specified in subsection g. of this section.

44 c. Provided a person complies with the requirements of
45 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
46 do not apply to:

- 1 (1) A special agent of the Division of Taxation who has passed
2 an examination in an approved police training program testing
3 proficiency in the handling of any firearm which the agent may be
4 required to carry, while in the actual performance of the agent's
5 official duties and while going to or from the agent's place of duty,
6 or any other police officer, while in the actual performance of the
7 officer's official duties;
- 8 (2) A State deputy conservation police officer or a full-time
9 employee of the Division of Parks and Forestry having the power of
10 arrest and authorized to carry weapons, while in the actual
11 performance of the officer's official duties;
- 12 (3) (Deleted by amendment, P.L.1986, c.150.)
- 13 (4) A court attendant appointed by the sheriff of the county or
14 by the judge of any municipal court or other court of this State,
15 while in the actual performance of the attendant's official duties;
- 16 (5) A guard employed by any railway express company, banking
17 or building and loan or savings and loan institution of this State,
18 while in the actual performance of the guard's official duties;
- 19 (6) A member of a legally recognized military organization
20 while actually under orders or while going to or from the prescribed
21 place of meeting and carrying the weapons prescribed for drill,
22 exercise or parade;
- 23 (7) A municipal humane law enforcement officer, authorized
24 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
25 14.1), or humane law enforcement officer of a county society for
26 the prevention of cruelty to animals authorized pursuant to
27 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
28 in the actual performance of the officer's duties;
- 29 (8) An employee of a public utilities corporation actually
30 engaged in the transportation of explosives;
- 31 (9) A railway policeman, except a transit police officer of the
32 New Jersey Transit Police Department, at all times while in the
33 State of New Jersey, provided that the person has passed an
34 approved police academy training program consisting of at least
35 280 hours. The training program shall include, but need not be
36 limited to, the handling of firearms, community relations, and
37 juvenile relations;
- 38 (10) A campus police officer appointed under P.L.1970, c.211
39 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
40 a firearm, a campus police officer shall take and successfully
41 complete a firearms training course administered by the Police
42 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
43 seq.), and shall annually qualify in the use of a revolver or similar
44 weapon prior to being permitted to carry a firearm;
- 45 (11) (Deleted by amendment, P.L.2003, c.168).
- 46 (12) A transit police officer of the New Jersey Transit Police
47 Department, at all times while in the State of New Jersey, provided

1 the officer has satisfied the training requirements of the Police
2 Training Commission, pursuant to subsection c. of section 2 of
3 P.L.1989, c.291 (C.27:25-15.1);

4 (13) A parole officer employed by the State Parole Board at all
5 times. Prior to being permitted to carry a firearm, a parole officer
6 shall take and successfully complete a basic course for regular
7 police officer training administered by the Police Training
8 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
9 shall annually qualify in the use of a revolver or similar weapon
10 prior to being permitted to carry a firearm;

11 (14) A Human Services police officer at all times while in the
12 State of New Jersey, as authorized by the Commissioner of Human
13 Services;

14 (15) A person or employee of any person who, pursuant to and
15 as required by a contract with a governmental entity, supervises or
16 transports persons charged with or convicted of an offense;

17 (16) A housing authority police officer appointed under
18 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
19 State of New Jersey; or

20 (17) A probation officer assigned to the "Probation Officer
21 Community Safety Unit" created by section 2 of P.L.2001, c.362
22 (C.2B:10A-2) while in the actual performance of the probation
23 officer's official duties. Prior to being permitted to carry a firearm,
24 a probation officer shall take and successfully complete a basic
25 course for regular police officer training administered by the Police
26 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
27 seq.), and shall annually qualify in the use of a revolver or similar
28 weapon prior to being permitted to carry a firearm.

29 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
30 antique firearms, provided that the antique firearms are unloaded or
31 are being fired for the purposes of exhibition or demonstration at an
32 authorized target range or in another manner approved in writing by
33 the chief law enforcement officer of the municipality in which the
34 exhibition or demonstration is held, or if not held on property under
35 the control of a particular municipality, the superintendent.

36 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
37 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
38 being fired but that is unloaded and immobile, provided that the
39 antique cannon is possessed by (a) a scholastic institution, a
40 museum, a municipality, a county or the State, or (b) a person who
41 obtained a firearms purchaser identification card as specified in
42 N.J.S.2C:58-3.

43 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
44 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
45 being transported by one eligible to possess it, in compliance with
46 regulations the superintendent may promulgate, between its
47 permanent location and place of purchase or repair.

1 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
2 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
3 or fired by one eligible to possess an antique cannon, for purposes
4 of exhibition or demonstration at an authorized target range or in
5 the manner as has been approved in writing by the chief law
6 enforcement officer of the municipality in which the exhibition or
7 demonstration is held, or if not held on property under the control
8 of a particular municipality, the superintendent, provided that
9 performer has given at least 30 days' notice to the superintendent.

10 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
11 N.J.S.2C:39-5 do not apply to the transportation of unloaded
12 antique cannons directly to or from exhibitions or demonstrations
13 authorized under paragraph (4) of subsection d. of this section,
14 provided that the transportation is in compliance with safety
15 regulations the superintendent may promulgate. Those subsections
16 shall not apply to transportation directly to or from exhibitions or
17 demonstrations authorized under the law of another jurisdiction,
18 provided that the superintendent has been given 30 days' notice and
19 that the transportation is in compliance with safety regulations the
20 superintendent may promulgate.

21 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
22 be construed to prevent a person keeping or carrying about the
23 person's place of business, residence, premises or other land owned
24 or possessed by the person, any firearm, or from carrying the same,
25 in the manner specified in subsection g. of this section, from any
26 place of purchase to the person's residence or place of business,
27 between the person's dwelling and place of business, between one
28 place of business or residence and another when moving, or
29 between the person's dwelling or place of business and place where
30 the firearms are repaired, for the purpose of repair. For the
31 purposes of this section, a place of business shall be deemed to be a
32 fixed location.

33 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
34 be construed to prevent:

35 (1) A member of any rifle or pistol club organized in accordance
36 with the rules prescribed by the National Board for the Promotion
37 of Rifle Practice, in going to or from a place of target practice,
38 carrying firearms necessary for target practice, provided that the
39 club has filed a copy of its charter with the superintendent and
40 annually submits a list of its members to the superintendent and
41 provided further that the firearms are carried in the manner
42 specified in subsection g. of this section;

43 (2) A person carrying a firearm or knife in the woods or fields or
44 upon the waters of this State for the purpose of hunting, target
45 practice or fishing, provided that the firearm or knife is legal and
46 appropriate for hunting or fishing purposes in this State and the

1 person has in the person's possession a valid hunting license, or,
2 with respect to fresh water fishing, a valid fishing license;

3 (3) A person transporting any firearm or knife while traveling:

4 (a) Directly to or from any place for the purpose of hunting or
5 fishing, provided the person has in the person's possession a valid
6 hunting or fishing license; or

7 (b) Directly to or from any target range, or other authorized
8 place for the purpose of practice, match, target, trap or skeet
9 shooting exhibitions, provided in all cases that during the course of
10 the travel all firearms are carried in the manner specified in
11 subsection g. of this section and the person has complied with all
12 the provisions and requirements of Title 23 of the Revised Statutes
13 and any amendments thereto and all rules and regulations
14 promulgated thereunder; or

15 (c) In the case of a firearm, directly to or from any exhibition or
16 display of firearms which is sponsored by any law enforcement
17 agency, any rifle or pistol club, or any firearms collectors club, for
18 the purpose of displaying the firearms to the public or to the
19 members of the organization or club, provided, however, that not
20 less than 30 days prior to the exhibition or display, notice of the
21 exhibition or display shall be given to the Superintendent of the
22 State Police by the sponsoring organization or club, and the sponsor
23 has complied with any reasonable safety regulations the
24 superintendent may promulgate. Any firearms transported pursuant
25 to this section shall be transported in the manner specified in
26 subsection g. of this section;

27 (4) A person from keeping or carrying about a private or
28 commercial aircraft or any boat, or from transporting to or from the
29 aircraft or boat for the purpose of installation or repair of a visual
30 distress signaling device approved by the United States Coast
31 Guard.

32 g. Any weapon being transported under paragraph (2) of
33 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
34 of this section shall be carried unloaded and contained in a closed
35 and fastened case, gunbox, securely tied package, or locked in the
36 trunk of the automobile in which it is being transported, and in the
37 course of travel shall include only deviations as are reasonably
38 necessary under the circumstances.

39 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
40 to prevent any employee of a public utility, as defined in R.S.48:2-
41 13, doing business in this State or any United States Postal Service
42 employee, while in the actual performance of duties which
43 specifically require regular and frequent visits to private premises,
44 from possessing, carrying or using any device which projects,
45 releases or emits any substance specified as being noninjurious to
46 canines or other animals by the Commissioner of Health and which
47 immobilizes only on a temporary basis and produces only

1 temporary physical discomfort through being vaporized or
2 otherwise dispensed in the air for the sole purpose of repelling
3 canine or other animal attacks.

4 The device shall be used solely to repel only those canine or
5 other animal attacks when the canines or other animals are not
6 restrained in a fashion sufficient to allow the employee to properly
7 perform the employee's duties.

8 Any device used pursuant to this act shall be selected from a list
9 of products, which consist of active and inert ingredients, permitted
10 by the Commissioner of Health.

11 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
12 any person who is 18 years of age or older and who has not been
13 convicted of a crime, from possession for the purpose of personal
14 self-defense of one pocket-sized device which contains and releases
15 not more than three-quarters of an ounce of chemical substance not
16 ordinarily capable of lethal use or of inflicting serious bodily injury,
17 but rather, is intended to produce temporary physical discomfort or
18 disability through being vaporized or otherwise dispensed in the air.
19 Any person in possession of any device in violation of this
20 subsection shall be deemed and adjudged to be a disorderly person,
21 and upon conviction thereof, shall be punished by a fine of not less
22 than \$100.

23 (2) Notwithstanding the provisions of paragraph (1) of this
24 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
25 health inspector or investigator operating pursuant to the provisions
26 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
27 inspector from possessing a device which is capable of releasing
28 more than three-quarters of an ounce of a chemical substance, as
29 described in paragraph (1) of this subsection, while in the actual
30 performance of the inspector's or investigator's duties, provided that
31 the device does not exceed the size of those used by law
32 enforcement.

33 j. A person shall qualify for an exemption from the provisions
34 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
35 section, if the person has satisfactorily completed a firearms
36 training course approved by the Police Training Commission.

37 The exempt person shall not possess or carry a firearm until the
38 person has satisfactorily completed a firearms training course and
39 shall annually qualify in the use of a revolver or similar weapon.
40 For purposes of this subsection, a "firearms training course" means
41 a course of instruction in the safe use, maintenance and storage of
42 firearms which is approved by the Police Training Commission.
43 The commission shall approve a firearms training course if the
44 requirements of the course are substantially equivalent to the
45 requirements for firearms training provided by police training
46 courses which are certified under section 6 of P.L.1961, c.56
47 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),

1 or (6) of subsection a. of this section shall be exempt from the
2 requirements of this subsection.

3 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
4 to prevent any financial institution, or any duly authorized
5 personnel of the institution, from possessing, carrying or using for
6 the protection of money or property, any device which projects,
7 releases or emits tear gas or other substances intended to produce
8 temporary physical discomfort or temporary identification.

9 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
10 to prevent a law enforcement officer who retired in good standing,
11 including a retirement because of a disability pursuant to section 6
12 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
13 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
14 substantially similar statute governing the disability retirement of
15 federal law enforcement officers, provided the officer was a
16 regularly employed, full-time law enforcement officer for an
17 aggregate of four or more years prior to the officer's disability
18 retirement and further provided that the disability which constituted
19 the basis for the officer's retirement did not involve a certification
20 that the officer was mentally incapacitated for the performance of
21 the officer's usual law enforcement duties and any other available
22 duty in the department which the officer's employer was willing to
23 assign to the officer or does not subject that retired officer to any of
24 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
25 would disqualify the retired officer from possessing or carrying a
26 firearm, who semi-annually qualifies in the use of the handgun the
27 officer is permitted to carry in accordance with the requirements
28 and procedures established by the Attorney General pursuant to
29 subsection j. of this section and pays the actual costs associated
30 with those semi-annual qualifications, who is 75 years of age or
31 younger, and who was regularly employed as a full-time member of
32 the State Police; a full-time member of an interstate police force; a
33 full-time member of a county or municipal police department in this
34 State; a full-time member of a State law enforcement agency; a full-
35 time sheriff, undersheriff or sheriff's officer of a county of this
36 State; a full-time State or county correctional police officer; a full-
37 time State correctional police officer or county correctional police
38 officer; a full-time State or county park police officer; a full-time
39 special agent of the Division of Taxation; a full-time Human
40 Services police officer; a full-time transit police officer of the New
41 Jersey Transit Police Department; a full-time campus police officer
42 exempted pursuant to paragraph (10) of subsection c. of this
43 section; a full-time State conservation police officer exempted
44 pursuant to paragraph (4) of subsection a. of this section; a full-time
45 Palisades Interstate Park officer appointed pursuant to
46 R.S.32:14-21; a full-time Burlington County Bridge police officer
47 appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a

1 full-time housing authority police officer exempted pursuant to
2 paragraph (16) of subsection c. of this section; a full-time juvenile
3 correctional police officer exempted pursuant to paragraph (9) of
4 subsection a. of this section; a full-time parole officer exempted
5 pursuant to paragraph (13) of subsection c. of this section; a full-
6 time railway policeman exempted pursuant to paragraph (9) of
7 subsection c. of this section; a full-time county prosecutor's
8 detective or investigator; a full-time federal law enforcement
9 officer; or is a qualified retired law enforcement officer, as used in
10 the federal "Law Enforcement Officers Safety Act of 2004,"
11 Pub.L.108-277, domiciled in this State from carrying a handgun in
12 the same manner as law enforcement officers exempted under
13 paragraph (7) of subsection a. of this section. A retired law
14 enforcement officer shall be entitled to carry a handgun pursuant to
15 this subsection under the following conditions:

16 (1) The retired law enforcement officer shall make application
17 in writing to the Superintendent of State Police for approval to carry
18 a handgun every two years. A renewal application shall be
19 submitted in the same manner.

20 (2) Upon receipt of the written application of the retired law
21 enforcement officer, the superintendent shall request a verification
22 of service from the chief law enforcement officer of the
23 organization in which the retired officer was last regularly
24 employed as a full-time law enforcement officer prior to retiring.
25 The verification of service shall include:

26 (a) The name and address of the retired officer;

27 (b) The date that the retired officer was hired and the date that
28 the officer retired;

29 (c) A list of all handguns known to be registered to that officer;

30 (d) A statement that, to the reasonable knowledge of the chief
31 law enforcement officer, the retired officer is not subject to any of
32 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

33 (e) A statement that the officer retired in good standing.

34 (3) If the superintendent approves a retired officer's application
35 or reapplication to carry a handgun pursuant to the provisions of
36 this subsection, the superintendent shall notify in writing the chief
37 law enforcement officer of the municipality wherein that retired
38 officer resides. In the event the retired officer resides in a
39 municipality which has no chief law enforcement officer or law
40 enforcement agency, the superintendent shall maintain a record of
41 the approval.

42 (4) The superintendent shall issue to an approved retired officer
43 an identification card permitting the retired officer to carry a
44 handgun pursuant to this subsection. This identification card shall
45 be valid for two years from the date of issuance and shall be valid
46 throughout the State. The identification card shall not be
47 transferable to any other person. The identification card shall be

1 carried at all times on the person of the retired officer while the
2 retired officer is carrying a handgun. The retired officer shall
3 produce the identification card for review on the demand of any law
4 enforcement officer or authority.

5 (5) Any person aggrieved by the denial of the superintendent of
6 approval for a permit to carry a handgun pursuant to this subsection
7 may request a hearing in the Superior Court of New Jersey in the
8 county in which the person resides by filing a written request for a
9 hearing within 30 days of the denial. Copies of the request shall be
10 served upon the superintendent and the county prosecutor. The
11 hearing shall be held within 30 days of the filing of the request, and
12 no formal pleading or filing fee shall be required. Appeals from the
13 determination of the hearing shall be in accordance with law and the
14 rules governing the courts of this State.

15 (6) A judge of the Superior Court may revoke a retired officer's
16 privilege to carry a handgun pursuant to this subsection for good
17 cause shown on the application of any interested person. A person
18 who becomes subject to any of the disabilities set forth in
19 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
20 superintendent, the person's identification card issued under
21 paragraph (4) of this subsection to the chief law enforcement officer
22 of the municipality wherein the person resides or the
23 superintendent, and shall be permanently disqualified to carry a
24 handgun under this subsection.

25 (7) The superintendent may charge a reasonable application fee
26 to retired officers to offset any costs associated with administering
27 the application process set forth in this subsection.

28 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
29 to prevent duly authorized personnel of the New Jersey Division of
30 Fish and Wildlife, while in the actual performance of duties, from
31 possessing, transporting or using any device that projects, releases
32 or emits any substance specified as being non-injurious to wildlife
33 by the Director of the Division of Animal Health in the Department
34 of Agriculture, and which may immobilize wildlife and produces
35 only temporary physical discomfort through being vaporized or
36 otherwise dispensed in the air for the purpose of repelling bear or
37 other animal attacks or for the aversive conditioning of wildlife.

38 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
39 be construed to prevent duly authorized personnel of the New
40 Jersey Division of Fish and Wildlife, while in the actual
41 performance of duties, from possessing, transporting or using hand
42 held pistol-like devices, rifles or shotguns that launch pyrotechnic
43 missiles for the sole purpose of frightening, hazing or aversive
44 conditioning of nuisance or depredating wildlife; from possessing,
45 transporting or using rifles, pistols or similar devices for the sole
46 purpose of chemically immobilizing wild or non-domestic animals;
47 or, provided the duly authorized person complies with the

1 requirements of subsection j. of this section, from possessing,
2 transporting or using rifles or shotguns, upon completion of a Police
3 Training Commission approved training course, in order to dispatch
4 injured or dangerous animals or for non-lethal use for the purpose
5 of frightening, hazing or aversive conditioning of nuisance or
6 depredating wildlife.

7 (cf: P.L.2022, c.131, s.8)

8
9 22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to
10 read as follows:

11 4. a. In addition to any other disposition made pursuant to law,
12 a court shall order a person convicted of, indicted for or formally
13 charged with, or a juvenile charged with delinquency or adjudicated
14 delinquent for an act which if committed by an adult would
15 constitute, aggravated sexual assault or sexual assault as defined in
16 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
17 serological test for acquired immune deficiency syndrome (AIDS)
18 or infection with the human immunodeficiency virus (HIV) or any
19 other related virus identified as a probable causative agent of AIDS.
20 The court shall issue such an order only upon the request of the
21 victim and upon application of the prosecutor immediately
22 following the request. The person or juvenile shall be ordered by
23 the court to submit to such repeat or confirmatory tests as may be
24 medically necessary.

25 As used in this section, "formal charge" includes a proceeding by
26 accusation in the event that the defendant has waived the right to an
27 indictment.

28 b. A court order issued pursuant to subsection a. of this section
29 shall require testing to be performed as soon as practicable by the
30 Commissioner of the Department of Corrections pursuant to
31 authority granted to the commissioner by sections 6 and 10 of
32 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
33 care, at a health facility licensed pursuant to section 12 of P.L.1971,
34 c.136 (C.26:2H-12) or the **【Juvenile】 Youth** Justice Commission
35 established pursuant to section 2 of P.L.1995, c.284
36 (C.52:17B-170). If the victim makes the request prior to or at the
37 time of indictment, or accusation if the defendant has waived the
38 right to an indictment, the court order shall require the testing be
39 performed within 48 hours. The order shall also require that the
40 results of the test be reported to the offender and to the appropriate
41 Office of Victim-Witness Advocacy.

42 c. The Office of Victim-Witness Advocacy, established
43 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
44 reimburse the Department of Corrections, Department of Health or
45 the **【Juvenile】 Youth** Justice Commission for the direct costs
46 incurred by these departments for any tests ordered by a court

1 pursuant to subsection a. of this section. Reimbursement shall be
2 made following a request from the department.

3 d. In addition to any other disposition authorized, a court may
4 order an offender at the time of sentencing to reimburse the State
5 for the costs of the tests ordered by subsection a. of this section.

6 e. Upon receipt of the result of a test ordered pursuant to
7 subsection a. of this section, the Office of Victim-Witness
8 Advocacy shall provide the victim with appropriate counseling,
9 referral for counseling and if appropriate, referral for health care.
10 The office shall notify the victim or make appropriate arrangements
11 for the victim to be notified of the test result.

12 f. The result of a test ordered pursuant to subsection a. of this
13 section shall be confidential and employees of the Department of
14 Corrections, the **【Juvenile】** Youth Justice Commission, the Office
15 of Victim-Witness Advocacy, a health care provider, health care
16 facility or counseling service shall not disclose the result of a test
17 performed pursuant to this section except as authorized herein or as
18 otherwise authorized by law or court order. The provisions of this
19 section shall not be deemed to prohibit disclosure of a test result to
20 the person tested.

21 g. Persons who perform tests ordered pursuant to subsection a.
22 of this section in accordance with accepted medical standards for
23 the performance of such tests shall be immune from civil and
24 criminal liability arising from their conduct.

25 h. This section shall not be construed to preclude or limit any
26 other testing for acquired immune deficiency syndrome (AIDS) or
27 infection with the human immunodeficiency virus (HIV) or any
28 other related virus identified as a probable causative agent of AIDS
29 which is otherwise permitted by statute, court rule or common law.

30 (cf: P.L.2013, c.140, s.1)

31

32 23. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
33 as follows:

34 3. a. All fines, assessments imposed pursuant to section 2 of
35 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
36 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
37 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
38 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
39 penalties imposed pursuant to section 1 of P.L.2009, c.143
40 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
41 P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected
42 as follows:

43 (1) All fines, assessments imposed pursuant to section 2 of
44 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
45 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
46 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
47 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all

1 penalties imposed pursuant to section 1 of P.L.2009, c.143
2 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
3 P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the
4 Superior Court or otherwise imposed at the county level, shall be
5 collected by the county probation division except when the fine,
6 assessment, or restitution is imposed in conjunction with a custodial
7 sentence to a State correctional facility or in conjunction with a
8 term of incarceration imposed pursuant to section 25 of P.L.1982,
9 c.77 (C.2A:4A-44) in which event the fine, assessment, or
10 restitution shall be collected by the Department of Corrections or
11 the **【Juvenile】 Youth** Justice Commission established pursuant to
12 section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
13 a State correctional institution or a juvenile serving a term of
14 incarceration imposed pursuant to section 25 of P.L.1982, c.77
15 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
16 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed
17 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty
18 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a
19 penalty imposed pursuant to section 1 of P.L.2009, c.143
20 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013,
21 c.214 (C.30:4-123.97), or restitution shall have the assessment,
22 penalty, fine, or restitution deducted from any income the inmate
23 receives as a result of labor performed at the institution or on any
24 type of work release program or, pursuant to regulations
25 promulgated by the Commissioner of the Department of Corrections
26 or the **【Juvenile】 Youth** Justice Commission, from any personal
27 account established in the institution for the benefit of the inmate.

28 (a) A payment of restitution collected by the Department of
29 Corrections pursuant to this paragraph shall be maintained by the
30 department for two years during which the department shall attempt
31 to locate the victim to whom the restitution is owed. If the
32 department has not located the victim and the victim has not come
33 forward to claim the payment within this two-year period, the
34 payment shall be transferred to the Victims of Crime Compensation
35 Office Account to be used in satisfying claims pursuant to the
36 provisions of the "Criminal Injuries Compensation Act of 1971,"
37 P.L.1971, c.317 (C.52:4B-1 et seq.).

38 (b) If the Department of Corrections has transferred a payment
39 of restitution to the Victims of Crime Compensation Office
40 pursuant to subparagraph (a) of this paragraph, the department shall
41 provide the office with the order for restitution and any other
42 information regarding the identity of the victim to whom the
43 payment is owed. The office shall be responsible for maintaining
44 this information and for distributing payments of restitution to
45 victims who can prove they are owed the payments.

46 (2) All fines, assessments imposed pursuant to section 2 of
47 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to

1 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed
2 by a municipal court shall be collected by the municipal court
3 administrator except if the fine, assessments imposed pursuant to
4 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
5 as a condition of probation in which event it shall be collected by
6 the county probation division.

7 b. Except as provided in subsection c. with respect to fines
8 imposed on appeals following convictions in municipal courts and
9 except as provided in subsection i. with respect to restitution
10 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
11 al.), all fines imposed by the Superior Court or otherwise imposed
12 at the county level, shall be paid over by the officer entitled to
13 collect the fines to:

14 (1) The county treasurer with respect to fines imposed on
15 defendants who are sentenced to and serve a custodial term,
16 including a term as a condition of probation, in the county jail,
17 workhouse, or penitentiary except where such county sentence is
18 served concurrently with a sentence to a State institution; or

19 (2) The State Treasurer with respect to all other fines.

20 c. All fines imposed by municipal courts, except a central
21 municipal court established pursuant to N.J.S.2B:12-1 on
22 defendants convicted of crimes, disorderly persons offenses, and
23 petty disorderly persons offenses, and all fines imposed following
24 conviction on appeal therefrom, and all forfeitures of bail shall be
25 paid over by the officer entitled to collect the fines to the treasury
26 of the municipality wherein the municipal court is located.

27 In the case of an intermunicipal court, fines shall be paid into the
28 municipal treasury of the municipality in which the offense was
29 committed, and costs, fees, and forfeitures of bail shall be
30 apportioned among the several municipalities to which the court's
31 jurisdiction extends according to the ratios of the municipalities'
32 contributions to the total expense of maintaining the court.

33 In the case of a central municipal court, established by a county
34 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of
35 bail shall be paid into the county treasury of the county where the
36 central municipal court is located.

37 d. All assessments imposed pursuant to section 2 of P.L.1979,
38 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
39 in that section.

40 e. All mandatory Drug Enforcement and Demand Reduction
41 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
42 and deposited as provided for in that section.

43 f. All forensic laboratory fees assessed pursuant to
44 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
45 that section.

46 g. All restitution ordered to be paid to the Victims of Crime
47 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded

1 to the office for deposit in the Victims of Crime Compensation
2 Office Account.

3 h. All assessments imposed pursuant to section 11 of P.L.1993,
4 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
5 in that section.

6 i. All restitution imposed on defendants under the provisions
7 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
8 enforcement entity in extraditing the defendant from another
9 jurisdiction shall be paid over by the officer entitled to collect the
10 restitution to the law enforcement entities which participated in the
11 extradition of the defendant.

12 j. All penalties imposed pursuant to section 1 of P.L.1999,
13 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
14 in that section.

15 k. All penalties imposed pursuant to section 11 of P.L.2001,
16 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
17 that section.

18 l. All mandatory penalties imposed pursuant to section 1 of
19 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
20 provided in that section.

21 m. All mandatory Computer Crime Prevention penalties
22 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
23 shall be forwarded and deposited as provided in that section.

24 n. All mandatory Sex Offender Supervision penalties imposed
25 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
26 forwarded and deposited as provided in that section.

27 (cf: P.L.2019, c.363, s.6)

28

29 24. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
30 read as follows:

31 14. a. No person under the age of 18 years shall purchase, barter
32 or otherwise acquire a firearm and no person under the age of 21
33 years shall purchase, barter or otherwise acquire a handgun, unless
34 the person is authorized to possess the handgun in connection with
35 the performance of official duties under the provisions of
36 N.J.S.2C:39-6.

37 b. No person under the age of 18 years shall possess, carry, fire
38 or use a firearm except as provided under paragraphs (1), (2), (3)
39 and (4) of this subsection; and, unless authorized in connection with
40 the performance of official duties under the provisions of
41 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
42 carry, fire or use a handgun except under the following
43 circumstances:

44 (1) In the actual presence or under the direct supervision of his
45 father, mother or guardian, or some other person who holds a permit
46 to carry a handgun or a firearms purchaser identification card, as the
47 case may be; or

1 (2) For the purpose of military drill under the auspices of a
2 legally recognized military organization and under competent
3 supervision; or

4 (3) For the purpose of competition, target practice, instruction,
5 and training in and upon a firing range approved by the governing
6 body of the municipality in which the range is located or the
7 National Rifle Association and which is under competent
8 supervision at the time of such supervision or target practice or
9 instruction and training at any location; or

10 (4) For the purpose of hunting during the regularly designated
11 hunting season, provided that he possesses a valid hunting license
12 and has successfully completed a hunter's safety course taught by a
13 qualified instructor or conservation police officer and possesses a
14 certificate indicating the successful completion of such a course.

15 c. A person who violates this section shall be guilty of a crime
16 of the fourth degree. For purposes of this section the fact that the
17 act would not constitute a crime if committed by an adult shall not
18 be deemed to prohibit or require waiver of family court jurisdiction
19 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
20 under the "New Jersey Code of **Juvenile** Youth Justice,"
21 P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60
22 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81
23 (C.2A:4A-70 et seq.).

24 (cf: P.L.2019, c.407, s.3)

25
26 25. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
27 read as follows:

28 20. Records involving abuse or neglect. When the Department
29 of Children and Families receives a report or complaint that a child
30 may be abused or neglected; when the department provides services
31 to a child; or when the department receives a request from the
32 Superior Court, Chancery Division, Family Part to investigate an
33 allegation of abuse or neglect, the department may request of any
34 and all public or private institutions, or agencies including law
35 enforcement agencies, or any private practitioners, their records
36 past and present pertaining to that child and other children under the
37 same care, custody and control. The department shall not be
38 charged a fee for the copying of the records. Records kept pursuant
39 to the "New Jersey Code of **Juvenile** Youth Justice," P.L.1982,
40 c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon
41 issuance by a court of an order on good cause shown directing these
42 records to be released to the department for the purpose of aiding in
43 evaluation to determine if the child is abused or neglected. In the
44 release of the aforementioned records, the source shall have
45 immunity from any liability, civil or criminal.

46 (cf: P.L.2006, c.47, s.51)

1 26. Section 9 of P.L.1947, c.179 (C.9:22-9) is amended to read
2 as follows:

3 9. Any municipal youth guidance council having an adjustment
4 committee may petition the Superior Court, Chancery Division,
5 Family Part, in its discretion, to either:

6 A. Establish a schedule for a holding of juvenile hearings in a
7 suitable location chosen by the adjustment committee within the
8 limits of the petitioning municipality; or

9 B. Appoint a referee to hear and recommend disposition of any
10 cases specifically referred to the referee by the Family Part of the
11 county and any cases coming within the provisions of the "New
12 Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982, c. 77
13 (C.2A:4A-20 et seq.) arising within the limits of the petitioning
14 municipality. It shall be the duty of the petitioning municipality to
15 see that adequate diagnostic services shall be made available to
16 such children.

17 Any case requiring the detention of a child shall be referred to
18 the Family Part for hearing.

19 Upon receipt of a petition to appoint a referee the Family Part
20 shall proceed to appoint a member of the adjustment committee, or
21 some other suitable person, as referee, in accordance with
22 N.J.S.2A:4-12. Nothing in this provision shall limit the present
23 discretionary power of the Family Part to appoint referees on their
24 own initiative or to prevent such a court from hearing cases
25 scheduled to be heard in the petitioning municipality in place of the
26 referee so appointed by it.

27 (cf: P.L.1991, c.91, s.215)

28

29 27. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read as
30 follows:

31 2. Pursuant to said compact, the Governor is hereby authorized
32 and empowered to designate an officer within the **【Juvenile】 Youth**
33 Justice Commission established pursuant to section 2 of P.L.1995,
34 c.284 (C.52:17B-170) who shall be the compact administrator and
35 who, acting jointly with like officers of other party States, shall
36 promulgate rules and regulations to carry out more effectively the
37 terms of the compact. Said compact administrator shall serve
38 subject to the pleasure of the Governor. The compact administrator
39 is hereby authorized, empowered and directed to co-operate with all
40 departments, agencies and officers of and in the government of this
41 State and its political subdivisions in facilitating the proper
42 administration of the compact or of any supplementary agreement
43 or agreements entered into by this State thereunder.

44 (cf: P.L.1995, c.280, s.23)

45

46 28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to
47 read as follows:

- 1 1. a. The Civil Service Commission shall effectuate the
2 following title changes in the career service:
- 3 (1) Correction officer recruit shall be retitled as correctional
4 police officer;
- 5 (2) Senior correction officer shall be retitled as senior
6 correctional police officer;
- 7 (3) Correction sergeant shall be retitled as correctional police
8 sergeant;
- 9 (4) Correction lieutenant shall be retitled as correctional police
10 lieutenant;
- 11 (5) Correction captain shall be retitled as correctional police
12 captain;
- 13 (6) Director of custody operations shall be retitled as
14 correctional police chief ;
- 15 (7) Correction officer apprentice shall be retitled as correctional
16 police officer apprentice; and
- 17 (8) Correction major shall be retitled as correctional police
18 major.
- 19 b. The title changes provided under this section shall apply to
20 all corrections officers employed by the New Jersey Department of
21 Corrections and the **【Juvenile】** Youth Justice Commission.
- 22 c. Any fees associated with the retitling pursuant to subsection
23 a. of this section shall be borne by the corrections officer whose
24 title is changed.
25 (cf: P.L.2017, c.293, s.1)
26
- 27 29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read
28 as follows:
- 29 6. a. For each State-placed child who is resident in a district
30 and in a State facility on the last school day prior to October 16 of
31 the prebudget year, and for each district-placed child who is
32 resident in a district and in a State facility on the last school day
33 prior to October 16 of the budget year, the Commissioner of
34 Education shall deduct from the State aid payable to that district an
35 amount equal to the approved per pupil cost established pursuant to
36 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
37 except that for a child in a county juvenile detention center, no
38 deduction shall be made until Fiscal Year 1999, in which year and
39 thereafter **【50%】** 50 percent of the per pupil cost shall be deducted.
- 40 b. If, for any district, the amount to be deducted pursuant to
41 subsection a. of this section is greater than State aid payable to the
42 district, the district shall pay to the Department of Education the
43 difference between the amount to be deducted and the State aid
44 payable to the district.
- 45 c. The amount deducted pursuant to subsection a. of this
46 section and the amount paid to the Department of Education
47 pursuant to subsection b. of this section shall be forwarded to the

1 Department of Human Services or the Department of Children and
2 Families, as applicable, if the facility is operated by or under
3 contract with that department, or to the Department of Corrections
4 if the facility is operated by or under contract with that department,
5 or to the **【Juvenile】 Youth** Justice Commission established pursuant
6 to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
7 operated by or under contract with that commission, and shall serve
8 as payment by the district of tuition for the child. In the case of
9 county juvenile detention centers, the tuition shall be deemed to
10 supplement funds currently provided by the county for this purpose
11 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
12 In Fiscal Year 1998, a county shall not decrease its level of
13 contribution as a result of the payment of tuition pursuant to this
14 section. In Fiscal Year 1999 and thereafter, a county shall be
15 required to pay **【50%】 50 percent** of the approved per pupil costs
16 established pursuant to the provisions of section 24 of P.L.1996,
17 c.138 (C.18A:7F-24) for the purpose of implementing chapters 10
18 and 11 of Title 9 of the Revised Statutes. Amounts so deducted
19 shall be used solely for the support of educational programs and
20 shall be maintained in a separate account for that purpose. No
21 district shall be responsible for the tuition of any child admitted by
22 the State to a State facility after the last school day prior to October
23 16 of the prebudget year.
24 (cf: P.L.2006, c.47, s.81)

25
26 30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
27 read as follow:

28 8. Funds received pursuant to this act by the Department of
29 Human Services, the Department of Children and Families, the
30 Department of Corrections or the **【Juvenile】 Youth** Justice
31 Commission established pursuant to section 2 of P.L.1995, c.284
32 (C.52:17B-170) shall be used only for the salaries of teachers,
33 educational administrators at the program level, child study team
34 personnel, clerical staff assigned to child study teams or to
35 educational day programs, paraprofessionals assigned to
36 educational programs in State facilities, and for diagnostic services
37 required as part of the child study team evaluations and related
38 educational services personnel whose function requires an
39 educational certificate issued by the State Department of Education,
40 and for the costs of educational materials, supplies and equipment
41 for these programs. No such funds shall be used for the renovation
42 or construction of capital facilities, for the maintenance and
43 operation of educational facilities, or for custodial, habilitation or
44 other noneducational costs.

45 There are hereby authorized to be appropriated to the
46 Departments of Human Services, Children and Families and

1 Corrections such funds as may be necessary to provide for adult,
2 post-secondary and college programs.

3 (cf: P.L.2006, c.47, s.82)
4

5 31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to
6 read as follows:

7 9. The Commissioner of Education, with the approval of the
8 State Board of Education, shall promulgate rules and regulations to
9 ensure a thorough and efficient education, consistent with the
10 provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), for the children
11 in State facilities. In the case of county juvenile detention centers,
12 the Office of Education in the **【Juvenile】 Youth** Justice
13 Commission shall develop, in consultation with the commissioner,
14 appropriate standards, to be effective for Fiscal Year 1999, for the
15 provision of a thorough and efficient education by the county for
16 facilities established under chapter 10 and chapter 11 of Title 9 of
17 the Revised Statutes.

18 The commissioner shall continually review the operation of
19 educational programs in State facilities. If he finds that the
20 operation of any of these programs does not meet the educational
21 standard required by the regulations, he shall direct that a remedial
22 plan be prepared by the education director of the facility in which
23 the program is located, together with the director of educational
24 services of the department which is operating or contracting with
25 the facility. The plan shall be submitted to the Commissioner of
26 Education for his approval. If he approves the plan, it shall be
27 implemented in a timely and effective manner. If he finds the plan
28 or its implementation to be insufficient, he may, until the
29 insufficiency is corrected, withhold and place in a special account
30 any State aid funds which otherwise would have been forwarded
31 pursuant to section 6 of P.L.1979, c.207.

32 (cf: P.L.2007, c.260, s.26)
33

34 32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
35 read as follows:

36 11. a. Any parent or guardian of a pupil in a State facility and
37 any pupil in a State facility between 18 and 20 years of age, may
38 request an administrative review on matters of educational
39 classification or educational program.

40 b. The administrative review process shall include the
41 following sequence:

42 (1) A conference with teaching staff members or child study
43 team personnel;

44 (2) A conference with the Director of Educational Services of
45 the Department of Human Services, the Department of Children and
46 Families, the Department of Corrections, or the **【Juvenile】 Youth**
47 Justice Commission, whichever is appropriate;

1 (3) A hearing by the Commissioner of Education pursuant to
2 law and regulation.

3 c. The due process rights available to children, parents and
4 guardians in the public schools on matters of educational
5 classification or educational program shall be available to children,
6 parents and guardians in State facilities.

7 d. The placement of a child in a particular State facility shall
8 not be subject to an administrative review or hearing pursuant to
9 this section.

10 (cf: P.L.2006, c.47, s.83)

11
12 33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
13 read as follows:

14 19. For school funding purposes, the Commissioner of
15 Education shall determine district of residence as follows:

16 a. (1) In the case of a child placed in a resource family home
17 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
18 the district of residence shall be the district in which the resource
19 family parents reside. If such a child in a resource family home is
20 subsequently placed in a State facility or by a State agency, the
21 district of residence of the child shall then be determined as if no
22 such resource family placement had occurred.

23 (2) In the case of a child placed in a resource family home on or
24 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
25 district of residence shall be the present district of residence of the
26 parent or guardian with whom the child lived prior to the most
27 recent placement in a resource family home.

28 b. The district of residence for children who are in residential
29 State facilities, or who have been placed by State agencies in group
30 homes, skill development homes, private schools or out-of-State
31 facilities, shall be the present district of residence of the parent or
32 guardian with whom the child lived prior to his most recent
33 admission to a State facility or most recent placement by a State
34 agency.

35 c. The district of residence for children whose parent or
36 guardian temporarily moves from one school district to another as
37 the result of being homeless shall be the district in which the parent
38 or guardian last resided prior to becoming homeless. For the
39 purpose of this amendatory and supplementary act, "homeless" shall
40 mean an individual who temporarily lacks a fixed, regular and
41 adequate residence.

42 d. If the district of residence cannot be determined according to
43 the criteria contained herein, if the criteria contained herein identify
44 a district of residence outside of the State, or if the child has resided
45 in a domestic violence shelter, homeless shelter, or transitional
46 living facility located outside of the district of residence for more
47 than one year, the State shall assume fiscal responsibility for the

1 tuition of the child. The tuition shall equal the approved per pupil
2 cost established pursuant to section 24 of P.L.1996, c.138
3 (C.18A:7F-24). This amount shall be appropriated in the same
4 manner as other State aid under this act. The Department of
5 Education shall pay the amount to the Department of Human
6 Services, the Department of Children and Families, the Department
7 of Corrections or the **【Juvenile】** Youth Justice Commission
8 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
9 or, in the case of a homeless child or a child in a family resource
10 home, the Department of Education shall pay to the school district
11 in which the child is enrolled the weighted base per pupil amount
12 calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49)
13 and the appropriate security categorical aid per pupil and special
14 education categorical aid per pupil.

15 e. If the State has assumed fiscal responsibility for the tuition
16 of a child in a private educational facility approved by the
17 Department of Education to serve children who are classified as
18 needing special education services, the department shall pay to the
19 Department of Human Services, the Department of Children and
20 Families or the **【Juvenile】** Youth Justice Commission, as
21 appropriate, the aid specified in subsection d. of this section and in
22 addition, such aid as required to make the total amount of aid equal
23 to the actual cost of the tuition.

24 (cf: P.L.2017, c.83, s.1)

25

26 34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
27 read as follows:

28 20. Beginning in the school year 1997-98, the Commissioner of
29 Education shall annually report to the Legislature, describing the
30 condition of educational programs in State facilities, the efforts of
31 the Departments of Corrections, Children and Families, and Human
32 Services and the **【Juvenile】** Youth Justice Commission in meeting
33 the standards of a thorough and efficient education in these
34 facilities, the steps underway to correct any deficiencies in their
35 educational programs, and the progress of the educational programs
36 in New Jersey State facilities in comparison with those in the state
37 facilities of other states. At that time the commissioner shall
38 recommend to the Legislature any necessary or desirable changes or
39 modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).

40 (cf: P.L.2006, c.47, s.86)

41

42 35. Section 1 of P.L.2005, c.265 (C.18A:7C-12) is amended to
43 read as follows:

44 1. Notwithstanding any provision of law to the contrary, in the
45 case of a student enrolled in an educational program in a county
46 juvenile detention center that meets the standards for a thorough
47 and efficient education developed by the Office of Education in the

1 **【Juvenile】 Youth** Justice Commission, in consultation with the
2 Commissioner of Education, pursuant to section 9 of P.L. 1979,
3 c.207 (C.18A:7B-5), who subsequently enrolls in a public school
4 district, the district shall accept all days of attendance and courses
5 studied by the student at the county juvenile detention center and
6 apply them toward district requirements for elementary, middle, or
7 high school graduation.
8 (cf: P.L.2005, c.265, s.1)

10 36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
11 read as follows:

12 24. Annually by December 15, the Department of Corrections,
13 the Department of Human Services, the Department of Children and
14 Families and the **【Juvenile】 Youth** Justice Commission shall each
15 submit to the commissioner for approval, with respect to the
16 facilities under their operational or supervisional authority, a budget
17 for educational programs as set forth in section 8 of P.L.1979, c.207
18 (C.18A:7B-4) for the subsequent year, together with enrollments
19 and per pupil costs. For the purposes of calculating a per pupil cost,
20 enrollment shall be based on the number of pupils in the State
21 facility on the last school day prior to October 16 of the prebudget
22 year. In the subsequent year, pursuant to P.L.1979, c.207
23 (C.18A:7B-1 et seq.) for students resident in a district, approved per
24 pupil amounts shall be deducted from each school district's State aid
25 and remitted to the appropriate agency, except that for county
26 juvenile detention centers, no deduction shall be made until Fiscal
27 Year 1999; in that year and thereafter, **【50%】 50 percent** of
28 approved per pupil amounts shall be deducted and remitted to the
29 **【Juvenile】 Youth** Justice Commission.
30 (cf: P.L.2006, c.47, s.89)

32 37. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to
33 read as follows:

34 3. As used in this act and P.L.1996, c.138, unless the context
35 clearly requires a different meaning:

36 "At-risk pupils" means those resident pupils from households
37 with a household income at or below the most recent federal
38 poverty guidelines available on October 15 of the prebudget year
39 multiplied by 1.85;

40 "Base per pupil amount" means the cost per elementary pupil of
41 delivering the core curriculum content standards and extracurricular
42 and cocurricular activities necessary for a thorough and efficient
43 education;

44 "Bilingual education pupil" means a resident pupil enrolled in a
45 program of bilingual education or in an English as a second
46 language program approved by the State Board of Education;

1 "Budgeted local share" means the district's local tax levy
2 contained in the budget certified for taxation purposes;
3 "Capital outlay" means capital outlay as defined in GAAP;
4 "Combination pupil" means a resident pupil who is both an at-
5 risk pupil and a bilingual education pupil;
6 "Commissioner" means the Commissioner of Education;
7 "Concentration of at-risk pupils" shall be based on prebudget
8 year pupil data and means, for a school district or a county
9 vocational school district, the number of at-risk pupils among those
10 counted in resident enrollment, divided by resident enrollment;
11 "County special services school district" means any entity
12 established pursuant to article 8 of chapter 46 of Title 18A of the
13 New Jersey Statutes;
14 "County vocational school district" means any entity established
15 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
16 Statutes;
17 "CPI" means the increase, expressed as a decimal, in the average
18 annualized consumer price index for the New York City and
19 Philadelphia areas in the fiscal year preceding the prebudget year
20 relative to the previous fiscal year as reported by the United States
21 Department of Labor;
22 "Debt service" means payments of principal and interest upon
23 school bonds and other obligations issued to finance the purchase or
24 construction of school facilities, additions to school facilities, or the
25 reconstruction, remodeling, alteration, modernization, renovation or
26 repair of school facilities, including furnishings, equipment,
27 architect fees, and the costs of issuance of such obligations and
28 shall include payments of principal and interest upon bonds
29 heretofore issued to fund or refund such obligations, and upon
30 municipal bonds and other obligations which the commissioner
31 approves as having been issued for such purposes;
32 "District income" means the aggregate income of the residents of
33 the taxing district or taxing districts, based upon data provided by
34 the Division of Taxation in the New Jersey Department of the
35 Treasury and contained on the New Jersey State Income Tax forms
36 for the calendar year ending two years prior to the prebudget year.
37 The commissioner may supplement data contained on the State
38 Income Tax forms with data available from other State or federal
39 agencies in order to better correlate the data to that collected on the
40 federal census. With respect to regional districts and their
41 constituent districts, however, the district income as described
42 above shall be allocated among the regional and constituent districts
43 in proportion to the number of pupils resident in each of them;
44 "Equalized valuation" means the equalized valuation of the
45 taxing district or taxing districts, as certified by the Director of the
46 Division of Taxation on October 1, or subsequently revised by the
47 tax court by January 15, of the prebudget year. With respect to

1 regional districts and their constituent districts, however, the
2 equalized valuations as described above shall be allocated among
3 the regional and constituent districts in proportion to the number of
4 pupils resident in each of them. In the event that the equalized table
5 certified by the director shall be revised by the tax court after
6 January 15 of the prebudget year, the revised valuations shall be
7 used in the recomputation of aid for an individual school district
8 filing an appeal, but shall have no effect upon the calculation of the
9 property value rate, Statewide average equalized school tax rate, or
10 Statewide equalized total tax rate;

11 "Full-day preschool" means a preschool day consisting of a six-
12 hour comprehensive educational program in accordance with the
13 district's kindergarten through grade 12 school calendar;

14 "GAAP" means the generally accepted accounting principles
15 established by the Governmental Accounting Standards Board as
16 prescribed by the State board pursuant to N.J.S.18A:4-14;

17 "General special education services pupil" means a pupil
18 receiving specific services pursuant to chapter 46 of Title 18A of
19 the New Jersey Statutes;

20 "Geographic cost adjustment" means an adjustment that reflects
21 county differences in the cost of providing educational services that
22 are outside the control of the district;

23 "Household income" means income as defined in 7 CFR ss.245.2
24 and 245.6 or any subsequent superseding federal law or regulation;

25 "Net budget" means the sum of the district's general fund tax
26 levy, State aid received pursuant to the provisions of this act other
27 than preschool education aid, miscellaneous revenue estimated
28 pursuant to GAAP, and designated general fund balance;

29 "Prebudget year" means the school fiscal year preceding the year
30 in which the school budget is implemented;

31 "Nonpreschool ECPA" means the amount of early childhood
32 program aid, excluding prior year carry-forward amounts, included
33 in a district's 2007-2008 school year budget certified for taxes that
34 was allocated to grades K through 3;

35 "Report" means the Educational Adequacy Report issued by the
36 commissioner pursuant to section 4 of this act;

37 "Resident enrollment" means the number of pupils other than
38 preschool pupils, post-graduate pupils, and post-secondary
39 vocational pupils who, on the last school day prior to October 16 of
40 the current school year, are residents of the district and are enrolled
41 in: (1) the public schools of the district, excluding evening schools,
42 (2) another school district, other than a county vocational school
43 district in the same county on a full-time basis, or a State college
44 demonstration school or private school to which the district of
45 residence pays tuition, or (3) a State facility in which they are
46 placed by the district; or are residents of the district and are: (1)
47 receiving home instruction, or (2) in a shared-time vocational

1 program and are regularly attending a school in the district and a
2 county vocational school district. In addition, resident enrollment
3 shall include the number of pupils who, on the last school day prior
4 to October 16 of the prebudget year, are residents of the district and
5 in a State facility in which they were placed by the State. Pupils in
6 a shared-time vocational program shall be counted on an equated
7 full-time basis in accordance with procedures to be established by
8 the commissioner. Resident enrollment shall include regardless of
9 nonresidence, the enrolled children of teaching staff members of the
10 school district or county vocational school district who are
11 permitted, by contract or local district policy, to enroll their
12 children in the educational program of the school district or county
13 vocational school district without payment of tuition. Disabled
14 children between three and five years of age and receiving programs
15 and services pursuant to N.J.S.18A:46-6 shall be included in the
16 resident enrollment of the district;

17 "School district" means any local or regional school district
18 established pursuant to chapter 8 or chapter 13 of Title 18A of the
19 New Jersey Statutes;

20 "State facility" means a State developmental center, a State
21 Division of Youth and Family Services' residential center, a State
22 residential mental health center, a Department of Children and
23 Families Regional Day School, a State training school/secure care
24 facility, a State juvenile community program, a juvenile detention
25 center or a boot camp under the supervisory authority of the
26 **【Juvenile】 Youth** Justice Commission pursuant to P.L.1995, c.284
27 (C.52:17B-169 et seq.), or an institution operated by or under
28 contract with the Department of Corrections, Children and Families
29 or Human Services, or the **【Juvenile】 Youth** Justice Commission;

30 "Statewide equalized school tax rate" means the amount
31 calculated by dividing the general fund tax levy for all school
32 districts, which excludes county vocational school districts and
33 county special services school districts as defined pursuant to this
34 section, in the State for the prebudget year by the equalized
35 valuations certified in the year prior to the prebudget year of all
36 taxing districts in the State except taxing districts for which there
37 are not school tax levies;

38 "Tax levy growth limitation" means the permitted annual
39 increase in the adjusted tax levy for a school district as calculated
40 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
41 18A:7F-39).

42 (cf: P.L.2010, c.44, s.6)

43

44 38. N.J.S.18A:47-4 is amended to read as follows:

45 18A:47-4. Such special school shall receive, restrain, and
46 instruct dependent delinquent children, and children under the age
47 of 16 years, committed to such school by the Superior Court,

1 Chancery Division, Family Part pursuant to the "New Jersey Code
2 of **【Juvenile】 Youth Justice**," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

3 If in the judgment of the court the best interests of a child
4 demand that the special school have the entire charge and control of
5 the child, the court may take the custody of the child from its
6 parents or guardian and give it, for an indeterminate period, to the
7 board of education having control of the special school. When in
8 the judgment of the board the conduct of the child has so improved
9 that it should be permitted to attend the regular public schools, it
10 may return the child to the custody of its parents or guardian.

11 Any child, under the age of 16 years, arrested for any cause
12 except murder or manslaughter, and pupils habitually truant or
13 incorrigible, may, by order of the Family Part be held in the school
14 until final judgment.

15 (cf: P.L.1991, c.91, s.235)

16
17 39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
18 read as follows:

19 2. The Legislature finds and declares that:

20 a. A qualified and stable work force in public facilities and
21 nonprofit social services agencies is essential to ensure the provision
22 of quality services to persons in need of services, including persons
23 with mental illness, developmental disabilities or other disabilities,
24 persons in need of substance use disorder treatment and juveniles
25 under the custody and care of the **【Juvenile】 Youth Justice**
26 Commission;

27 b. These public facilities and social services agencies are
28 currently facing a personnel crisis, which is expected to worsen in the
29 next two decades;

30 c. The entry-level and on-going salaries offered by these public
31 facilities and social services agencies to direct care professionals are
32 not always competitive with those offered in the private for profit
33 sector, which limits the ability of these facilities and agencies to attract
34 and retain qualified direct care professionals;

35 d. Loan redemption programs can address the economic hardship
36 of direct care professionals performing critical work in low-paying
37 jobs, who in many instances are forced, because of their high loan debt
38 and low incomes, to reject or abandon employment in the public
39 sector, which is in great need of their skills and knowledge, for
40 employment that is more financially rewarding;

41 e. The departure of these skilled direct care professionals from
42 the public and nonprofit sector is, in many cases, a loss to their own
43 sense of personal fulfillment, to the consumers that they serve, and to
44 society at large; and

45 f. The establishment by this State of a loan redemption program
46 for direct care professionals employed in public facilities and nonprofit
47 agencies that contract with the Department of Human Services and the

1 **【Juvenile】 Youth** Justice Commission is essential to address the need
2 for the continued provision of high-quality services by these skilled
3 and knowledgeable professionals.

4 (cf: P.L.2023, c.177, s.52)

5

6 40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to
7 read as follows:

8 3. As used in this act:

9 "Approved course of study" means: an undergraduate program
10 leading to a bachelor's degree offered by a four-year public or
11 independent institution of higher education; or a graduate program
12 leading to a master's degree, which is offered by a public or
13 independent institution of higher education, in a human services
14 discipline such as social work, psychology or counseling, or a
15 health-related profession such as occupational, physical or speech
16 therapy.

17 "Approved employment" means postgraduate, full-time
18 employment as a direct care professional in a qualified facility. The
19 term shall not include a paid student internship, paid fellowship,
20 volunteer service or employment before graduation.

21 "Authority" means the Higher Education Student Assistance
22 Authority established pursuant to N.J.S.18A:71A-3.

23 "Direct care professional" means a professional staff member at
24 a qualified facility who provides one or more of the following
25 services to eligible persons: counseling; physical, occupational,
26 recreational or speech therapy; case management; vocational
27 training; assistance with activities of daily living; medication
28 management; budgeting assistance; addiction treatment services;
29 nutrition; and other clinical services.

30 "Eligible student loan expenses" mean the cumulative total of the
31 annual student loans, covering the cost of attendance while enrolled
32 in an approved course of study. Interest paid or due on student
33 loans that a program participant has taken out for use in paying the
34 costs of attendance at an institution of higher education shall be
35 considered eligible for reimbursement under the program.

36 "Program" means the Social Services Student Loan Redemption
37 Program established pursuant to this act.

38 "Program participant" means a person who meets the
39 requirements of the program.

40 "Qualified facility" means:

41 a. a facility operated by the Department of Human Services
42 that provides direct care services to persons served by the
43 department;

44 b. a county psychiatric hospital;

45 c. a facility operated by the **【Juvenile】 Youth** Justice
46 Commission;

1 d. a veterans' memorial home operated by the Department of
2 Military and Veterans' Affairs; and

3 e. a nonprofit agency in the State that contracts with the
4 Department of Human Services or the **【Juvenile】 Youth** Justice
5 Commission to provide direct care services to persons served by the
6 department or commission.

7 (cf: P.L.2005, c.157, s.3)

8
9 41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to
10 read as follows:

11 4. There is established the Social Services Student Loan
12 Redemption Program within the Higher Education Student
13 Assistance Authority.

14 The purpose of the program is to address the current and
15 projected critical shortage of direct care professionals in the State
16 by providing an incentive for persons to engage in employment at
17 certain public facilities, and nonprofit social services agencies
18 under contract with the Department of Human Services or the
19 **【Juvenile】 Youth** Justice Commission, so as to ensure that State
20 residents who are in need of direct care services at these facilities
21 and agencies have sufficient, qualified professional staff in order to
22 provide the needed services.

23 The program shall provide loan redemption to finance the
24 undergraduate or graduate study of program participants in
25 exchange for full-time employment as a direct care professional at a
26 qualified facility following completion of an approved course of
27 study.

28 (cf: P.L.2005, c.157, s.4)

29
30 42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended
31 to read as follows:

32 10. The Higher Education Student Assistance Authority, in
33 consultation with the Commissioner of Human Services and the
34 executive director of the **【Juvenile】 Youth** Justice Commission,
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to
37 implement the provisions of this act, including eligibility criteria for
38 the program, procedures for determining the amount of the loan
39 redemption award, and the types of direct care professional
40 positions that qualify for the program.

41 (cf: P.L.2005, c.157, s.10)

42
43 43. Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to
44 read as follows:

45 10. a. To assist and advise in issues pertaining to prisoner
46 reentry, there is established in the Department of Corrections an
47 advisory commission to be known as the "Prisoner Reentry

- 1 Commission." The purpose of the commission shall be to review,
2 study, and offer solutions to problems facing prisoners re-entering
3 society, including, but not limited to determining whether:
- 4 (1) New Jersey should seek a federal waiver under Section 1115
5 of the Social Security Act to expand Medicaid eligibility to non-
6 disabled adults, to leverage additional federal funds in order to
7 target high risk populations;
- 8 (2) Health care and treatment resources for former prisoners are
9 adequate and if not, methods by which they can be improved;
- 10 (3) The prison population can be incorporated fully into New
11 Jersey's workforce development strategy; and
- 12 (4) Sources of funding intended for the same populations and
13 communities could be tapped, coordinated and leveraged
14 effectively.
- 15 b. In addition, the commission shall:
- 16 (1) Evaluate and provide recommendations for special issues
17 concerning juvenile reentry;
- 18 (2) Evaluate and make recommendations concerning current law
19 on juvenile waiver; and
- 20 (3) Evaluate and provide recommendations for inter-agency
21 communication, information sharing, and problem solving.
- 22 c. (1) The advisory commission shall consist of 18 members as
23 follows:
- 24 (a) The Attorney General or his designee, who shall serve ex
25 officio;
- 26 (b) The Secretary of State or his designee, who shall serve ex
27 officio;
- 28 (c) The Commissioner of Corrections or his designee, who shall
29 serve ex officio;
- 30 (d) The Commissioner of Human Services or his designee, who
31 shall serve ex officio;
- 32 (e) The Commissioner of Labor and Workforce Development or
33 his designee, who shall serve ex officio;
- 34 (f) The Commissioner of Community Affairs or his designee,
35 who shall serve ex officio;
- 36 (g) The Commissioner of Education or his designee, who shall
37 serve ex officio;
- 38 (h) Two members of the Senate, to be appointed by the
39 President of the Senate, who shall each be of different political
40 parties;
- 41 (i) Two members of the General Assembly, to be appointed by
42 the Speaker of the General Assembly, who shall each be of different
43 political parties;
- 44 (j) The Chairman of the State Parole Board or his designee,
45 who shall serve ex officio;
- 46 (k) The Executive Director of the **【Juvenile】** Youth Justice
47 Commission or his designee, who shall serve ex officio;

- 1 (l) The Executive Director of the Housing and Mortgage
2 Finance Agency or his designee, who shall serve ex officio;
- 3 (m) The New Jersey Public Defender or his designee, who shall
4 serve ex officio;
- 5 (n) One representative from the New Jersey Institute for Social
6 Justice; and
- 7 (o) Two public members, who by experience or training have
8 expertise in issues facing former prisoners, to be appointed by the
9 Governor.
- 10 (2) The Governor shall designate one member as chairman and
11 two members as vice-chairmen of the commission from among the
12 members listed in this subsection.
- 13 (3) The public members shall be appointed for a five-year term.
14 Vacancies in the membership of the advisory commission shall be
15 filled in the same manner provided for in the original appointments.
16 The members of the advisory commission shall serve without
17 compensation but may be reimbursed for travel and other
18 miscellaneous expenses necessary to perform their duties, within
19 the limits of funds made available to the advisory commission for
20 its purposes.
- 21 (4) A member of the commission may be removed for good
22 cause.
- 23 d. The commission may meet at the call of its chair and hold
24 hearings at the times and in the places it may deem appropriate and
25 necessary to fulfill its charge. The advisory commission shall be
26 entitled to call to its assistance, and avail itself of the services of,
27 the employees of any State, county or municipal department, board,
28 bureau, commission or agency as it may require and as may be
29 available to it for its purposes.
- 30 e. The commission shall annually submit a report to the
31 Governor and the Legislature pursuant to section 2 of P.L.1991,
32 c.164 (C.52:14-19.1) along with any recommendations it deems
33 appropriate, including any legislative proposals it may wish to
34 make.
- 35 (cf: P.L.2009, c.329, s.10)
- 36
- 37 44. Section 3 of P.L.1998, c.71 (C.30:4-27.26) is amended to
38 read as follows:
- 39 3. As used in this act:
- 40 "Agency with jurisdiction" means the agency which releases
41 upon lawful order or authority a person who is serving a sentence or
42 term of confinement, or is otherwise being detained or maintained
43 in custody. This term includes the Department of Corrections or a
44 county correctional facility, the **【Juvenile】** Youth Justice
45 Commission or a county juvenile detention facility, and the
46 Department of Human Services. "Attorney General" means the

1 Attorney General or a county prosecutor to whom the Attorney
2 General has delegated authority under this act.

3 "Clinical certificate for a sexually violent predator" means a
4 form prepared by the Division of Mental Health Services in the
5 Department of Human Services and approved by the Administrative
6 Office of the Courts, that is completed by the psychiatrist or other
7 physician who has examined the person who is subject to
8 commitment within three days of presenting the person for
9 admission to a facility for treatment, and which states that the
10 person is a sexually violent predator in need of involuntary
11 commitment. The form shall also state the specific facts upon which
12 the examining physician has based that conclusion and shall be
13 certified in accordance with the Rules Governing the Courts of the
14 State of New Jersey. A clinical certificate for a sexually violent
15 predator may not be executed by an individual who is a relative by
16 blood or marriage to the person who is being examined.

17 "Likely to engage in acts of sexual violence" means the
18 propensity of a person to commit acts of sexual violence is of such
19 a degree as to pose a threat to the health and safety of others.

20 "Mental abnormality" means a mental condition that affects a
21 person's emotional, cognitive or volitional capacity in a manner that
22 predisposes that person to commit acts of sexual violence.

23 "Person" means an individual 18 years of age or older who is a
24 potential or actual subject of proceedings under this act.

25 "Psychiatrist" means a physician who has completed the training
26 requirements of the American Board of Psychiatry and Neurology.

27 "Sexually violent offense" means:

28 (a) aggravated sexual assault; sexual assault; aggravated
29 criminal sexual contact; kidnapping pursuant to subparagraph (b) of
30 paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual
31 contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3
32 if the underlying crime is sexual assault; an attempt to commit any
33 of these enumerated offenses; or a criminal offense with
34 substantially the same elements as any offense enumerated above,
35 entered or imposed under the laws of the United States, this State or
36 another state; or

37 (b) any offense for which the court makes a specific finding on
38 the record that, based on the circumstances of the case, the person's
39 offense should be considered a sexually violent offense.

40 "Sexually violent predator" means a person who has been
41 convicted, adjudicated delinquent or found not guilty by reason of
42 insanity for commission of a sexually violent offense, or has been
43 charged with a sexually violent offense but found to be incompetent
44 to stand trial, and suffers from a mental abnormality or personality
45 disorder that makes the person likely to engage in acts of sexual
46 violence if not confined in a secure facility for control, care and
47 treatment.

1 "Treatment team" means the individuals, agencies or firms which
2 provide treatment, supervision or other services at a facility
3 designated for the custody, care and treatment of sexually violent
4 predators.

5 (cf: P.L.1998, c.71, s.3)

6
7 45. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
8 read as follows:

9 4. a. In order to ensure that adult and juvenile inmates who are
10 dangerous to themselves or others because of mental illness and
11 who are "in need of involuntary commitment" within the meaning
12 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
13 violent predators" within the meaning of section 3 of P.L.1998, c.71
14 (C.30:4-27.26), are not released without appropriate supervision
15 and treatment, the board, the Commissioner of the Department of
16 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
17 Commission established pursuant to section 2 of P.L.1995, c.284
18 (C.52:17B-170) and county prosecutors shall follow the procedures
19 set forth in this section.

20 b. When an adult or juvenile inmate is scheduled for release
21 due to expiration of the inmate's maximum term, the commissioner
22 or the **【Juvenile】 Youth** Justice Commission shall notify the
23 Attorney General and the prosecutor of the county from which the
24 person was committed if:

25 (1) The adult inmate's term includes a sentence imposed for
26 conviction of aggravated sexual assault, sexual assault or
27 aggravated criminal sexual contact and the court imposing sentence
28 found that the offender's conduct was characterized by a pattern of
29 repetitive, compulsive behavior;

30 (2) The parole board or the superintendent of the facility in
31 which the inmate has been confined has advised the commissioner
32 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
33 inmate during the period of confinement, the inmate's mental
34 condition or the inmate's past history indicates that the inmate may
35 be "in need of involuntary commitment" within the meaning of
36 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

37 (3) The inmate's term includes a sentence imposed for
38 conviction of a "sexually violent offense" as defined in section 3 of
39 P.L.1998, c.71 (C.30:4-27.26).

40 c. Notice required by subsection b. shall be given no less than
41 90 days before the date on which the inmate's maximum term is
42 scheduled to expire.

43 d. When such notice is given, the board, the **【Juvenile】 Youth**
44 Justice Commission or the commissioner shall provide the Attorney
45 General and county prosecutor with all information relevant to a
46 determination of whether the inmate may be "in need of involuntary
47 commitment" or may be a "sexually violent predator", including,

1 without regard to classification as confidential pursuant to
2 regulations of the board, of the Department of Corrections or the
3 **【Juvenile】 Youth** Justice Commission, any preparole report,
4 psychological and medical records, any statement of the reasons for
5 denial of parole and, if applicable, a statement of the reasons for the
6 determination that the inmate may be "in need of involuntary
7 commitment" or may be a "sexually violent predator".

8 e. If the Attorney General or county prosecutor determines, on
9 the basis of the information provided pursuant to this section or
10 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
11 commitment" or may be a "sexually violent predator", the
12 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
13 Commission, upon request of the Attorney General or county
14 prosecutor shall:

15 (1) Permit persons qualified to execute clinical certificates
16 necessary for civil commitment to examine the inmate in the
17 institution in which he is confined; or

18 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
19 arrange for persons qualified to execute clinical certificates
20 necessary for civil commitment to examine the inmate.

21 f. In the interests of the public safety and the well-being of the
22 inmate, the Attorney General or county prosecutor may exercise
23 discretion to obtain an assessment of the inmate's condition by one
24 or more of the means set forth in subsection e. of this section.

25 g. The Attorney General or county prosecutor shall provide a
26 psychiatrist or physician assessing or examining an inmate pursuant
27 to this section with all information relevant to the inmate's need of
28 involuntary commitment, including information concerning the
29 inmate's condition, history, recent behavior and any recent act or
30 threat. Any person who assesses or examines an inmate pursuant to
31 this section shall provide the Attorney General and county
32 prosecutor with a written report detailing the person's findings and
33 conclusions.

34 h. (1) All information, documents and records concerning the
35 inmate's mental condition or classified as confidential pursuant to
36 regulations of the board, of the Department of Corrections or the
37 **【Juvenile】 Youth** Justice Commission that are received or provided
38 pursuant to this section or N.J.S.2C:47-5 shall be deemed
39 confidential.

40 (2) Unless authorized or required by court order or except as
41 required in the course of judicial proceedings relating to the
42 inmate's commitment or release, disclosure of such information,
43 documents and records shall be limited to professionals evaluating
44 the inmate's condition pursuant to this section, the Attorney
45 General, county prosecutor and members of their respective staffs
46 as necessary to the performance of duties imposed pursuant to this
47 section.

1 i. Any person acting in good faith who has provided
2 information relevant to an inmate's need of involuntary commitment
3 or as to whether the inmate is a sexually violent predator or has
4 taken good faith steps to assess an inmate's need of involuntary
5 commitment or whether the inmate is a sexually violent predator is
6 immune from civil and criminal liability.
7 (cf: P.L.1998, c.71, s.17)

8
9 **【46.** Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
10 read as follows:

11 4. a. In order to ensure that adult and juvenile inmates who are
12 dangerous to themselves or others because of mental illness and
13 who are "in need of involuntary commitment" within the meaning
14 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
15 violent predators" within the meaning of section 3 of P.L.1998, c.71
16 (C.30:4-27.26), are not released without appropriate supervision
17 and treatment, the board, the Commissioner of the Department of
18 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
19 Commission established pursuant to section 2 of P.L.1995, c.284
20 (C.52:17B-170) and county prosecutors shall follow the procedures
21 set forth in this section.

22 b. When an adult or juvenile inmate is scheduled for release
23 due to expiration of the inmate's maximum term, the commissioner
24 or the **【Juvenile】 Youth** Justice Commission shall notify the
25 Attorney General and the prosecutor of the county from which the
26 person was committed if:

27 (1) The adult inmate's term includes a sentence imposed for
28 conviction of aggravated sexual assault, sexual assault or
29 aggravated criminal sexual contact and the court imposing sentence
30 found that the offender's conduct was characterized by a pattern of
31 repetitive, compulsive behavior;

32 (2) The parole board or the superintendent of the facility in
33 which the inmate has been confined has advised the commissioner
34 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
35 inmate during the period of confinement, the inmate's mental
36 condition or the inmate's past history indicates that the inmate may
37 be "in need of involuntary commitment" within the meaning of
38 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

39 (3) The inmate's term includes a sentence imposed for
40 conviction of a "sexually violent offense" as defined in section 3 of
41 P.L.1998, c.71 (C.30:4-27.26).

42 c. Notice required by subsection b. shall be given no less than
43 90 days before the date on which the inmate's maximum term is
44 scheduled to expire.

45 d. When such notice is given, the board, the **【Juvenile】 Youth**
46 Justice Commission or the commissioner shall provide the Attorney
47 General and county prosecutor with all information relevant to a

1 determination of whether the inmate may be "in need of involuntary
2 commitment" or may be a "sexually violent predator", including,
3 without regard to classification as confidential pursuant to
4 regulations of the board, of the Department of Corrections or the
5 **【Juvenile】 Youth** Justice Commission, any preparole report,
6 psychological and medical records, any statement of the reasons for
7 denial of parole and, if applicable, a statement of the reasons for the
8 determination that the inmate may be "in need of involuntary
9 commitment" or may be a "sexually violent predator".

10 e. If the Attorney General or county prosecutor determines, on
11 the basis of the information provided pursuant to this section or
12 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
13 commitment" or may be a "sexually violent predator", the
14 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
15 Commission, upon request of the Attorney General or county
16 prosecutor shall:

17 (1) Permit persons qualified to execute clinical certificates
18 necessary for civil commitment to examine the inmate in the
19 institution in which he is confined; or

20 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
21 arrange for persons qualified to execute clinical certificates
22 necessary for civil commitment to examine the inmate.

23 f. In the interests of the public safety and the well-being of the
24 inmate, the Attorney General or county prosecutor may exercise
25 discretion to obtain an assessment of the inmate's condition by one
26 or more of the means set forth in subsection e. of this section.

27 g. The Attorney General or county prosecutor shall provide a
28 psychiatrist or physician assessing or examining an inmate pursuant
29 to this section with all information relevant to the inmate's need of
30 involuntary commitment, including information concerning the
31 inmate's condition, history, recent behavior and any recent act or
32 threat. Any person who assesses or examines an inmate pursuant to
33 this section shall provide the Attorney General and county
34 prosecutor with a written report detailing the person's findings and
35 conclusions.

36 h. (1) All information, documents and records concerning the
37 inmate's mental condition or classified as confidential pursuant to
38 regulations of the board, of the Department of Corrections or the
39 **【Juvenile】 Youth** Justice Commission that are received or provided
40 pursuant to this section or N.J.S.2C:47-5 shall be deemed
41 confidential.

42 (2) Unless authorized or required by court order or except as
43 required in the course of judicial proceedings relating to the
44 inmate's commitment or release, disclosure of such information,
45 documents and records shall be limited to professionals evaluating
46 the inmate's condition pursuant to this section, the Attorney
47 General, county prosecutor and members of their respective staffs

1 as necessary to the performance of duties imposed pursuant to this
2 section.

3 i. Any person acting in good faith who has provided
4 information relevant to an inmate's need of involuntary commitment
5 or as to whether the inmate is a sexually violent predator or has
6 taken good faith steps to assess an inmate's need of involuntary
7 commitment or whether the inmate is a sexually violent predator is
8 immune from civil and criminal liability.

9 (cf: P.L.1998, c.71, s.17)】

10

11 【47.】 46. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is
12 amended to read as follows:

13 3. a. The Commissioner of Corrections, in conjunction with the
14 【Juvenile】 Youth Justice Commission and the State Parole Board,
15 shall establish a program to record and analyze the recidivism of all
16 inmates and juveniles adjudicated delinquent who are released from
17 a State correctional facility or a training school for juveniles,
18 whether on parole or upon the completion of their maximum
19 sentences. The purpose of this program shall be to assist in
20 measuring the effectiveness of the State's reentry initiatives and
21 programs.

22 b. The program shall record the arrests for all offenses
23 committed by releasees within three years following their release
24 and any convictions resulting from the arrests. These data shall be
25 analyzed to determine whether the rates and nature of rearrests and
26 convictions differ according to the criminal histories and personal
27 characteristics of releasees, the treatment they received while
28 confined, length of sentence, conditions of parole, participation and
29 involvement in reentry initiatives and programs, and such other
30 factors as may be relevant to the purposes of this section, including,
31 but not limited to, race, gender, ethnicity, and age.

32 c. The commissioner shall prepare and disseminate semi-
33 annual reports summarizing the recidivism rates, patterns, and other
34 findings and analyses resultant of the information gathered pursuant
35 to this section. These reports shall include summaries of the
36 treatment received by the releasees and any participation and
37 involvement in reentry initiatives by the releasees, and shall make
38 recommendations concerning the effectiveness of the treatment
39 programs and reentry initiatives. These reports shall be available to
40 the general public and shall not contain any personally identifying
41 information. To facilitate the accessibility of these reports to the
42 general public, the commissioner shall, to the greatest extent
43 possible, utilize the Internet.

44 d. The commissioner shall annually prepare and transmit to the
45 Governor and the Legislature, pursuant to section 2 of P.L.1991,
46 c.164 (C.52:14-19.1), a summary of the recommendations set forth
47 in the reports prepared pursuant to subsection c. of this section,

1 along with any recommendations the department, **【Juvenile】 Youth**
2 Justice Commission or the State Parole Board may have for
3 legislation to improve the effectiveness of the State's reentry
4 initiatives and programs.
5 (cf: P.L.2015, c.144, s.1)
6

7 **【48.】 47.** Section 1 of P.L.1979, c.441 (C.30:4-123.45) is
8 amended to read as follows:

9 1. a. This act shall be known and may be cited as the "Parole Act
10 of 1979."

11 b. In this act, unless a different meaning is plainly required:

12 (1) "Adult inmate" means any person sentenced as an adult to a
13 term of incarceration.

14 (2) "Juvenile inmate" means any person under commitment as a
15 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
16 (C.2A:4A-44).

17 (3) "Parole release date" means that date certified by a member
18 of the board for release of an inmate after a review of the inmate's
19 case pursuant to section 11, 13 or 14 of this act.

20 (4) "Primary parole eligibility date" means that date established
21 for parole eligibility for adult inmates pursuant to section 7 or 20 of
22 this act.

23 (5) "Public notice" shall consist of lists including names of all
24 inmates being considered for parole, the county from which the
25 inmates were committed and the crimes for which the inmates were
26 incarcerated. At least 30 days prior to parole consideration the lists
27 shall be forwarded to the office of the public defender of each
28 county or the private attorney of record for the inmates, the
29 prosecutor's office of each county, the sentencing court, the office
30 of the Attorney General, any other criminal justice agencies whose
31 information and comment may be relevant, and news organizations.

32 (6) Removal for "cause" means substantial cause that is plainly
33 sufficient under the law and sound public policy touching upon
34 qualifications appropriate to a member of the parole board or the
35 administration of the board such that the public interest precludes
36 the member's continuance in office. Cause includes, but is not
37 limited to, misconduct in office, incapacity, inefficiency,
38 nonfeasance, and violations of the Parole Board's Code of Ethics.

39 (7) "Commission" means the **【Juvenile】 Youth** Justice
40 Commission established pursuant to section 2 of P.L.1995, c.284
41 (C.52:17B-170).

42 (8) "Parole officer" means, with respect to an adult inmate, an
43 officer assigned by the Chairman of the State Parole Board or the
44 chairman's designee and, with respect to a juvenile inmate, a person
45 assigned by the commission.

46 (cf: P.L.2019, c.364, s.7)

1 **【49.】 48.** Section 5 of P.L.2020, c.111 (C.30:4-123.103) is
2 amended to read as follows:

3 5. a. An inmate who is released from the custody of the
4 Commissioner of Corrections or a juvenile who is released from the
5 custody of the **【Juvenile】 Youth** Justice Commission following an
6 award of public health emergency credits pursuant to section 1 of
7 P.L.2020, c.111 (C.30:4-123.100), from the date of release until the
8 date the inmate or juvenile, as the case may be, was scheduled to be
9 released prior to the award of public health emergency credits, shall
10 be prohibited from purposely or knowingly making contact with any
11 victim of the crime for which the inmate or juvenile was serving a
12 sentence.

13 For purposes of this subsection, making contact with a victim
14 shall include contact made personally by the inmate or juvenile, as
15 the case may be, or through an agent, and shall include but not be
16 limited to: personal, written, electronic, or telephone contact or
17 communication; or entering the residence, property, school, or place
18 of employment of the victim.

19 b. A violation of subsection a. of this section shall be a crime
20 of the fourth degree.

21 c. (1) A petition may be filed with the court to dissolve the
22 prohibition established pursuant to the provisions of this section
23 prohibiting an inmate or juvenile, as the case may be, from making
24 contact with the victim in accordance with procedures established
25 by the court.

26 (2) The Director of the Administrative Office of the Courts shall
27 provide the Department of Corrections, **【Juvenile】 Youth** Justice
28 Commission, and Attorney General with information concerning the
29 procedures established by the court for filing a petition to dissolve
30 the prohibition established pursuant to this section prohibiting an
31 inmate or juvenile, as the case may be, from making contact with
32 any victim of the crime for which the inmate or juvenile was
33 serving a sentence.

34 (cf: P.L.2020, c.111, s.5)

35
36 **【50.】 49.** Section 12 of 1970, c.300 (C.30:4-157.2) is amended
37 to read as follows:

38 12. The warrant of commitment to the custody of the **【Juvenile】**
39 **Youth** Justice Commission established pursuant to section 2 of
40 P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the
41 parents or guardians if they can be ascertained and the juvenile's
42 place of residence. The court shall order transmitted to the
43 commission, by the officer serving the order of commitment a copy
44 of the complaint, a copy of any probation reports, pre-disposition
45 reports, education records, county detention center records, or other
46 records which the county may have concerning the past
47 delinquencies of the juvenile and other information concerning any

1 mental or physical condition which the court deems to be of
2 importance in the rehabilitation of the juvenile or the maintenance
3 of discipline, order and safety in the facility or the operation of the
4 facility or its programs. Such records shall be used for the
5 information and guidance of the facility and the commission but
6 shall not be public records. Such warrants and records shall be
7 forwarded to the commission on, or prior to, the date of the
8 juvenile's admission into the facility.

9 (cf: P.L.1995, c.280, s.49)

10
11 **【51.】 50.** Section 1 of P.L.1939, c.301 (C.30:4-157.4) is
12 amended to read as follows:

13 30:4-157.4. Whenever a juvenile shall be committed to the
14 custody of the **【Juvenile】 Youth** Justice Commission established
15 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be
16 the duty of the court, at the time of the examination, to make
17 inquiry as to the ability of the parent or guardian to pay the
18 expenses of the commitment proceedings and the board of the
19 juvenile, and it shall endorse on the warrant of commitment a
20 statement of its finding in that regard.

21 Payment by the parent or guardian of these costs shall be made to
22 the probation division or county adjuster, whichever the court shall
23 designate; provided, however, that upon collection thereof the costs
24 of the commitment proceedings shall be paid to the county
25 treasurer, and any amount received representing maintenance shall
26 be forwarded to the State Treasurer. In the event of failure of the
27 parent or guardian to pay the amount ordered by the court then the
28 probation division or county adjuster, as the case may be, shall
29 bring the matter before the court for such further order as shall
30 appear proper therein to compel payment.

31 (cf: P.L.1995, c.280, s.50)

32
33 **【52.】 51.** Section 16 of P.L.1970, c.300 (C.30:4-157.7) is
34 amended to read as follows:

35 30:4-157.7. No juvenile in custody of the **【Juvenile】 Youth**
36 Justice Commission established pursuant to section 2 of P.L.1995,
37 c.284 (C.52:17B-170) shall be indentured or bound out to service.

38 (cf: P.L.1995, c.280, s.52)

39
40 **【53.】 52.** Section 11 of P.L.2017, c.176 (C.30:7E-7) is amended
41 to read as follows:

42 11. a. Notwithstanding the provisions of any other law or
43 regulation to the contrary, any contract between a health care
44 provider and the New Jersey Department of Corrections, the
45 **【Juvenile】 Youth** Justice Commission, the State Parole Board, or
46 any other State or local entity, which contract provides health care
47 services to the State's inmate population, shall not contain any

1 provision that discriminates, and the State or local entity
2 contracting for services shall ensure there is no discrimination, on
3 the basis of a person's gender identity or expression or on the basis
4 that the person is a transgender person.

5 b. The discrimination prohibited by this section shall include:

6 (1) denying, cancelling, limiting or refusing to issue or renew a
7 contract on the basis of a covered person's or prospective covered
8 person's gender identity or expression, or for the reason that the
9 covered person or prospective covered person is a transgender
10 person;

11 (2) demanding or requiring a payment or premium that is based
12 in whole or in part on a covered person's or prospective covered
13 person's gender identity or expression, or for the reason that the
14 covered person or prospective covered person is a transgender
15 person;

16 (3) designating a covered person's or prospective covered
17 person's gender identity or expression, or the fact that a covered
18 person or prospective covered person is a transgender person, as a
19 preexisting condition for which coverage will be denied or limited;
20 or

21 (4) denying or limiting coverage, or denying a claim, for
22 services including but not limited to the following, due to a covered
23 person's gender identity or expression or for the reason that the
24 covered person is a transgender person:

25 (a) health care services related to gender transition if coverage
26 is available for those services under the contract when the services
27 are not related to gender transition, including but not limited to
28 hormone therapy, hysterectomy, mastectomy, and vocal training; or

29 (b) health care services that are ordinarily or exclusively
30 available to individuals of one sex when the denial or limitation is
31 due only to the fact that the covered person is enrolled as belonging
32 to the other sex or has undergone, or is in the process of
33 undergoing, gender transition.

34 c. For the purposes of this section:

35 "Gender expression" means a person's gender-related appearance
36 and behavior, whether or not stereotypically associated with the
37 person's assigned sex at birth.

38 "Gender identity" means a person's internal sense of their own
39 gender, regardless of the sex the person was assigned at birth.

40 "Gender transition" means the process of changing a person's
41 outward appearance, including physical sex characteristics, to
42 accord with the person's actual gender identity.

43 "Transgender person" means a person who identifies as a gender
44 different from the sex assigned to the person at birth.

45 d. Nothing in this section shall preclude a State or local entity
46 contracting for services pursuant to this section from performing

1 utilization review, including periodic review of the medical
2 necessity of a particular service.

3 (cf: P.L.2017, c.176, s.11)

4
5 **【54.】** 53. Section 3 of P.L.1997, c.81 (C.30:8-63) is amended to
6 read as follows:

7 3. As used in this act:

8 "Commission" means the **【Juvenile】** Youth Justice Commission
9 established pursuant to section 2 of P.L.1995, c.284
10 (C.52:17B-170).

11 "Juvenile offender" means a person under the age of 18 who has
12 been adjudicated delinquent for an act which, if committed by an
13 adult, would constitute a crime of the third or fourth degree,
14 excluding an adjudication for any act which would constitute a
15 crime under chapter 14 of Title 2C of the New Jersey Statutes.

16 (cf: P.L.1997, c.81, s.3)

17
18 **【55.】** 54. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended
19 to read as follows:

20 4. There is established in the Department of Children and
21 Families the New Jersey Youth Suicide Prevention Advisory
22 Council.

23 a. The purpose of the council shall be to: examine existing
24 needs and services and make recommendations to the division for
25 youth suicide reporting, prevention and intervention; advise the
26 division on the content of informational materials to be made
27 available to persons who report attempted or completed suicides;
28 and advise the division in the development of regulations required
29 pursuant to this act.

30 b. The council shall consist of 18 members as follows:

31 (1) the Commissioners of Human Services, Children and
32 Families, Health and Senior Services, and Education, the executive
33 director of the **【Juvenile】** Youth Justice Commission established
34 pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the
35 chairman of the Community Mental Health Citizens Advisory
36 Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.),
37 or their designees, who shall serve ex officio;

38 (2) six public members appointed by the Governor, as follows:
39 one person who is a current member of a county mental health
40 advisory board, one person with personal or family experience with
41 suicide, one person who is a current or retired primary or secondary
42 school teacher, one person who is a current or former member of a
43 local board of education, one psychiatrist and one person with
44 professional experience in the collection and reporting of social
45 science data;

46 (3) three public members appointed by the President of the
47 Senate, no more than two of whom are members of the same

1 political party, one of whom has volunteer or paid experience in the
2 provision of services to survivors of suicide or youth at risk of
3 attempting suicide, one of whom is an alcohol and drug counselor,
4 and one of whom is a representative of the New Jersey Traumatic
5 Loss Coalition; and

6 (4) three public members appointed by the Speaker of the
7 General Assembly, no more than two of whom are members of the
8 same political party, one of whom has knowledge of and interest in
9 the prevention of youth suicide and the provision of education about
10 suicide to high-risk populations, including religious, racial, ethnic
11 or sexual minorities, one of whom is a pediatrician, and one of
12 whom is a school-based counselor.

13 c. The public members shall be appointed no later than 60 days
14 after the date of enactment of this act.

15 d. The public members shall serve for a term of five years; but,
16 of the members first appointed, three shall serve for a term of two
17 years, three for a term of three years, three for a term of four years
18 and three for a term of five years. Members are eligible for
19 reappointment upon the expiration of their terms. Vacancies in the
20 membership of the council shall be filled in the same manner
21 provided for the original appointments.

22 e. The council shall organize as soon as practicable following
23 the appointment of its members and shall select a chairperson and
24 vice-chairperson from among the members. The chairperson shall
25 appoint a secretary who need not be a member of the council.

26 f. The public members shall serve without compensation, but
27 shall be reimbursed for necessary expenses incurred in the
28 performance of their duties and within the limits of funds available
29 to the council.

30 g. The council shall be entitled to call to its assistance and avail
31 itself of the services of the employees of any State, county or
32 municipal department, board, bureau, commission or agency as it
33 may require and as may be available to it for its purposes.

34 h. The Department of Children and Families shall provide staff
35 support to the council.

36 (cf: P.L.2006, c.47, s.175)

37

38 **【56.】** 55. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended
39 to read as follows:

40 9. The commission shall:

41 a. Issue the New Jersey Unified Workforce Investment Plan
42 pursuant to the provisions of the Workforce Investment Act of
43 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
44 P.L.1989, c.293 (C.34:15C-7);

45 b. Establish performance standards for workforce investment
46 programs pursuant to the Workforce Investment Act of 1998,

- 1 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
2 P.L.1989, c.293 (C.34:15C-8);
- 3 c. Act to ensure the full participation of Workforce Investment
4 Boards in the planning and supervision of local workforce
5 investment systems. The commission shall be responsible to
6 oversee and develop appropriate standards to ensure Workforce
7 Investment Board compliance with State and federal law, the State
8 plan, and other relevant requirements regarding membership,
9 staffing, meetings, and functions;
- 10 d. Foster and coordinate initiatives of the Department of
11 Education and Commission on Higher Education to enhance the
12 contributions of public schools and institutions of higher education
13 to the implementation of the State workforce investment policy;
- 14 e. Examine federal and State laws and regulations to assess
15 whether those laws and regulations present barriers to achieving any
16 of the goals of this act. The commission shall, from time to time as
17 it deems appropriate, issue to the Governor and the Legislature
18 reports on its findings, including recommendations for changes in
19 State or federal laws or regulations concerning workforce
20 investment programs or services, including, when appropriate,
21 recommendations to merge other State advisory structures and
22 functions into the commission;
- 23 f. Perform the duties assigned to a State Workforce Investment
24 Board pursuant to subsection (d) of section 111 of the Workforce
25 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);
- 26 g. Have the authority to enter into agreements with the head of
27 each State department or commission which administers or funds
28 education, employment or training programs, including, but not
29 limited to, the Departments of Labor and Workforce Development,
30 Community Affairs, Education, and Human Services and the
31 Commission on Higher Education, the New Jersey Economic
32 Development Authority, and the **【Juvenile】 Youth** Justice
33 Commission, which agreements are for the purpose of assigning
34 planning, policy guidance and oversight functions to each
35 Workforce Investment Board with respect to any workforce
36 investment program funded or administered by the State department
37 or commission within the Workforce Investment Board's respective
38 labor market area or local area, as the case may be; and
- 39 h. Establish guidelines to be used by the Workforce Investment
40 Boards in performing the planning, policy guidance, and oversight
41 functions assigned to the boards under any agreement reached by
42 the commission with a department or commission pursuant to
43 subsection g. of this section. The commission shall approve all
44 local Workforce Investment Board plans that meet the criteria
45 established by the commission for the establishment of One-Stop
46 systems. The Department of Labor and Workforce Development

1 shall approve the operational portion of the plans for programs
2 administered by the department.

3 The commission shall have access to all files and records of
4 other State agencies and may require any officer or employee
5 therein to provide such information as it may deem necessary in the
6 performance of its functions.

7 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
8 construed as affecting the authority of the State Treasurer to review
9 and approve training programs for State employees pursuant to
10 N.J.S.11A:6-25.

11 (cf: P.L.2008, c.29, s.91)

12

13 **[57.]** 56. Section 1 of P.L.2001, c.446 (C.34:15F-12) is
14 amended to read as follows:

15 1. a. There is established in the Department of Labor and
16 Workforce Development a Youth Employment and After School
17 Incentive Pilot Program which shall be administered by the
18 Commissioner of Labor and Workforce Development, pursuant to
19 the provisions of P.L.2001, c.446 (C.34:15F-12 et seq.). The
20 program shall provide for employment opportunities for
21 disadvantaged youth with private and nonprofit employers. The
22 purpose of the program shall be to enable disadvantaged youth to
23 acquire job knowledge and skills and an understanding of the
24 linkage between the skills, behaviors, and attitudes necessary to
25 function as an adult in the workplace.

26 As used in P.L.2001, c.446 (C.34:15F-12 et seq.),
27 "disadvantaged youth" means public and nonpublic school students
28 as well as youth who are not students who reside in municipalities
29 where both the rates of unemployment and violent crime
30 significantly exceed the Statewide rates of unemployment and
31 violent crime by percentages which shall be designated by the
32 commissioner. The term shall include youth in these municipalities
33 who are participating in a program of aftercare following their
34 release from juvenile detention or community facilities.

35 b. There is established in, but not of, the Department of Labor
36 and Workforce Development the Disadvantaged Youth Employment
37 Opportunities Council. Notwithstanding the allocation of the
38 council to the Department of Labor and Workforce Development,
39 the council shall directly report to the Chairperson of the State
40 Employment and Training Commission established by section 5 of
41 P.L.1989, c.293 (C.34:15C-2). The council shall consist of 18
42 members: the Commissioner of Labor and Workforce Development,
43 the Commissioner of Education, the Executive Director of the New
44 Jersey Commission on Higher Education, the Chief Executive
45 Officer and Secretary of the New Jersey Commerce, Economic
46 Growth and Tourism Commission, the Secretary of State and the
47 Executive Director of the **[Juvenile]** Youth Justice Commission, or

1 their designees, who shall serve ex officio and as nonvoting
2 members; and 12 public members appointed by the Governor, the
3 President of the Senate and the Speaker of the General Assembly.
4 The Governor shall appoint two religious leaders and two
5 representatives of education organizations. The President of the
6 Senate and the Speaker of the Assembly shall each appoint a leader
7 of the business community, a labor leader, a representative of a
8 county vocational-technical school, and a person representing
9 organizations that have expertise serving the needs of
10 disadvantaged youth. The public members shall serve for terms of
11 three years, may be reappointed and may serve until a successor has
12 been appointed. Of the public members first appointed, six shall be
13 appointed for terms of three years, and six shall be appointed for
14 terms of two years. A vacancy in the membership, occurring other
15 than by expiration of a term, shall be filled in the same manner as
16 the original appointment, but for the unexpired term only. The
17 members shall serve without compensation, but the council may,
18 within the limits of funds appropriated or otherwise made available
19 to it, reimburse members for actual expenses necessarily incurred in
20 the discharge of their official duties.

21 The council shall organize as soon as its members are appointed
22 and shall select a chairman and vice-chairman from among its
23 members and may select a secretary, who need not be a member of
24 the council. The council shall meet monthly, and at such other
25 times as may be necessary.

26 The council may employ, prescribe the duties and fix and pay the
27 compensation of such persons it may deem necessary to carry out
28 the duties of the council within the limits of available
29 appropriations.

30 It shall be the duty of the council to:

31 (1) Develop a master plan to increase employment opportunities
32 for disadvantaged youth;

33 (2) Enlist the commitment of the State's business leadership to
34 provide employment opportunities for disadvantaged youth;

35 (3) Enlist the support of the State's key unions which operate
36 apprenticeship and similar programs;

37 (4) Develop proposals for innovative efforts to assist
38 economically disadvantaged youth to enroll in and successfully
39 complete employment programs;

40 (5) Involve all sectors of the community, including high level
41 representatives of business, youth-serving agencies, foundations,
42 local school systems, the communications media, and the religious
43 community in an effort to promote and coordinate employment
44 opportunities for disadvantaged youth; and

45 (6) In conjunction with the Department of Labor and Workforce
46 Development and the Commerce, Economic Growth and Tourism
47 Commission, seek to identify and maximize any available federal

1 funding for the purpose of enhancing employment opportunities
2 provided under P.L.2001, c.446 (C.34:15F-12 et seq.).

3 The council shall be entitled to call to its assistance and avail
4 itself of the services of such employees of any State, county or
5 municipal department, board, bureau, commission, or agency as it
6 may require and as may be available to it for these purposes.

7 The Commissioner of Labor and Workforce Development, in
8 consultation with the State Employment and Training Commission
9 and the council, may promulgate rules and regulations necessary to
10 effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).

11 (cf: P.L.2007, c.189, s.1)

12

13 **【58.】** 57. Section 2 P.L.2001, c.446 (C.34:15F-13) is amended
14 to read as follows:

15 2. a. In cooperation with the Disadvantaged Youth Employment
16 Opportunities Council established in section 1 of P.L.2001, c.446
17 (C.34:15F-12), the Commissioner of Labor and Workforce
18 Development, in consultation with the State Employment and
19 Training Commission shall develop and administer the employment
20 program established under this act. The commissioner shall, to the
21 greatest extent feasible, attempt to achieve a balance of enrolled
22 disadvantaged youth from the northern, central, and southern parts
23 of the State.

24 b. The Commissioner of Labor and Workforce Development, in
25 consultation with the State Employment and Training Commission,
26 the Department of Education, the **【Juvenile】** Youth Justice
27 Commission, and the council, shall develop procedures relating to
28 the program referral process; establish the selection criteria for
29 participants which shall include the identification of local
30 disadvantaged youths assessed by local law enforcement and
31 juvenile corrections authorities as being at risk of gang membership
32 or involvement or reinvolvement in the criminal justice system and
33 students who are not meeting minimal district standards of behavior
34 and academic achievement; provide a listing of employers who have
35 agreed to participate in the program; and establish the process
36 which will be utilized for matching disadvantaged youth to
37 employment opportunities that will enhance the self-esteem and
38 assimilation of life skills necessary for productive functioning in the
39 school setting and society.

40 (cf: P.L.2007, c.189, s.2)

41

42 **【59.】** 58. Section 1 of P.L.2009, c.16 (C.40A:14-200) is
43 amended to read as follows:

44 1. As used in this act:

45 "Law enforcement agency" or "agency" means any public
46 agency, other than the Department of Law and Public Safety, but
47 not including the **【Juvenile】** Youth Justice Commission, any police

1 force, department, or division within the State, or any county or
2 municipality thereof, which is empowered by statute to act for the
3 detection, investigation, arrest, conviction, detention, or
4 rehabilitation of persons violating the criminal laws of this State.

5 "Law enforcement officer" or "officer" means any person who is
6 employed as a permanent full-time member of any State, county, or
7 municipal law enforcement agency, department, or division of those
8 governments who is statutorily empowered to act for the detection,
9 investigation, arrest, conviction, detention, or rehabilitation of
10 persons violating the criminal laws of this State and statutorily
11 required to successfully complete a training course approved by, or
12 certified as being substantially equivalent to such an approved
13 course, by the Police Training Commission pursuant to P.L.1961,
14 c.56 (C.52:17B-66 et seq.).

15 "Paid firefighter" or "firefighter" means any full-time paid
16 firefighter employed by a public fire department.

17 "Public fire department" or "department" means any department
18 of a municipality, county, fire district or the State or any agency
19 thereof having employees engaged in firefighting provided that such
20 firefighting employees are included in a negotiating unit exclusively
21 comprised of firefighting employees.

22 (cf: P.L.2009, c.16, s.1)

23
24 **[60.] 59.** Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is
25 amended to read as follow:

26 19. a. The Victims of Crime Compensation Agency, after
27 consultation with the Attorney General, the Department of
28 Corrections, and the Administrative Office of the Courts, on behalf
29 of the county probation divisions and the municipal court clerks,
30 shall continue to develop the existing uniform system for recording
31 all information necessary to ensure proper identification, tracking,
32 collection and disposition of moneys owed for:

33 (1) assessments imposed pursuant to section 2 of P.L.1979,
34 c.396 (C.2C:43-3.1);

35 (2) fines and restitutions imposed in accordance with provisions
36 of Title 2C of the New Jersey Statutes;

37 (3) fees imposed pursuant to N.J.S.2C:35-20;

38 (4) penalties imposed pursuant to N.J.S.2C:35-15.

39 b. The Victims of Crime Compensation Agency shall use the
40 moneys deposited in the Criminal Disposition and Revenue
41 Collection Fund to defray the costs incurred by the agency in
42 developing, implementing, operating and improving the agency's
43 component of the uniform system for tracking and collecting
44 revenues described in subsection a. of this section.

45 c. The **[Juvenile]** Youth Justice Commission established
46 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the
47 Department of Corrections, and the Administrative Office of the

1 Courts, on behalf of the county probation divisions and the
2 municipal court clerks, shall file such reports with the Victims of
3 Crime Compensation Agency as required for the operation of the
4 uniform system described in subsection a. of this section.

5 d. The Victims of Crime Compensation Agency shall report
6 annually to the Governor, the Attorney General, the Administrative
7 Director of the Administrative Office of the Courts, the
8 Commissioner of the Department of Corrections, the **【Juvenile】**
9 Youth Justice Commission and the Legislature on the development,
10 implementation, improvement and effectiveness of the uniform
11 system and on moneys received, deposited and identified as
12 receivable.

13 (cf: P.L.2007, c.95, s.10)

14
15 **【61.】 60.** Section 1 of P.L.2019, c.115 (C.52:16A-26.10) is
16 amended to read as follows:

17 1. a. The New Jersey State Council on the Arts shall publish on
18 its website and disseminate to any organization in this State that
19 expresses to the council an intent to develop or expand an arts
20 program for youth at risk of juvenile delinquency a guide
21 containing best practices for such programs. Under the best
22 practices guidelines, programs should:

23 (1) recognize that art is a vehicle that can be used to engage
24 youth in activities that will increase their self-esteem;

25 (2) provide for collaborative effort among the artist, social
26 service provider, teacher, agency staff, youth, and family, as
27 appropriate, in delivery of the program;

28 (3) recognize and involve the families of the youth and the
29 communities in which the youth live;

30 (4) include age-appropriate curriculum;

31 (5) emphasize dynamic teaching tactics, such as hands-on
32 learning, apprentice relationships, and the use of technology;

33 (6) to the extent possible, culminate in a public performance or
34 exhibition with a focus on building participants' self-esteem through
35 public recognition;

36 (7) during the planning stage, address program goals, site
37 selection, population, the development of relationships among team
38 members, the methods for youth involvement in planning,
39 curriculum design, transportation, safety, incentives, behavioral
40 requirements, program growth, the balance between arts program
41 and other program objectives, the balance between process and
42 product, student recognition of achievements, and the involvement
43 of families, communities, and volunteers;

44 (8) incorporate an evaluation system early into the program;

45 (9) train teams, collaboratively, that work with youth in team
46 building, communication skills, and organizational skills;

- 1 (10) train teams in effective methods for working with youth
2 from special populations, including in behavior management,
3 adolescent psychology, and familiarization with the juvenile justice
4 system;
- 5 (11) train teams in designing a curriculum or involving a trained
6 curriculum specialist;
- 7 (12) adopt training that is practical, addresses issues identified
8 by team members, incorporates advice from a variety of trainers
9 with expertise in relevant issue areas, provides opportunities for
10 team members to share in successes and failures and engage in peer
11 training, and integrates specialized training into ongoing training
12 sessions whenever possible;
- 13 (13) require program staff to clearly define program goals and
14 intended outcomes in evaluating an arts program, and to monitor
15 and document program implementation and the service-delivery
16 process;
- 17 (14) utilize "process evaluations," which examine program
18 implementation and service delivery, to describe and refine a
19 program, measuring the impact on youth and identifying ways to
20 improve a program;
- 21 (15) employ journals, portfolios, surveys, and artist observations
22 as evaluation measures to determine the effects of arts programs on
23 at-risk youth, incorporating those measures into program activities
24 when possible;
- 25 (16) document program-specific factors, such as staff ratios,
26 hours of contact, and duration of contact, in process evaluations;
- 27 (17) account for the impact of individual, family, and
28 community factors on program effectiveness; and
- 29 (18) incorporate activities that recognize individual efforts and
30 provide opportunities for youth to learn new skills, which activities
31 are designed to reduce the influence of risk factors associated with
32 adolescent problem behaviors, such as low neighborhood
33 attachment, lack of commitment to school, alienation and
34 rebelliousness, and friends who engage in problem behavior.
- 35 The council shall make periodic revisions to the guide as
36 necessary.
- 37 b. The council shall provide technical and consultative
38 assistance to any State agency or local government unit requesting
39 such assistance to implement a program adopting the elements
40 listed in subsection a. of this section. The council shall, upon
41 completion or revision, deliver, by electronic or other means, the
42 guide to the **【Juvenile】 Youth** Justice Commission and the Division
43 of Child Protection and Permanency in the Department of Children
44 and Families.
- 45 As used in this subsection, "State agency" means any agency in
46 the Executive branch of State government, including, but not
47 limited to, any department, board, bureau, commission, division,

1 office, council, or instrumentality thereof, or independent agency,
2 public authority or public benefit corporation, and any State college
3 or public institution of higher education. "Local government unit"
4 means a county, municipality, board of education, or county college
5 as defined in section 2 of P.L.1982, c.189 (C.18A:64A-25.2).

6 (cf: P.L.2019, c.115, s.1)

7
8 **【62.】** 61. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended
9 to read as follows:

10 2. As used in this act:

11 "Applicant" means an individual who applies to the Police
12 Training Commission to become licensed as a law enforcement
13 officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

14 "Approved school" shall mean a school approved and authorized
15 by the Police Training Commission to give police training courses
16 or a training course for State and county correctional police officers
17 and juvenile detention officers as prescribed in this act.

18 "Commission" shall mean the Police Training Commission or
19 officers or employees thereof acting on its behalf.

20 "County" shall mean any county which within its jurisdiction has
21 or shall have a law enforcement unit as defined in this act.

22 "Discipline subject to appeal" means a removal, disciplinary
23 demotion, suspension, or fine of more than five days, or fewer
24 where the aggregate number of days the employee was suspended
25 or fined in any one calendar year is 15 or more days, or where the
26 employee received more than three suspensions or fines of five days
27 or fewer in one calendar year.

28 "Law enforcement officer" means any person who is employed
29 as a sworn member of any State, county, or municipal law
30 enforcement agency, department, division, or instrumentality of
31 those governments who is statutorily empowered to act for the
32 detection, investigation, arrest, conviction, detention, or
33 rehabilitation of persons violating the criminal laws of the State.
34 This term shall include, but is not limited to, sworn members of the
35 New Jersey State Police, the Division of Criminal Justice, and the
36 **【Juvenile】** Youth Justice Commission; State correctional police
37 officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4);
38 county correctional police officers pursuant to N.J.S.2A:154-3;
39 State Parole officers pursuant to section 1 of P.L.1968, c.427
40 (C.2A:154-4); special law enforcement officers of all classes
41 pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law
42 enforcement officers appointed pursuant to section 25 of P.L.2017,
43 c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4);
44 transit police officers appointed by New Jersey Transit pursuant to
45 section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police
46 officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
47 seq.).

1 "Law enforcement unit" shall mean any State, county or
2 municipal law enforcement agency, department, division, or
3 instrumentality of such government that is statutorily empowered to
4 act for the detection, investigation, arrest, conviction, detention, or
5 rehabilitation of persons violating the criminal laws of the State,
6 and shall include all agencies that employ law enforcement officers
7 as defined in this section.

8 "Licensing committee" means the committee established by the
9 Police Training Commission to perform duties with respect to law
10 enforcement officer licensing as set forth in subsection c. of section
11 9 of P.L.2022, c.65 (C.52:17B-71a).

12 "Municipality" shall mean a city of any class, township, borough,
13 village, or any other type of municipality in this State which, within
14 its jurisdiction, has or shall have a law enforcement unit as defined
15 in this act.

16 "National Decertification Index" shall mean the national registry
17 of law enforcement officer decertification or license revocations
18 maintained by the International Association of Directors of Law
19 Enforcement Standards and Training, or a successor database.

20 "Permanent appointment" shall mean an appointment having
21 permanent status as a law enforcement officer in a law enforcement
22 unit as prescribed by Title 11A of the New Jersey Statutes, Civil
23 Service Commission Rules and Regulations, or of any other law of
24 this State, municipal ordinance, or rules and regulations adopted
25 thereunder.

26 "Police training course" means a training course approved by the
27 Police Training Commission and conducted at an approved school.

28 "Probationary law enforcement license" means a license issued
29 by the Police Training Commission to a person appointed by a law
30 enforcement unit on a probationary or temporary basis which
31 authorizes the person to perform the functions of a permanent law
32 enforcement officer during the person's probationary or temporary
33 appointment term.

34 "Sustained finding" shall mean a determination by an employing
35 law enforcement unit that a law enforcement officer violated a law;
36 regulation; directive, guideline, policy, or procedure issued by the
37 Attorney General or County Prosecutor; agency protocol; standing
38 operating procedure; rule; or training.

39 (cf: P.L.2022, c.65, s.2)
40

41 **【63.】** 62. Section 1 of P.L.1995, c.284 (C.52:17B-169) is
42 amended to read as follows:

43 1. The Legislature finds and declares:

44 a. The public safety requires reform of the juvenile justice
45 system;

46 b. Juvenile arrests for murder, robbery, aggravated sexual
47 assault, sexual assault and aggravated assault have increased 38

- 1 percent between 1988 and 1993 and New Jersey ranks near the top
2 nationally in the number of juvenile arrests for serious violent
3 crimes;
- 4 c. Juvenile crime has become a leading cause of injury and
5 death among young people;
- 6 d. Currently, preventive, deterrent and rehabilitative services
7 and sanctions for juveniles are the responsibility of no less than
8 three State departments: The Department of Law and Public Safety
9 deals with county prosecutors and local police and implements
10 prevention programs; the Department of Corrections operates the
11 New Jersey Training School for Boys and the Juvenile Medium
12 Security Facility, and its Bureau of Parole supervises juvenile
13 parolees; and the Department of Human Services operates
14 residential and day programs in facilities for juveniles adjudicated
15 delinquent;
- 16 e. The division of responsibility for the juvenile justice
17 population and the limitations on resources available to meet ever-
18 increasing demands for services provided by the Departments of
19 Human Services and Corrections have prevented the departments
20 from maximizing efforts to meet the special needs of the juvenile
21 justice population;
- 22 f. The juvenile justice system lacks services and sanctions
23 short of incarceration, particularly in urban areas and for that
24 reason, many juveniles are not held accountable until they have
25 committed a series of increasingly serious criminal acts;
- 26 g. The special needs of juveniles can be addressed through
27 services and sanctions provided at the county and local level;
- 28 h. The need to protect the public from criminal acts by juvenile
29 offenders requires a comprehensive program and concerted action
30 of governmental agencies and private organizations at the State,
31 county and local level that permit effective response and avoid
32 waste of scarce resources;
- 33 i. (1) The comprehensive program should provide a range of
34 services and sanctions for juveniles sufficient to protect the public
35 through prevention; early intervention; and a range of meaningful
36 sanctions that ensure accountability, provide training, education,
37 treatment and, when necessary, confinement followed by
38 community supervision that is adequate to protect the public and
39 promote successful reintegration into the community;
- 40 (2) Consistent with the need to protect the public, services and
41 sanctions for juveniles shall provide balanced attention to the
42 protection of the community, the imposition of accountability for
43 offenses committed, fostering interaction and dialogue between the
44 offender, victim and community and the development of
45 competencies to enable juvenile offenders to become responsible
46 and productive members of the community.

1 j. The most efficient and effective use of available resources
2 requires fixing responsibility for the comprehensive program in a
3 single State agency and providing incentives to encourage the
4 development and provision of appropriate services and sanctions at
5 the county and local level; and

6 k. It is, therefore, necessary to establish a **【Juvenile】 Youth**
7 Justice Commission responsible for operating State services and
8 sanctions for juveniles involved in the juvenile justice system and
9 responsible for developing a Statewide plan for effective provision
10 of juvenile justice services and sanctions at the State, county and
11 local level; to establish a State/Community Partnership Grant
12 Program through which the State will provide incentives to county
13 and local governments to encourage the provision of services and
14 sanctions for juveniles adjudicated or charged as delinquent and
15 programs for the prevention of juvenile delinquency, and to
16 establish county youth services commissions responsible for
17 planning and implementing the Partnership at the local level.

18 (cf: P.L.2001, c.408, s.7.)

19
20 **【64.】 63.** Section 2 of P.L.1995, c.284 (C.52:17B-170) is
21 amended to read as follows:

22 2. a. A **【Juvenile】 Youth** Justice Commission is established in,
23 but not of, the Department of Law and Public Safety. The
24 commission is allocated to the Department of Law and Public
25 Safety for the purpose of complying with Article V, Section IV,
26 paragraph 1 of the New Jersey Constitution. The Attorney General
27 shall be the request officer for the commission within the meaning
28 of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall
29 exercise that authority and other administrative functions, powers
30 and duties consistent with the provisions of this act.

31 b. The commission shall consist of an executive director, an
32 executive board, an advisory council and such facilities, officers,
33 employees and organizational units as provided herein or as
34 otherwise necessary to performance of the commission's duties and
35 responsibilities.

36 c. The executive director shall be appointed by the Governor
37 with the advice and consent of the Senate and shall serve at the
38 pleasure of the Governor during the Governor's term of office and
39 until a successor is appointed and qualified.

40 d. The executive board shall consist of the following members:
41 The Attorney General, who shall serve as chair of the executive
42 board; the Commissioner of Corrections and the Commissioner of
43 Children and Families, who shall serve as vice-chairs of the
44 executive board; the Commissioner of Education; the chair of the
45 **【Juvenile】 Youth** Justice Commission advisory council, established
46 pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two
47 members who serve as chairs of a county youth services

1 commission, established pursuant to P.L.1995, c.282
2 (C.52:17B-180), to be appointed by the Governor to serve at the
3 Governor's pleasure. The Administrative Director of the
4 Administrative Office of the Courts is invited to participate on the
5 executive board, subject to the approval of the Supreme Court. A
6 member of the executive board may name a designee who shall
7 have the authority to act for the member. Members of the executive
8 board shall serve without compensation for their services to the
9 commission. The executive board shall meet at least quarterly and
10 at such other times as designated by the chair. Except with respect
11 to matters concerning distribution of funds to counties, four
12 members of the executive board shall constitute a quorum to
13 transact business of the executive board and action of the executive
14 board shall require an affirmative vote of four members. A member
15 of the executive board who is also a member of a county youth
16 services commission shall not participate in matters concerning
17 distribution of funds to counties; in these matters, three members of
18 the executive board shall constitute a quorum to transact business
19 and an action of the executive board shall require an affirmative
20 vote of three members.

21 e. The commission shall have the following powers, duties and
22 responsibilities:

23 (1) To specify qualifications for and to employ, within the limits
24 of available appropriations and subject to the provisions of
25 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
26 Jersey Statutes, such staff as are necessary to accomplish the work
27 of the commission or as are needed for the proper performance of
28 the functions and duties of the commission, including but not
29 limited to:

30 (a) The number of deputy directors, assistant directors,
31 superintendents, assistant superintendents and other assistants who
32 shall be in the unclassified service and shall be deemed confidential
33 employees for the purposes of the "New Jersey Employer-Employee
34 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

35 (b) Juvenile corrections officers;

36 (2) To utilize such staff of the Department of Law and Public
37 Safety as the Attorney General, within the limits of available
38 appropriations, may make available to the commission;

39 (3) To organize the work of the commission in appropriate
40 bureaus and other organization units;

41 (4) To enter into contracts and agreements with State, county
42 and municipal governmental agencies and with private entities for
43 the purpose of providing services and sanctions for juveniles
44 adjudicated or charged as delinquent and programs for prevention
45 of juvenile delinquency;

- 1 (5) To contract for the services of professional and technical
2 personnel and consultants as necessary to fulfill the statutory
3 responsibilities of the commission;
- 4 (6) To establish minimum standards for the care, treatment,
5 government and discipline of juveniles confined pending, or as a
6 result of, an adjudication of delinquency;
- 7 (7) To assume the custody and care of all juveniles committed
8 by court order, law, classification, regulation or contract to the
9 custody of the commission or transferred to the custody of the
10 commission pursuant to section 8 of P.L.1995, c.284
11 (C.52:17B-176);
- 12 (8) To manage and operate all State secure juvenile facilities
13 which shall include the New Jersey Training School for Boys
14 created pursuant to R.S.30:1-7 and transferred to the Commissioner
15 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
16 and the Juvenile Medium Security Facility created pursuant to
17 R.S.30:1-7 and both transferred to the commission pursuant to
18 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
19 other secure juvenile facility established by the commission in the
20 future;
- 21 (9) To manage and operate all State juvenile facilities or
22 juvenile programs for juveniles adjudicated delinquent which shall
23 include facilities and programs transferred to the commission
24 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
25 established or contracted for in the future by the commission;
- 26 (10) To prepare a State **【Juvenile】** Youth Justice Master Plan
27 every third year which identifies facilities, sanctions and services
28 available for juveniles adjudicated or charged as delinquent and
29 juvenile delinquency prevention programs and which identifies
30 additional needs based upon the extent and nature of juvenile
31 delinquency and the adequacy and effectiveness of available
32 facilities, services, sanctions and programs;
- 33 (11) To approve plans for each county submitted by the county
34 youth services commission pursuant to P.L.1995, c.282
35 (C.52:17B-180);
- 36 (12) To administer the State/Community Partnership Grant
37 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 38 (13) To accept from any governmental department or agency,
39 public or private body or any other source, grants or contributions
40 to be used in exercising its power, and in meeting its duties and
41 responsibilities;
- 42 (14) To formulate and adopt standards and rules for the efficient
43 conduct of the work of the commission, the facilities, services,
44 sanctions and programs within its jurisdiction, and its officers and
45 employees;
- 46 (15) To provide for the development of the facilities, services,
47 sanctions and programs within its jurisdiction and to promote the

1 integration of State, county and local facilities, sanctions, services
2 and programs, including probation and parole;

3 (16) To institute, or cause to be instituted, such legal
4 proceedings or processes as may be necessary to enforce properly
5 and give effect to any of its powers or duties including the authority
6 to compel by subpoena, subject to the sanction for contempt of
7 subpoena issued by a court, attendance and production of records;

8 (17) To provide for the timely and efficient collection and
9 analysis of data regarding the juvenile justice system to insure the
10 continuing review and evaluation of services, policies and
11 procedures;

12 (18) To receive and classify juveniles committed to the custody
13 of the commission;

14 (19) To determine whether an incarcerated juvenile is eligible
15 for parole and to supervise compliance with conditions of parole;

16 (20) To establish appropriate dispositions of juveniles for whom
17 parole has been revoked;

18 (21) To perform such other functions as may be prescribed by
19 law; and

20 (22) To promulgate, pursuant to the "Administrative Procedure
21 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
22 necessary to implement and effectuate the purposes of this act.

23 f. Whenever the term "Juvenile Justice Commission" occurs or
24 any reference is made thereto in any law, contract or document, the
25 same shall be deemed to mean or refer to the "Youth Justice
26 Commission" established and designated therein.

27 (cf: P.L.2019, c.363, s.17)

28

29 **【65.】 64.** Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is
30 amended to read as follows:

31 1. The **【Juvenile】 Youth** Justice Commission shall establish
32 standards for suicide and mental health screening in county juvenile
33 detention facilities in accordance with the provisions of this act.
34 The standards shall require that each county detention facility
35 develop written policies concerning mental health screening,
36 suicide screening, suicide prevention protocols and other mental
37 and emotional health-related issues and that each county juvenile
38 detention facility make psychological or psychiatric services
39 available to juveniles as needed.

40 (cf: P.L.2007, c.315, s.1)

41

42 **【66.】 65.** Section 2 of P.L.2007, c.315 (C.52:17B-171.2) is
43 amended to read as follows:

44 2. a. Upon admission to a county juvenile detention facility, a
45 juvenile shall be screened for risk of suicide in accordance with the
46 facility's suicide prevention protocols and written policies required
47 by section 1 of this act. The suicide risk screening shall include,

1 but not be limited to, the use of a standardized suicide risk
2 questionnaire designated and made available by the **【Juvenile】**
3 Youth Justice Commission. The findings shall be recorded and
4 brought to the attention of the appropriate medical or mental health
5 staff as soon as possible.

6 b. If a juvenile shows evidence of suicide risk, the facility's
7 suicide prevention protocols shall be immediately implemented.
8 The policies shall include an increased level of supervision of a
9 juvenile showing evidence of suicide risk until appropriate mental
10 health services can be obtained. The facility administrator, or the
11 administrator's designee, shall be immediately notified if a juvenile:

12 (1) is suspected of being at risk of attempting suicide or in
13 emotional distress;

14 (2) has made a suicidal gesture or attempt; or

15 (3) scores in a suicide caution or warning range in a screening.

16 c. Every suicide gesture or attempt shall be reported to the
17 **【Juvenile】** Youth Justice Commission.

18 (cf: P.L.2007, c.315, s.2)

19
20 **【67.】** 66. Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is
21 amended to read as follows:

22 3. Between 24 and 48 hours following admission to a county
23 juvenile detention facility, a juvenile shall undergo mental health
24 screening using a mental health screening tool designated by the
25 **【Juvenile】** Youth Justice Commission and in accordance with the
26 facility's written policies required by section 1 of this act. If the
27 screening tool indicates that a referral for additional screening or
28 mental health services is appropriate, that referral shall occur as
29 soon as possible. If the screening indicates a warning or caution,
30 the juvenile shall be placed on, and remain under, increased
31 supervision until it is determined by a mental health clinician that a
32 heightened level of supervision is no longer needed to ensure the
33 safety of the juvenile.

34 (cf: P.L.2007, c.315, s.3)

35
36 **【68.】** 67. Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is
37 amended to read as follows:

38 6. No person shall perform a suicide risk screening pursuant to
39 section 2 of this act or a mental health screening pursuant to section
40 3 of this act unless that person has been certified by the **【Juvenile】**
41 Youth Justice Commission as qualified to perform such screening.

42 (cf: P.L.2007, c.315, s.6)

43
44 **【69.】** 68. Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is
45 amended to read as follows:

46 7. The **【Juvenile】** Youth Justice Commission, in conjunction
47 with the Department of Children and Families, shall establish and

1 maintain a confidential Statewide database of the suicide risk
2 screenings required by section 2 of this act and the mental health
3 screenings required by section 3 of this act to be used exclusively
4 by persons performing suicide risk and mental health screenings.
5 (cf: P.L.2007, c.315, s.7)

6
7 **【70.】 69.** Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is
8 amended to read as follows:

9 8. a. The **【Juvenile】 Youth** Justice Commission shall monitor
10 the number of suicides that occur at each county juvenile detention
11 facility.

12 b. Upon an initial suicide at a facility, the commission shall
13 conduct an evaluation of the facility's compliance with the
14 provisions of this act, an accountability assessment and an action
15 report.

16 c. If a second suicide occurs within seven years of the initial
17 suicide, the **【Juvenile】 Youth** Justice Commission shall, within 30
18 days, and with the approval of the Attorney General, evaluate the
19 facility for compliance with the provisions of this act. A facility
20 shall not admit additional juveniles until the Attorney General has
21 certified that the facility is in compliance with the provisions of this
22 act.

23 d. If a third or subsequent suicide occurs within seven years of
24 an initial suicide, the facility shall be immediately closed and shall
25 not reopen until the Governor determines that it shall reopen. A
26 task force comprised of the following seven members shall assist
27 the Governor in making this determination: the Executive Director
28 of the **【Juvenile】 Youth** Justice Commission, or a designee; the
29 Attorney General, or a designee; the Child Advocate, or a designee;
30 the Commissioner of Children and Families, or a designee; one
31 public member; a director of a county juvenile detention facility,
32 but not of the county facility being evaluated; and a member of the
33 board of chosen freeholders of the county within which the facility
34 being evaluated is located.

35 (cf: P.L.2007, c.315, s.8)

36
37 **【71.】 70.** Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is
38 amended to read as follows:

39 9. The **【Juvenile】 Youth** Justice Commission shall include the
40 following information on the commission's website:

41 a. All reports monitoring the operations of county juvenile
42 detention centers, including, but not limited to, any corrective
43 actions taken against or penalties imposed on a center, if applicable;
44 and

45 b. The rated census capacity and the average monthly
46 population for each county juvenile detention center.

47 (cf: P.L.2007, c.315, s.9)

1 **【72.】 71.** Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is
2 amended to read as follows:

3 10. The **【Juvenile】 Youth** Justice Commission shall, in
4 conjunction with the Police Training Commission and mental health
5 experts, develop a training curriculum for juvenile detention
6 officers and youth workers focusing on the mental health needs of
7 the juvenile detention population.

8 (cf: P.L.2007, c.315, s.10)

9

10 **【73.】 72.** Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is
11 amended to read as follows:

12 11. The **【Juvenile】 Youth** Justice Commission, in conjunction
13 with the Department of Children and Families, shall annually
14 submit to the Governor and the Legislature, for seven years
15 following the effective date of this act, a report detailing:

16 a. the number of suicides and suicide attempts at each county
17 juvenile detention facility;

18 b. the number of suicide and mental health screenings that have
19 been conducted at each facility and the number of juveniles whose
20 screenings have indicated a warning or caution;

21 c. the number of juveniles who have been referred for
22 additional screening or evaluation; and

23 d. a summary of the diagnoses for juveniles who have received
24 treatment.

25 (cf: P.L.2007, c.315, s.11)

26

27 **【74.】 73.** Section 12 of P.L.2007, c.315 (C.52:17B-171.11) is
28 amended to read as follows:

29 12. The **【Juvenile】 Youth** Justice Commission, pursuant to the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.) shall adopt rules and regulations necessary to implement the
32 provisions of this act, which may include:

33 a. penalties for continued violations of the manual of standards
34 applicable to county detention centers; and

35 b. a graduated system of intermediate fines and penalties for
36 violations of the provisions of the act.

37 (cf: P.L.2007, c.315, s.12)

38

39 **【75.】 74.** Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is
40 amended to read as follows:

41 8. The **【Juvenile】 Youth** Justice Commission shall ensure that
42 prior to the scheduled date of release of a juvenile from a detention
43 facility or a facility in which the juvenile was incarcerated, the
44 appropriate staff at the facility notify the applicable county welfare
45 agency to process the reinstatement of the juvenile in the Medicaid
46 program if the juvenile was enrolled in Medicaid prior to detention

1 or incarceration and continues to meet eligibility requirements for
2 the program.

3 As used in this act, "Medicaid" means the Medicaid program
4 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
5 (cf: P.L.2009, c.329, s.8)

6
7 **[76.] 75.** Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is
8 amended to read as follows:

9 5. a. A juvenile detained in, or sentenced to, a State juvenile
10 correctional facility or county juvenile detention center shall not be
11 subject to room restriction unless the juvenile poses an immediate
12 and substantial risk of harm to others or to the security of the
13 facility, and all other less-restrictive options have been exhausted.

14 b. A juvenile may be subject to room restriction only for the
15 minimum time required to address the safety risk and for a period
16 that does not compromise the mental and physical health of the
17 juvenile, but in no case shall a juvenile be held in room restriction
18 for more than eight consecutive waking hours without being
19 released for at least two hours for recreation and exercise.

20 c. A juvenile who is 15 years of age or younger shall not be
21 subject to room restriction for more than two consecutive days. A
22 juvenile who is 16 years of age or older but younger than 18 years
23 of age shall not be subject to room restriction for more than three
24 consecutive days. A juvenile who is 18 years of age or older shall
25 not be subject to room restriction for more than five consecutive
26 days. A juvenile shall not be subject to room restriction for more
27 than 10 total days in a calendar month.

28 d. Juveniles subject to room restriction shall continue to
29 receive health, mental health, and educational services.

30 e. Each State correctional facility or county juvenile detention
31 facility shall document, in aggregate, the use of room restriction,
32 including the dates and duration of each occurrence, the reason for
33 placement in room restriction, and the race, age, and gender of the
34 juvenile placed in room restriction. If any health or mental health
35 clinical evaluations were performed, it shall be affirmatively
36 certified that the results of those evaluations were considered in any
37 decision to place the juvenile in room restriction or to continue
38 room restriction.

39 The aggregate data compiled pursuant to this subsection shall be:

40 (1) made available for public inspection pursuant to P.L.1963,
41 c.73 (C.47:1A-1 et seq.), commonly known as the open public
42 records act; and

43 (2) published on the official Internet website of the **[Juvenile]**
44 Youth Justice Commission.

45 f. This section shall not prohibit the use of single-person
46 rooms or cells for the housing of juveniles in State correctional or
47 county juvenile detention centers.

1 g. This section does not apply to juveniles in court holding
2 facilities or adult facilities.

3 h. Nothing in this section shall be construed to conflict with
4 any law providing greater or additional protections to juveniles.

5 i. For the purposes of this section, "room restriction" shall
6 mean the placement of a juvenile in a State juvenile correctional
7 facility or county juvenile detention center in a locked room or cell,
8 alone or with one other person, for 22 to 24 hours per day. Room
9 restriction shall not include confinement of a juvenile in a single-
10 person room or cell for brief periods of locked-room confinement
11 necessary for institutional operations, including, but not limited to,
12 shift changes, showering, and unit movements.

13 (cf: P.L.2015, c.89, s.5)

14
15 **【77.】 76.** Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is
16 amended to read as follows:

17 18. a. The **【Juvenile】 Youth** Justice Commission shall establish
18 a program to collect, record, and analyze data regarding juveniles
19 who were sentenced to a term of incarceration. In furtherance of
20 this program, the commission shall collect the following data:

21 (1) the offense for which the juvenile was incarcerated; the term
22 of incarceration imposed on the juvenile, including a term of
23 incarceration imposed for a violation of parole; the age, gender,
24 race, and ethnicity of the juvenile; the county where the juvenile
25 was adjudicated delinquent; the classification of the juvenile; and
26 whether the juvenile was sentenced to an extended term of
27 incarceration;

28 (2) aggregate data of incidents of violence, suicide, suicide
29 attempts, hospitalizations, and any form of segregation or isolation
30 of a juvenile for all facilities where juveniles are placed; and

31 (3) the amount of time remaining on each sentence of
32 incarceration imposed on a juvenile whose parole was revoked;
33 whether the violation that was the basis for the revocation was
34 technical or based upon a new offense; the age, gender, race, and
35 ethnicity of the juvenile; and the county where the juvenile's parole
36 was revoked by the court.

37 b. The commission shall prepare and publish on its Internet
38 website biennial reports summarizing the aggregated data collected,
39 recorded, and analyzed pursuant to subsection a. of this section.

40 c. The commission shall publish on its Internet website the
41 criteria that are used to determine whether a juvenile is granted
42 parole. The commission also shall provide this information to every
43 juvenile who is sentenced to a term of incarceration.

44 (cf: P.L.2019, c.363, s.18)

45
46 **【78.】 77.** Section 4 of P.L.1995, c.284 (C.52:17B-172) is
47 amended to read as follows:

1 4. a. The advisory council to the **【Juvenile】 Youth** Justice
2 Commission shall consist of the following members:

3 (1) The Commissioner of the Department of Labor and
4 Workforce Development, the Commissioner of the Department of
5 Health **【and Senior Services】**, the Commissioner of the Department
6 of Community Affairs, the Chairperson of the Civil Service
7 Commission, the Public Defender and a county prosecutor selected
8 by and serving at the pleasure of the Governor or a person
9 designated by one of the forenamed officers to serve in that officer's
10 place;

11 (2) Nine members who shall be selected for their knowledge,
12 competence, experience or interest in the juvenile justice system.
13 Appointments shall be made as follows: three by the President of
14 the Senate, no more than two of whom shall be of the same political
15 party; three by the Speaker of the General Assembly, no more than
16 two of whom shall be of the same political party and three by the
17 Governor, no more than two of whom shall be of the same political
18 party.

19 b. The term of office of each public member of the advisory
20 council shall be three years; except that of the first members
21 appointed, one appointed by the Governor, one by the President of
22 the Senate and one by the Speaker of the General Assembly shall be
23 appointed for a term of one year, one appointed by the Governor,
24 one by the President of the Senate and one by the Speaker of the
25 General Assembly shall be appointed for a term of two years and
26 the remaining three members shall be appointed for a term of three
27 years. Each member shall serve until a successor has been
28 appointed and qualified, and vacancies shall be filled in the same
29 manner as the original appointments for the remainder of the
30 unexpired term. A member is eligible for reappointment to the
31 council.

32 c. The Governor shall appoint the chair of the advisory council
33 from among the members of the council. The chair shall serve at
34 the pleasure of the Governor during the Governor's term of office
35 and until the appointment and qualification of the chair's successor.
36 The members of the council shall elect a vice-chair from among the
37 members of the council.

38 d. The members of the council shall receive no compensation
39 for their services.

40 (cf: P.L.2008, c.29, s.110)

41

42 **【79.】 78.** Section 6 of P.L.1995, c.284 (C.52:17B-174) is
43 amended to read as follows:

44 6. a. The **【Juvenile】 Youth** Justice Commission shall employ,
45 within the limits of available funds, juvenile corrections officers to
46 staff each State secure juvenile facility and to provide security for
47 other State juvenile facilities and programs including parole

1 programs as deemed appropriate and to perform all other duties
2 related to enforcement of confinement and conditions of release
3 including execution of warrants and legal process. Juvenile
4 corrections officers shall be in the competitive division of the career
5 service established pursuant to N.J.S.11A:3-2, "policemen" within
6 the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and
7 members of the Police and Firemen's Retirement System of New
8 Jersey established pursuant to section 2 of P.L.1944, c.255
9 (C.43:16A-2), and shall be "employees" within the meaning of
10 section 3 of P.L.1941, c.100 (C.34:13A-3).

11 b. Except as provided in subsection c. of this section, no person
12 shall be appointed as a juvenile corrections officer unless that
13 person:

- 14 (1) Is a citizen of the United States;
- 15 (2) Is able to read, write and speak the English language well
16 and intelligently;
- 17 (3) Has a high school diploma or its equivalent;
- 18 (4) Is sound in body and of good health;
- 19 (5) Is of good moral character;
- 20 (6) Has not been convicted of any offense which would make
21 the person unfit to perform the duties of a juvenile corrections
22 officer;
- 23 (7) Has successfully completed the training course approved by
24 the Police Training Commission and required by section 5 of
25 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
26 provisions of that section; and
- 27 (8) Meets such other qualifications, including education and
28 training, as may be specified by the commission in consultation
29 with the Civil Service Commission.

30 c. (1) Pending appointment of a full complement of juvenile
31 corrections officers who meet the requirements of subsection b. of
32 this section, the commission and the Commissioner of Corrections
33 shall arrange through agreement for the assignment of corrections
34 officers necessary to fill the positions transferred pursuant to
35 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
36 assigned to the commission pursuant to such an agreement shall be
37 under the supervision of the commission during the period of
38 assignment as provided by the agreement between the commission
39 and the Commissioner of Corrections. The primary concerns of all
40 agreements governing assignment and supervision shall be public
41 safety and safety within the facilities and programs. No officer
42 assigned pursuant to such an agreement shall, by virtue of such
43 assignment, be considered an employee of the commission or lose
44 or suffer any diminution of any right, power, privilege or benefit to
45 which the employee would otherwise be entitled pursuant to the
46 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
47 Revised Statutes, or Title 43 of the Revised Statutes, including any

1 rights, powers, privileges or benefits as to salary, seniority,
2 promotion, re-employment, retirement, pension or representation
3 for purposes of collective bargaining;

4 (2) Notwithstanding the provisions of subsection b. of this
5 section, a corrections officer assigned to the commission pursuant
6 to this section shall not be considered ineligible for the position of
7 juvenile corrections officer solely because the officer does not meet
8 any educational or training requirement the commission may
9 establish and may be appointed as a juvenile corrections officer if
10 the officer applies for such position within 18 months of the
11 effective date of this act. A juvenile corrections officer appointed
12 pursuant to this subsection shall not be deprived of any right or
13 protection provided by Title 11A of the New Jersey Statutes or any
14 pension or retirement system and, notwithstanding any law or
15 regulation to the contrary, shall be eligible to compete for vacant
16 positions within the Department of Corrections with full credit for
17 experience, service and rank earned as an employee of the
18 Department of Corrections and such credit for experience, service
19 and rank earned as an employee of the commission as the
20 Commissioner of Corrections, after consultation with the Civil
21 Service Commission, deems appropriate.

22 d. Each juvenile corrections officer shall by virtue of such
23 employment and in addition to any other power or authority, be
24 empowered to act as an officer for the detection, apprehension,
25 arrest and adjudication of offenders against the law and, subject to
26 regulations promulgated by the commission and conditions set forth
27 in N.J.S.2C:39-6, shall have the authority to possess and carry a
28 firearm.

29 (cf: P.L.2008, c.29, s.111)

30

31 **[80.] 79.** Section 8 of P.L.1995, c.284 (C.52:17B-176) is
32 amended to read as follows:

33 8. a. The following are transferred to the **[Juvenile] Youth**
34 Justice Commission:

35 (1) The custody and care of any juvenile adjudicated delinquent
36 and committed or classified to the custody of the Department of
37 Corrections or committed or classified to the custody or care of the
38 Division of Juvenile Services of the Department of Human
39 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as
40 modified by Reorganization Plan No. 001-1993, P.L.1993, c.283,
41 and Executive Order No. 93 of 1993, or serving a term of
42 incarceration in a county detention facility pursuant to section 1 of
43 P.L.1992, c.211 (C.2A:4A-44.1);

44 (2) The New Jersey Training School for Boys created pursuant
45 to R.S.30:1-7 and transferred to the Commissioner of Corrections
46 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile
47 Medium Security Facility created pursuant to R.S.30:1-7;

- 1 (3) All residential and day care facilities and programs
2 established pursuant to the powers delegated to the Division of
3 Juvenile Services, Department of Corrections, by the Commissioner
4 of the Department of Corrections pursuant to his powers contained
5 in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth
6 committed to participate therein by court order, law, classification,
7 regulation or contract which were subsequently transferred to the
8 Division of Juvenile Services, Department of Human Services by
9 Reorganization Plan No. 001-1993;
- 10 (4) All furnishings and equipment presently located in the
11 institutions and programs of the Division of Juvenile Services and
12 in the institutions and programs of the Department of Corrections
13 transferred to the commission pursuant to subsections b. and c. of
14 this section, and, except as provided in section 6 of P.L.1995, c.284
15 (C.52:17B-174), all staff assigned to those institutions and
16 programs, including administrative and support staff;
- 17 (5) All operating and capital funding demarcated for the
18 institutions and programs set forth in this section, including funding
19 from bonds and funding for administrative costs associated with the
20 institutions and programs;
- 21 (6) All functions, powers, duties and authority of the
22 Commissioner of Corrections, including any transferred to the
23 Commissioner of Human Services pursuant to Reorganization Plan
24 No. 001-1993, with respect to all juvenile detention facilities
25 throughout the State pursuant to section 18 of P.L.1982, c.77
26 (C.2A:4A-37);
- 27 (7) The powers, duties and responsibilities of the Commissioner
28 of Corrections for establishing standards and monitoring of juvenile
29 detention facilities pursuant to section 18 of P.L.1982, c.77
30 (C.2A:4A-37), transferred to the Commissioner of Human Services
31 by Reorganization Plan No. 001-1993;
- 32 (8) All existing written agreements made between county
33 governments and the Department of Corrections or the Department
34 of Human Services concerning juvenile detention centers are hereby
35 modified to transfer the responsibilities, duties and obligations
36 specified in these agreements between the county governments and
37 the commission;
- 38 (9) The Juvenile Detention Monitoring Unit, Department of
39 Corrections, established pursuant to the powers of the
40 Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-
41 1 et seq.), to fulfill the obligations of the Department of Corrections
42 in monitoring juvenile detention centers throughout the State
43 pursuant to the Federal "Juvenile Justice and Delinquency
44 Prevention Act of 1974," as amended, and pursuant to section 18 of
45 P.L.1982, c.77 (C.2A:4A-37), which was transferred to the
46 Department of Human Services by Reorganization Plan No. 001-
47 1993, along with its staff, powers, duties and responsibilities;

1 (10) The legal custody and supervision of each juvenile parolee;
2 the functions, powers, duties and authority of the State Parole Board
3 established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.),
4 regarding juvenile offenders are continued, but the State Parole
5 Board shall file all of its reports and recommendations regarding
6 juveniles with the commission;

7 (11) All funding, programs and positions created or dedicated to
8 provide juvenile parole services by the Bureau of Parole within the
9 Department of Corrections in accordance with an agreement
10 between the Executive Director of the commission and the
11 Commissioner of Corrections in consultation with the State Parole
12 Board when an orderly transfer of the function has been completed
13 including appropriate changes in the reporting requirements,
14 funding, positions, and administrative housing and support;

15 (12) The powers, duties, and responsibilities of the Office of
16 Education created and established in the Departments of
17 Corrections and Human Services pursuant to the "State Facilities
18 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
19 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
20 offenders whose custody is transferred to the commission pursuant
21 to this act is transferred to the Office of Education established in the
22 commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-
23 178) along with staff, existing and future moneys and other
24 educational resources demarcated for juveniles whose custody is
25 transferred pursuant to this act, including funds collected pursuant
26 to the authority granted in the "State Facilities Education Act of
27 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State
28 educational grants and contract funds received for the benefit of
29 juvenile offenders whose custody is transferred pursuant to this act;

30 (13) The powers, duties, and responsibilities of the Bureau of
31 Juvenile Justice, including the Juvenile Justice and Delinquency
32 Prevention Unit, in the Division of Criminal Justice, Department of
33 Law and Public Safety established pursuant to section 4 of
34 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
35 and responsibilities; and

36 (14) All funding appropriated to the Department of Human
37 Services and demarcated for distribution by the department for
38 youth services commission funding.

39 b. Whenever in any law, rule, regulation, order, contract, lease,
40 document, judicial or administrative proceeding or otherwise,
41 reference is made to the Commissioner of the Department of
42 Corrections regarding a juvenile or juvenile offender as defined in
43 P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of
44 Juvenile Services transferred from the Department of Corrections to
45 the Department of Human Services by Reorganization Plan No.001-
46 1993 the same shall mean and refer to the commission.

47 (cf: P.L.1995, c.284, s.8)

1 **【81.】 80.** Section 10 of P.L.1995, c.284 (C.52:17B-178) is
2 amended to read as follows:

3 10. There is hereby created and established in the **【Juvenile】**
4 Youth Justice Commission an Office of Education to be headed by a
5 Director of Educational Services who shall supervise the
6 educational programs in all juvenile facilities operated by the
7 **【Juvenile】 Youth** Justice Commission and shall approve, except as
8 provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all
9 personnel to be hired for such programs.

10 The director shall hold the appropriate certificate issued by the
11 State Board of Examiners and shall be qualified by training and
12 experience for his position and shall be appointed by the executive
13 director with the approval of the executive board. The director shall
14 serve at the pleasure of the executive board.

15 The director shall establish primary, secondary, and vocational
16 programs which meet the educational needs of school age persons
17 for whom the commission is responsible. Appropriate credit and
18 certification shall be given for the successful completion of such
19 programs.

20 (cf: P.L.1995, c.284, s.10)

21

22 **【82.】 81.** Section 1 of P.L.1995, c.283 (C.52:17B-179) is
23 amended to read as follows:

24 1. a. A State/Community Partnership Grant Program is
25 established within the **【Juvenile】 Youth** Justice Commission
26 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
27 to support, through grants allocated to county youth services
28 commissions established pursuant to P.L.1995, c.282 (C.52:17B-
29 180), facilities, sanctions and services for juveniles adjudicated or
30 charged as delinquent and programs for prevention of juvenile
31 delinquency. This program is established in order to:

32 (1) Encourage development of sanctions and services for
33 juveniles adjudicated and charged as delinquent and programs for
34 prevention of juvenile delinquency that protect the public, ensure
35 accountability and foster rehabilitation;

36 (2) Increase the range of sanctions for juveniles adjudicated
37 delinquent;

38 (3) Reduce overcrowding in State juvenile institutions and other
39 facilities to ensure adequate bedspace for serious, violent and
40 repetitive offenders;

41 (4) Reduce overcrowding in county detention facilities;

42 (5) Provide greater access to community-based sanctions and
43 services for minority and female offenders;

44 (6) Expand programs designed to prevent juvenile delinquency;
45 and

46 (7) Promote public safety by reducing recidivism.

1 b. The **【Juvenile】 Youth** Justice Commission shall administer
2 the State/Community Partnership Grant Program and shall:

3 (1) Establish criteria and procedures for grant applications and
4 disbursement by regulation;

5 (2) Determine how best to allocate Partnership funds;

6 (3) Set standards and procedures for eligibility, operation,
7 supervision and evaluation;

8 (4) Advise and assist county youth services commissions in
9 preparation of county plans and grant applications;

10 (5) Award grants;

11 (6) Set standards for and determine eligibility for continued
12 Partnership funding;

13 (7) Collect and provide information about community-based
14 services and sanctions; and

15 (8) Monitor and evaluate implementation of county plans and
16 the provision of services, sanctions and programs provided pursuant
17 to this act.

18 (cf: P.L.1995, c.283, s.1)

19
20 **【83.】 82.** Section 1 of P.L.1995, c.282 (C.52:17B-180) is
21 amended to read as follows:

22 1. a. In order to qualify for award of State/Community
23 Partnership Grant funds established pursuant to P.L.1995, c.283
24 (C.52:17B-179) a county shall:

25 (1) Establish a county youth services commission in accordance
26 with regulations promulgated by the **【Juvenile】 Youth** Justice
27 Commission established pursuant to section 2 of P.L.1995, c.284
28 (C.52:17B-170);

29 (2) Submit and obtain **【Juvenile】 Youth** Justice Commission
30 approval of a triennial comprehensive plan for services and
31 sanctions for juveniles adjudicated or charged as delinquent and
32 programs for the prevention of juvenile delinquency which:

33 (a) are designed to promote the goals of P.L.1995, c.283
34 (C.52:17B-179);

35 (b) provide recommendations for funding of programs, sanctions
36 and services that enhance and expand the range of sanctions and
37 services for juveniles adjudicated or charged as delinquent and
38 programs designed to prevent delinquency;

39 (c) make services available in geographical locations within the
40 county where juveniles in need reside; and

41 (d) provide for distribution of State/Community Partnership
42 Grant funds by the county in accordance with contracts or
43 agreements executed by the appropriate county officials in
44 accordance with applicable law.

45 b. The **【Juvenile】 Youth** Justice Commission shall establish by
46 regulation:

- 1 (1) Specific guidelines as to membership of a county youth
2 services commission;
- 3 (2) Specific requirements for the administration of the
4 State/Community Partnership Grant funds awarded by the county.
- 5 c. Notwithstanding the provisions of subsection a. of this
6 section, the county governing body may elect, upon annual written
7 request approved by the executive director, to designate a
8 commission, council or agency to assume the responsibilities of a
9 county youth services commission in that county. Approval of such
10 a request shall be contingent upon the governing body
11 demonstrating that the membership of the designated entity is
12 sufficiently representative of persons and agencies interested in the
13 juvenile justice system to permit the entity to perform the duties and
14 responsibilities of a county youth services commission, that the
15 members of the designated entity are otherwise qualified to perform
16 the duties and responsibilities of members of a county youth
17 services commission, and that the designated entity has the
18 authority and responsibility to carry out the duties and
19 responsibilities of a county youth services commission.
- 20 d. A county youth services commission shall:
- 21 (1) Recommend to the governing body of the county the
22 approval or disapproval of contracts with local government or
23 private agencies that desire participation in the State/Community
24 Partnership Grant Program;
- 25 (2) Monitor the operations of programs receiving
26 State/Community Partnership Grant funds with reference to
27 compliance with standards, policies and rules established by the
28 **【Juvenile】 Youth** Justice Commission;
- 29 (3) Monitor and evaluate the impact of the programs receiving
30 State/Community Partnership Grant funds, including the nature of
31 the offender or at risk populations served by the funded programs,
32 and prepare a written report with relevant documentation, on an
33 annual basis, to be submitted to the **【Juvenile】 Youth** Justice
34 Commission as part of the commission's triennial plan and annual
35 update; and
- 36 (4) Perform such other duties as may be established by the
37 **【Juvenile】 Youth** Justice Commission to achieve the purposes of
38 P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the
39 **【Juvenile】 Youth** Justice Commission and P.L.1995, c.283
40 (C.52:17B-179) which creates the State/Community Partnership
41 Grant Program.
- 42 e. No county may use funds received pursuant to this section to
43 supplant or replace existing funds or other resources from federal,
44 State or county government for existing juvenile justice-related
45 programs or for purposes of capital construction or renovation.
- 46 f. If a county elects not to participate in the State/Community
47 Partnership Grant Program, the commission is authorized to allocate

1 and expend that county's share of Partnership funding in a manner
2 consistent with the commission's Juvenile Justice Master Plan.

3 (cf: P.L.2005, c.164, s.2)

4
5 **【84.】 83.** Section 3 of P.L.1995, c.330 (C.52:17B-183) is
6 amended to read as follows:

7 3. As used in this act:

8 a. "Commission" means the **【Juvenile】 Youth** Justice
9 Commission in, but not of, the Department of Law and Public
10 Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et
11 seq.).

12 b. "Commissioner" means the Commissioner of the Department
13 of Corrections.

14 c. "Juvenile offender" means a person at least 14 years old at the
15 time of disposition who has been adjudicated delinquent for an act
16 which, if committed by an adult, would constitute a crime,
17 excluding an adjudication for any act which would constitute a
18 crime of the first degree or a crime under chapter 14 of Title 2C of
19 the New Jersey Statutes.

20 d. "Youthful offender" means a person between 18 and 30 years
21 of age who has been convicted of a crime, excluding any person
22 convicted of:

23 (1) a crime of the first degree;

24 (2) a crime under chapter 14 of Title 2C of the New Jersey
25 Statutes;

26 (3) a crime which requires the imposition of a mandatory term
27 of imprisonment without eligibility for parole, unless the person has
28 less than one year of the mandatory portion of the sentence
29 remaining; or

30 (4) a crime of the second degree under any of the following:
31 N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1,
32 N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the
33 purpose of using it unlawfully against the person of another.

34 (cf: P.L.1997, c.55, s.1)

35
36 **【85.】 84.** Section 45 of P.L.1996, c.62 (C.55:19-60) is amended
37 to read as follows:

38 45. a. There is established in, but not of, the Department of
39 Community Affairs an Urban Coordinating Council.

40 b. The Urban Coordinating Council shall be comprised of the
41 Governor, the chief officer of each department of the executive
42 branch, and the executive directors of the New Jersey
43 Redevelopment Authority, the New Jersey Economic Development
44 Authority, the Casino Reinvestment Development Authority, the
45 State Planning Commission, the New Jersey Housing and Mortgage
46 Finance Agency, the **【Juvenile】 Youth** Justice Commission and the
47 Commission on Higher Education. The council shall be chaired by

1 the Governor. Members of the council may be represented on the
2 council by their designees.
3 (cf: P.L.1996, c.62, s.45)

4

5 **【86.】** 85. This act shall take effect immediately.

6

7

8

9

10 Renames Juvenile Justice Commission as Youth Justice
11 Commission.

CHAPTER 35

AN ACT renaming the Juvenile Justice Commission and amending the various parts of the statutory law.

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

1. Section 1 of P.L.1982, c.77 (C.2A:4A-20) is amended to read as follows:

C.2A:4A-20 Short title.

1. This act shall be known and may be cited as the "New Jersey Code of Youth Justice."

2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to read as follows:

C.2A:4A-22 General definitions.

3. General definitions. As used in this act:

- a. "Juvenile" means an individual who is under the age of 18 years.
- b. "Adult" means an individual 18 years of age or older.
- c. "Detention" means the temporary care of juveniles in physically restricting facilities pending court disposition.
- d. "Shelter care" means the temporary care of juveniles in facilities without physical restriction pending court disposition.
- e. "Commit" means to transfer legal custody to an institution.
- f. "Guardian" means a person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.
- g. "Juvenile-family crisis" means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in (1) a serious threat to the well-being and physical safety of a juvenile, or (2) a serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian, or (3) unauthorized absence by a juvenile for more than 24 hours from his home, or (4) a pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes, or (5) an act which if committed by an adult would constitute prostitution in violation of N.J.S.2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking.
- h. "Repetitive disorderly persons offense" means the second or more disorderly persons offense committed by a juvenile on at least two separate occasions and at different times.
- i. "Court" means the Superior Court, Chancery Division, Family Part unless a different meaning is plainly required.
- j. "Commission" means the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

3. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to read as follows:

C.2A:4A-26.1 Filing motion seeking waiver of jurisdiction; hearing.

1. a. A prosecutor seeking waiver of jurisdiction of a juvenile delinquency case by the Superior Court, Chancery Division, Family Part to an appropriate court and prosecuting authority without the consent of the juvenile shall file a motion within 60 days after the receipt of the complaint, which time may be extended for good cause shown. The motion shall be accompanied by a written statement of reasons clearly setting forth the facts used in assessing

all factors contained in paragraph (3) of subsection c. of this section, together with an explanation as to how evaluation of those facts support waiver for each particular juvenile.

b. At a hearing, the court shall receive the evidence offered by the State and by the juvenile. The State shall provide proof to satisfy the requirements set forth in paragraphs (1) and (2) of subsection c. of this section. The court also shall review whether the State considered the factors set forth in paragraph (3) of subsection c. of this section.

c. Except as provided in paragraph (3) of this subsection, the court shall waive jurisdiction of a juvenile delinquency case without the juvenile's consent and shall refer the case to the appropriate court and prosecuting authority having jurisdiction if:

(1) The juvenile was 15 years of age or older at the time of the alleged delinquent act; and
 (2) There is probable cause to believe that the juvenile committed a delinquent act which if committed by an adult would constitute:

- (a) criminal homicide, other than death by auto;
- (b) strict liability for drug-induced deaths;
- (c) first degree robbery;
- (d) carjacking;
- (e) aggravated sexual assault;
- (f) sexual assault;
- (g) second degree aggravated assault;
- (h) kidnapping;
- (i) aggravated arson;
- (j) possession of a firearm with a purpose to use it unlawfully against the person of another under subsection a. of N.J.S.2C:39-4, or possession of a firearm while committing or attempting to commit, including the immediate flight therefrom, aggravated assault, aggravated criminal sexual contact, burglary, home invasion burglary, residential burglary, or escape;
- (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics Trafficking Network);
- (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a CDS Production Facility);
- (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1) (Weapons Possession while Committing certain CDS Offenses);
- (n) an attempt or conspiracy to commit any of the crimes enumerated in subparagraphs (a) through (m) of this paragraph; or
- (o) a crime committed at a time when the juvenile previously had been sentenced and confined in an adult correctional facility.

(3) The court may deny a motion by the prosecutor to waive jurisdiction of a juvenile delinquency case if it is clearly convinced that the prosecutor abused his discretion in considering the following factors in deciding whether to seek a waiver:

- (a) The nature and circumstances of the offense charged;
- (b) Whether the offense was against a person or property, allocating more weight for crimes against the person;
- (c) Degree of the juvenile's culpability;
- (d) Age and maturity of the juvenile;
- (e) Any classification that the juvenile is eligible for special education to the extent this information is provided to the prosecution by the juvenile or by the court;
- (f) Degree of criminal sophistication exhibited by the juvenile;
- (g) Nature and extent of any prior history of delinquency of the juvenile and dispositions imposed for those adjudications;
- (h) If the juvenile previously served a custodial disposition in a State juvenile facility operated by the Youth Justice Commission, and the response of the juvenile to the programs

provided at the facility to the extent this information is provided to the prosecution by the Youth Justice Commission;

(i) Current or prior involvement of the juvenile with child welfare agencies;

(j) Evidence of mental health concerns, substance use disorder, or emotional instability of the juvenile to the extent this information is provided to the prosecution by the juvenile or by the court; and

(k) If there is an identifiable victim, the input of the victim or victim's family.

The Attorney General may develop for dissemination to the county prosecutors those guidelines or directives deemed necessary or appropriate to ensure the uniform application of this section throughout the State.

d. An order waiving jurisdiction over a case and referring the case to the appropriate court and prosecuting authority shall specify the alleged act upon which the referral is based and all other delinquent acts charged against the juvenile arising out of or related to the same transaction.

e. Testimony of a juvenile at a hearing to determine referral under this section shall not be admissible for any purpose in any subsequent hearing to determine delinquency or guilt of any offense.

f. Upon waiver of jurisdiction and referral to the appropriate court and prosecuting authority having jurisdiction:

(1) The case shall proceed as if it originated in that court and shall be subject to the sentencing provisions available to that court; provided, however, upon conviction for any offense which is subject to waiver pursuant to paragraph (2) of subsection c. of this section, there shall be a presumption that the juvenile shall serve any custodial sentence imposed in a State juvenile facility operated by the Youth Justice Commission until the juvenile reaches the age of 21, except that:

(a) a juvenile who has not reached the age of 21 may, in the discretion of the Youth Justice Commission, be transferred to the Department of Corrections in accordance with the plan established pursuant to subsection e. of section 7 of P.L.1995, c.284 (C.52:17B-175) and regulations adopted pursuant to that section; and

(b) a juvenile who has reached or exceeds the age of 21 may continue to serve a sentence in a State juvenile facility operated by the Youth Justice Commission in the discretion of the Youth Justice Commission and if the juvenile so consents; otherwise the juvenile shall serve the remainder of the custodial sentence in a State correctional facility;

(2) If a juvenile is not convicted of an offense set forth in paragraph (2) of subsection c. of this section, a conviction for any other offense shall be deemed a juvenile adjudication and be remanded to the Superior Court, Chancery Division, Family Part for disposition, in accordance with the dispositional options available to that court and all records related to the act of delinquency shall be subject to the provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60);

(3) With the consent of the defense and the prosecutor, at any point in the proceedings subsequent to the decision ordering waiver the court may remand to the Superior Court, Chancery Division, Family Part if it appears that:

(a) the interests of the public and the best interests of the juvenile require access to programs or procedures uniquely available to that court; and

(b) the interests of the public are no longer served by waiver.

g. (1) The Youth Justice Commission, in consultation with the Attorney General, shall establish a program to collect, record, and analyze data regarding waiver of jurisdiction of a juvenile delinquency case by the Superior Court, Chancery Division, Family Part to an appropriate court and prosecuting authority. In furtherance of this program, the Youth Justice Commission shall, in cooperation with the Administrative Office of the Courts, Attorney

General, and county prosecutors, collect data related to the decision to seek waiver of jurisdiction of a juvenile delinquency case, which shall include but not be limited to data concerning:

- (a) youth demographics, including age, gender, race, and ethnicity;
- (b) case characteristics, including the degree of the offense waived, the degree of the offense convicted, and the final court resolution;
- (c) case processing times; and
- (d) waiver rates by race and ethnicity.

(2) The commission shall prepare and publish on its Internet website biennial reports summarizing the data collected, recorded, and analyzed pursuant to paragraph (1) of this subsection.

(3) The commission shall, pursuant to section 2 of P.L. 1991, c.164 (C.52:14-19.1), biennially prepare and transmit to the Governor and the Legislature the reports required in paragraph (2) of this subsection, along with any recommendations the commission may have for legislation concerning waiver of jurisdiction of juvenile delinquency cases.

4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to read as follows:

C.2A:4A-37 Place of detention or shelter.

18. Place of detention or shelter. a. The Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall specify the place where a juvenile may be detained; and the Department of Children and Families shall specify where a juvenile may be placed in shelter.

b. No juvenile shall be placed in detention or shelter care in any place other than that specified by the Youth Justice Commission or Department of Children and Families as provided in subsection a.

c. A juvenile being held for a charge under this act or for a violation of or contempt in connection with a violation of Title 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes or N.J.S.2C:33-13, including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of a crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility which has reached its maximum population capacity, as designated by the Youth Justice Commission.

d. No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18. The following standards shall apply to any juvenile who has been placed on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and who violates the conditions of that probation after reaching the age of 18; who has been placed on parole pursuant to the provisions of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.) and who violates the conditions of that parole after reaching the age of 18; or who is arrested after reaching the age of 18 on a warrant emanating from the commission of an act of juvenile delinquency:

(1) In the case of a person 18 years of age but less than 20 years of age, the court, upon application by any interested party, shall determine the place of detention, taking into consideration the age and maturity of the person, whether the placement of the person in a juvenile detention facility would present a risk to the safety of juveniles residing at the facility,

the likelihood that the person would influence in a negative manner juveniles incarcerated at the facility, whether the facility has sufficient space available for juveniles and any other factor the court deems appropriate. Upon application at any time by the juvenile detention facility administrator or any other interested party, the court may order that the person be relocated to the county jail. The denial of an application shall not preclude subsequent applications based on a change in circumstances or information that was not previously made available to the court. The determination of the place of detention shall be made in a summary manner;

(2) In the case of a person 20 years of age or older, the person shall be incarcerated in the county jail unless good cause is shown.

e. (1) The Youth Justice Commission and the Department of Children and Families shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for juvenile detention facilities or shelters under their respective supervision.

(2) The Youth Justice Commission and the Department of Children and Families, in consultation with the appropriate county administrator of the county facility or shelter, shall assign a maximum population capacity for each juvenile detention facility or shelter based on minimum standards for these facilities.

f. (1) Where either the Youth Justice Commission or the Department of Children and Families determines that a juvenile detention facility or shelter under its control or authority is regularly over the maximum population capacity or is in willful and continuous disregard of the minimum standards for these facilities or shelters, the commission or department may restrict new admissions to the facility or shelter.

(2) Upon making such determination, the commission or department shall notify the governing body of the appropriate county of its decision to impose such a restriction, which notification shall include a written statement specifying the reasons therefor and corrections to be made. If the commission or department shall determine that no appropriate action has been initiated by the administrator of the facility or shelter within 60 days following such notification to correct the violations specified in the notification, it shall order that such juvenile detention facility or shelter shall immediately cease to admit juveniles. The county shall be entitled to a hearing where such a restriction is imposed by the commission or department.

(3) Any juvenile detention facility or shelter so restricted shall continue under such order until such time as the commission or department determines that the violation specified in the notice has been corrected or that the facility or shelter has initiated actions which will ensure the correction of said violations.

(4) Upon the issuance of an order to cease admissions to a juvenile detention facility or shelter, the commission or department shall determine whether other juvenile detention facilities or shelters have adequate room for admitting juveniles and shall assign the juveniles to the facilities or shelters on the basis of available space; provided that the department shall not assign the juvenile to a facility or shelter where such facility or shelter is at the maximum population. A juvenile detention facility or shelter ordered to accept a juvenile shall do so within five days following the receipt of an order to accept admission of such juvenile.

(5) A juvenile detention facility or shelter restricted by an order to cease admissions shall assume responsibility for the transportation of a juvenile sent to another juvenile detention facility or shelter so long as the order shall remain in effect.

(6) A facility or shelter receiving juveniles pursuant to paragraph (4) of this subsection shall receive from the sending county a reasonable and appropriate per diem allowance for each juvenile sent to the facility, such allowance to be used for the custody, care, maintenance, and any other services normally provided by the county to juveniles in the facility or shelter

and which reflects all county expenditures in maintaining such juvenile, including a proportionate share of all buildings and grounds costs, personnel costs, including fringe benefits, administrative costs and all other direct and indirect costs.

(7) The governing body of a county whose juvenile detention facility or shelter has been prohibited from accepting new admissions, and whose juveniles have been assigned to other juvenile detention facilities or shelters, shall appropriate an amount to pay the county receiving such juveniles for all expenses incurred pursuant to paragraph (6) of this subsection.

5. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to read as follows:

C.2A:4A-42 Predispositional evaluation.

23. Predispositional evaluation. a. Before making a disposition, the court may refer the juvenile to an appropriate individual, agency or institution for examination and evaluation.

b. In arriving at a disposition, the court may also consult with such individuals and agencies as may be appropriate to the juvenile's situation, including the county probation division, the Department of Children and Families, the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the county youth services commission, school personnel, clergy, law enforcement authorities, family members and other interested and knowledgeable parties. In so doing, the court may convene a predispositional conference to discuss and recommend disposition.

c. (1) The predisposition report ordered pursuant to the Rules of Court may include a statement by the victim of the offense for which the juvenile has been adjudicated delinquent or by the nearest relative of a homicide victim. The statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss to include loss of earnings or ability to work suffered by the victim and the effect of the crime upon the victim's family. The probation division shall notify the victim or nearest relative of a homicide victim of his right to make a statement for inclusion in the predisposition report if the victim or relative so desires. Any statement shall be made within 20 days of notification by the probation division. The report shall further include information on the financial resources of the juvenile. This information shall be made available on request to the Victims of Crime Compensation Office established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to collect payment of an assessment, restitution or fine.

(2) Any predisposition report prepared pursuant to this section shall include:

- (a) an analysis of the circumstances attending the commission of the act;
- (b) the impact of the offense on the community;
- (c) the offender's history of delinquency or criminality;
- (d) the offender's family situation;
- (e) the offender's financial resources;
- (f) the financial resources of the juvenile's parent or guardian;
- (g) the information concerning the parent or guardian's exercise of supervision and control relevant to commission of the act; and
- (h) in any case where the juvenile is charged with an act which if committed by an adult would constitute prostitution in violation of N.J.S.2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking, the predisposition report may include any information relevant to the commission of the act.

Information concerning financial resources included in the report shall be made available to any officer authorized to collect payment on any assessment, restitution or fine.

6. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to read as follows:

C.2A:4A-43 Disposition of delinquency cases.

24. Disposition of delinquency cases. a. In determining the appropriate disposition for a juvenile adjudicated delinquent the court shall weigh the following factors:

- (1) The nature and circumstances of the offense;
- (2) The degree of injury to persons or damage to property caused by the juvenile's offense;
- (3) The juvenile's age, previous record, prior social service received, and out-of-home placement history;
- (4) Whether the disposition supports family strength, responsibility, and unity and the well-being and physical safety of the juvenile;
- (5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition;
- (6) Whether the disposition recognizes and treats the unique physical, psychological, and social characteristics and needs of the child;
- (7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where the child has intellectual disabilities or learning disabilities;
- (8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court;
- (9) The impact of the offense on the victim or victims;
- (10) The impact of the offense on the community; and
- (11) The threat to the safety of the public or any individual posed by the child.

b. If a juvenile is adjudged delinquent, and except to the extent that an additional specific disposition is required pursuant to this section, the court, in accordance with subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order any one or more of the following dispositions:

- (1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint;
- (2) Release the juvenile to the supervision of the juvenile's parent or guardian;
- (3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed three years upon such written conditions as the court deems will aid rehabilitation of the juvenile;
- (4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile;
- (5) Place the juvenile under the care and responsibility of the Department of Children and Families so that the commissioner may designate a division or organizational unit in the department pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Children and Families shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

(6) Place the juvenile under the care and custody of the Commissioner of Children and Families for the purpose of receiving the services of the Division of Children's System of Care of that department, provided that the juvenile has been determined to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

(7) Commit the juvenile, pursuant to applicable laws and the Rules of Court governing civil commitment, to the Department of Children and Families under the responsibility of the Division of Children's System of Care for the purpose of placement in a suitable public or private hospital or other residential facility for the treatment of persons who are mentally ill, on the ground that the juvenile is in need of involuntary commitment;

(8) (Deleted by amendment, P.L.2019, c.363)

(9) Order the juvenile to make restitution to a person or entity who has suffered loss resulting from personal injuries or damage to property as a result of the offense for which the juvenile has been adjudicated delinquent. The court may determine the reasonable amount, terms, and conditions of restitution. If the juvenile participated in the offense with other persons, the participants shall be jointly and severally responsible for the payment of restitution. The court shall not require a juvenile to make full or partial restitution if the juvenile reasonably satisfies the court that the juvenile does not have the means to make restitution and could not reasonably acquire the means to pay restitution;

(10) Order that the juvenile perform community services under the supervision of a probation division or other agency or individual deemed appropriate by the court. Such services shall be compulsory and reasonable in terms of nature and duration. Such services may be performed without compensation, provided that any money earned by the juvenile from the performance of community services may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(11) Order that the juvenile participate in work programs which are designed to provide job skills and specific employment training to enhance the employability of job participants. Such programs may be without compensation, provided that any money earned by the juvenile from participation in a work program may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(12) Order that the juvenile participate in programs emphasizing self-reliance, such as intensive outdoor programs teaching survival skills, including but not limited to camping, hiking, and other appropriate activities;

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development. This may require attendance after school, evenings, and weekends;

(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services;

(15) Order the parent or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a significant contributing factor towards the commission of the delinquent act, or, under its authority to enforce litigant's rights, that such person's omission or conduct has been a significant contributing factor towards the ineffective implementation of a court order previously entered in relation to the juvenile;

(16) (a) Place the juvenile in a nonresidential program operated by a public or private agency, providing intensive services to juveniles for specified hours, which may include

education, counseling to the juvenile and the juvenile's family if appropriate, vocational training, employment counseling, work, or other services;

(b) Place the juvenile under the custody of the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) for placement with any private group home or private residential facility with which the commission has entered into a purchase of service contract;

(17) Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed two years the driver's license, registration certificate, or both of any juvenile who used a motor vehicle in the course of committing an act for which the juvenile was adjudicated delinquent. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the circumstances of the act for which the juvenile was adjudicated delinquent and the potential effect of the loss of driving privileges on the juvenile's ability to be rehabilitated. Any postponement, suspension, or revocation shall be imposed consecutively with any custodial commitment;

(18) Order that the juvenile satisfy any other conditions reasonably related to the rehabilitation of the juvenile;

(19) Order a parent or guardian who has failed or neglected to exercise reasonable supervision or control of a juvenile who has been adjudicated delinquent to make restitution to any person or entity who has suffered a loss as a result of that offense. The court may determine the reasonable amount, terms, and conditions of restitution; or

(20) Place the juvenile, if eligible, in an appropriate juvenile offender program established pursuant to P.L.1997, c.81 (C.30:8-61 et al.).

c. (1) If the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Youth Justice Commission, the court may, in addition to any of the dispositions not involving placement out of the home enumerated in this section, incarcerate the juvenile in the youth detention facility in that county for a term not to exceed 60 consecutive days. The decision by the court to incarcerate a juvenile shall be made in accordance with subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate their own juvenile detention facilities may contract for the use of approved commitment programs with counties with which they have established agreements for the use of pre-disposition juvenile detention facilities. The Youth Justice Commission shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection.

(2) A juvenile shall not be incarcerated in any county detention facility unless the county has entered into an agreement with the Youth Justice Commission concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Youth Justice Commission shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50 percent of the maximum capacity of the facility.

(3) The court may fix a term of incarceration under this subsection that is in accordance with subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21) and:

(a) The act for which the juvenile was adjudicated delinquent, if committed by an adult, would have constituted a crime or repetitive disorderly persons offense;

(b) Incarceration of the juvenile is consistent with the goals of public safety, accountability, and rehabilitation and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of P.L.1982, c.77 (C.2A:4A-44); and

(c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2).

(4) If as a result of incarceration of adjudicated juveniles pursuant to this subsection, a county is required to transport a predisposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Youth Justice Commission.

d. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section other than subsection c., the duration of the juvenile's mandatory participation in such alternative programs shall extend for a period consistent with the program goal for the juvenile and shall in no event exceed one year beyond the maximum duration permissible for the delinquent if the juvenile had been committed to a term of incarceration.

e. In addition to any disposition the court may impose pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the following orders shall be included in dispositions of the adjudications set forth below:

(1) An order to perform community service pursuant to paragraph (10) of subsection b. of this section for a period of at least 60 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of theft of a motor vehicle, or the crime of unlawful taking of a motor vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third degree crime of eluding in violation of subsection b. of N.J.S.2C:29-2; and

(2) (Deleted by amendment, P.L.2019, c.363)

(3) An order to perform community service pursuant to paragraph (10) of subsection b. of this section for a period of at least 30 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the fourth degree crime of unlawful taking of a motor vehicle in violation of subsection b. of N.J.S.2C:20-10.

(4) (Deleted by amendment, P.L.2019, c.363)

f. (1) (Deleted by amendment, P.L.2019, c.363)

(2) (Deleted by amendment, P.L.2019, c.363)

(3) (Deleted by amendment, P.L.2019, c.363)

g. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section, the order shall include provisions which provide balanced attention to the protection of the community, accountability for offenses committed, fostering interaction and dialogue between the offender, victim, and community and the development of competencies to enable the child to become a responsible and productive member of the community.

7. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to read as follows:

C.2A:4A-43.4 Orders for certain serological testing of juveniles required under certain circumstances.

8. a. In addition to any other disposition made pursuant to law, a court shall order a juvenile charged with delinquency or adjudicated delinquent for an act which, if committed by an adult would constitute a crime, a disorderly persons offense or a petty disorderly persons offense, to submit to an approved serological test for acquired immune deficiency syndrome (AIDS) or

infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS if:

(1) in the course of the commission of the act, including the immediate flight thereafter or during any investigation or arrest related to that act, a law enforcement officer, the victim or other person suffered a prick from a hypodermic needle, provided there is probable cause to believe that the juvenile is an intravenous user of controlled dangerous substances; or

(2) in the course of the commission of the act, including the immediate flight thereafter or during any investigation or arrest related to that act, a law enforcement officer, the victim or other person had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

The court may order a juvenile to submit to an approved serological test for AIDS or infection with the HIV or any other related virus identified as a probable causative agent of AIDS if in the course of the performance of any other law enforcement duties, a law enforcement officer suffers a prick from a hypodermic needle, provided that there is probable cause to believe that the defendant is an intravenous user of controlled dangerous substances, or had contact with the defendant which involved or was likely to involve the transmission of bodily fluids. The court shall issue such an order only upon the request of the law enforcement officer, victim of the offense or other affected person made at the time of indictment, charge or conviction. If a county prosecutor declines to make such an application within 72 hours of being requested to do so by the law enforcement officer, the law enforcement officer may appeal to the Division of Criminal Justice in the Department of Law and Public Safety for that officer to bring the application. The juvenile shall be ordered by the court to submit to such repeat or confirmatory tests as may be medically necessary.

b. A court order issued pursuant to subsection a. of this section shall require testing to be performed as soon as practicable by the Executive Director of the Youth Justice Commission pursuant to authority granted to the executive director by sections 6 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider of health care or at a health care facility licensed pursuant to section 12 of P.L.1971, c.136 (C.26:2H-12). The order shall also require that the results of the test be reported to the offender, the appropriate Office of Victim-Witness Advocacy if a victim of an offense is tested, and the affected law enforcement officer. Upon receipt of the result of a test ordered pursuant to subsection a. of this section, the Office of Victim-Witness Advocacy shall provide the victim with appropriate counseling, referral for counseling and if appropriate, referral for health care. The office shall notify the victim or make appropriate arrangements for the victim to be notified of the test result.

c. (Deleted by amendment, P.L.2021, c.342)

d. The result of a test ordered pursuant to subsection a. of this section shall be confidential and health care providers and employees of the Youth Justice Commission, the Office of Victim-Witness Advocacy, a health care facility or counseling service shall not disclose the result of a test performed pursuant to this section except as authorized herein or as otherwise authorized by law or court order. The provisions of this section shall not be deemed to prohibit disclosure of a test result to the person tested.

e. Persons who perform tests ordered pursuant to subsection a. of this section in accordance with accepted medical standards for the performance of such tests shall be immune from civil and criminal liability arising from their conduct.

f. This section shall not be construed to preclude or limit any other testing for AIDS or infection with the HIV or any other related virus identified as a probable causative agent of AIDS which is otherwise permitted by statute, court rule or common law.

8. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read as follows:

C.2A:4A-44 Incarceration - Aggravating and mitigating factors.

25. Incarceration--Aggravating and mitigating factors

a. (1) In determining whether incarceration is an appropriate disposition and in addition to the considerations set forth in subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court shall consider the following aggravating circumstances:

(a) The fact that the nature and circumstances of the act, and the role of the juvenile therein, was committed in an especially heinous, cruel, or depraved manner;

(b) The fact that there was grave and serious harm inflicted on the victim and that based upon the juvenile's age or mental capacity the juvenile knew or reasonably should have known that the victim was particularly vulnerable or incapable of resistance due to advanced age, disability, ill-health, or extreme youth, or was for any other reason substantially incapable;

(c) The character and attitude of the juvenile indicate that the juvenile is likely to commit another delinquent or criminal act;

(d) The juvenile's prior record and the seriousness of any acts for which the juvenile has been adjudicated delinquent;

(e) The fact that the juvenile committed the act pursuant to an agreement that the juvenile either pay or be paid for the commission of the act and that the pecuniary incentive was beyond that inherent in the act itself;

(f) The fact that the juvenile committed the act against a policeman or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the juvenile committed the act because of the status of the victim as a public servant;

(g) The need for deterring the juvenile and others from violating the law;

(h) The fact that the juvenile knowingly conspired with others as an organizer, supervisor, or manager to commit continuing criminal activity in concert with two or more persons and the circumstances of the crime show that he has knowingly devoted himself to criminal activity as part of an ongoing business activity;

(i) The fact that the juvenile on two separate occasions was adjudged a delinquent on the basis of acts which if committed by an adult would constitute crimes;

(j) The impact of the offense on the victim or victims;

(k) The impact of the offense on the community; and

(l) The threat to the safety of the public or any individual posed by the child.

(2) In determining whether incarceration is an appropriate disposition the court shall consider the following mitigating circumstances:

(a) The child is under the age of 14;

(b) The juvenile's conduct neither caused nor threatened serious harm;

(c) The juvenile did not contemplate that the juvenile's conduct would cause or threaten serious harm;

(d) The juvenile acted under a strong provocation;

(e) There were substantial grounds tending to excuse or justify the juvenile's conduct, though failing to establish a defense;

(f) The victim of the juvenile's conduct induced or facilitated its commission;

(g) The juvenile has compensated or will compensate the victim for the damage or injury that the victim has sustained, or will participate in a program of community service;

(h) The juvenile has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present act;

- (i) The juvenile's conduct was the result of circumstances unlikely to recur;
- (j) The character and attitude of the juvenile indicate that the juvenile is unlikely to commit another delinquent or criminal act;
- (k) The juvenile is particularly likely to respond affirmatively to noncustodial treatment;
- (l) The separation of the juvenile from the juvenile's family by incarceration of the juvenile would entail excessive hardship to the juvenile or the juvenile's family;
- (m) The willingness of the juvenile to cooperate with law enforcement authorities;
- (n) The conduct of the juvenile was substantially influenced by another person more mature than the juvenile.

b. (1) There shall be a presumption of nonincarceration for any crime or offense of the fourth degree or less committed by a juvenile who has not previously been adjudicated delinquent or convicted of a crime or offense.

(2) Where incarceration is imposed, the court and a panel comprised of at least two members of the Youth Justice Commission designated by the executive director and a member of the State Parole Board designated by the chairman shall consider the juvenile's eligibility for release pursuant to the provisions of subsection d. of this section.

c. The following juveniles shall not be committed to a State juvenile facility:

(1) Juveniles age 11 or under unless adjudicated delinquent for the crime of arson or a crime which, if committed by an adult, would be a crime of the first or second degree; and

(2) Juveniles who are developmentally disabled as defined in paragraph (1) of subsection a. of section 3 of P.L.1977, c.82 (C.30:6D-3).

d. (1) When the court determines that, based on the consideration of all the factors set forth in subsection a., the juvenile shall be incarcerated, unless it orders the incarceration pursuant to subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall state on the record the reasons for imposing incarceration, including any findings with regard to these factors, and commit the juvenile to the custody of the Youth Justice Commission which shall provide for the juvenile's placement in a suitable juvenile facility pursuant to the conditions set forth in this subsection and for terms not to exceed the maximum terms as provided herein for what would constitute the following crimes if committed by an adult:

(a) Murder under 2C:11-3a(1) or (2)	20 years
(b) Murder under 2C:11-3a(3)	10 years
(c) Crime of the first degree, except murder	4 years
(d) Crime of the second degree	3 years
(e) Crime of the third degree	2 years
(f) Crime of the fourth degree	1 year
(g) Disorderly persons offense	6 months

(2) The period of confinement shall continue until the panel established pursuant to subsection b. of this section determines that the person is eligible for early release on parole or until expiration of the term of confinement, whichever shall occur first; except that in no case shall the period of confinement and parole exceed the maximum provided by law for the offense. A juvenile shall be granted early release on parole when it appears that the juvenile has made substantial progress toward positive behavioral adjustment and rehabilitative goals articulated by the panel established pursuant to subsection b. of this section to the juvenile. However, if a juvenile is approved for parole by the panel established pursuant to subsection b. of this section prior to serving one-third of any term imposed for any crime of the first, second, or third degree, including any extended term imposed pursuant to paragraph (3) or (4) of this subsection, or one-fourth of any term imposed for any other crime the granting of parole shall be subject to approval of the sentencing court. Prior to approving parole, the court shall

give the prosecuting attorney notice and an opportunity to be heard. If the court denies the parole of a juvenile pursuant to this paragraph it shall state its reasons in writing and notify the panel established pursuant to subsection b. of this section, the juvenile, and the juvenile's attorney. The court shall have 30 days from the date of notice of the pending parole to exercise the power granted under this paragraph. If the court does not respond within that time period, the parole will be deemed approved.

The panel established pursuant to subsection b. of this section shall determine at the time of release the conditions of parole, which shall be appropriately tailored to the needs of each juvenile. Any conditions imposed at the time of release or modified thereafter as a graduated intervention in lieu of initiating parole revocation proceedings shall constitute the least restrictive alternatives necessary to promote the successful return of the juvenile to the community. The juvenile shall not be required to enter or complete a residential community release program, residential treatment program, or other out-of-home placement as a condition of parole unless it is determined that the condition is necessary to protect the safety of the juvenile.

Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et seq.) who is released on parole prior to the expiration of the juvenile's maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term. The panel established pursuant to subsection b. of this section, the juvenile, the juvenile's attorney, the juvenile's parent or guardian or, with leave of the court any other interested party, may make a motion to the court, with notice to the prosecuting attorney, for the return of the juvenile from a juvenile facility prior to the juvenile's parole and provide for an alternative disposition which would not exceed the duration of the original time to be served in the facility.

(3) Upon application by the prosecutor, the court may sentence a juvenile who has been convicted of a crime of the first, second, or third degree if committed by an adult, to an extended term of incarceration beyond the maximum set forth in paragraph (1) of this subsection, if it finds that the juvenile was previously adjudged delinquent on at least two separate occasions, for offenses which, if committed by an adult, would constitute a crime of the first or second degree. The extended term shall not exceed five additional years for an act which would constitute murder and shall not exceed three additional years for all other crimes of the first degree and shall not exceed two additional years for a crime of the second degree, if committed by an adult, and one additional year for a crime of the third degree, if committed by an adult.

(4) Upon application by the prosecutor, when a juvenile is before the court at one time for disposition of three or more unrelated offenses which, if committed by an adult, would constitute crimes of the first, second or third degree and which are not part of the same transaction, the court may sentence the juvenile to an extended term of incarceration not to exceed the maximum of the permissible term for the most serious offense for which the juvenile has been adjudicated plus two additional years.

(5) The panel established pursuant to subsection b. of this section may impose a term of post-incarceration supervision following the juvenile's release from custody only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society. Post-incarceration supervision shall not exceed six months, except the term may be extended for an additional six months if the panel established pursuant to subsection b. of this section deems continuation of the post-incarceration supervision necessary to effectuate the juvenile's rehabilitation and reintegration into society. Post-incarceration supervision shall not exceed one year. Post-incarceration supervision shall not be imposed on any juvenile who has completed a period of parole supervision of six months or more. The term of post-incarceration supervision shall commence on the date of the expiration of the juvenile's maximum sentence.

During the term of post-incarceration supervision the juvenile shall remain in the community and in the legal custody of the commission. The juvenile shall not be required to enter or complete a residential community release program, residential treatment program, or other out-of-home placement as a condition of post-incarceration supervision. A term of post-incarceration supervision imposed pursuant to this paragraph may be terminated by the panel established pursuant to subsection b. of this section or court if the juvenile has made a satisfactory adjustment in the community while under supervision and if continued supervision is not required.

(6) The commission shall review the case of each juvenile sentenced to a term of commitment with the commission at least every three months and submit a status report to the court, the prosecutor, and the counsel for the juvenile. The commission's review and status report shall include, but not be limited to:

- (a) information on the treatment, care, and custody of the juvenile;
- (b) whether the juvenile is receiving the mental health, substance use disorder, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community;
- (c) any incidents of violence involving the juvenile; and
- (d) the juvenile's eligibility for parole.

Counsel for the juvenile shall have the opportunity to respond to the report required pursuant to this paragraph.

The commission shall continue to submit quarterly reports to the court until the juvenile is paroled or released at the expiration of the term of incarceration and shall resume the quarterly reviews if the juvenile is returned to the custody of the commission. The court may conduct a hearing at any time to determine whether commitment with the commission continues to be appropriate pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77 (C.2A:4A-44), and may release the juvenile or otherwise modify the dispositional order. Nothing in this paragraph shall abrogate the court's retention of jurisdiction pursuant to section 26 of P.L.1982, c.77 (C.2A:4A-45).

e. If the panel established pursuant to subsection b. of this section determines there is probable cause to believe that the juvenile has seriously or persistently violated the terms and conditions of parole, the commission shall conduct a hearing to determine if the juvenile's parole should be revoked. The juvenile shall be represented by counsel at the hearing. The hearing shall be conducted by a hearing officer who is licensed as an attorney-at-law in this State. The juvenile shall not be incarcerated prior to the hearing unless the panel established pursuant to subsection b. of this section determines by objective and credible evidence that the juvenile poses an immediate and substantial danger to public safety. If the juvenile is incarcerated prior to the hearing, the hearing shall be held within 72 hours of the juvenile's return to custody and a written decision made and transmitted to the juvenile and the juvenile's counsel within 48 hours of the hearing. Upon request of counsel for the juvenile, the hearing officer shall adjourn the hearing for not more than 72 hours. Subsequent adjournments may be granted upon request of the juvenile and good cause shown.

The panel established pursuant to subsection b. of this section shall not revoke the parole of a juvenile unless the hearing officer determines, by clear and convincing evidence, that:

- (1) the juvenile has seriously or persistently violated the conditions of parole;
- (2) the juvenile poses a substantial danger to public safety and no form of community-based supervision would alleviate that danger; and
- (3) revocation is consistent with the provisions of section 2 of P.L.1982, c.77 (C.2A:4A-21).

The procedures and standards set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall apply to juvenile parole revocation hearings, unless the procedures and standards conflict with those set forth in this subsection.

Notwithstanding a determination that the juvenile violated a condition of parole, the panel established pursuant to subsection b. of this section may modify those conditions.

f. The panel established pursuant to subsection b. of this section may relieve a juvenile of any parole conditions, and may permit a parolee to reside outside the State pursuant to the provisions of the Interstate Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and after providing notice to the Attorney General, may consent to the supervision of a parolee by the federal government pursuant to the federal Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521 et seq.). The panel established pursuant to subsection b. of this section may revoke permission, except in the case of a juvenile under the Witness Security Reform Act, or reinstate relieved parole conditions for any period of time during which a juvenile is under its jurisdiction.

g. The commission shall promulgate rules and regulations governing the commission's duties and responsibilities concerning parole eligibility, supervision, and revocation.

h. The member of the State Parole Board who is designated by the chairman to be on the panel established pursuant to subsection b. of this section shall have experience in juvenile justice or have successfully completed a juvenile justice training program to be established by the chairman. The training program shall be comprised of seven hours of instruction including, but not limited to: emerging scientific knowledge concerning adolescent development, particularly adolescent brain function and how adolescent development relates to incarcerated youth, the influence of peer relationships among adolescents and peer contagion effects, and the effects of juvenile crime on victims.

i. Any decision concerning parole made by the panel established pursuant to subsection b. of this section shall be unanimous.

9. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to read as follows:

C.2A:4A-44.1 State incarceration of juveniles in county juvenile detention facilities.

1. The Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) may enter into an agreement with any county concerning the use of that county's juvenile detention facility for the housing of juveniles the court has placed under the custody of the commission for placement in State correctional facilities only if the county's juvenile detention facility is not over its maximum rated capacity.

Unless the contract otherwise provides or the commission so directs in order to provide for the secure and orderly operation of the facility, a juvenile placed in a county detention facility pursuant to the provisions of this act shall not be segregated from the juveniles otherwise placed in the county detention facility or excluded from any program or activity offered in that facility.

Any contract entered into pursuant to this section shall ensure that educational, vocational, mental health, health and rehabilitative services are provided to the juveniles and that these services are, at minimum, equivalent to those provided to adjudicated juveniles in State-operated facilities.

10. Section 2 of P.L.2020, c.111 (C.2A:4A-44.2) is amended to read as follows:

C.2A:4A-44.2 Application of public health emergency credits to juvenile.

2. a. Except as provided in subsection b. of this section, the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile serving a sentence in a State correctional facility operated by the Youth Justice Commission who due to the expiration of the juvenile's term of commitment is scheduled to be released from custody within 365 days.

b. Public health emergency credits shall not be awarded to any juvenile serving a sentence in a State correctional facility operated by the Youth Justice Commission for:

- (1) murder pursuant to N.J.S.2C:11-3;
- (2) aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2; or
- (3) any offense enumerated in N.J.S.2C:47-1 and who is deemed a repetitive, compulsive sex offender.

c. A juvenile who was serving a sentence in a State correctional facility operated by the Youth Justice Commission during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic shall receive public health emergency credits in accordance with section 1 of P.L.2020, c.111 (C.30:4-123.100).

d. A juvenile scheduled to be released from the custody of the Youth Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100) shall be released on the scheduled release date based on the award of public health emergency credits.

e. (1) Notwithstanding the provisions of subsection d. of this section, a juvenile scheduled to be released from the custody of the Youth Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100) whose scheduled release date is less than 45 days after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.) shall be released within 45 days after the effective date, in order to allow the Youth Justice Commission to devise and implement a release plan for the juvenile and arrange for services to be provided to the juvenile upon release.

(2) A juvenile who is released from custody following an award of public health emergency credits pursuant to this section shall be prohibited from making contact with a victim as set forth in section 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall remain in force until the time that the juvenile was scheduled to be released prior to the award of public health emergency credits.

f. Prior to releasing a juvenile from the custody of the Youth Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the Executive Director of the Youth Justice Commission shall:

(1) notify the juvenile in writing of the prohibition against making contact with any victim of the crime for which the juvenile was serving a sentence pursuant to section 5 of P.L.2020, c.111 (C.30:4-123.103);

(2) notify the juvenile that a violation of the prohibition against contact with the victim is a crime of the fourth degree; and

(3) require the juvenile to acknowledge in writing the receipt of the notifications provided pursuant to this subsection.

11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to read as follows:

C.2A:4A-44.3 Identification of juveniles scheduled for release.

6. a. The Executive Director of the Youth Justice Commission shall immediately identify any juvenile who is scheduled to be released from the custody of the Youth Justice Commission

within 365 days as a result of the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100).

b. Notwithstanding any provisions of law to the contrary, the Executive Director of the Youth Justice Commission shall provide notice to the prosecutor of the county in which the juvenile was adjudicated delinquent or the Attorney General if the matter was prosecuted by the Attorney General. The notice shall include:

(1) the name of any juvenile who, due to the expiration of the juvenile's term of commitment, is scheduled to be released from the custody of the Youth Justice Commission within 365 days as a result of the award of public health emergency credits;

(2) the date on which the juvenile is scheduled to be released from custody based on the award of public health emergency credits; and

(3) the date on which the juvenile was scheduled to be released from custody prior to the award of public health emergency credits.

c. The Executive Director of the Youth Justice Commission shall make available to the public on the Internet website of the Youth Justice Commission, in both English and Spanish, information concerning:

(1) the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

(2) resources for victims of domestic violence; and

(3) procedures for filing with the court a petition to dissolve the prohibition established pursuant to section 5 of P.L.2020, c.111 (C.30:4-123.103) prohibiting a juvenile from making contact with any victim of the crime for which the juvenile was serving a sentence.

12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to read as follows:

C.2A:4A-44.4 Actions of prosecutor, Attorney General.

7. Notwithstanding the provisions of any law to the contrary, upon receipt of notice from the Executive Director of the Youth Justice Commission that a juvenile is scheduled to be released from the custody of the Youth Justice Commission within 365 days based on the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the prosecutor or Attorney General, prior to the juvenile's scheduled release date, may:

a. use any reasonable means available to notify any identifiable victim of the crime for which the juvenile is serving a sentence in a State correctional facility operated by the Youth Justice Commission of the juvenile's scheduled release date;

b. notify the identifiable victim that the law prohibits the juvenile from having any contact with the victim unless a petition is filed with the court to dissolve the prohibition in accordance with the procedures established by the court;

c. notify the victim of the duration of the prohibition against the juvenile having contact with the victim;

d. notify the victim of the penalties imposed for the juvenile's violation of the prohibition against contact;

e. provide information to the victim concerning how a petition may be filed with the court to dissolve the prohibition against the juvenile having contact with the victim; and

f. provide information to the victim concerning the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.), and resources for victims of domestic violence.

13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read as follows:

C.2A:4A-60 Disclosure of juvenile information; penalties for disclosure.

1. Disclosure of juvenile information; penalties for disclosure.

a. Social, medical, psychological, legal and other records of the court and probation division, and records of law enforcement agencies, pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection. Such records shall be made available only to:

(1) Any court or probation division;

(2) The Attorney General or county prosecutor;

(3) The parents or guardian and to the attorney of the juvenile;

(4) The Department of Human Services or Department of Children and Families, if providing care or custody of the juvenile;

(5) Any institution or facility to which the juvenile is currently committed or in which the juvenile is placed;

(6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown, except that information concerning adjudications of delinquency, records of custodial confinement, payments owed on assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution ordered following conviction of a crime or adjudication of delinquency, and the juvenile's financial resources, shall be made available upon request to the Victims of Crime Compensation Agency established pursuant to section 2 of P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information and records confidential;

(7) The Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

(8) Law enforcement agencies for the purpose of reviewing applications for a permit to purchase a handgun or firearms purchaser identification card;

(9) Any potential party in a subsequent civil action for damages related to an act of delinquency committed by a juvenile, including the victim or a member of the victim's immediate family, regardless of whether the action has been filed against the juvenile; provided, however, that records available under this paragraph shall be limited to official court documents, such as complaints, pleadings and orders, and that such records may be disclosed by the recipient only in connection with asserting legal claims or obtaining indemnification on behalf of the victim or the victim's family and otherwise shall be safeguarded from disclosure to other members of the public. Any potential party in a civil action related to the juvenile offense may file a motion with the civil trial judge seeking to have the juvenile's social, medical or psychological records admitted into evidence in a civil proceeding for damages;

(10) Any potential party in a subsequent civil action for damages related to an act of delinquency committed by a juvenile, including the victim or a member of the victim's immediate family, regardless of whether the action has been filed against the juvenile; provided, however, that records available under this paragraph shall be limited to police or investigation reports concerning acts of delinquency, which shall be disclosed by a law enforcement agency only with the approval of the County Prosecutor's Office or the Division of Criminal Justice. Prior to disclosure, all personal information regarding all individuals, other than the requesting party and the arresting or investigating officer, shall be redacted. Such records may be disclosed by the recipient only in connection with asserting legal claims or obtaining indemnification on behalf of the victim or the victim's family, and otherwise shall be safeguarded from disclosure to other members of the public;

(11) The Office of the Child Advocate established pursuant to P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile information received by the child advocate pursuant to this paragraph shall be in accordance with the provisions of section 76 of P.L.2005, c.155 (C.52:27EE-76);

(12) Law enforcement agencies with respect to information available on the juvenile central registry maintained by the courts pursuant to subsection g. of this section, including, but not limited to: records of official court documents, such as complaints, pleadings and orders for the purpose of obtaining juvenile arrest information; juvenile disposition information; juvenile pretrial information; and information concerning the probation status of a juvenile; and

(13) A Court Appointed Special Advocate as defined in section 1 of P.L.2009, c.217 (C.2A:4A-92).

b. Records of law enforcement agencies may be disclosed for law enforcement purposes, or for the purpose of reviewing applications for a permit to purchase a handgun or a firearms purchaser identification card to any law enforcement agency of this State, another state or the United States, and the identity of a juvenile under warrant for arrest for commission of an act that would constitute a crime if committed by an adult may be disclosed to the public when necessary to execution of the warrant.

c. At the time of charge, adjudication or disposition, information as to the identity of a juvenile charged with an offense, the offense charged, the adjudication and disposition shall, upon request, be disclosed to:

(1) The victim or a member of the victim's immediate family;

(2) (Deleted by amendment, P.L.2005, c.165).

(3) On a confidential basis, the principal of the school where the juvenile is enrolled for use by the principal and such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or to planning programs relevant to the juvenile's educational and social development, provided that no record of such information shall be maintained except as authorized by regulation of the Department of Education; or

(4) A party in a subsequent legal proceeding involving the juvenile, upon approval by the court.

d. A law enforcement or prosecuting agency shall, at the time of a charge, adjudication or disposition, send written notice to the principal of the school where the juvenile is enrolled of the identity of the juvenile charged, the offense charged, the adjudication and the disposition if:

(1) The offense occurred on school property or a school bus, occurred at a school-sponsored function or was committed against an employee or official of the school; or

(2) The juvenile was taken into custody as a result of information or evidence provided by school officials; or

(3) The offense, if committed by an adult, would constitute a crime, and the offense:

(a) resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury; or

(b) involved the unlawful use or possession of a firearm or other weapon; or

(c) involved the unlawful manufacture, distribution or possession with intent to distribute a controlled dangerous substance or controlled substance analog; or

(d) was committed by a juvenile who acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or

(e) would be a crime of the first, second, or third degree.

Information provided to the principal pursuant to this subsection shall be maintained by the school and shall be treated as confidential but may be made available to such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety

or discipline in the school or for planning programs relevant to a juvenile's educational and social development.

e. Nothing in this section prohibits a law enforcement or prosecuting agency from providing the principal of a school with information identifying one or more juveniles who are under investigation or have been taken into custody for commission of any act that would constitute an offense if committed by an adult when the law enforcement or prosecuting agency determines that the information may be useful to the principal in maintaining order, safety or discipline in the school or in planning programs relevant to the juvenile's educational and social development. Information provided to the principal pursuant to this subsection shall be treated as confidential but may be made available to such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or for planning programs relevant to the juvenile's educational and social development. No information provided pursuant to this section shall be maintained.

f. Information as to the identity of a juvenile adjudicated delinquent, the offense, the adjudication and the disposition shall be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent if committed by an adult, would constitute a crime of the first, second or third degree, or aggravated assault, destruction or damage to property to an extent of more than \$500.00, unless upon application at the time of disposition the juvenile demonstrates a substantial likelihood that specific and extraordinary harm would result from such disclosure in the specific case. Where the court finds that disclosure would be harmful to the juvenile, the reasons therefor shall be stated on the record.

g. (1) Nothing in this section shall prohibit the establishment and maintaining of a central registry of the records of law enforcement agencies relating to juveniles for the purpose of exchange between State and local law enforcement agencies and prosecutors of this State, another state, or the United States. These records of law enforcement agencies shall be available on a 24-hour basis.

(2) Certain information and records relating to juveniles in the central registry maintained by the courts, as prescribed in paragraph (12) of subsection a. of this section, shall be available to State and local law enforcement agencies and prosecutors on a 24-hour basis.

h. Whoever, except as provided by law, knowingly discloses, publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a. or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly persons offense.

i. Juvenile delinquency proceedings.

(1) Except as provided in paragraph (2) of this subsection, the court may, upon application by the juvenile or his parent or guardian, the prosecutor or any other interested party, including the victim or complainant or members of the news media, permit public attendance during any court proceeding at a delinquency case, where it determines that a substantial likelihood that specific harm to the juvenile would not result. The court shall have the authority to limit and control attendance in any manner and to the extent it deems appropriate;

(2) The court or, in cases where the county prosecutor has entered an appearance, the county prosecutor shall notify the victim or a member of the victim's immediate family of any court proceeding involving the juvenile and the court shall permit the attendance of the victim or family member at the proceeding except when, prior to completing testimony as a witness, the victim or family member is properly sequestered in accordance with the law or the Rules Governing the Courts of the State of New Jersey or when the juvenile or the juvenile's family member shows, by clear and convincing evidence, that such attendance would result in a

substantial likelihood that specific harm to the juvenile would result from the attendance of the victim or a family member at a proceeding or any portion of a proceeding and that such harm substantially outweighs the interest of the victim or family member to attend that portion of the proceeding;

(3) The court shall permit a victim, or a family member of a victim to make a statement prior to ordering a disposition in any delinquency proceeding involving an offense that would constitute a crime if committed by an adult.

j. The Department of Education, in consultation with the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations concerning the creation, maintenance and disclosure of pupil records including information acquired pursuant to this section.

14. N.J.S.2C:4-11 is amended to read as follows:

Immaturity excluding criminal conviction; transfer of proceedings to family court.

2C:4-11. a. A person shall not be tried for or convicted of an offense if:

(1) At the time of the conduct charged to constitute the offense he was less than 14 years of age, in which case the family court shall have exclusive jurisdiction unless pursuant to section 8 of the "New Jersey Code of Youth Justice" the juvenile has demanded indictment and trial by jury; or

(2) At the time of the conduct charged to constitute the offense he was 14, 15, 16 or 17 years of age, unless:

(a) The family court has no jurisdiction over him;

(b) The family court has, pursuant to section 7 of the "New Jersey Code of Youth Justice," entered an order waiving jurisdiction and referring the case to the county prosecutor for the institution of criminal proceedings against him;

(c) The juvenile has, pursuant to section 8 of the "New Jersey Code of Youth Justice," demanded indictment and trial by jury.

b. No court shall have jurisdiction to try and convict a person of an offense if criminal proceedings against him are barred by subsection a. of this section. When it appears that a person charged with the commission of an offense may be of such an age that proceedings may be barred under subsection a. of this section, the court shall hold a hearing thereon, and the burden shall be on such person to establish to the satisfaction of the court that the proceeding is barred upon such grounds. If the court determines that the proceeding is barred, custody of the person charged shall be surrendered to the family court and the case, including all papers and processes relating thereto shall be transferred.

15. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as follows:

C.2C:7-2 Registration of sex offenders; definition; requirements.

2. a. (1) A person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sex offense as defined in subsection b. of this section shall register as provided in subsections c. and d. of this section.

(2) A person who in another jurisdiction is required to register as a sex offender and (a) is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education or other post-secondary school, or (b) is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than

14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall register in this State as provided in subsections c. and d. of this section.

(3) A person who fails to register as required under this act shall be guilty of a crime of the third degree.

b. For the purposes of this act a sex offense shall include the following:

(1) Aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, regardless of the date of the commission of the offense or the date of conviction;

(2) A conviction, adjudication of delinquency, or acquittal by reason of insanity for aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or (ii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; leader of a network to share child sexual abuse or exploitation material pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or an attempt to commit any of these enumerated offenses if the conviction, adjudication of delinquency or acquittal by reason of insanity is entered on or after the effective date of this act or the offender is serving a sentence of incarceration, probation, parole or other form of community supervision as a result of the offense or is confined following acquittal by reason of insanity or as a result of civil commitment on the effective date of this act;

(3) A conviction, adjudication of delinquency, or acquittal by reason of insanity for an offense similar to any offense enumerated in paragraph (2) or a sentence on the basis of criteria similar to the criteria set forth in paragraph (1) of this subsection entered or imposed under the laws of the United States, this State, or another state.

(4) Notwithstanding the provisions of paragraph (1), (2), or (3) of this subsection, a sex offense shall not include an adjudication of delinquency for endangering the welfare of a child pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that the actor demonstrates that:

(a) the facts of the case are limited to the creation, exhibition or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N.J.S.2C:24-4, through the use of an electronic communications device, an interactive wireless communications device, or a computer;

(b) the creator and subject of the photograph are juveniles or were juveniles at the time of its making; and

(c) the subject of the photograph whose nudity is depicted or who is portrayed in a sexually suggestive manner, as the case may be, knowingly consented to the making of the photograph.

c. A person required to register under the provisions of this act shall do so on forms to be provided by the designated registering agency as follows:

(1) A person who is required to register and who is under supervision in the community on probation, parole, furlough, work release, or a similar program, shall register at the time the

person is placed under supervision or no later than 120 days after the effective date of this act, whichever is later, in accordance with procedures established by the Department of Corrections, the Department of Human Services, the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or the Administrative Office of the Courts, whichever is responsible for supervision;

(2) A person confined in a correctional or juvenile facility or involuntarily committed who is required to register shall register prior to release in accordance with procedures established by the Department of Corrections, the Department of Human Services or the Youth Justice Commission and, within 48 hours of release, shall also register with the chief law enforcement officer of the municipality in which the person resides or, if the municipality does not have a local police force, the Superintendent of State Police;

(3) A person moving to or returning to this State from another jurisdiction shall register with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a local police force, the Superintendent of State Police within 120 days of the effective date of this act or 10 days of first residing in or returning to a municipality in this State, whichever is later;

(4) A person required to register on the basis of a conviction prior to the effective date who is not confined or under supervision on the effective date of this act shall register within 120 days of the effective date of this act with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a local police force, the Superintendent of State Police;

(5) A person who in another jurisdiction is required to register as a sex offender and who is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education or other post-secondary school shall, within ten days of commencing attendance at such educational institution, register with the chief law enforcement officer of the municipality in which the educational institution is located or, if the municipality does not have a local police force, the Superintendent of State Police;

(6) A person who in another jurisdiction is required to register as a sex offender and who is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall, within ten days after commencing such employment or vocation, register with the chief law enforcement officer of the municipality in which the employer is located or where the vocation is carried on, as the case may be, or, if the municipality does not have a local police force, the Superintendent of State Police;

(7) In addition to any other registration requirements set forth in this section, a person required to register under this act who is enrolled at, employed by or carries on a vocation at an institution of higher education or other post-secondary school in this State shall, within 10 days after commencing such attendance, employment or vocation, register with the law enforcement unit of the educational institution, if the institution has such a unit.

d. (1) Upon a change of address, a person shall notify the law enforcement agency with which the person is registered and shall re-register with the appropriate law enforcement agency no less than 10 days before the person intends to first reside at the new address. Upon a change of employment or school enrollment status, a person shall notify the appropriate law enforcement agency no later than five days after any such change. A person who fails to notify the appropriate law enforcement agency of a change of address or status in accordance with this subsection is guilty of a crime of the third degree.

(2) A person required to register under this act shall provide the appropriate law enforcement agency with information as to whether the person has routine access to or use of a computer or any other device with Internet capability. A person who fails to notify the appropriate law enforcement agency of such information or of a change in the person's access to or use of a computer or other device with Internet capability or who provides false information concerning the person's access to or use of a computer or any other device with Internet capability is guilty of a crime of the third degree.

e. A person required to register under paragraph (1) of subsection b. of this section or under paragraph (3) of subsection b. due to a sentence imposed on the basis of criteria similar to the criteria set forth in paragraph (1) of subsection b. shall verify the person's address with the appropriate law enforcement agency every 90 days in a manner prescribed by the Attorney General. A person required to register under paragraph (2) of subsection b. of this section or under paragraph (3) of subsection b. on the basis of a conviction for an offense similar to an offense enumerated in paragraph (2) of subsection b. shall verify the person's address annually in a manner prescribed by the Attorney General. In addition to address information, the person shall provide as part of the verification process any additional information the Attorney General may require. One year after the effective date of this act, the Attorney General shall review, evaluate and, if warranted, modify pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement. Any person who knowingly provides false information concerning the person's place of residence or who fails to verify the person's address with the appropriate law enforcement agency or other entity, as prescribed by the Attorney General in accordance with this subsection, is guilty of a crime of the third degree.

f. Except as provided in subsection g. of this section, a person required to register under this act may make application to the Superior Court of this State to terminate the obligation upon proof that the person has not committed an offense within 15 years following conviction or release from a correctional facility for any term of imprisonment imposed, whichever is later, and is not likely to pose a threat to the safety of others.

g. A person required to register under this section who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for more than one sex offense as defined in subsection b. of this section or who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not eligible under subsection f. of this section to make application to the Superior Court of this State to terminate the registration obligation.

16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read as follows:

C.2C:7-3 Notice of obligation to register.

3. Notice of the obligation to register shall be provided as follows:

(1) A court imposing a sentence, disposition or order of commitment following acquittal by reason of insanity shall notify the defendant of the obligation to register pursuant to section 2 of this act.

(2) The Department of Corrections, the Administrative Office of the Courts, the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and the Department of Human Services shall (a) establish procedures for notifying persons under their supervision of the obligation to register pursuant to this act and (b) establish procedures for registration by persons with the appropriate law enforcement agency who are under supervision in the community on probation, parole, furlough, work release or similar program

outside the facility, and registration with the appropriate law enforcement agency of persons who are released from the facility in which they are confined without supervision.

(3) The Division of Motor Vehicles in the Department of Law and Public Safety shall provide notice of the obligation to register pursuant to this section in connection with each application for a license to operate a motor vehicle and each application for an identification card issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3).

(4) The Attorney General shall cause notice of the obligation to register to be published in a manner reasonably calculated to reach the general public within 30 days of the effective date of this act.

17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read as follows:

C.2C:7-4 Forms of registration.

4. a. Within 60 days of the effective date of this act, the Superintendent of State Police, with the approval of the Attorney General, shall prepare the form of registration statement as required in subsection b. of this section and shall provide such forms to each organized full-time municipal police department, the Department of Corrections, the Administrative Office of the Courts and the Department of Human Services. In addition, the Superintendent of State Police shall make such forms available to the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

b. The form of registration required by this act shall include:

(1) A statement in writing signed by the person required to register acknowledging that the person has been advised of the duty to register and reregister imposed by this act and including the person's name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, address of legal residence, address of any current temporary residence, date and place of employment; and any anticipated or current school enrollment, including but not limited to enrollment at or employment by any institution of higher education;

(2) Date and place of each conviction, adjudication or acquittal by reason of insanity, indictment number, fingerprints, and a brief description of the crime or crimes for which registration is required; and

(3) Any other information that the Attorney General deems necessary to assess risk of future commission of a crime, including criminal and corrections records, nonprivileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available.

c. Within three days of receipt of a registration pursuant to subsection c. of section 2 of this act, the registering agency shall forward the statement and any other required information to the prosecutor who shall, as soon as practicable, transmit the form of registration to the Superintendent of State Police, and, if the registrant will reside in a different county, to the prosecutor of the county in which the person will reside. The prosecutor of the county in which the person will reside shall transmit the form of registration to the law enforcement agency responsible for the municipality in which the person will reside and other appropriate law enforcement agencies. The superintendent shall promptly transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

d. The Superintendent of State Police shall maintain a central registry of registrations provided pursuant to this act.

18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to read as follows:

C.2C:14-14 Application for temporary protective order.

2. Application for Temporary Protective Order.

a. (1) Any person alleging to be a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, or stalking or cyber-harassment, and who is not eligible for a restraining order as a "victim of domestic violence" as defined by the provisions of subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), may, except as provided in subsection b. of this section, file an application with the Superior Court pursuant to the Rules of Court alleging the commission of such conduct or attempted conduct and seeking a temporary protective order.

As used in this section and in sections 3, 4, and 8 of P.L.2015, c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

"Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor.

"Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction.

"Lewdness" means the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.

"Intimate parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person.

"Stalking" means purposefully or knowingly engaging in a course of conduct directed at or toward a person that would cause a reasonable person to fear for the reasonable person's own safety or the safety of a third person, or suffer other emotional distress, because the conduct involves: repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about a person, or interfering with a person's property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or towards a person.

"Repeatedly" means on two or more occasions.

"Emotional distress" means significant mental suffering or distress.

"Cause a reasonable person to fear" means to cause fear which a reasonable victim, similarly situated, would have under the circumstances.

"Cyber-harassment" means conduct that occurs, while making one or more communications in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, that involves: threatening to inflict injury or physical harm to any person or the property of any person; knowingly sending, posting, commenting, requesting, suggesting, or proposing any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to the reasonable person; or threatening to commit any crime against a person or the person's property.

(2) Except as provided in subsection b. of this section, an application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may be filed by the alleged victim's parent or guardian on behalf of the alleged victim in any case in which the alleged victim:

(a) is less than 18 years of age; or

(b) has a developmental disability as defined in section 3 of P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that renders the alleged victim temporarily or permanently

incapable of understanding the nature of the alleged victim's conduct, including, but not limited to, being incapable of providing consent, or of understanding the nature of the alleged conduct that is the subject of the application.

b. (1) When it is alleged that nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, or stalking or cyber-harassment has been committed by an unemancipated minor, an applicant seeking a protective order shall not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.), but may seek a protective order and other relief under the "New Jersey Code of Youth Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

(2) When it is alleged that nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, or stalking or cyber-harassment has been committed against an unemancipated minor by a parent, guardian, or other person having care, custody and control of that child as defined in R.S.9:6-2, an applicant seeking a protective order shall not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to the Department of Children and Families for appropriate action.

c. (1) An applicant may seek a protective order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an order regardless of whether criminal charges based on the incident were filed and regardless of the disposition of any such charges.

(2) The filing of an application pursuant to this section shall not prevent the filing of a criminal complaint, or the institution or maintenance of a criminal prosecution based on the same act.

d. The court shall waive any requirement that the applicant's or alleged victim's place of residence appear on the application.

e. An applicant may seek a protective order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction over the place where the alleged conduct or attempted conduct occurred, where the respondent resides, or where the alleged victim resides or is sheltered.

f. No fees or other costs shall be assessed against an applicant for seeking a protective order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.).

19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to read as follows:

C.2C:29-10 Definitions relative to use of certain electronic communication devices in correctional facilities; possession, use, sale, crimes, certain.

1. a. For the purposes of this section:

"County correctional facility" means any prison or other secure facility managed and operated by any county of this State in which adult offenders are incarcerated.

"County juvenile detention facility" means any secure juvenile facility managed and operated by any county of this State.

"Secure juvenile facility" means the New Jersey Training School for Boys, the Juvenile Medium Security Facility, and any other secure juvenile facility managed and operated by the Youth Justice Commission.

"State correctional facility" means a State prison or other penal institution.

b. A person who possesses or uses an electronic communication device or a battery or device to recharge an electronic communication device while confined to a State correctional facility, secure juvenile facility, county correctional facility, or county juvenile detention facility is guilty of a crime of the third degree.

c. A person, other than an employee or a contract employee of the Department of Corrections, the Youth Justice Commission, a county correctional facility, or a county juvenile

detention facility who knowingly sells, transfers, assigns, provides, or otherwise gives an electronic communication device to a person who is confined in a State correctional facility, secure juvenile facility, county correctional facility, or county juvenile detention facility is guilty of a crime of the third degree.

d. An employee or a contract employee of the Department of Corrections, the Youth Justice Commission, a county correctional facility, or a county juvenile detention facility who knowingly sells, transfers, assigns, provides, or otherwise gives an electronic communication device to a person who is confined in a State correctional facility, secure juvenile facility, county correctional facility, or county juvenile detention facility is guilty of a crime of the second degree.

20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to read as follows:

C.2C:33-15.1 Report by Attorney General; taskforce.

4. a. (1) The Attorney General shall biannually issue a comprehensive report detailing the number of occurrences and other statistics, without revealing or including any personal identifying information, concerning first, second, third and subsequent violations of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) involving the possession or consumption of any alcoholic beverage, marijuana, hashish, or cannabis items by persons under the legal age to purchase alcoholic beverages or cannabis items, the municipal, county or other geographic areas within which the violations occur, and the law enforcement agencies involved in the violations, covering the previous six-month period. The initial report shall be issued by June 30, 2021, the second report shall be issued by January 30, 2022, and then the next report issued every six months thereafter. Each report shall also be submitted to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

(2) The Attorney General shall also make reports available to the task force established pursuant to subsection b. of this section based on the Attorney General's periodic review of body worn camera recordings of law enforcement officers responding to a call for service related to a violation or suspected violation of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that paragraph, which recordings are required to be made in accordance with paragraph (4) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review shall be conducted using body worn camera recordings both selected by the Attorney General and randomly determined, and the task force may request an Attorney General review a particular municipality, region, or time period. The identity of any person included in a recording reviewed by the Attorney General shall be kept confidential and shall not be revealed to the members of the task force or any staff provided to the task force by the Department of Law and Public Safety pursuant to paragraph (6) of subsection b. of this section to support its work.

b. (1) A taskforce shall be established in the Department of Law and Public Safety, comprised of 26 members to review each Attorney General report described in subsection a. of this section, and make recommendations thereon to the Governor and Legislature related to law enforcement activities to address the enforcement of underage possession or consumption of alcoholic beverages, marijuana, hashish, or cannabis items in violation of section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader issue of underage possession or consumption of these substances.

(2) The membership of the taskforce shall include the following individuals:

(a) the Attorney General, or a designee;

- (b) the Public Defender, or a designee;
 - (c) the Commissioner of the Department of Children and Families, or a designee;
 - (d) the Commissioner of Education, or a designee;
 - (e) a representative from the Youth Justice Commission, appointed by the Governor;
 - (f) a representative from the Division of Criminal Justice in the Department of Law and Public Safety, appointed by the Governor;
 - (g) the Chair of the Governor's Youth Justice Delinquency and Prevention Committee;
 - (h) two members appointed by the Governor upon the recommendation of the President of the Senate, at least one of whom shall be a member of the Legislative Black Caucus or Legislative Latino Caucus, determined in coordination with the members recommended by the Speaker of the General Assembly pursuant to subparagraph (i) of this paragraph, so that there is at least one member of each caucus serving as a member of the task force;
 - (i) two members appointed by the Governor
upon the recommendation of the Speaker of the General Assembly, at least one of whom shall be a member of the Legislative Black Caucus or Legislative Latino Caucus, determined in coordination with the members recommended by the Senate President pursuant to subparagraph (h) of this paragraph, so that there is at least one member of each caucus serving as a member of the task force;
 - (j) the Administrative Director of the Courts, or a designee;
 - (k) a representative from the New Jersey Institute for Social Justice, appointed by the Governor;
 - (l) a representative from the American Civil Liberties Union of New Jersey, appointed by the Governor;
 - (m) a representative from the County Prosecutors Association of New Jersey who is actively and presently involved in juvenile matters, appointed by the Governor;
 - (n) a representative from the New Jersey Juvenile Officers Association, appointed by the Governor;
 - (o) one representative each from the Annie E. Casey Foundation and Vera Institute of Justice, both appointed by the Governor;
 - (p) a representative of the NAACP New Jersey State Conference, appointed by the Governor;
 - (q) a representative of Salvation and Social Justice, appointed by the Governor;
 - (r) a representative from the County Youth Services Commission Administrators, appointed by the Governor;
 - (s) a representative from the faith-based ethical community in New Jersey, appointed by the Governor;
 - (t) a representative of an employee organization representing employees who work at juvenile justice facilities, appointed by the Governor; and
 - (u) three representatives who have been involved with the New Jersey juvenile justice system, appointed by the Governor, including at least one representative of a non-profit organization that deals with juvenile justice issues and at least one individual who has been subject to the custody of the juvenile justice system.
- (3) All members appointed by the Governor, other than the members of the Legislature recommended for appointment, shall serve at the pleasure of the Governor. The members of the Legislature shall serve on the task force during their elective term of office. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.
- (4) Members of the task force shall serve without compensation, but shall be reimbursed for necessary expenditures incurred in the performance of their duties as members of the task

force within the limits of funds appropriated or otherwise made available to the task force for its purposes.

(5) The task force shall organize as soon as practicable following the appointment of its members. The task force shall choose a chairperson from among its members and shall appoint a secretary who need not be a member of the task force.

(6) The Department of Law and Public Safety shall provide such stenographic, clerical, and other administrative assistants, and such professional staff as the task force requires to carry out its work.

21. N.J.S.2C:39-6 is amended to read as follows:

Exemptions.

2C:39-6. a. Provided a person complies with the requirements of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police;

(4) A sheriff, undersheriff, sheriff's officer, prosecutor's detective or investigator, State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry weapons by the Superintendent of State Police, State park police officer, or State conservation police officer;

(5) Except as hereinafter provided, a State correctional police officer, or a prison or jail warden of any penal institution in this State or the warden's deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of the employee's duties, and when required to possess the weapon by a superior officer, or a correctional police officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided the person annually passes an examination approved by the superintendent testing the person's proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of the employee's official duties, to carry firearms, and who is authorized to carry firearms by the commanding officer, while in the actual performance of the employee's official duties;

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey;

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14);

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subparagraph (b) of this paragraph, or by the commission, board or other body having control of a county park or airport

or boulevard police force, while engaged in the actual performance of the officer's official duties and when specifically authorized by the governing body to carry weapons;

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, a member shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(9) A juvenile correctional police officer in the employment of the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations promulgated by the commission;

(10) A designated employee or designated licensed agent for a nuclear power plant under license of the Nuclear Regulatory Commission, while in the actual performance of the person's official duties, if the federal licensee certifies that the designated employee or designated licensed agent is assigned to perform site protection, guard, armed response or armed escort duties and is appropriately trained and qualified, as prescribed by federal regulation, to perform those duties. Any firearm utilized by an employee or agent for a nuclear power plant pursuant to this paragraph shall be returned each day at the end of the employee's or agent's authorized official duties to the employee's or agent's supervisor. All firearms returned each day pursuant to this paragraph shall be stored in locked containers located in a secure area;

(11) A county correctional police officer at all times while in the State of New Jersey, provided the officer annually passes an examination approved by the superintendent testing the officer's proficiency in the handling of firearms;

(12) A county prosecutor, assistant prosecutor, federal prosecutor, municipal prosecutor, Attorney General, assistant attorney general, deputy attorney general and federal, State, county, or municipal court judge, including a judge of the Tax Court and any other court of limited jurisdiction established, altered, or abolished by law, a judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation at all times while in this State. Prior to being permitted to carry a firearm, a person subject to this paragraph shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a handgun or similar weapon prior to being permitted to carry a firearm. The superintendent may issue identification cards indicating that such a person is permitted to carry a handgun pursuant to this paragraph.

b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in the officer's official duties, provided, however, that the officer has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which the officer is engaged; or

(2) A licensed dealer in firearms and the dealer's registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Provided a person complies with the requirements of subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which the agent may be required to carry, while in the actual performance of the agent's official duties and while going to or from the agent's place of duty, or any other police officer, while in the actual performance of the officer's official duties;

(2) A State deputy conservation police officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of the officer's official duties;

(3) (Deleted by amendment, P.L.1986, c.150.)

(4) A court attendant appointed by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of the attendant's official duties;

(5) A guard employed by any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of the guard's official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) A municipal humane law enforcement officer, authorized pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-14.1), or humane law enforcement officer of a county society for the prevention of cruelty to animals authorized pursuant to subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while in the actual performance of the officer's duties;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that the person has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations;

(10) A campus police officer appointed under P.L.1970, c.211 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(11) (Deleted by amendment, P.L.2003, c.168).

(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police Training Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291 (C.27:25-15.1);

(13) A parole officer employed by the State Parole Board at all times. Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(14) A Human Services police officer at all times while in the State of New Jersey, as authorized by the Commissioner of Human Services;

(15) A person or employee of any person who, pursuant to and as required by a contract with a governmental entity, supervises or transports persons charged with or convicted of an offense;

(16) A housing authority police officer appointed under P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the State of New Jersey; or

(17) A probation officer assigned to the "Probation Officer Community Safety Unit" created by section 2 of P.L.2001, c.362 (C.2B:10A-2) while in the actual performance of the probation officer's official duties. Prior to being permitted to carry a firearm, a probation officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to antique firearms, provided that the antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in another manner approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S.2C:58-3.

(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Those subsections shall not apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be construed to prevent a person keeping or carrying about the person's place of business, residence, premises or other land owned or possessed by the person, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to the person's residence or place of business, between the person's dwelling and place of business, between one place of business or residence and another when moving, or between the person's dwelling or place

of business and place where the firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying firearms necessary for target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and the person has in the person's possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in the person's possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with any reasonable safety regulations the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from the aircraft or boat for the purpose of installation or repair of a visual distress signaling device approved by the United States Coast Guard.

g. Any weapon being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel shall include only deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S.48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform the employee's duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a health inspector or investigator operating pursuant to the provisions of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector from possessing a device which is capable of releasing more than three-quarters of an ounce of a chemical substance, as described in paragraph (1) of this subsection, while in the actual performance of the inspector's or investigator's duties, provided that the device does not exceed the size of those used by law enforcement.

j. A person shall qualify for an exemption from the provisions of N.J.S.2C:39-5, as specified under subsections a. and c. of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission.

The exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3), or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any financial institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or temporary identification.

l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of four or more years prior to the officer's disability retirement and further provided that the disability which constituted the basis for the officer's retirement did not involve a certification that the officer was mentally incapacitated for the performance of the officer's usual law enforcement duties and any other available duty in the department which the officer's employer was willing to assign to the officer or does not subject that retired officer to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which would disqualify the retired officer from possessing or

carrying a firearm, who semi-annually qualifies in the use of the handgun the officer is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j. of this section and pays the actual costs associated with those semi-annual qualifications, who is 75 years of age or younger, and who was regularly employed as a full-time member of the State Police; a full-time member of an interstate police force; a full-time member of a county or municipal police department in this State; a full-time member of a State law enforcement agency; a full-time sheriff, undersheriff or sheriff's officer of a county of this State; a full-time State or county correctional police officer; a full-time State correctional police officer or county correctional police officer; a full-time State or county park police officer; a full-time special agent of the Division of Taxation; a full-time Human Services police officer; a full-time transit police officer of the New Jersey Transit Police Department; a full-time campus police officer exempted pursuant to paragraph (10) of subsection c. of this section; a full-time State conservation police officer exempted pursuant to paragraph (4) of subsection a. of this section; a full-time Palisades Interstate Park officer appointed pursuant to R.S.32:14-21; a full-time Burlington County Bridge police officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police officer exempted pursuant to paragraph (16) of subsection c. of this section; a full-time juvenile correctional police officer exempted pursuant to paragraph (9) of subsection a. of this section; a full-time parole officer exempted pursuant to paragraph (13) of subsection c. of this section; a full-time railway policeman exempted pursuant to paragraph (9) of subsection c. of this section; a full-time county prosecutor's detective or investigator; a full-time federal law enforcement officer; or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub.L.108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section. A retired law enforcement officer shall be entitled to carry a handgun pursuant to this subsection under the following conditions:

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun every two years. A renewal application shall be submitted in the same manner.

(2) Upon receipt of the written application of the retired law enforcement officer, the superintendent shall request a verification of service from the chief law enforcement officer of the organization in which the retired officer was last regularly employed as a full-time law enforcement officer prior to retiring. The verification of service shall include:

- (a) The name and address of the retired officer;
- (b) The date that the retired officer was hired and the date that the officer retired;
- (c) A list of all handguns known to be registered to that officer;
- (d) A statement that, to the reasonable knowledge of the chief law enforcement officer, the retired officer is not subject to any of the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
- (e) A statement that the officer retired in good standing.

(3) If the superintendent approves a retired officer's application or reapplication to carry a handgun pursuant to the provisions of this subsection, the superintendent shall notify in writing the chief law enforcement officer of the municipality wherein that retired officer resides. In the event the retired officer resides in a municipality which has no chief law enforcement officer or law enforcement agency, the superintendent shall maintain a record of the approval.

(4) The superintendent shall issue to an approved retired officer an identification card permitting the retired officer to carry a handgun pursuant to this subsection. This identification card shall be valid for two years from the date of issuance and shall be valid throughout the

State. The identification card shall not be transferable to any other person. The identification card shall be carried at all times on the person of the retired officer while the retired officer is carrying a handgun. The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority.

(5) Any person aggrieved by the denial of the superintendent of approval for a permit to carry a handgun pursuant to this subsection may request a hearing in the Superior Court of New Jersey in the county in which the person resides by filing a written request for a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent and the county prosecutor. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination of the hearing shall be in accordance with law and the rules governing the courts of this State.

(6) A judge of the Superior Court may revoke a retired officer's privilege to carry a handgun pursuant to this subsection for good cause shown on the application of any interested person. A person who becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, the person's identification card issued under paragraph (4) of this subsection to the chief law enforcement officer of the municipality wherein the person resides or the superintendent, and shall be permanently disqualified to carry a handgun under this subsection.

(7) The superintendent may charge a reasonable application fee to retired officers to offset any costs associated with administering the application process set forth in this subsection.

m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife by the Director of the Division of Animal Health in the Department of Agriculture, and which may immobilize wildlife and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the purpose of repelling bear or other animal attacks or for the aversive conditioning of wildlife.

n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using hand held pistol-like devices, rifles or shotguns that launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife; from possessing, transporting or using rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals; or, provided the duly authorized person complies with the requirements of subsection j. of this section, from possessing, transporting or using rifles or shotguns, upon completion of a Police Training Commission approved training course, in order to dispatch injured or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife.

22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to read as follows:

C.2C:43-2.2 Issuance of court order requiring serological tests.

4. a. In addition to any other disposition made pursuant to law, a court shall order a person convicted of, indicted for or formally charged with, or a juvenile charged with delinquency or adjudicated delinquent for an act which if committed by an adult would constitute, aggravated sexual assault or sexual assault as defined in subsection a. or c. of N.J.S.2C:14-2 to submit to an approved serological test for acquired immune deficiency syndrome (AIDS) or infection

with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS. The court shall issue such an order only upon the request of the victim and upon application of the prosecutor immediately following the request. The person or juvenile shall be ordered by the court to submit to such repeat or confirmatory tests as may be medically necessary.

As used in this section, "formal charge" includes a proceeding by accusation in the event that the defendant has waived the right to an indictment.

b. A court order issued pursuant to subsection a. of this section shall require testing to be performed as soon as practicable by the Commissioner of the Department of Corrections pursuant to authority granted to the commissioner by sections 6 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health care, at a health facility licensed pursuant to section 12 of P.L.1971, c.136 (C.26:2H-12) or the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). If the victim makes the request prior to or at the time of indictment, or accusation if the defendant has waived the right to an indictment, the court order shall require the testing be performed within 48 hours. The order shall also require that the results of the test be reported to the offender and to the appropriate Office of Victim-Witness Advocacy.

c. The Office of Victim-Witness Advocacy, established pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall reimburse the Department of Corrections, Department of Health or the Youth Justice Commission for the direct costs incurred by these departments for any tests ordered by a court pursuant to subsection a. of this section. Reimbursement shall be made following a request from the department.

d. In addition to any other disposition authorized, a court may order an offender at the time of sentencing to reimburse the State for the costs of the tests ordered by subsection a. of this section.

e. Upon receipt of the result of a test ordered pursuant to subsection a. of this section, the Office of Victim-Witness Advocacy shall provide the victim with appropriate counseling, referral for counseling and if appropriate, referral for health care. The office shall notify the victim or make appropriate arrangements for the victim to be notified of the test result.

f. The result of a test ordered pursuant to subsection a. of this section shall be confidential and employees of the Department of Corrections, the Youth Justice Commission, the Office of Victim-Witness Advocacy, a health care provider, health care facility or counseling service shall not disclose the result of a test performed pursuant to this section except as authorized herein or as otherwise authorized by law or court order. The provisions of this section shall not be deemed to prohibit disclosure of a test result to the person tested.

g. Persons who perform tests ordered pursuant to subsection a. of this section in accordance with accepted medical standards for the performance of such tests shall be immune from civil and criminal liability arising from their conduct.

h. This section shall not be construed to preclude or limit any other testing for acquired immune deficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS which is otherwise permitted by statute, court rule or common law.

23. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read as follows:

C.2C:46-4 Fines, assessments, penalties, restitution; collection; disposition.

3. a. All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties

imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected as follows:

(1) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the Superior Court or otherwise imposed at the county level, shall be collected by the county probation division except when the fine, assessment, or restitution is imposed in conjunction with a custodial sentence to a State correctional facility or in conjunction with a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event the fine, assessment, or restitution shall be collected by the Department of Corrections or the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State correctional institution or a juvenile serving a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97), or restitution shall have the assessment, penalty, fine, or restitution deducted from any income the inmate receives as a result of labor performed at the institution or on any type of work release program or, pursuant to regulations promulgated by the Commissioner of the Department of Corrections or the Youth Justice Commission, from any personal account established in the institution for the benefit of the inmate.

(a) A payment of restitution collected by the Department of Corrections pursuant to this paragraph shall be maintained by the department for two years during which the department shall attempt to locate the victim to whom the restitution is owed. If the department has not located the victim and the victim has not come forward to claim the payment within this two-year period, the payment shall be transferred to the Victims of Crime Compensation Office Account to be used in satisfying claims pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).

(b) If the Department of Corrections has transferred a payment of restitution to the Victims of Crime Compensation Office pursuant to subparagraph (a) of this paragraph, the department shall provide the office with the order for restitution and any other information regarding the identity of the victim to whom the payment is owed. The office shall be responsible for maintaining this information and for distributing payments of restitution to victims who can prove they are owed the payments.

(2) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed by a municipal court shall be collected by the municipal court administrator except if the fine, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition of probation in which event it shall be collected by the county probation division.

b. Except as provided in subsection c. with respect to fines imposed on appeals following convictions in municipal courts and except as provided in subsection i. with respect to

restitution imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines imposed by the Superior Court or otherwise imposed at the county level, shall be paid over by the officer entitled to collect the fines to:

(1) The county treasurer with respect to fines imposed on defendants who are sentenced to and serve a custodial term, including a term as a condition of probation, in the county jail, workhouse, or penitentiary except where such county sentence is served concurrently with a sentence to a State institution; or

(2) The State Treasurer with respect to all other fines.

c. All fines imposed by municipal courts, except a central municipal court established pursuant to N.J.S.2B:12-1 on defendants convicted of crimes, disorderly persons offenses, and petty disorderly persons offenses, and all fines imposed following conviction on appeal therefrom, and all forfeitures of bail shall be paid over by the officer entitled to collect the fines to the treasury of the municipality wherein the municipal court is located.

In the case of an intermunicipal court, fines shall be paid into the municipal treasury of the municipality in which the offense was committed, and costs, fees, and forfeitures of bail shall be apportioned among the several municipalities to which the court's jurisdiction extends according to the ratios of the municipalities' contributions to the total expense of maintaining the court.

In the case of a central municipal court, established by a county pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of bail shall be paid into the county treasury of the county where the central municipal court is located.

d. All assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in that section.

e. All mandatory Drug Enforcement and Demand Reduction penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and deposited as provided for in that section.

f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20 shall be forwarded and deposited as provided for in that section.

g. All restitution ordered to be paid to the Victims of Crime Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded to the office for deposit in the Victims of Crime Compensation Office Account.

h. All assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in that section.

i. All restitution imposed on defendants under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law enforcement entity in extraditing the defendant from another jurisdiction shall be paid over by the officer entitled to collect the restitution to the law enforcement entities which participated in the extradition of the defendant.

j. All penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided in that section.

k. All penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in that section.

l. All mandatory penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as provided in that section.

m. All mandatory Computer Crime Prevention penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8) shall be forwarded and deposited as provided in that section.

n. All mandatory Sex Offender Supervision penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be forwarded and deposited as provided in that section.

24. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to read as follows:

C.2C:58-6.1 Possession of firearms by minors; exceptions.

14. a. No person under the age of 18 years shall purchase, barter or otherwise acquire a firearm and no person under the age of 21 years shall purchase, barter or otherwise acquire a handgun, unless the person is authorized to possess the handgun in connection with the performance of official duties under the provisions of N.J.S.2C:39-6.

b. No person under the age of 18 years shall possess, carry, fire or use a firearm except as provided under paragraphs (1), (2), (3) and (4) of this subsection; and, unless authorized in connection with the performance of official duties under the provisions of N.J.S.2C:39-6, no person under the age of 21 years shall possess, carry, fire or use a handgun except under the following circumstances:

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who holds a permit to carry a handgun or a firearms purchaser identification card, as the case may be; or

(2) For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision; or

(3) For the purpose of competition, target practice, instruction, and training in and upon a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association and which is under competent supervision at the time of such supervision or target practice or instruction and training at any location; or

(4) For the purpose of hunting during the regularly designated hunting season, provided that he possesses a valid hunting license and has successfully completed a hunter's safety course taught by a qualified instructor or conservation police officer and possesses a certificate indicating the successful completion of such a course.

c. A person who violates this section shall be guilty of a crime of the fourth degree. For purposes of this section the fact that the act would not constitute a crime if committed by an adult shall not be deemed to prohibit or require waiver of family court jurisdiction pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency under the "New Jersey Code of Youth Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-70 et seq.).

25. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to read as follows:

C.9:6-8.40 Records involving abuse or neglect.

20. Records involving abuse or neglect. When the Department of Children and Families receives a report or complaint that a child may be abused or neglected; when the department provides services to a child; or when the department receives a request from the Superior Court, Chancery Division, Family Part to investigate an allegation of abuse or neglect, the department may request of any and all public or private institutions, or agencies including law enforcement agencies, or any private practitioners, their records past and present pertaining to that child and other children under the same care, custody and control. The department shall not be charged a fee for the copying of the records. Records kept pursuant to the "New Jersey Code of Youth Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon issuance by a court of an order on good cause shown directing these records to be released to the department for the purpose of aiding in evaluation to determine if the child is abused or neglected. In the release of the aforementioned records, the source shall have immunity from any liability, civil or criminal.

26. Section 9 of P.L.1947, c.179 (C.9:22-9) is amended to read as follows:

C.9:22-9 Hearings.

9. Any municipal youth guidance council having an adjustment committee may petition the Superior Court, Chancery Division, Family Part, in its discretion, to either:

A. Establish a schedule for a holding of juvenile hearings in a suitable location chosen by the adjustment committee within the limits of the petitioning municipality; or

B. Appoint a referee to hear and recommend disposition of any cases specifically referred to the referee by the Family Part of the county and any cases coming within the provisions of the "New Jersey Code of Youth Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.) arising within the limits of the petitioning municipality. It shall be the duty of the petitioning municipality to see that adequate diagnostic services shall be made available to such children.

Any case requiring the detention of a child shall be referred to the Family Part for hearing.

Upon receipt of a petition to appoint a referee the Family Part shall proceed to appoint a member of the adjustment committee, or some other suitable person, as referee, in accordance with N.J.S.2A:4-12. Nothing in this provision shall limit the present discretionary power of the Family Part to appoint referees on their own initiative or to prevent such a court from hearing cases scheduled to be heard in the petitioning municipality in place of the referee so appointed by it.

27. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read as follows:

C.9:23-2 Appointment of compact administrator.

2. Pursuant to said compact, the Governor is hereby authorized and empowered to designate an officer within the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) who shall be the compact administrator and who, acting jointly with like officers of other party States, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the Governor. The compact administrator is hereby authorized, empowered and directed to co-operate with all departments, agencies and officers of and in the government of this State and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this State thereunder.

28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to read as follows:

C.11A:2-11.1 Title changes in the career service.

1. a. The Civil Service Commission shall effectuate the following title changes in the career service:

- (1) Correction officer recruit shall be retitled as correctional police officer;
- (2) Senior correction officer shall be retitled as senior correctional police officer;
- (3) Correction sergeant shall be retitled as correctional police sergeant;
- (4) Correction lieutenant shall be retitled as correctional police lieutenant;
- (5) Correction captain shall be retitled as correctional police captain;
- (6) Director of custody operations shall be retitled as correctional police chief;
- (7) Correction officer apprentice shall be retitled as correctional police officer apprentice; and
- (8) Correction major shall be retitled as correctional police major.

b. The title changes provided under this section shall apply to all corrections officers employed by the New Jersey Department of Corrections and the Youth Justice Commission.

c. Any fees associated with the retitling pursuant to subsection a. of this section shall be borne by the corrections officer whose title is changed.

29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read as follows:

C.18A:7B-2 Deductions, forwarding of sums to appropriate departments; disposition.

6. a. For each State-placed child who is resident in a district and in a State facility on the last school day prior to October 16 of the prebudget year, and for each district-placed child who is resident in a district and in a State facility on the last school day prior to October 16 of the budget year, the Commissioner of Education shall deduct from the State aid payable to that district an amount equal to the approved per pupil cost established pursuant to the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24); except that for a child in a county juvenile detention center, no deduction shall be made until Fiscal Year 1999, in which year and thereafter 50 percent of the per pupil cost shall be deducted.

b. If, for any district, the amount to be deducted pursuant to subsection a. of this section is greater than State aid payable to the district, the district shall pay to the Department of Education the difference between the amount to be deducted and the State aid payable to the district.

c. The amount deducted pursuant to subsection a. of this section and the amount paid to the Department of Education pursuant to subsection b. of this section shall be forwarded to the Department of Human Services or the Department of Children and Families, as applicable, if the facility is operated by or under contract with that department, or to the Department of Corrections if the facility is operated by or under contract with that department, or to the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is operated by or under contract with that commission, and shall serve as payment by the district of tuition for the child. In the case of county juvenile detention centers, the tuition shall be deemed to supplement funds currently provided by the county for this purpose under chapter 10 and chapter 11 of Title 9 of the Revised Statutes. In Fiscal Year 1998, a county shall not decrease its level of contribution as a result of the payment of tuition pursuant to this section. In Fiscal Year 1999 and thereafter, a county shall be required to pay 50 percent of the approved per pupil costs established pursuant to the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24) for the purpose of implementing chapters 10 and 11 of Title 9 of the Revised Statutes. Amounts so deducted shall be used solely for the support of educational programs and shall be maintained in a separate account for that purpose. No district shall be responsible for the tuition of any child admitted by the State to a State facility after the last school day prior to October 16 of the prebudget year.

30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to read as follows:

C.18A:7B-4 Use of funds; authorization for appropriations.

8. Funds received pursuant to this act by the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall be used only for the salaries of teachers, educational administrators at the program level, child study team personnel, clerical staff assigned to child study teams or to educational day programs, paraprofessionals assigned to educational programs in State facilities, and for diagnostic services required as part of the child study team evaluations and related educational services personnel whose function requires an educational certificate issued by the State Department of Education, and for the costs of educational materials, supplies and equipment for these

programs. No such funds shall be used for the renovation or construction of capital facilities, for the maintenance and operation of educational facilities, or for custodial, habilitation or other noneducational costs.

There are hereby authorized to be appropriated to the Departments of Human Services, Children and Families and Corrections such funds as may be necessary to provide for adult, post-secondary and college programs.

31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to read as follows:

C.18A:7B-5 Rules, regulations to ensure thorough and efficient education for children in State facilities.

9. The Commissioner of Education, with the approval of the State Board of Education, shall promulgate rules and regulations to ensure a thorough and efficient education, consistent with the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), for the children in State facilities. In the case of county juvenile detention centers, the Office of Education in the Youth Justice Commission shall develop, in consultation with the commissioner, appropriate standards, to be effective for Fiscal Year 1999, for the provision of a thorough and efficient education by the county for facilities established under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.

The commissioner shall continually review the operation of educational programs in State facilities. If he finds that the operation of any of these programs does not meet the educational standard required by the regulations, he shall direct that a remedial plan be prepared by the education director of the facility in which the program is located, together with the director of educational services of the department which is operating or contracting with the facility. The plan shall be submitted to the Commissioner of Education for his approval. If he approves the plan, it shall be implemented in a timely and effective manner. If he finds the plan or its implementation to be insufficient, he may, until the insufficiency is corrected, withhold and place in a special account any State aid funds which otherwise would have been forwarded pursuant to section 6 of P.L.1979, c.207.

32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to read as follows:

C.18A:7B-7 Request for administrative review concerning pupil in State facility.

11. a. Any parent or guardian of a pupil in a State facility and any pupil in a State facility between 18 and 20 years of age, may request an administrative review on matters of educational classification or educational program.

b. The administrative review process shall include the following sequence:

(1) A conference with teaching staff members or child study team personnel;

(2) A conference with the Director of Educational Services of the Department of Human Services, the Department of Children and Families, the Department of Corrections, or the Youth Justice Commission, whichever is appropriate;

(3) A hearing by the Commissioner of Education pursuant to law and regulation.

c. The due process rights available to children, parents and guardians in the public schools on matters of educational classification or educational program shall be available to children, parents and guardians in State facilities.

d. The placement of a child in a particular State facility shall not be subject to an administrative review or hearing pursuant to this section.

33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to read as follows:

C.18A:7B-12 Determination of district of residence.

19. For school funding purposes, the Commissioner of Education shall determine district of residence as follows:

a. (1) In the case of a child placed in a resource family home prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred.

(2) In the case of a child placed in a resource family home on or after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.

b. The district of residence for children who are in residential State facilities, or who have been placed by State agencies in group homes, skill development homes, private schools or out-of-State facilities, shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

c. The district of residence for children whose parent or guardian temporarily moves from one school district to another as the result of being homeless shall be the district in which the parent or guardian last resided prior to becoming homeless. For the purpose of this amendatory and supplementary act, "homeless" shall mean an individual who temporarily lacks a fixed, regular and adequate residence.

d. If the district of residence cannot be determined according to the criteria contained herein, if the criteria contained herein identify a district of residence outside of the State, or if the child has resided in a domestic violence shelter, homeless shelter, or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the approved per pupil cost established pursuant to section 24 of P.L.1996, c.138 (C.18A:7F-24). This amount shall be appropriated in the same manner as other State aid under this act. The Department of Education shall pay the amount to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or, in the case of a homeless child or a child in a family resource home, the Department of Education shall pay to the school district in which the child is enrolled the weighted base per pupil amount calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49) and the appropriate security categorical aid per pupil and special education categorical aid per pupil.

e. If the State has assumed fiscal responsibility for the tuition of a child in a private educational facility approved by the Department of Education to serve children who are classified as needing special education services, the department shall pay to the Department of Human Services, the Department of Children and Families or the Youth Justice Commission, as appropriate, the aid specified in subsection d. of this section and in addition, such aid as required to make the total amount of aid equal to the actual cost of the tuition.

34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to read as follows:

C.18A:7B-13 Annual report by commissioner to Legislature.

20. Beginning in the school year 1997-98, the Commissioner of Education shall annually report to the Legislature, describing the condition of educational programs in State facilities, the efforts of the Departments of Corrections, Children and Families, and Human Services and the Youth Justice Commission in meeting the standards of a thorough and efficient education in these facilities, the steps underway to correct any deficiencies in their educational programs, and the progress of the educational programs in New Jersey State facilities in comparison with those in the state facilities of other states. At that time the commissioner shall recommend to the Legislature any necessary or desirable changes or modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).

35. Section 1 of P.L.2005, c.265 (C.18A:7C-12) is amended to read as follows:

C.18A:7C-12 Education programs, certain, in county juvenile detention centers, validity in public school districts.

1. Notwithstanding any provision of law to the contrary, in the case of a student enrolled in an educational program in a county juvenile detention center that meets the standards for a thorough and efficient education developed by the Office of Education in the Youth Justice Commission, in consultation with the Commissioner of Education, pursuant to section 9 of P.L. 1979, c.207 (C.18A:7B-5), who subsequently enrolls in a public school district, the district shall accept all days of attendance and courses studied by the student at the county juvenile detention center and apply them toward district requirements for elementary, middle, or high school graduation.

36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to read as follows:

C.18A:7F-24 Submission of budget for educational programs in State facilities.

24. Annually by December 15, the Department of Corrections, the Department of Human Services, the Department of Children and Families and the Youth Justice Commission shall each submit to the commissioner for approval, with respect to the facilities under their operational or supervisory authority, a budget for educational programs as set forth in section 8 of P.L.1979, c.207 (C.18A:7B-4) for the subsequent year, together with enrollments and per pupil costs. For the purposes of calculating a per pupil cost, enrollment shall be based on the number of pupils in the State facility on the last school day prior to October 16 of the prebudget year. In the subsequent year, pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.) for students resident in a district, approved per pupil amounts shall be deducted from each school district's State aid and remitted to the appropriate agency, except that for county juvenile detention centers, no deduction shall be made until Fiscal Year 1999; in that year and thereafter, 50 percent of approved per pupil amounts shall be deducted and remitted to the Youth Justice Commission.

37. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to read as follows:

C.18A:7F-45 Definitions relative to school funding reform.

3. As used in this act and P.L.1996, c.138, unless the context clearly requires a different meaning:

"At-risk pupils" means those resident pupils from households with a household income at or below the most recent federal poverty guidelines available on October 15 of the prebudget year multiplied by 1.85;

"Base per pupil amount" means the cost per elementary pupil of delivering the core curriculum content standards and extracurricular and cocurricular activities necessary for a thorough and efficient education;

"Bilingual education pupil" means a resident pupil enrolled in a program of bilingual education or in an English as a second language program approved by the State Board of Education;

"Budgeted local share" means the district's local tax levy contained in the budget certified for taxation purposes;

"Capital outlay" means capital outlay as defined in GAAP;

"Combination pupil" means a resident pupil who is both an at-risk pupil and a bilingual education pupil;

"Commissioner" means the Commissioner of Education;

"Concentration of at-risk pupils" shall be based on prebudget year pupil data and means, for a school district or a county vocational school district, the number of at-risk pupils among those counted in resident enrollment, divided by resident enrollment;

"County special services school district" means any entity established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes;

"County vocational school district" means any entity established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes;

"CPI" means the increase, expressed as a decimal, in the average annualized consumer price index for the New York City and Philadelphia areas in the fiscal year preceding the prebudget year relative to the previous fiscal year as reported by the United States Department of Labor;

"Debt service" means payments of principal and interest upon school bonds and other obligations issued to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees, and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes;

"District income" means the aggregate income of the residents of the taxing district or taxing districts, based upon data provided by the Division of Taxation in the New Jersey Department of the Treasury and contained on the New Jersey State Income Tax forms for the calendar year ending two years prior to the prebudget year. The commissioner may supplement data contained on the State Income Tax forms with data available from other State or federal agencies in order to better correlate the data to that collected on the federal census. With respect to regional districts and their constituent districts, however, the district income as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils resident in each of them;

"Equalized valuation" means the equalized valuation of the taxing district or taxing districts, as certified by the Director of the Division of Taxation on October 1, or subsequently revised by the tax court by January 15, of the prebudget year. With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils resident in each of them. In the event that the equalized table certified by the director shall be revised by the tax court after January 15 of the prebudget year, the revised valuations shall be used in the recomputation of aid for an individual school district filing an appeal, but shall have no effect upon the calculation of the property value rate, Statewide average equalized school tax rate, or Statewide equalized total tax rate;

"Full-day preschool" means a preschool day consisting of a six-hour comprehensive educational program in accordance with the district's kindergarten through grade 12 school calendar;

"GAAP" means the generally accepted accounting principles established by the Governmental Accounting Standards Board as prescribed by the State board pursuant to N.J.S.18A:4-14;

"General special education services pupil" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes;

"Geographic cost adjustment" means an adjustment that reflects county differences in the cost of providing educational services that are outside the control of the district;

"Household income" means income as defined in 7 CFR ss.245.2 and 245.6 or any subsequent superseding federal law or regulation;

"Net budget" means the sum of the district's general fund tax levy, State aid received pursuant to the provisions of this act other than preschool education aid, miscellaneous revenue estimated pursuant to GAAP, and designated general fund balance;

"Prebudget year" means the school fiscal year preceding the year in which the school budget is implemented;

"Nonpreschool ECPA" means the amount of early childhood program aid, excluding prior year carry-forward amounts, included in a district's 2007-2008 school year budget certified for taxes that was allocated to grades K through 3;

"Report" means the Educational Adequacy Report issued by the commissioner pursuant to section 4 of this act;

"Resident enrollment" means the number of pupils other than preschool pupils, post-graduate pupils, and post-secondary vocational pupils who, on the last school day prior to October 16 of the current school year, are residents of the district and are enrolled in: (1) the public schools of the district, excluding evening schools, (2) another school district, other than a county vocational school district in the same county on a full-time basis, or a State college demonstration school or private school to which the district of residence pays tuition, or (3) a State facility in which they are placed by the district; or are residents of the district and are: (1) receiving home instruction, or (2) in a shared-time vocational program and are regularly attending a school in the district and a county vocational school district. In addition, resident enrollment shall include the number of pupils who, on the last school day prior to October 16 of the prebudget year, are residents of the district and in a State facility in which they were placed by the State. Pupils in a shared-time vocational program shall be counted on an equated full-time basis in accordance with procedures to be established by the commissioner. Resident enrollment shall include regardless of nonresidence, the enrolled children of teaching staff members of the school district or county vocational school district who are permitted, by contract or local district policy, to enroll their children in the educational program of the school district or county vocational school district without payment of tuition. Disabled children between three and five years of age and receiving programs and services pursuant to N.J.S.18A:46-6 shall be included in the resident enrollment of the district;

"School district" means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes;

"State facility" means a State developmental center, a State Division of Youth and Family Services' residential center, a State residential mental health center, a Department of Children and Families Regional Day School, a State training school/secure care facility, a State juvenile community program, a juvenile detention center or a boot camp under the supervisory authority of the Youth Justice Commission pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.),

or an institution operated by or under contract with the Department of Corrections, Children and Families or Human Services, or the Youth Justice Commission;

"Statewide equalized school tax rate" means the amount calculated by dividing the general fund tax levy for all school districts, which excludes county vocational school districts and county special services school districts as defined pursuant to this section, in the State for the prebudget year by the equalized valuations certified in the year prior to the prebudget year of all taxing districts in the State except taxing districts for which there are not school tax levies;

"Tax levy growth limitation" means the permitted annual increase in the adjusted tax levy for a school district as calculated pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39).

38. N.J.S.18A:47-4 is amended to read as follows:

Pupils to be admitted; court order.

18A:47-4. Such special school shall receive, restrain, and instruct dependent delinquent children, and children under the age of 16 years, committed to such school by the Superior Court, Chancery Division, Family Part pursuant to the "New Jersey Code of Youth Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

If in the judgment of the court the best interests of a child demand that the special school have the entire charge and control of the child, the court may take the custody of the child from its parents or guardian and give it, for an indeterminate period, to the board of education having control of the special school. When in the judgment of the board the conduct of the child has so improved that it should be permitted to attend the regular public schools, it may return the child to the custody of its parents or guardian.

Any child, under the age of 16 years, arrested for any cause except murder or manslaughter, and pupils habitually truant or incorrigible, may, by order of the Family Part be held in the school until final judgment.

39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to read as follows:

C.18A:71B-88 Findings, declarations relative to social services student loan redemption.

2. The Legislature finds and declares that:

a. A qualified and stable work force in public facilities and nonprofit social services agencies is essential to ensure the provision of quality services to persons in need of services, including persons with mental illness, developmental disabilities or other disabilities, persons in need of substance use disorder treatment and juveniles under the custody and care of the Youth Justice Commission;

b. These public facilities and social services agencies are currently facing a personnel crisis, which is expected to worsen in the next two decades;

c. The entry-level and on-going salaries offered by these public facilities and social services agencies to direct care professionals are not always competitive with those offered in the private for profit sector, which limits the ability of these facilities and agencies to attract and retain qualified direct care professionals;

d. Loan redemption programs can address the economic hardship of direct care professionals performing critical work in low-paying jobs, who in many instances are forced, because of their high loan debt and low incomes, to reject or abandon employment in the public sector, which is in great need of their skills and knowledge, for employment that is more financially rewarding;

e. The departure of these skilled direct care professionals from the public and nonprofit sector is, in many cases, a loss to their own sense of personal fulfillment, to the consumers that they serve, and to society at large; and

f. The establishment by this State of a loan redemption program for direct care professionals employed in public facilities and nonprofit agencies that contract with the Department of Human Services and the Youth Justice Commission is essential to address the need for the continued provision of high-quality services by these skilled and knowledgeable professionals.

40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to read as follows:

C.18A:71B-89 Definitions relative to social sciences student loan redemption.

3. As used in this act:

"Approved course of study" means: an undergraduate program leading to a bachelor's degree offered by a four-year public or independent institution of higher education; or a graduate program leading to a master's degree, which is offered by a public or independent institution of higher education, in a human services discipline such as social work, psychology or counseling, or a health-related profession such as occupational, physical or speech therapy.

"Approved employment" means postgraduate, full-time employment as a direct care professional in a qualified facility. The term shall not include a paid student internship, paid fellowship, volunteer service or employment before graduation.

"Authority" means the Higher Education Student Assistance Authority established pursuant to N.J.S.18A:71A-3.

"Direct care professional" means a professional staff member at a qualified facility who provides one or more of the following services to eligible persons: counseling; physical, occupational, recreational or speech therapy; case management; vocational training; assistance with activities of daily living; medication management; budgeting assistance; addiction treatment services; nutrition; and other clinical services.

"Eligible student loan expenses" mean the cumulative total of the annual student loans, covering the cost of attendance while enrolled in an approved course of study. Interest paid or due on student loans that a program participant has taken out for use in paying the costs of attendance at an institution of higher education shall be considered eligible for reimbursement under the program.

"Program" means the Social Services Student Loan Redemption Program established pursuant to this act.

"Program participant" means a person who meets the requirements of the program.

"Qualified facility" means:

a facility operated by the Department of Human Services that provides direct care services to persons served by the department;

a county psychiatric hospital;

a facility operated by the Youth Justice Commission;

a veterans' memorial home operated by the Department of Military and Veterans' Affairs; and

a nonprofit agency in the State that contracts with the Department of Human Services or the Youth Justice Commission to provide direct care services to persons served by the department or commission.

41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to read as follows:

C.18A:71B-90 Social Services Student Loan Redemption Program.

4. There is established the Social Services Student Loan Redemption Program within the Higher Education Student Assistance Authority.

The purpose of the program is to address the current and projected critical shortage of direct care professionals in the State by providing an incentive for persons to engage in employment at certain public facilities, and nonprofit social services agencies under contract with the Department of Human Services or the Youth Justice Commission, so as to ensure that State residents who are in need of direct care services at these facilities and agencies have sufficient, qualified professional staff in order to provide the needed services.

The program shall provide loan redemption to finance the undergraduate or graduate study of program participants in exchange for full-time employment as a direct care professional at a qualified facility following completion of an approved course of study.

42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended to read as follows:

C.18A:71B-96 Rules, regulations.

10. The Higher Education Student Assistance Authority, in consultation with the Commissioner of Human Services and the executive director of the Youth Justice Commission, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to implement the provisions of this act, including eligibility criteria for the program, procedures for determining the amount of the loan redemption award, and the types of direct care professional positions that qualify for the program.

43. Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to read as follows:

C.30:4-6.2 "Prisoner Reentry Commission."

10. a. To assist and advise in issues pertaining to prisoner reentry, there is established in the Department of Corrections an advisory commission to be known as the "Prisoner Reentry Commission." The purpose of the commission shall be to review, study, and offer solutions to problems facing prisoners re-entering society, including, but not limited to determining whether:

(1) New Jersey should seek a federal waiver under Section 1115 of the Social Security Act to expand Medicaid eligibility to non-disabled adults, to leverage additional federal funds in order to target high risk populations;

(2) Health care and treatment resources for former prisoners are adequate and if not, methods by which they can be improved;

(3) The prison population can be incorporated fully into New Jersey's workforce development strategy; and

(4) Sources of funding intended for the same populations and communities could be tapped, coordinated and leveraged effectively.

b. In addition, the commission shall:

(1) Evaluate and provide recommendations for special issues concerning juvenile reentry;

(2) Evaluate and make recommendations concerning current law on juvenile waiver; and

(3) Evaluate and provide recommendations for inter-agency communication, information sharing, and problem solving.

c. (1) The advisory commission shall consist of 18 members as follows:

(a) The Attorney General or his designee, who shall serve ex officio;

- (b) The Secretary of State or his designee, who shall serve ex officio;
 - (c) The Commissioner of Corrections or his designee, who shall serve ex officio;
 - (d) The Commissioner of Human Services or his designee, who shall serve ex officio;
 - (e) The Commissioner of Labor and Workforce Development or his designee, who shall serve ex officio;
 - (f) The Commissioner of Community Affairs or his designee, who shall serve ex officio;
 - (g) The Commissioner of Education or his designee, who shall serve ex officio;
 - (h) Two members of the Senate, to be appointed by the President of the Senate, who shall each be of different political parties;
 - (i) Two members of the General Assembly, to be appointed by the Speaker of the General Assembly, who shall each be of different political parties;
 - (j) The Chairman of the State Parole Board or his designee, who shall serve ex officio;
 - (k) The Executive Director of the Youth Justice Commission or his designee, who shall serve ex officio;
 - (l) The Executive Director of the Housing and Mortgage Finance Agency or his designee, who shall serve ex officio;
 - (m) The New Jersey Public Defender or his designee, who shall serve ex officio;
 - (n) One representative from the New Jersey Institute for Social Justice; and
 - (o) Two public members, who by experience or training have expertise in issues facing former prisoners, to be appointed by the Governor.
- (2) The Governor shall designate one member as chairman and two members as vice-chairmen of the commission from among the members listed in this subsection.
- (3) The public members shall be appointed for a five-year term. Vacancies in the membership of the advisory commission shall be filled in the same manner provided for in the original appointments. The members of the advisory commission shall serve without compensation but may be reimbursed for travel and other miscellaneous expenses necessary to perform their duties, within the limits of funds made available to the advisory commission for its purposes.
- (4) A member of the commission may be removed for good cause.
- d. The commission may meet at the call of its chair and hold hearings at the times and in the places it may deem appropriate and necessary to fulfill its charge. The advisory commission shall be entitled to call to its assistance, and avail itself of the services of, the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.
- e. The commission shall annually submit a report to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) along with any recommendations it deems appropriate, including any legislative proposals it may wish to make.

44. Section 3 of P.L.1998, c.71 (C.30:4-27.26) is amended to read as follows:

C.30:4-27.26 Definitions relative to sexually violent predators.

3. As used in this act:

"Agency with jurisdiction" means the agency which releases upon lawful order or authority a person who is serving a sentence or term of confinement, or is otherwise being detained or maintained in custody. This term includes the Department of Corrections or a county correctional facility, the Youth Justice Commission or a county juvenile detention facility, and the Department of Human Services. "Attorney General" means the Attorney General or a county prosecutor to whom the Attorney General has delegated authority under this act.

"Clinical certificate for a sexually violent predator" means a form prepared by the Division of Mental Health Services in the Department of Human Services and approved by the Administrative Office of the Courts, that is completed by the psychiatrist or other physician who has examined the person who is subject to commitment within three days of presenting the person for admission to a facility for treatment, and which states that the person is a sexually violent predator in need of involuntary commitment. The form shall also state the specific facts upon which the examining physician has based that conclusion and shall be certified in accordance with the Rules Governing the Courts of the State of New Jersey. A clinical certificate for a sexually violent predator may not be executed by an individual who is a relative by blood or marriage to the person who is being examined.

"Likely to engage in acts of sexual violence" means the propensity of a person to commit acts of sexual violence is of such a degree as to pose a threat to the health and safety of others.

"Mental abnormality" means a mental condition that affects a person's emotional, cognitive or volitional capacity in a manner that predisposes that person to commit acts of sexual violence.

"Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under this act.

"Psychiatrist" means a physician who has completed the training requirements of the American Board of Psychiatry and Neurology.

"Sexually violent offense" means:

(a) aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to subparagraph (b) of paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3 if the underlying crime is sexual assault; an attempt to commit any of these enumerated offenses; or a criminal offense with substantially the same elements as any offense enumerated above, entered or imposed under the laws of the United States, this State or another state; or

(b) any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the person's offense should be considered a sexually violent offense.

"Sexually violent predator" means a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sexually violent offense, or has been charged with a sexually violent offense but found to be incompetent to stand trial, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for control, care and treatment.

"Treatment team" means the individuals, agencies or firms which provide treatment, supervision or other services at a facility designated for the custody, care and treatment of sexually violent predators.

45. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to read as follows:

C.30:4-82.4 Procedures for inmates "in need of involuntary commitment."

4. a. In order to ensure that adult and juvenile inmates who are dangerous to themselves or others because of mental illness and who are "in need of involuntary commitment" within the meaning of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually violent predators" within the meaning of section 3 of P.L.1998, c.71 (C.30:4-27.26), are not released without appropriate supervision and treatment, the board, the Commissioner of the Department of Corrections, the Attorney General, the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and county prosecutors shall follow the procedures set forth in this section.

b. When an adult or juvenile inmate is scheduled for release due to expiration of the inmate's maximum term, the commissioner or the Youth Justice Commission shall notify the Attorney General and the prosecutor of the county from which the person was committed if:

(1) The adult inmate's term includes a sentence imposed for conviction of aggravated sexual assault, sexual assault or aggravated criminal sexual contact and the court imposing sentence found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior;

(2) The parole board or the superintendent of the facility in which the inmate has been confined has advised the commissioner or the Youth Justice Commission that the conduct of the inmate during the period of confinement, the inmate's mental condition or the inmate's past history indicates that the inmate may be "in need of involuntary commitment" within the meaning of section 2 of P.L.1987, c.116 (C.30:4-27.2); or

(3) The inmate's term includes a sentence imposed for conviction of a "sexually violent offense" as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26).

c. Notice required by subsection b. shall be given no less than 90 days before the date on which the inmate's maximum term is scheduled to expire.

d. When such notice is given, the board, the Youth Justice Commission or the commissioner shall provide the Attorney General and county prosecutor with all information relevant to a determination of whether the inmate may be "in need of involuntary commitment" or may be a "sexually violent predator", including, without regard to classification as confidential pursuant to regulations of the board, of the Department of Corrections or the Youth Justice Commission, any preparole report, psychological and medical records, any statement of the reasons for denial of parole and, if applicable, a statement of the reasons for the determination that the inmate may be "in need of involuntary commitment" or may be a "sexually violent predator".

e. If the Attorney General or county prosecutor determines, on the basis of the information provided pursuant to this section or N.J.S.2C:47-5, that the inmate may be "in need of involuntary commitment" or may be a "sexually violent predator", the Commissioner of Corrections or the Youth Justice Commission, upon request of the Attorney General or county prosecutor shall:

(1) Permit persons qualified to execute clinical certificates necessary for civil commitment to examine the inmate in the institution in which he is confined; or

(2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2), arrange for persons qualified to execute clinical certificates necessary for civil commitment to examine the inmate.

f. In the interests of the public safety and the well-being of the inmate, the Attorney General or county prosecutor may exercise discretion to obtain an assessment of the inmate's condition by one or more of the means set forth in subsection e. of this section.

g. The Attorney General or county prosecutor shall provide a psychiatrist or physician assessing or examining an inmate pursuant to this section with all information relevant to the inmate's need of involuntary commitment, including information concerning the inmate's condition, history, recent behavior and any recent act or threat. Any person who assesses or examines an inmate pursuant to this section shall provide the Attorney General and county prosecutor with a written report detailing the person's findings and conclusions.

h. (1) All information, documents and records concerning the inmate's mental condition or classified as confidential pursuant to regulations of the board, of the Department of Corrections or the Youth Justice Commission that are received or provided pursuant to this section or N.J.S.2C:47-5 shall be deemed confidential.

(2) Unless authorized or required by court order or except as required in the course of judicial proceedings relating to the inmate's commitment or release, disclosure of such information, documents and records shall be limited to professionals evaluating the inmate's condition pursuant to this section, the Attorney General, county prosecutor and members of their respective staffs as necessary to the performance of duties imposed pursuant to this section.

i. Any person acting in good faith who has provided information relevant to an inmate's need of involuntary commitment or as to whether the inmate is a sexually violent predator or has taken good faith steps to assess an inmate's need of involuntary commitment or whether the inmate is a sexually violent predator is immune from civil and criminal liability.

46. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is amended to read as follows:

C.30:4-91.15 Program to record and analyze recidivism.

3. a. The Commissioner of Corrections, in conjunction with the Youth Justice Commission and the State Parole Board, shall establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school for juveniles, whether on parole or upon the completion of their maximum sentences. The purpose of this program shall be to assist in measuring the effectiveness of the State's reentry initiatives and programs.

b. The program shall record the arrests for all offenses committed by releasees within three years following their release and any convictions resulting from the arrests. These data shall be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of releasees, the treatment they received while confined, length of sentence, conditions of parole, participation and involvement in reentry initiatives and programs, and such other factors as may be relevant to the purposes of this section, including, but not limited to, race, gender, ethnicity, and age.

c. The commissioner shall prepare and disseminate semi-annual reports summarizing the recidivism rates, patterns, and other findings and analyses resultant of the information gathered pursuant to this section. These reports shall include summaries of the treatment received by the releasees and any participation and involvement in reentry initiatives by the releasees, and shall make recommendations concerning the effectiveness of the treatment programs and reentry initiatives. These reports shall be available to the general public and shall not contain any personally identifying information. To facilitate the accessibility of these reports to the general public, the commissioner shall, to the greatest extent possible, utilize the Internet.

d. The commissioner shall annually prepare and transmit to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a summary of the recommendations set forth in the reports prepared pursuant to subsection c. of this section, along with any recommendations the department, Youth Justice Commission or the State Parole Board may have for legislation to improve the effectiveness of the State's reentry initiatives and programs.

47. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to read as follows:

C.30:4-123.45 Short title, definitions relative to parole.

1. a. This act shall be known and may be cited as the "Parole Act of 1979."

b. In this act, unless a different meaning is plainly required:

(1) "Adult inmate" means any person sentenced as an adult to a term of incarceration.

(2) "Juvenile inmate" means any person under commitment as a juvenile delinquent pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44).

(3) "Parole release date" means that date certified by a member of the board for release of an inmate after a review of the inmate's case pursuant to section 11, 13 or 14 of this act.

(4) "Primary parole eligibility date" means that date established for parole eligibility for adult inmates pursuant to section 7 or 20 of this act.

(5) "Public notice" shall consist of lists including names of all inmates being considered for parole, the county from which the inmates were committed and the crimes for which the inmates were incarcerated. At least 30 days prior to parole consideration the lists shall be forwarded to the office of the public defender of each county or the private attorney of record for the inmates, the prosecutor's office of each county, the sentencing court, the office of the Attorney General, any other criminal justice agencies whose information and comment may be relevant, and news organizations.

(6) Removal for "cause" means substantial cause that is plainly sufficient under the law and sound public policy touching upon qualifications appropriate to a member of the parole board or the administration of the board such that the public interest precludes the member's continuance in office. Cause includes, but is not limited to, misconduct in office, incapacity, inefficiency, nonfeasance, and violations of the Parole Board's Code of Ethics.

(7) "Commission" means the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

(8) "Parole officer" means, with respect to an adult inmate, an officer assigned by the Chairman of the State Parole Board or the chairman's designee and, with respect to a juvenile inmate, a person assigned by the commission.

48. Section 5 of P.L.2020, c.111 (C.30:4-123.103) is amended to read as follows:

C.30:4-123.103 Prohibition against making contact with victim.

5. a. An inmate who is released from the custody of the Commissioner of Corrections or a juvenile who is released from the custody of the Youth Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), from the date of release until the date the inmate or juvenile, as the case may be, was scheduled to be released prior to the award of public health emergency credits, shall be prohibited from purposely or knowingly making contact with any victim of the crime for which the inmate or juvenile was serving a sentence.

For purposes of this subsection, making contact with a victim shall include contact made personally by the inmate or juvenile, as the case may be, or through an agent, and shall include but not be limited to: personal, written, electronic, or telephone contact or communication; or entering the residence, property, school, or place of employment of the victim.

b. A violation of subsection a. of this section shall be a crime of the fourth degree.

c. (1) A petition may be filed with the court to dissolve the prohibition established pursuant to the provisions of this section prohibiting an inmate or juvenile, as the case may be, from making contact with the victim in accordance with procedures established by the court.

(2) The Director of the Administrative Office of the Courts shall provide the Department of Corrections, Youth Justice Commission, and Attorney General with information concerning the procedures established by the court for filing a petition to dissolve the prohibition established pursuant to this section prohibiting an inmate or juvenile, as the case may be, from making contact with any victim of the crime for which the inmate or juvenile was serving a sentence.

49. Section 12 of 1970, c.300 (C.30:4-157.2) is amended to read as follows:

C.30:4-157.2 Warrant of commitment, records.

12. The warrant of commitment to the custody of the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the parents or guardians if they can be ascertained and the juvenile's place of residence. The court shall order transmitted to the commission, by the officer serving the order of commitment a copy of the complaint, a copy of any probation reports, pre-disposition reports, education records, county detention center records, or other records which the county may have concerning the past delinquencies of the juvenile and other information concerning any mental or physical condition which the court deems to be of importance in the rehabilitation of the juvenile or the maintenance of discipline, order and safety in the facility or the operation of the facility or its programs. Such records shall be used for the information and guidance of the facility and the commission but shall not be public records. Such warrants and records shall be forwarded to the commission on, or prior to, the date of the juvenile's admission into the facility.

50. Section 1 of P.L.1939, c.301 (C.30:4-157.4) is amended to read as follows:

C.30:4-157.4 Expenses for commitment proceedings, board of juvenile.

30:4-157.4. Whenever a juvenile shall be committed to the custody of the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be the duty of the court, at the time of the examination, to make inquiry as to the ability of the parent or guardian to pay the expenses of the commitment proceedings and the board of the juvenile, and it shall endorse on the warrant of commitment a statement of its finding in that regard.

Payment by the parent or guardian of these costs shall be made to the probation division or county adjuster, whichever the court shall designate; provided, however, that upon collection thereof the costs of the commitment proceedings shall be paid to the county treasurer, and any amount received representing maintenance shall be forwarded to the State Treasurer. In the event of failure of the parent or guardian to pay the amount ordered by the court then the probation division or county adjuster, as the case may be, shall bring the matter before the court for such further order as shall appear proper therein to compel payment.

51. Section 16 of P.L.1970, c.300 (C.30:4-157.7) is amended to read as follows:

C.30:4-157.7 Juvenile not indentured, bound out to service.

30:4-157.7. No juvenile in custody of the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall be indentured or bound out to service.

52. Section 11 of P.L.2017, c.176 (C.30:7E-7) is amended to read as follows:

C.30:7E-7 Contracted health care providers to provide coverage regardless of gender identity, expression.

11. a. Notwithstanding the provisions of any other law or regulation to the contrary, any contract between a health care provider and the New Jersey Department of Corrections, the Youth Justice Commission, the State Parole Board, or any other State or local entity, which contract provides health care services to the State's inmate population, shall not contain any provision that discriminates, and the State or local entity contracting for services shall ensure

there is no discrimination, on the basis of a person's gender identity or expression or on the basis that the person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. Nothing in this section shall preclude a State or local entity contracting for services pursuant to this section from performing utilization review, including periodic review of the medical necessity of a particular service.

53. Section 3 of P.L.1997, c.81 (C.30:8-63) is amended to read as follows:

C.30:8-63 Definitions relative to juvenile offender rehabilitation programs.

3. As used in this act:

"Commission" means the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

"Juvenile offender" means a person under the age of 18 who has been adjudicated delinquent for an act which, if committed by an adult, would constitute a crime of the third or fourth degree, excluding an adjudication for any act which would constitute a crime under chapter 14 of Title 2C of the New Jersey Statutes.

54. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to read as follows:

C.30:9A-25 New Jersey Youth Suicide Prevention Advisory Council.

4. There is established in the Department of Children and Families the New Jersey Youth Suicide Prevention Advisory Council.

a. The purpose of the council shall be to: examine existing needs and services and make recommendations to the division for youth suicide reporting, prevention and intervention; advise the division on the content of informational materials to be made available to persons who report attempted or completed suicides; and advise the division in the development of regulations required pursuant to this act.

b. The council shall consist of 18 members as follows:

(1) the Commissioners of Human Services, Children and Families, Health and Senior Services, and Education, the executive director of the Youth Justice Commission established pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the chairman of the Community Mental Health Citizens Advisory Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.), or their designees, who shall serve ex officio;

(2) six public members appointed by the Governor, as follows: one person who is a current member of a county mental health advisory board, one person with personal or family experience with suicide, one person who is a current or retired primary or secondary school teacher, one person who is a current or former member of a local board of education, one psychiatrist and one person with professional experience in the collection and reporting of social science data;

(3) three public members appointed by the President of the Senate, no more than two of whom are members of the same political party, one of whom has volunteer or paid experience in the provision of services to survivors of suicide or youth at risk of attempting suicide, one of whom is an alcohol and drug counselor, and one of whom is a representative of the New Jersey Traumatic Loss Coalition; and

(4) three public members appointed by the Speaker of the General Assembly, no more than two of whom are members of the same political party, one of whom has knowledge of and interest in the prevention of youth suicide and the provision of education about suicide to high-risk populations, including religious, racial, ethnic or sexual minorities, one of whom is a pediatrician, and one of whom is a school-based counselor.

c. The public members shall be appointed no later than 60 days after the date of enactment of this act.

d. The public members shall serve for a term of five years; but, of the members first appointed, three shall serve for a term of two years, three for a term of three years, three for a term of four years and three for a term of five years. Members are eligible for reappointment upon the expiration of their terms. Vacancies in the membership of the council shall be filled in the same manner provided for the original appointments.

e. The council shall organize as soon as practicable following the appointment of its members and shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the council.

f. The public members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the council.

g. The council shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

h. The Department of Children and Families shall provide staff support to the council.

55. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to read as follows:

C.34:15C-6 Duties of commission.

9. The commission shall:

a. Issue the New Jersey Unified Workforce Investment Plan pursuant to the provisions of the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of P.L.1989, c.293 (C.34:15C-7);

b. Establish performance standards for workforce investment programs pursuant to the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of P.L.1989, c.293 (C.34:15C-8);

c. Act to ensure the full participation of Workforce Investment Boards in the planning and supervision of local workforce investment systems. The commission shall be responsible to oversee and develop appropriate standards to ensure Workforce Investment Board compliance with State and federal law, the State plan, and other relevant requirements regarding membership, staffing, meetings, and functions;

d. Foster and coordinate initiatives of the Department of Education and Commission on Higher Education to enhance the contributions of public schools and institutions of higher education to the implementation of the State workforce investment policy;

e. Examine federal and State laws and regulations to assess whether those laws and regulations present barriers to achieving any of the goals of this act. The commission shall, from time to time as it deems appropriate, issue to the Governor and the Legislature reports on its findings, including recommendations for changes in State or federal laws or regulations concerning workforce investment programs or services, including, when appropriate, recommendations to merge other State advisory structures and functions into the commission;

f. Perform the duties assigned to a State Workforce Investment Board pursuant to subsection (d) of section 111 of the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

g. Have the authority to enter into agreements with the head of each State department or commission which administers or funds education, employment or training programs, including, but not limited to, the Departments of Labor and Workforce Development, Community Affairs, Education, and Human Services and the Commission on Higher Education, the New Jersey Economic Development Authority, and the Youth Justice Commission, which agreements are for the purpose of assigning planning, policy guidance and oversight functions to each Workforce Investment Board with respect to any workforce investment program funded or administered by the State department or commission within the Workforce Investment Board's respective labor market area or local area, as the case may be; and

h. Establish guidelines to be used by the Workforce Investment Boards in performing the planning, policy guidance, and oversight functions assigned to the boards under any agreement reached by the commission with a department or commission pursuant to subsection g. of this section. The commission shall approve all local Workforce Investment Board plans that meet the criteria established by the commission for the establishment of One-Stop systems. The Department of Labor and Workforce Development shall approve the operational portion of the plans for programs administered by the department.

The commission shall have access to all files and records of other State agencies and may require any officer or employee therein to provide such information as it may deem necessary in the performance of its functions.

Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be construed as affecting the authority of the State Treasurer to review and approve training programs for State employees pursuant to N.J.S.11A:6-25.

56. Section 1 of P.L.2001, c.446 (C.34:15F-12) is amended to read as follows:

C.34:15F-12 Youth Employment and After School Incentive Pilot Program.

1. a. There is established in the Department of Labor and Workforce Development a Youth Employment and After School Incentive Pilot Program which shall be administered by the Commissioner of Labor and Workforce Development, pursuant to the provisions of P.L.2001, c.446 (C.34:15F-12 et seq.). The program shall provide for employment opportunities for disadvantaged youth with private and nonprofit employers. The purpose of the program shall be to enable disadvantaged youth to acquire job knowledge and skills and an understanding of the linkage between the skills, behaviors, and attitudes necessary to function as an adult in the workplace.

As used in P.L.2001, c.446 (C.34:15F-12 et seq.), "disadvantaged youth" means public and nonpublic school students as well as youth who are not students who reside in municipalities where both the rates of unemployment and violent crime significantly exceed the Statewide rates of unemployment and violent crime by percentages which shall be designated by the commissioner. The term shall include youth in these municipalities who are participating in a program of aftercare following their release from juvenile detention or community facilities.

b. There is established in, but not of, the Department of Labor and Workforce Development the Disadvantaged Youth Employment Opportunities Council. Notwithstanding the allocation of the council to the Department of Labor and Workforce Development, the council shall directly report to the Chairperson of the State Employment and Training Commission established by section 5 of P.L.1989, c.293 (C.34:15C-2). The council shall consist of 18 members: the Commissioner of Labor and Workforce Development, the Commissioner of Education, the Executive Director of the New Jersey Commission on Higher Education, the Chief Executive Officer and Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, the Secretary of State and the Executive Director of the Youth Justice Commission, or their designees, who shall serve ex officio and as nonvoting members; and 12 public members appointed by the Governor, the President of the Senate and the Speaker of the General Assembly. The Governor shall appoint two religious leaders and two representatives of education organizations. The President of the Senate and the Speaker of the Assembly shall each appoint a leader of the business community, a labor leader, a representative of a county vocational-technical school, and a person representing organizations that have expertise serving the needs of disadvantaged youth. The public members shall serve for terms of three years, may be reappointed and may serve until a successor has been appointed. Of the public members first appointed, six shall be appointed for terms of three years, and six shall be appointed for terms of two years. A vacancy in the membership, occurring other than by expiration of a term, shall be filled in the same manner as the original appointment, but for the unexpired term only. The members shall serve without compensation, but the council may, within the limits of funds appropriated or otherwise made available to it, reimburse members for actual expenses necessarily incurred in the discharge of their official duties.

The council shall organize as soon as its members are appointed and shall select a chairman and vice-chairman from among its members and may select a secretary, who need not be a member of the council. The council shall meet monthly, and at such other times as may be necessary.

The council may employ, prescribe the duties and fix and pay the compensation of such persons it may deem necessary to carry out the duties of the council within the limits of available appropriations.

It shall be the duty of the council to:

- (1) Develop a master plan to increase employment opportunities for disadvantaged youth;
- (2) Enlist the commitment of the State's business leadership to provide employment opportunities for disadvantaged youth;
- (3) Enlist the support of the State's key unions which operate apprenticeship and similar programs;
- (4) Develop proposals for innovative efforts to assist economically disadvantaged youth to enroll in and successfully complete employment programs;
- (5) Involve all sectors of the community, including high level representatives of business, youth-serving agencies, foundations, local school systems, the communications media, and the religious community in an effort to promote and coordinate employment opportunities for disadvantaged youth; and
- (6) In conjunction with the Department of Labor and Workforce Development and the Commerce, Economic Growth and Tourism Commission, seek to identify and maximize any available federal funding for the purpose of enhancing employment opportunities provided under P.L.2001, c.446 (C.34:15F-12 et seq.).

The council shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for these purposes.

The Commissioner of Labor and Workforce Development, in consultation with the State Employment and Training Commission and the council, may promulgate rules and regulations necessary to effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).

57. Section 2 P.L.2001, c.446 (C.34:15F-13) is amended to read as follows:

C.34:15F-13 Development, administration of program.

2. a. In cooperation with the Disadvantaged Youth Employment Opportunities Council established in section 1 of P.L.2001, c.446 (C.34:15F-12), the Commissioner of Labor and Workforce Development, in consultation with the State Employment and Training Commission shall develop and administer the employment program established under this act. The commissioner shall, to the greatest extent feasible, attempt to achieve a balance of enrolled disadvantaged youth from the northern, central, and southern parts of the State.

b. The Commissioner of Labor and Workforce Development, in consultation with the State Employment and Training Commission, the Department of Education, the Youth Justice Commission, and the council, shall develop procedures relating to the program referral process; establish the selection criteria for participants which shall include the identification of local disadvantaged youths assessed by local law enforcement and juvenile corrections authorities as being at risk of gang membership or involvement or reinvolvement in the criminal justice system and students who are not meeting minimal district standards of behavior and academic achievement; provide a listing of employers who have agreed to participate in the program; and establish the process which will be utilized for matching disadvantaged youth to employment opportunities that will enhance the self-esteem and assimilation of life skills necessary for productive functioning in the school setting and society.

58. Section 1 of P.L.2009, c.16 (C.40A:14-200) is amended to read as follows:

C.40A:14-200 Definitions relative to suspension, termination of certain law enforcement officers, firefighters.

1. As used in this act:

"Law enforcement agency" or "agency" means any public agency, other than the Department of Law and Public Safety, but not including the Youth Justice Commission, any police force, department, or division within the State, or any county or municipality thereof, which is empowered by statute to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State.

"Law enforcement officer" or "officer" means any person who is employed as a permanent full-time member of any State, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State and statutorily required to successfully complete a training course approved by, or certified as being substantially equivalent to such an approved course, by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.).

"Paid firefighter" or "firefighter" means any full-time paid firefighter employed by a public fire department.

"Public fire department" or "department" means any department of a municipality, county, fire district or the State or any agency thereof having employees engaged in firefighting provided that such firefighting employees are included in a negotiating unit exclusively comprised of firefighting employees.

59. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to read as follows:

C.52:4B-8.1 Development of an informational tracking system.

19. a. The Victims of Crime Compensation Agency, after consultation with the Attorney General, the Department of Corrections, and the Administrative Office of the Courts, on behalf of the county probation divisions and the municipal court clerks, shall continue to develop the existing uniform system for recording all information necessary to ensure proper identification, tracking, collection and disposition of moneys owed for:

- (1) assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1);
- (2) fines and restitutions imposed in accordance with provisions of Title 2C of the New Jersey Statutes;
- (3) fees imposed pursuant to N.J.S.2C:35-20;
- (4) penalties imposed pursuant to N.J.S.2C:35-15.

b. The Victims of Crime Compensation Agency shall use the moneys deposited in the Criminal Disposition and Revenue Collection Fund to defray the costs incurred by the agency in developing, implementing, operating and improving the agency's component of the uniform system for tracking and collecting revenues described in subsection a. of this section.

c. The Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the Department of Corrections, and the Administrative Office of the Courts, on behalf of the county probation divisions and the municipal court clerks, shall file such reports with the Victims of Crime Compensation Agency as required for the operation of the uniform system described in subsection a. of this section.

d. The Victims of Crime Compensation Agency shall report annually to the Governor, the Attorney General, the Administrative Director of the Administrative Office of the Courts, the

Commissioner of the Department of Corrections, the Youth Justice Commission and the Legislature on the development, implementation, improvement and effectiveness of the uniform system and on moneys received, deposited and identified as receivable.

60. Section 1 of P.L.2019, c.115 (C.52:16A-26.10) is amended to read as follows:

C.52:16A-26.10 New Jersey State Council on the Arts, best practice guidelines distribution, arts program for at-risk youth, delinquency.

1. a. The New Jersey State Council on the Arts shall publish on its website and disseminate to any organization in this State that expresses to the council an intent to develop or expand an arts program for youth at risk of juvenile delinquency a guide containing best practices for such programs. Under the best practices guidelines, programs should:

(1) recognize that art is a vehicle that can be used to engage youth in activities that will increase their self-esteem;

(2) provide for collaborative effort among the artist, social service provider, teacher, agency staff, youth, and family, as appropriate, in delivery of the program;

(3) recognize and involve the families of the youth and the communities in which the youth live;

(4) include age-appropriate curriculum;

(5) emphasize dynamic teaching tactics, such as hands-on learning, apprentice relationships, and the use of technology;

(6) to the extent possible, culminate in a public performance or exhibition with a focus on building participants' self-esteem through public recognition;

(7) during the planning stage, address program goals, site selection, population, the development of relationships among team members, the methods for youth involvement in planning, curriculum design, transportation, safety, incentives, behavioral requirements, program growth, the balance between arts program and other program objectives, the balance between process and product, student recognition of achievements, and the involvement of families, communities, and volunteers;

(8) incorporate an evaluation system early into the program;

(9) train teams, collaboratively, that work with youth in team building, communication skills, and organizational skills;

(10) train teams in effective methods for working with youth from special populations, including in behavior management, adolescent psychology, and familiarization with the juvenile justice system;

(11) train teams in designing a curriculum or involving a trained curriculum specialist;

(12) adopt training that is practical, addresses issues identified by team members, incorporates advice from a variety of trainers with expertise in relevant issue areas, provides opportunities for team members to share in successes and failures and engage in peer training, and integrates specialized training into ongoing training sessions whenever possible;

(13) require program staff to clearly define program goals and intended outcomes in evaluating an arts program, and to monitor and document program implementation and the service-delivery process;

(14) utilize "process evaluations," which examine program implementation and service delivery, to describe and refine a program, measuring the impact on youth and identifying ways to improve a program;

(15) employ journals, portfolios, surveys, and artist observations as evaluation measures to determine the effects of arts programs on at-risk youth, incorporating those measures into program activities when possible;

(16) document program-specific factors, such as staff ratios, hours of contact, and duration of contact, in process evaluations;

(17) account for the impact of individual, family, and community factors on program effectiveness; and

(18) incorporate activities that recognize individual efforts and provide opportunities for youth to learn new skills, which activities are designed to reduce the influence of risk factors associated with adolescent problem behaviors, such as low neighborhood attachment, lack of commitment to school, alienation and rebelliousness, and friends who engage in problem behavior.

The council shall make periodic revisions to the guide as necessary.

b. The council shall provide technical and consultative assistance to any State agency or local government unit requesting such assistance to implement a program adopting the elements listed in subsection a. of this section. The council shall, upon completion or revision, deliver, by electronic or other means, the guide to the Youth Justice Commission and the Division of Child Protection and Permanency in the Department of Children and Families.

As used in this subsection, "State agency" means any agency in the Executive branch of State government, including, but not limited to, any department, board, bureau, commission, division, office, council, or instrumentality thereof, or independent agency, public authority or public benefit corporation, and any State college or public institution of higher education. "Local government unit" means a county, municipality, board of education, or county college as defined in section 2 of P.L.1982, c.189 (C.18A:64A-25.2).

61. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to read as follows:

C.52:17B-67 Definitions.

2. As used in this act:

"Applicant" means an individual who applies to the Police Training Commission to become licensed as a law enforcement officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

"Approved school" shall mean a school approved and authorized by the Police Training Commission to give police training courses or a training course for State and county correctional police officers and juvenile detention officers as prescribed in this act.

"Commission" shall mean the Police Training Commission or officers or employees thereof acting on its behalf.

"County" shall mean any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act.

"Discipline subject to appeal" means a removal, disciplinary demotion, suspension, or fine of more than five days, or fewer where the aggregate number of days the employee was suspended or fined in any one calendar year is 15 or more days, or where the employee received more than three suspensions or fines of five days or fewer in one calendar year.

"Law enforcement officer" means any person who is employed as a sworn member of any State, county, or municipal law enforcement agency, department, division, or instrumentality of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of the State. This term shall include, but is not limited to, sworn members of the New Jersey State Police, the Division of Criminal Justice, and the Youth Justice Commission; State correctional

police officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4); county correctional police officers pursuant to N.J.S.2A:154-3; State Parole officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4); special law enforcement officers of all classes pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law enforcement officers appointed pursuant to section 25 of P.L.2017, c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4); transit police officers appointed by New Jersey Transit pursuant to section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

"Law enforcement unit" shall mean any State, county or municipal law enforcement agency, department, division, or instrumentality of such government that is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of the State, and shall include all agencies that employ law enforcement officers as defined in this section.

"Licensing committee" means the committee established by the Police Training Commission to perform duties with respect to law enforcement officer licensing as set forth in subsection c. of section 9 of P.L.2022, c.65 (C.52:17B-71a).

"Municipality" shall mean a city of any class, township, borough, village, or any other type of municipality in this State which, within its jurisdiction, has or shall have a law enforcement unit as defined in this act.

"National Decertification Index" shall mean the national registry of law enforcement officer decertification or license revocations maintained by the International Association of Directors of Law Enforcement Standards and Training, or a successor database.

"Permanent appointment" shall mean an appointment having permanent status as a law enforcement officer in a law enforcement unit as prescribed by Title 11A of the New Jersey Statutes, Civil Service Commission Rules and Regulations, or of any other law of this State, municipal ordinance, or rules and regulations adopted thereunder.

"Police training course" means a training course approved by the Police Training Commission and conducted at an approved school.

"Probationary law enforcement license" means a license issued by the Police Training Commission to a person appointed by a law enforcement unit on a probationary or temporary basis which authorizes the person to perform the functions of a permanent law enforcement officer during the person's probationary or temporary appointment term.

"Sustained finding" shall mean a determination by an employing law enforcement unit that a law enforcement officer violated a law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.

62. Section 1 of P.L.1995, c.284 (C.52:17B-169) is amended to read as follows:

C.52:17B-169 Findings, declarations relative to juvenile justice.

1. The Legislature finds and declares:
 - a. The public safety requires reform of the juvenile justice system;
 - b. Juvenile arrests for murder, robbery, aggravated sexual assault, sexual assault and aggravated assault have increased 38 percent between 1988 and 1993 and New Jersey ranks near the top nationally in the number of juvenile arrests for serious violent crimes;
 - c. Juvenile crime has become a leading cause of injury and death among young people;
 - d. Currently, preventive, deterrent and rehabilitative services and sanctions for juveniles are the responsibility of no less than three State departments: The Department of Law and

Public Safety deals with county prosecutors and local police and implements prevention programs; the Department of Corrections operates the New Jersey Training School for Boys and the Juvenile Medium Security Facility, and its Bureau of Parole supervises juvenile parolees; and the Department of Human Services operates residential and day programs in facilities for juveniles adjudicated delinquent;

e. The division of responsibility for the juvenile justice population and the limitations on resources available to meet ever-increasing demands for services provided by the Departments of Human Services and Corrections have prevented the departments from maximizing efforts to meet the special needs of the juvenile justice population;

f. The juvenile justice system lacks services and sanctions short of incarceration, particularly in urban areas and for that reason, many juveniles are not held accountable until they have committed a series of increasingly serious criminal acts;

g. The special needs of juveniles can be addressed through services and sanctions provided at the county and local level;

h. The need to protect the public from criminal acts by juvenile offenders requires a comprehensive program and concerted action of governmental agencies and private organizations at the State, county and local level that permit effective response and avoid waste of scarce resources;

i. (1) The comprehensive program should provide a range of services and sanctions for juveniles sufficient to protect the public through prevention; early intervention; and a range of meaningful sanctions that ensure accountability, provide training, education, treatment and, when necessary, confinement followed by community supervision that is adequate to protect the public and promote successful reintegration into the community;

(2) Consistent with the need to protect the public, services and sanctions for juveniles shall provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable juvenile offenders to become responsible and productive members of the community.

j. The most efficient and effective use of available resources requires fixing responsibility for the comprehensive program in a single State agency and providing incentives to encourage the development and provision of appropriate services and sanctions at the county and local level; and

k. It is, therefore, necessary to establish a Youth Justice Commission responsible for operating State services and sanctions for juveniles involved in the juvenile justice system and responsible for developing a Statewide plan for effective provision of juvenile justice services and sanctions at the State, county and local level; to establish a State/Community Partnership Grant Program through which the State will provide incentives to county and local governments to encourage the provision of services and sanctions for juveniles adjudicated or charged as delinquent and programs for the prevention of juvenile delinquency, and to establish county youth services commissions responsible for planning and implementing the Partnership at the local level.

63. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to read as follows:

C.52:17B-170 Youth Justice Commission established.

2. a. A Youth Justice Commission is established in, but not of, the Department of Law and Public Safety. The commission is allocated to the Department of Law and Public Safety for the purpose of complying with Article V, Section IV, paragraph 1 of the New Jersey

Constitution. The Attorney General shall be the request officer for the commission within the meaning of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that authority and other administrative functions, powers and duties consistent with the provisions of this act.

b. The commission shall consist of an executive director, an executive board, an advisory council and such facilities, officers, employees and organizational units as provided herein or as otherwise necessary to performance of the commission's duties and responsibilities.

c. The executive director shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor during the Governor's term of office and until a successor is appointed and qualified.

d. The executive board shall consist of the following members: The Attorney General, who shall serve as chair of the executive board; the Commissioner of Corrections and the Commissioner of Children and Families, who shall serve as vice-chairs of the executive board; the Commissioner of Education; the chair of the Youth Justice Commission advisory council, established pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members who serve as chairs of a county youth services commission, established pursuant to P.L.1995, c.282 (C.52:17B-180), to be appointed by the Governor to serve at the Governor's pleasure. The Administrative Director of the Administrative Office of the Courts is invited to participate on the executive board, subject to the approval of the Supreme Court. A member of the executive board may name a designee who shall have the authority to act for the member. Members of the executive board shall serve without compensation for their services to the commission. The executive board shall meet at least quarterly and at such other times as designated by the chair. Except with respect to matters concerning distribution of funds to counties, four members of the executive board shall constitute a quorum to transact business of the executive board and action of the executive board shall require an affirmative vote of four members. A member of the executive board who is also a member of a county youth services commission shall not participate in matters concerning distribution of funds to counties; in these matters, three members of the executive board shall constitute a quorum to transact business and an action of the executive board shall require an affirmative vote of three members.

e. The commission shall have the following powers, duties and responsibilities:

(1) To specify qualifications for and to employ, within the limits of available appropriations and subject to the provisions of P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New Jersey Statutes, such staff as are necessary to accomplish the work of the commission or as are needed for the proper performance of the functions and duties of the commission, including but not limited to:

(a) The number of deputy directors, assistant directors, superintendents, assistant superintendents and other assistants who shall be in the unclassified service and shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

(b) Juvenile corrections officers;

(2) To utilize such staff of the Department of Law and Public Safety as the Attorney General, within the limits of available appropriations, may make available to the commission;

(3) To organize the work of the commission in appropriate bureaus and other organization units;

(4) To enter into contracts and agreements with State, county and municipal governmental agencies and with private entities for the purpose of providing services and sanctions for juveniles adjudicated or charged as delinquent and programs for prevention of juvenile delinquency;

(5) To contract for the services of professional and technical personnel and consultants as necessary to fulfill the statutory responsibilities of the commission;

(6) To establish minimum standards for the care, treatment, government and discipline of juveniles confined pending, or as a result of, an adjudication of delinquency;

(7) To assume the custody and care of all juveniles committed by court order, law, classification, regulation or contract to the custody of the commission or transferred to the custody of the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176);

(8) To manage and operate all State secure juvenile facilities which shall include the New Jersey Training School for Boys created pursuant to R.S.30:1-7 and transferred to the Commissioner of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile Medium Security Facility created pursuant to R.S.30:1-7 and both transferred to the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any other secure juvenile facility established by the commission in the future;

(9) To manage and operate all State juvenile facilities or juvenile programs for juveniles adjudicated delinquent which shall include facilities and programs transferred to the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or established or contracted for in the future by the commission;

(10) To prepare a State Youth Justice Master Plan every third year which identifies facilities, sanctions and services available for juveniles adjudicated or charged as delinquent and juvenile delinquency prevention programs and which identifies additional needs based upon the extent and nature of juvenile delinquency and the adequacy and effectiveness of available facilities, services, sanctions and programs;

(11) To approve plans for each county submitted by the county youth services commission pursuant to P.L.1995, c.282 (C.52:17B-180);

(12) To administer the State/Community Partnership Grant Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

(13) To accept from any governmental department or agency, public or private body or any other source, grants or contributions to be used in exercising its power, and in meeting its duties and responsibilities;

(14) To formulate and adopt standards and rules for the efficient conduct of the work of the commission, the facilities, services, sanctions and programs within its jurisdiction, and its officers and employees;

(15) To provide for the development of the facilities, services, sanctions and programs within its jurisdiction and to promote the integration of State, county and local facilities, sanctions, services and programs, including probation and parole;

(16) To institute, or cause to be instituted, such legal proceedings or processes as may be necessary to enforce properly and give effect to any of its powers or duties including the authority to compel by subpoena, subject to the sanction for contempt of subpoena issued by a court, attendance and production of records;

(17) To provide for the timely and efficient collection and analysis of data regarding the juvenile justice system to insure the continuing review and evaluation of services, policies and procedures;

(18) To receive and classify juveniles committed to the custody of the commission;

(19) To determine whether an incarcerated juvenile is eligible for parole and to supervise compliance with conditions of parole;

(20) To establish appropriate dispositions of juveniles for whom parole has been revoked;

(21) To perform such other functions as may be prescribed by law; and

(22) To promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement and effectuate the purposes of this act.

f. Whenever the term "Juvenile Justice Commission" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the "Youth Justice Commission" established and designated therein.

64. Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is amended to read as follows:

C.52:17B-171.1 Standards for suicide, mental health screening in county juvenile detention facilities.

1. The Youth Justice Commission shall establish standards for suicide and mental health screening in county juvenile detention facilities in accordance with the provisions of this act. The standards shall require that each county detention facility develop written policies concerning mental health screening, suicide screening, suicide prevention protocols and other mental and emotional health-related issues and that each county juvenile detention facility make psychological or psychiatric services available to juveniles as needed.

65. Section 2 of P.L.2007, c.315 (C.52:17B-171.2) is amended to read as follows:

C.52:17B-171.2 Suicide risk screening for juveniles admitted to county juvenile detention facility.

2. a. Upon admission to a county juvenile detention facility, a juvenile shall be screened for risk of suicide in accordance with the facility's suicide prevention protocols and written policies required by section 1 of this act. The suicide risk screening shall include, but not be limited to, the use of a standardized suicide risk questionnaire designated and made available by the Youth Justice Commission. The findings shall be recorded and brought to the attention of the appropriate medical or mental health staff as soon as possible.

b. If a juvenile shows evidence of suicide risk, the facility's suicide prevention protocols shall be immediately implemented. The policies shall include an increased level of supervision of a juvenile showing evidence of suicide risk until appropriate mental health services can be obtained. The facility administrator, or the administrator's designee, shall be immediately notified if a juvenile:

- (1) is suspected of being at risk of attempting suicide or in emotional distress;
- (2) has made a suicidal gesture or attempt; or
- (3) scores in a suicide caution or warning range in a screening.

c. Every suicide gesture or attempt shall be reported to the Youth Justice Commission.

66. Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is amended to read as follows:

C.52:17B-171.3 Mental health screening for juveniles admitted to county juvenile detention facility.

3. Between 24 and 48 hours following admission to a county juvenile detention facility, a juvenile shall undergo mental health screening using a mental health screening tool designated by the Youth Justice Commission and in accordance with the facility's written policies required by section 1 of this act. If the screening tool indicates that a referral for additional screening or mental health services is appropriate, that referral shall occur as soon as possible. If the screening indicates a warning or caution, the juvenile shall be placed on, and remain under,

increased supervision until it is determined by a mental health clinician that a heightened level of supervision is no longer needed to ensure the safety of the juvenile.

67. Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is amended to read as follows:

C.52:17B-171.5 Certification for person conducting screening.

6. No person shall perform a suicide risk screening pursuant to section 2 of this act or a mental health screening pursuant to section 3 of this act unless that person has been certified by the Youth Justice Commission as qualified to perform such screening.

68. Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is amended to read as follows:

C.52:17B-171.6 Establishment, maintenance of Statewide database of screenings.

7. The Youth Justice Commission, in conjunction with the Department of Children and Families, shall establish and maintain a confidential Statewide database of the suicide risk screenings required by section 2 of this act and the mental health screenings required by section 3 of this act to be used exclusively by persons performing suicide risk and mental health screenings.

69. Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is amended to read as follows:

C.52:17B-171.7 Monitoring of suicides occurring at county juvenile detention facilities.

8. a. The Youth Justice Commission shall monitor the number of suicides that occur at each county juvenile detention facility.

b. Upon an initial suicide at a facility, the commission shall conduct an evaluation of the facility's compliance with the provisions of this act, an accountability assessment and an action report.

c. If a second suicide occurs within seven years of the initial suicide, the Youth Justice Commission shall, within 30 days, and with the approval of the Attorney General, evaluate the facility for compliance with the provisions of this act. A facility shall not admit additional juveniles until the Attorney General has certified that the facility is in compliance with the provisions of this act.

d. If a third or subsequent suicide occurs within seven years of an initial suicide, the facility shall be immediately closed and shall not reopen until the Governor determines that it shall reopen. A task force comprised of the following seven members shall assist the Governor in making this determination: the Executive Director of the Youth Justice Commission, or a designee; the Attorney General, or a designee; the Child Advocate, or a designee; the Commissioner of Children and Families, or a designee; one public member; a director of a county juvenile detention facility, but not of the county facility being evaluated; and a member of the board of chosen freeholders of the county within which the facility being evaluated is located.

70. Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is amended to read as follows:

C.52:17B-171.8 Information on Youth Justice Commission website.

9. The Youth Justice Commission shall include the following information on the commission's website:

- a. All reports monitoring the operations of county juvenile detention centers, including, but not limited to, any corrective actions taken against or penalties imposed on a center, if applicable; and
- b. The rated census capacity and the average monthly population for each county juvenile detention center.

71. Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is amended to read as follows:

C.52:17B-171.9 Training curriculum for juvenile detention officers on mental health needs of juvenile detention population.

10. The Youth Justice Commission shall, in conjunction with the Police Training Commission and mental health experts, develop a training curriculum for juvenile detention officers and youth workers focusing on the mental health needs of the juvenile detention population.

72. Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is amended to read as follows:

C.52:17B-171.10 Annual report to Governor, Legislature.

11. The Youth Justice Commission, in conjunction with the Department of Children and Families, shall annually submit to the Governor and the Legislature, for seven years following the effective date of this act, a report detailing:

- a. the number of suicides and suicide attempts at each county juvenile detention facility;
- b. the number of suicide and mental health screenings that have been conducted at each facility and the number of juveniles whose screenings have indicated a warning or caution;
- c. the number of juveniles who have been referred for additional screening or evaluation; and
- d. a summary of the diagnoses for juveniles who have received treatment.

73. Section 12 of P.L.2007, c.315 (C.52:17B-171.11) is amended to read as follows:

C.52:17B-171.11 Rules, regulations; penalties, fines.

12. The Youth Justice Commission, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to implement the provisions of this act, which may include:

- a. penalties for continued violations of the manual of standards applicable to county detention centers; and
- b. a graduated system of intermediate fines and penalties for violations of the provisions of the act.

74. Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is amended to read as follows:

C.52:17B-171.12 Reinstatement of juvenile in Medicaid program upon release.

8. The Youth Justice Commission shall ensure that prior to the scheduled date of release of a juvenile from a detention facility or a facility in which the juvenile was incarcerated, the appropriate staff at the facility notify the applicable county welfare agency to process the reinstatement of the juvenile in the Medicaid program if the juvenile was enrolled in Medicaid prior to detention or incarceration and continues to meet eligibility requirements for the program.

As used in this act, "Medicaid" means the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

75. Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is amended to read as follows:

C.52:17B-171.13 Regulations relative to room restriction for juveniles.

5. a. A juvenile detained in, or sentenced to, a State juvenile correctional facility or county juvenile detention center shall not be subject to room restriction unless the juvenile poses an immediate and substantial risk of harm to others or to the security of the facility, and all other less-restrictive options have been exhausted.

b. A juvenile may be subject to room restriction only for the minimum time required to address the safety risk and for a period that does not compromise the mental and physical health of the juvenile, but in no case shall a juvenile be held in room restriction for more than eight consecutive waking hours without being released for at least two hours for recreation and exercise.

c. A juvenile who is 15 years of age or younger shall not be subject to room restriction for more than two consecutive days. A juvenile who is 16 years of age or older but younger than 18 years of age shall not be subject to room restriction for more than three consecutive days. A juvenile who is 18 years of age or older shall not be subject to room restriction for more than five consecutive days. A juvenile shall not be subject to room restriction for more than 10 total days in a calendar month.

d. Juveniles subject to room restriction shall continue to receive health, mental health, and educational services.

e. Each State correctional facility or county juvenile detention facility shall document, in aggregate, the use of room restriction, including the dates and duration of each occurrence, the reason for placement in room restriction, and the race, age, and gender of the juvenile placed in room restriction. If any health or mental health clinical evaluations were performed, it shall be affirmatively certified that the results of those evaluations were considered in any decision to place the juvenile in room restriction or to continue room restriction.

The aggregate data compiled pursuant to this subsection shall be:

(1) made available for public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act; and

(2) published on the official Internet website of the Youth Justice Commission.

f. This section shall not prohibit the use of single-person rooms or cells for the housing of juveniles in State correctional or county juvenile detention centers.

g. This section does not apply to juveniles in court holding facilities or adult facilities.

h. Nothing in this section shall be construed to conflict with any law providing greater or additional protections to juveniles.

i. For the purposes of this section, "room restriction" shall mean the placement of a juvenile in a State juvenile correctional facility or county juvenile detention center in a locked room or cell, alone or with one other person, for 22 to 24 hours per day. Room restriction shall not include confinement of a juvenile in a single-person room or cell for brief periods of locked-room confinement necessary for institutional operations, including, but not limited to, shift changes, showering, and unit movements.

76. Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is amended to read as follows:

C.52:17B-171.14 Collection, use of data relative to incarceration of juveniles.

18. a. The Youth Justice Commission shall establish a program to collect, record, and analyze data regarding juveniles who were sentenced to a term of incarceration. In furtherance of this program, the commission shall collect the following data:

(1) the offense for which the juvenile was incarcerated; the term of incarceration imposed on the juvenile, including a term of incarceration imposed for a violation of parole; the age, gender, race, and ethnicity of the juvenile; the county where the juvenile was adjudicated delinquent; the classification of the juvenile; and whether the juvenile was sentenced to an extended term of incarceration;

(2) aggregate data of incidents of violence, suicide, suicide attempts, hospitalizations, and any form of segregation or isolation of a juvenile for all facilities where juveniles are placed; and

(3) the amount of time remaining on each sentence of incarceration imposed on a juvenile whose parole was revoked; whether the violation that was the basis for the revocation was technical or based upon a new offense; the age, gender, race, and ethnicity of the juvenile; and the county where the juvenile's parole was revoked by the court.

b. The commission shall prepare and publish on its Internet website biennial reports summarizing the aggregated data collected, recorded, and analyzed pursuant to subsection a. of this section.

c. The commission shall publish on its Internet website the criteria that are used to determine whether a juvenile is granted parole. The commission also shall provide this information to every juvenile who is sentenced to a term of incarceration.

77. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to read as follows:

C.52:17B-172 Advisory council to Youth Justice Commission.

4. a. The advisory council to the Youth Justice Commission shall consist of the following members:

(1) The Commissioner of the Department of Labor and Workforce Development, the Commissioner of the Department of Health, the Commissioner of the Department of Community Affairs, the Chairperson of the Civil Service Commission, the Public Defender and a county prosecutor selected by and serving at the pleasure of the Governor or a person designated by one of the forenamed officers to serve in that officer's place;

(2) Nine members who shall be selected for their knowledge, competence, experience or interest in the juvenile justice system. Appointments shall be made as follows: three by the President of the Senate, no more than two of whom shall be of the same political party; three by the Speaker of the General Assembly, no more than two of whom shall be of the same political party and three by the Governor, no more than two of whom shall be of the same political party.

b. The term of office of each public member of the advisory council shall be three years; except that of the first members appointed, one appointed by the Governor, one by the President of the Senate and one by the Speaker of the General Assembly shall be appointed for a term of one year, one appointed by the Governor, one by the President of the Senate and one by the Speaker of the General Assembly shall be appointed for a term of two years and the remaining three members shall be appointed for a term of three years. Each member shall serve until a successor has been appointed and qualified, and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired term. A member is eligible for reappointment to the council.

c. The Governor shall appoint the chair of the advisory council from among the members of the council. The chair shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the chair's successor. The members of the council shall elect a vice-chair from among the members of the council.

d. The members of the council shall receive no compensation for their services.

78. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to read as follows:

C.52:17B-174 Juvenile corrections officers.

6. a. The Youth Justice Commission shall employ, within the limits of available funds, juvenile corrections officers to staff each State secure juvenile facility and to provide security for other State juvenile facilities and programs including parole programs as deemed appropriate and to perform all other duties related to enforcement of confinement and conditions of release including execution of warrants and legal process. Juvenile corrections officers shall be in the competitive division of the career service established pursuant to N.J.S.11A:3-2, "policemen" within the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members of the Police and Firemen's Retirement System of New Jersey established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2), and shall be "employees" within the meaning of section 3 of P.L.1941, c.100 (C.34:13A-3).

b. Except as provided in subsection c. of this section, no person shall be appointed as a juvenile corrections officer unless that person:

- (1) Is a citizen of the United States;
- (2) Is able to read, write and speak the English language well and intelligently;
- (3) Has a high school diploma or its equivalent;
- (4) Is sound in body and of good health;
- (5) Is of good moral character;
- (6) Has not been convicted of any offense which would make the person unfit to perform the duties of a juvenile corrections officer;
- (7) Has successfully completed the training course approved by the Police Training Commission and required by section 5 of P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the provisions of that section; and
- (8) Meets such other qualifications, including education and training, as may be specified by the commission in consultation with the Civil Service Commission.

c. (1) Pending appointment of a full complement of juvenile corrections officers who meet the requirements of subsection b. of this section, the commission and the Commissioner of Corrections shall arrange through agreement for the assignment of corrections officers necessary to fill the positions transferred pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers assigned to the commission pursuant to such an agreement shall be under the supervision of the commission during the period of assignment as provided by the agreement between the commission and the Commissioner of Corrections. The primary concerns of all agreements governing assignment and supervision shall be public safety and safety within the facilities and programs. No officer assigned pursuant to such an agreement shall, by virtue of such assignment, be considered an employee of the commission or lose or suffer any diminution of any right, power, privilege or benefit to which the employee would otherwise be entitled pursuant to the provisions of Title 11A of the New Jersey Statutes, Title 34 of the Revised Statutes, or Title 43 of the Revised Statutes, including any rights, powers, privileges or benefits as to salary, seniority, promotion, re-employment, retirement, pension or representation for purposes of collective bargaining;

(2) Notwithstanding the provisions of subsection b. of this section, a corrections officer assigned to the commission pursuant to this section shall not be considered ineligible for the position of juvenile corrections officer solely because the officer does not meet any educational or training requirement the commission may establish and may be appointed as a

juvenile corrections officer if the officer applies for such position within 18 months of the effective date of this act. A juvenile corrections officer appointed pursuant to this subsection shall not be deprived of any right or protection provided by Title 11A of the New Jersey Statutes or any pension or retirement system and, notwithstanding any law or regulation to the contrary, shall be eligible to compete for vacant positions within the Department of Corrections with full credit for experience, service and rank earned as an employee of the Department of Corrections and such credit for experience, service and rank earned as an employee of the commission as the Commissioner of Corrections, after consultation with the Civil Service Commission, deems appropriate.

d. Each juvenile corrections officer shall by virtue of such employment and in addition to any other power or authority, be empowered to act as an officer for the detection, apprehension, arrest and adjudication of offenders against the law and, subject to regulations promulgated by the commission and conditions set forth in N.J.S.2C:39-6, shall have the authority to possess and carry a firearm.

79. Section 8 of P.L.1995, c.284 (C.52:17B-176) is amended to read as follows:

C.52:17B-176 Facilities, inmates, equipment, personnel, etc. transferred to Youth Justice Commission.

8. a. The following are transferred to the Youth Justice Commission:

(1) The custody and care of any juvenile adjudicated delinquent and committed or classified to the custody of the Department of Corrections or committed or classified to the custody or care of the Division of Juvenile Services of the Department of Human Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as modified by Reorganization Plan No. 001-1993, P.L.1993, c.283, and Executive Order No. 93 of 1993, or serving a term of incarceration in a county detention facility pursuant to section 1 of P.L.1992, c.211 (C.2A:4A-44.1);

(2) The New Jersey Training School for Boys created pursuant to R.S.30:1-7 and transferred to the Commissioner of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile Medium Security Facility created pursuant to R.S.30:1-7;

(3) All residential and day care facilities and programs established pursuant to the powers delegated to the Division of Juvenile Services, Department of Corrections, by the Commissioner of the Department of Corrections pursuant to his powers contained in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth committed to participate therein by court order, law, classification, regulation or contract which were subsequently transferred to the Division of Juvenile Services, Department of Human Services by Reorganization Plan No. 001-1993;

(4) All furnishings and equipment presently located in the institutions and programs of the Division of Juvenile Services and in the institutions and programs of the Department of Corrections transferred to the commission pursuant to subsections b. and c. of this section, and, except as provided in section 6 of P.L.1995, c.284 (C.52:17B-174), all staff assigned to those institutions and programs, including administrative and support staff;

(5) All operating and capital funding demarcated for the institutions and programs set forth in this section, including funding from bonds and funding for administrative costs associated with the institutions and programs;

(6) All functions, powers, duties and authority of the Commissioner of Corrections, including any transferred to the Commissioner of Human Services pursuant to Reorganization Plan No. 001-1993, with respect to all juvenile detention facilities throughout the State pursuant to section 18 of P.L.1982, c.77 (C.2A:4A-37);

(7) The powers, duties and responsibilities of the Commissioner of Corrections for establishing standards and monitoring of juvenile detention facilities pursuant to section 18 of P.L.1982, c.77 (C.2A:4A-37), transferred to the Commissioner of Human Services by Reorganization Plan No. 001-1993;

(8) All existing written agreements made between county governments and the Department of Corrections or the Department of Human Services concerning juvenile detention centers are hereby modified to transfer the responsibilities, duties and obligations specified in these agreements between the county governments and the commission;

(9) The Juvenile Detention Monitoring Unit, Department of Corrections, established pursuant to the powers of the Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-1 et seq.), to fulfill the obligations of the Department of Corrections in monitoring juvenile detention centers throughout the State pursuant to the Federal "Juvenile Justice and Delinquency Prevention Act of 1974," as amended, and pursuant to section 18 of P.L.1982, c.77 (C.2A:4A-37), which was transferred to the Department of Human Services by Reorganization Plan No. 001-1993, along with its staff, powers, duties and responsibilities;

(10) The legal custody and supervision of each juvenile parolee; the functions, powers, duties and authority of the State Parole Board established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.), regarding juvenile offenders are continued, but the State Parole Board shall file all of its reports and recommendations regarding juveniles with the commission;

(11) All funding, programs and positions created or dedicated to provide juvenile parole services by the Bureau of Parole within the Department of Corrections in accordance with an agreement between the Executive Director of the commission and the Commissioner of Corrections in consultation with the State Parole Board when an orderly transfer of the function has been completed including appropriate changes in the reporting requirements, funding, positions, and administrative housing and support;

(12) The powers, duties, and responsibilities of the Office of Education created and established in the Departments of Corrections and Human Services pursuant to the "State Facilities Education Act of 1979," sections 12 and 13 of P.L.1979, c.207 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile offenders whose custody is transferred to the commission pursuant to this act is transferred to the Office of Education established in the commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-178) along with staff, existing and future moneys and other educational resources demarcated for juveniles whose custody is transferred pursuant to this act, including funds collected pursuant to the authority granted in the "State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State educational grants and contract funds received for the benefit of juvenile offenders whose custody is transferred pursuant to this act;

(13) The powers, duties, and responsibilities of the Bureau of Juvenile Justice, including the Juvenile Justice and Delinquency Prevention Unit, in the Division of Criminal Justice, Department of Law and Public Safety established pursuant to section 4 of P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties and responsibilities; and

(14) All funding appropriated to the Department of Human Services and demarcated for distribution by the department for youth services commission funding.

b. Whenever in any law, rule, regulation, order, contract, lease, document, judicial or administrative proceeding or otherwise, reference is made to the Commissioner of the Department of Corrections regarding a juvenile or juvenile offender as defined in P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of Juvenile Services transferred from the Department of Corrections to the Department of Human Services by Reorganization Plan No.001-1993 the same shall mean and refer to the commission.

80. Section 10 of P.L.1995, c.284 (C.52:17B-178) is amended to read as follows:

C.52:17B-178 Office of Education established.

10. There is hereby created and established in the Youth Justice Commission an Office of Education to be headed by a Director of Educational Services who shall supervise the educational programs in all juvenile facilities operated by the Youth Justice Commission and shall approve, except as provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all personnel to be hired for such programs.

The director shall hold the appropriate certificate issued by the State Board of Examiners and shall be qualified by training and experience for his position and shall be appointed by the executive director with the approval of the executive board. The director shall serve at the pleasure of the executive board.

The director shall establish primary, secondary, and vocational programs which meet the educational needs of school age persons for whom the commission is responsible. Appropriate credit and certification shall be given for the successful completion of such programs.

81. Section 1 of P.L.1995, c.283 (C.52:17B-179) is amended to read as follows:

C.52:17B-179 State/Community Partnership Grant Program established.

1. a. A State/Community Partnership Grant Program is established within the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) to support, through grants allocated to county youth services commissions established pursuant to P.L.1995, c.282 (C.52:17B-180), facilities, sanctions and services for juveniles adjudicated or charged as delinquent and programs for prevention of juvenile delinquency. This program is established in order to:

(1) Encourage development of sanctions and services for juveniles adjudicated and charged as delinquent and programs for prevention of juvenile delinquency that protect the public, ensure accountability and foster rehabilitation;

(2) Increase the range of sanctions for juveniles adjudicated delinquent;

(3) Reduce overcrowding in State juvenile institutions and other facilities to ensure adequate bed space for serious, violent and repetitive offenders;

(4) Reduce overcrowding in county detention facilities;

(5) Provide greater access to community-based sanctions and services for minority and female offenders;

(6) Expand programs designed to prevent juvenile delinquency; and

(7) Promote public safety by reducing recidivism.

b. The Youth Justice Commission shall administer the State/Community Partnership Grant Program and shall:

(1) Establish criteria and procedures for grant applications and disbursement by regulation;

(2) Determine how best to allocate Partnership funds;

(3) Set standards and procedures for eligibility, operation, supervision and evaluation;

(4) Advise and assist county youth services commissions in preparation of county plans and grant applications;

(5) Award grants;

(6) Set standards for and determine eligibility for continued Partnership funding;

(7) Collect and provide information about community-based services and sanctions; and

(8) Monitor and evaluate implementation of county plans and the provision of services, sanctions and programs provided pursuant to this act.

82. Section 1 of P.L.1995, c.282 (C.52:17B-180) is amended to read as follows:

C.52:17B-180 Qualification for State/Community Partnership Grant Funds.

1. a. In order to qualify for award of State/Community Partnership Grant funds established pursuant to P.L.1995, c.283 (C.52:17B-179) a county shall:

(1) Establish a county youth services commission in accordance with regulations promulgated by the Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

(2) Submit and obtain Youth Justice Commission approval of a triennial comprehensive plan for services and sanctions for juveniles adjudicated or charged as delinquent and programs for the prevention of juvenile delinquency which:

(a) are designed to promote the goals of P.L.1995, c.283 (C.52:17B-179);

(b) provide recommendations for funding of programs, sanctions and services that enhance and expand the range of sanctions and services for juveniles adjudicated or charged as delinquent and programs designed to prevent delinquency;

(c) make services available in geographical locations within the county where juveniles in need reside; and

(d) provide for distribution of State/Community Partnership Grant funds by the county in accordance with contracts or agreements executed by the appropriate county officials in accordance with applicable law.

b. The Youth Justice Commission shall establish by regulation:

(1) Specific guidelines as to membership of a county youth services commission;

(2) Specific requirements for the administration of the State/Community Partnership Grant funds awarded by the county.

c. Notwithstanding the provisions of subsection a. of this section, the county governing body may elect, upon annual written request approved by the executive director, to designate a commission, council or agency to assume the responsibilities of a county youth services commission in that county. Approval of such a request shall be contingent upon the governing body demonstrating that the membership of the designated entity is sufficiently representative of persons and agencies interested in the juvenile justice system to permit the entity to perform the duties and responsibilities of a county youth services commission, that the members of the designated entity are otherwise qualified to perform the duties and responsibilities of members of a county youth services commission, and that the designated entity has the authority and responsibility to carry out the duties and responsibilities of a county youth services commission.

d. A county youth services commission shall:

(1) Recommend to the governing body of the county the approval or disapproval of contracts with local government or private agencies that desire participation in the State/Community Partnership Grant Program;

(2) Monitor the operations of programs receiving State/Community Partnership Grant funds with reference to compliance with standards, policies and rules established by the Youth Justice Commission;

(3) Monitor and evaluate the impact of the programs receiving State/Community Partnership Grant funds, including the nature of the offender or at risk populations served by the funded programs, and prepare a written report with relevant documentation, on an annual basis, to be submitted to the Youth Justice Commission as part of the commission's triennial plan and annual update; and

(4) Perform such other duties as may be established by the Youth Justice Commission to achieve the purposes of P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the Youth

Justice Commission and P.L.1995, c.283 (C.52:17B-179) which creates the State/Community Partnership Grant Program.

e. No county may use funds received pursuant to this section to supplant or replace existing funds or other resources from federal, State or county government for existing juvenile justice-related programs or for purposes of capital construction or renovation.

f. If a county elects not to participate in the State/Community Partnership Grant Program, the commission is authorized to allocate and expend that county's share of Partnership funding in a manner consistent with the commission's Juvenile Justice Master Plan.

83. Section 3 of P.L.1995, c.330 (C.52:17B-183) is amended to read as follows:

C.52:17B-183 Definitions.

3. As used in this act:

a. "Commission" means the Youth Justice Commission in, but not of, the Department of Law and Public Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.).

b. "Commissioner" means the Commissioner of the Department of Corrections.

c. "Juvenile offender" means a person at least 14 years old at the time of disposition who has been adjudicated delinquent for an act which, if committed by an adult, would constitute a crime, excluding an adjudication for any act which would constitute a crime of the first degree or a crime under chapter 14 of Title 2C of the New Jersey Statutes.

d. "Youthful offender" means a person between 18 and 30 years of age who has been convicted of a crime, excluding any person convicted of:

(1) a crime of the first degree;

(2) a crime under chapter 14 of Title 2C of the New Jersey Statutes;

(3) a crime which requires the imposition of a mandatory term of imprisonment without eligibility for parole, unless the person has less than one year of the mandatory portion of the sentence remaining; or

(4) a crime of the second degree under any of the following: N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1, N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the purpose of using it unlawfully against the person of another.

84. Section 45 of P.L.1996, c.62 (C.55:19-60) is amended to read as follows:

C.55:19-60 Urban Coordinating Council.

45. a. There is established in, but not of, the Department of Community Affairs an Urban Coordinating Council.

b. The Urban Coordinating Council shall be comprised of the Governor, the chief officer of each department of the executive branch, and the executive directors of the New Jersey Redevelopment Authority, the New Jersey Economic Development Authority, the Casino Reinvestment Development Authority, the State Planning Commission, the New Jersey Housing and Mortgage Finance Agency, the Youth Justice Commission and the Commission on Higher Education. The council shall be chaired by the Governor. Members of the council may be represented on the council by their designees.

85. This act shall take effect immediately.

Approved March 17, 2025.

SENATE, No. 2423

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 29, 2024

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Renames Juvenile Justice Commission as Youth Justice Commission.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/7/2024)

1 **AN ACT** renaming the Juvenile Justice Commission and amending
2 the various parts of the statutory law.

3

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

6

7 1. Section 1 of P.L.1982, c.77 (C.2A:4A-20) is amended to
8 read as follows:

9 1. This act shall be known and may be cited as the "New Jersey
10 Code of **【Juvenile】** Youth Justice."
11 (cf: P.L.1982, c.77, s.1)

12

13 2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to
14 read as follows:

15 3. General definitions. As used in this act:

16 a. "Juvenile" means an individual who is under the age of 18
17 years.

18 b. "Adult" means an individual 18 years of age or older.

19 c. "Detention" means the temporary care of juveniles in
20 physically restricting facilities pending court disposition.

21 d. "Shelter care" means the temporary care of juveniles in
22 facilities without physical restriction pending court disposition.

23 e. "Commit" means to transfer legal custody to an institution.

24 f. "Guardian" means a person, other than a parent, to whom
25 legal custody of the child has been given by court order or who is
26 acting in the place of the parent or is responsible for the care and
27 welfare of the juvenile.

28 g. "Juvenile-family crisis" means behavior, conduct or a
29 condition of a juvenile, parent or guardian or other family member
30 which presents or results in (1) a serious threat to the well-being
31 and physical safety of a juvenile, or (2) a serious conflict between a
32 parent or guardian and a juvenile regarding rules of conduct which
33 has been manifested by repeated disregard for lawful parental
34 authority by a juvenile or misuse of lawful parental authority by a
35 parent or guardian, or (3) unauthorized absence by a juvenile for
36 more than 24 hours from his home, or (4) a pattern of repeated
37 unauthorized absences from school by a juvenile subject to the
38 compulsory education provision of Title 18A of the New Jersey
39 Statutes, or (5) an act which if committed by an adult would
40 constitute prostitution in violation of N.J.S.2C:34-1 or any offense
41 which the juvenile alleges is related to the juvenile being a victim
42 of human trafficking.

43 h. "Repetitive disorderly persons offense" means the second or
44 more disorderly persons offense committed by a juvenile on at least
45 two separate occasions and at different times.

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 i. "Court" means the Superior Court, Chancery Division,
2 Family Part unless a different meaning is plainly required.

3 j. "Commission" means the **【Juvenile】 Youth** Justice
4 Commission established pursuant to section 2 of P.L.1995, c.284
5 (C.52:17B-170).
6 (cf: P.L.2011, c.195, s.2)
7

8 3. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to
9 read as follows:

10 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
11 delinquency case by the Superior Court, Chancery Division, Family
12 Part to an appropriate court and prosecuting authority without the
13 consent of the juvenile shall file a motion within 60 days after the
14 receipt of the complaint, which time may be extended for good
15 cause shown. The motion shall be accompanied by a written
16 statement of reasons clearly setting forth the facts used in assessing
17 all factors contained in paragraph (3) of subsection c. of this
18 section, together with an explanation as to how evaluation of those
19 facts support waiver for each particular juvenile.

20 b. At a hearing, the court shall receive the evidence offered by
21 the State and by the juvenile. The State shall provide proof to
22 satisfy the requirements set forth in paragraphs (1) and (2) of
23 subsection c. of this section. The court also shall review whether the
24 State considered the factors set forth in paragraph (3) of subsection
25 c. of this section.

26 c. Except as provided in paragraph (3) of this subsection, the
27 court shall waive jurisdiction of a juvenile delinquency case without
28 the juvenile's consent and shall refer the case to the appropriate
29 court and prosecuting authority having jurisdiction if:

30 (1) The juvenile was 15 years of age or older at the time of the
31 alleged delinquent act; and

32 (2) There is probable cause to believe that the juvenile
33 committed a delinquent act which if committed by an adult would
34 constitute:

35 (a) criminal homicide, other than death by auto;

36 (b) strict liability for drug-induced deaths;

37 (c) first degree robbery;

38 (d) carjacking;

39 (e) aggravated sexual assault;

40 (f) sexual assault;

41 (g) second degree aggravated assault;

42 (h) kidnapping;

43 (i) aggravated arson;

44 (j) possession of a firearm with a purpose to use it unlawfully
45 against the person of another under subsection a. of N.J.S.2C:39-4,
46 or possession of a firearm while committing or attempting to
47 commit, including the immediate flight therefrom, aggravated
48 assault, aggravated criminal sexual contact, burglary, or escape;

- 1 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics
2 Trafficking Network);
- 3 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
4 CDS Production Facility);
- 5 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
6 (Weapons Possession while Committing certain CDS Offenses);
- 7 (n) an attempt or conspiracy to commit any of the crimes
8 enumerated in subparagraphs (a) through (m) of this paragraph; or
- 9 (o) a crime committed at a time when the juvenile previously
10 had been sentenced and confined in an adult correctional facility.
- 11 (3) The court may deny a motion by the prosecutor to waive
12 jurisdiction of a juvenile delinquency case if it is clearly convinced
13 that the prosecutor abused his discretion in considering the
14 following factors in deciding whether to seek a waiver:
- 15 (a) The nature and circumstances of the offense charged;
- 16 (b) Whether the offense was against a person or property,
17 allocating more weight for crimes against the person;
- 18 (c) Degree of the juvenile's culpability;
- 19 (d) Age and maturity of the juvenile;
- 20 (e) Any classification that the juvenile is eligible for special
21 education to the extent this information is provided to the
22 prosecution by the juvenile or by the court;
- 23 (f) Degree of criminal sophistication exhibited by the juvenile;
- 24 (g) Nature and extent of any prior history of delinquency of the
25 juvenile and dispositions imposed for those adjudications;
- 26 (h) If the juvenile previously served a custodial disposition in a
27 State juvenile facility operated by the **【Juvenile】 Youth** Justice
28 Commission, and the response of the juvenile to the programs
29 provided at the facility to the extent this information is provided to
30 the prosecution by the **【Juvenile】 Youth** Justice Commission;
- 31 (i) Current or prior involvement of the juvenile with child
32 welfare agencies;
- 33 (j) Evidence of mental health concerns, substance abuse, or
34 emotional instability of the juvenile to the extent this information is
35 provided to the prosecution by the juvenile or by the court; and
- 36 (k) If there is an identifiable victim, the input of the victim or
37 victim's family.
- 38 The Attorney General may develop for dissemination to the
39 county prosecutors those guidelines or directives deemed necessary
40 or appropriate to ensure the uniform application of this section
41 throughout the State.
- 42 d. An order waiving jurisdiction over a case and referring the
43 case to the appropriate court and prosecuting authority shall specify
44 the alleged act upon which the referral is based and all other
45 delinquent acts charged against the juvenile arising out of or related
46 to the same transaction.
- 47 e. Testimony of a juvenile at a hearing to determine referral
48 under this section shall not be admissible for any purpose in any

1 subsequent hearing to determine delinquency or guilt of any
2 offense.

3 f. Upon waiver of jurisdiction and referral to the appropriate
4 court and prosecuting authority having jurisdiction:

5 (1) The case shall proceed as if it originated in that court and
6 shall be subject to the sentencing provisions available to that court;
7 provided, however, upon conviction for any offense which is
8 subject to waiver pursuant to paragraph (2) of subsection c. of this
9 section, there shall be a presumption that the juvenile shall serve
10 any custodial sentence imposed in a State juvenile facility operated
11 by the **【Juvenile】 Youth** Justice Commission until the juvenile
12 reaches the age of 21, except that:

13 (a) a juvenile who has not reached the age of 21 may, in the
14 discretion of the **【Juvenile】 Youth** Justice Commission, be
15 transferred to the Department of Corrections in accordance with the
16 plan established pursuant to subsection e. of section 7 of P.L.1995,
17 c.284 (C.52:17B-175) and regulations adopted pursuant to that
18 section; and

19 (b) a juvenile who has reached or exceeds the age of 21 may
20 continue to serve a sentence in a State juvenile facility operated by
21 the **【Juvenile】 Youth** Justice Commission in the discretion of the
22 **【Juvenile】 Youth** Justice Commission and if the juvenile so
23 consents; otherwise the juvenile shall serve the remainder of the
24 custodial sentence in a State correctional facility;

25 (2) If a juvenile is not convicted of an offense set forth in
26 paragraph (2) of subsection c. of this section, a conviction for any
27 other offense shall be deemed a juvenile adjudication and be
28 remanded to the Superior Court, Chancery Division, Family Part for
29 disposition, in accordance with the dispositional options available
30 to that court and all records related to the act of delinquency shall
31 be subject to the provisions of section 1 of P.L.1982, c.79
32 (C.2A:4A-60);

33 (3) With the consent of the defense and the prosecutor, at any
34 point in the proceedings subsequent to the decision ordering waiver
35 the court may remand to the Superior Court, Chancery Division,
36 Family Part if it appears that:

37 (a) the interests of the public and the best interests of the
38 juvenile require access to programs or procedures uniquely
39 available to that court; and

40 (b) the interests of the public are no longer served by waiver.

41 g. (1) The **【Juvenile】 Youth** Justice Commission, in consultation
42 with the Attorney General, shall establish a program to collect,
43 record, and analyze data regarding waiver of jurisdiction of a
44 juvenile delinquency case by the Superior Court, Chancery
45 Division, Family Part to an appropriate court and prosecuting
46 authority. In furtherance of this program, the **【Juvenile】 Youth**
47 Justice Commission shall, in cooperation with the Administrative

1 Office of the Courts, Attorney General, and county prosecutors,
2 collect data related to the decision to seek waiver of jurisdiction of
3 a juvenile delinquency case, which shall include but not be limited
4 to data concerning:

5 (a) youth demographics, including age, gender, race, and
6 ethnicity;

7 (b) case characteristics, including the degree of the offense
8 waived, the degree of the offense convicted, and the final court
9 resolution;

10 (c) case processing times; and

11 (d) waiver rates by race and ethnicity.

12 (2) The commission shall prepare and publish on its Internet
13 website biennial reports summarizing the data collected, recorded,
14 and analyzed pursuant to paragraph (1) of this subsection.

15 (3) The commission shall, pursuant to section 2 of P.L. 1991,
16 c.164 (C.52:14-19.1), biennially prepare and transmit to the
17 Governor and the Legislature the reports required in paragraph (2)
18 of this subsection, along with any recommendations the commission
19 may have for legislation concerning waiver of jurisdiction of
20 juvenile delinquency cases.

21 (cf: P.L.2015, c.89, s.1)

22
23 4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
24 read as follows:

25 18. Place of detention or shelter. a. The **【Juvenile】 Youth**
26 Justice Commission established pursuant to section 2 of P.L.1995,
27 c.284 (C.52:17B-170) shall specify the place where a juvenile may
28 be detained; and the Department of Children and Families shall
29 specify where a juvenile may be placed in shelter.

30 b. No juvenile shall be placed in detention or shelter care in
31 any place other than that specified by the **【Juvenile】 Youth** Justice
32 Commission or Department of Children and Families as provided
33 in subsection a.

34 c. A juvenile being held for a charge under this act or for a
35 violation of or contempt in connection with a violation of Title 39
36 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
37 or N.J.S.2C:33-13, including a juvenile who has reached the age of
38 18 years after being charged, shall not be placed in any prison, jail
39 or lockup nor detained in any police station, except that if no other
40 facility is reasonably available a juvenile may be held in a police
41 station in a place other than one designed for the detention of
42 prisoners and apart from any adult charged with or convicted of a
43 crime for a brief period if such holding is necessary to allow release
44 to his parent, guardian, other suitable person, or approved facility.
45 No juvenile shall be placed in a detention facility which has reached
46 its maximum population capacity, as designated by the **【Juvenile】**
47 Youth Justice Commission.

1 d. No juvenile charged with delinquency shall be transferred to
2 an adult county jail solely by reason of having reached age 18. The
3 following standards shall apply to any juvenile who has been placed
4 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
5 and who violates the conditions of that probation after reaching the
6 age of 18; who has been placed on parole pursuant to the provisions
7 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.)
8 and who violates the conditions of that parole after reaching the age
9 of 18; or who is arrested after reaching the age of 18 on a warrant
10 emanating from the commission of an act of juvenile delinquency:

11 (1) In the case of a person 18 years of age but less than 20 years
12 of age, the court, upon application by any interested party, shall
13 determine the place of detention, taking into consideration the age
14 and maturity of the person, whether the placement of the person in a
15 juvenile detention facility would present a risk to the safety of
16 juveniles residing at the facility, the likelihood that the person
17 would influence in a negative manner juveniles incarcerated at the
18 facility, whether the facility has sufficient space available for
19 juveniles and any other factor the court deems appropriate. Upon
20 application at any time by the juvenile detention facility
21 administrator or any other interested party, the court may order that
22 the person be relocated to the county jail. The denial of an
23 application shall not preclude subsequent applications based on a
24 change in circumstances or information that was not previously
25 made available to the court. The determination of the place of
26 detention shall be made in a summary manner;

27 (2) In the case of a person 20 years of age or older, the person
28 shall be incarcerated in the county jail unless good cause is shown.

29 e. (1) The **【Juvenile】** Youth Justice Commission and the
30 Department of Children and Families shall promulgate such rules
31 and regulations from time to time as deemed necessary to establish
32 minimum physical facility and program standards for juvenile
33 detention facilities or shelters under their respective supervision.

34 (2) The **【Juvenile】** Youth Justice Commission and the
35 Department of Children and Families, in consultation with the
36 appropriate county administrator of the county facility or shelter,
37 shall assign a maximum population capacity for each juvenile
38 detention facility or shelter based on minimum standards for these
39 facilities.

40 f. (1) Where either the **【Juvenile】** Youth Justice Commission or
41 the Department of Children and Families determines that a juvenile
42 detention facility or shelter under its control or authority is
43 regularly over the maximum population capacity or is in willful and
44 continuous disregard of the minimum standards for these facilities
45 or shelters, the commission or department may restrict new
46 admissions to the facility or shelter.

47 (2) Upon making such determination, the commission or
48 department shall notify the governing body of the appropriate

1 county of its decision to impose such a restriction, which
2 notification shall include a written statement specifying the reasons
3 therefor and corrections to be made. If the commission or
4 department shall determine that no appropriate action has been
5 initiated by the administrator of the facility or shelter within 60
6 days following such notification to correct the violations specified
7 in the notification, it shall order that such juvenile detention facility
8 or shelter shall immediately cease to admit juveniles. The county
9 shall be entitled to a hearing where such a restriction is imposed by
10 the commission or department.

11 (3) Any juvenile detention facility or shelter so restricted shall
12 continue under such order until such time as the commission or
13 department determines that the violation specified in the notice has
14 been corrected or that the facility or shelter has initiated actions
15 which will ensure the correction of said violations.

16 (4) Upon the issuance of an order to cease admissions to a
17 juvenile detention facility or shelter, the commission or department
18 shall determine whether other juvenile detention facilities or
19 shelters have adequate room for admitting juveniles and shall assign
20 the juveniles to the facilities or shelters on the basis of available
21 space; provided that the department shall not assign the juvenile to
22 a facility or shelter where such facility or shelter is at the maximum
23 population. A juvenile detention facility or shelter ordered to
24 accept a juvenile shall do so within five days following the receipt
25 of an order to accept admission of such juvenile.

26 (5) A juvenile detention facility or shelter restricted by an order
27 to cease admissions shall assume responsibility for the
28 transportation of a juvenile sent to another juvenile detention
29 facility or shelter so long as the order shall remain in effect.

30 (6) A facility or shelter receiving juveniles pursuant to
31 paragraph (4) of this subsection shall receive from the sending
32 county a reasonable and appropriate per diem allowance for each
33 juvenile sent to the facility, such allowance to be used for the
34 custody, care, maintenance, and any other services normally
35 provided by the county to juveniles in the facility or shelter and
36 which reflects all county expenditures in maintaining such juvenile,
37 including a proportionate share of all buildings and grounds costs,
38 personnel costs, including fringe benefits, administrative costs and
39 all other direct and indirect costs.

40 (7) The governing body of a county whose juvenile detention
41 facility or shelter has been prohibited from accepting new
42 admissions, and whose juveniles have been assigned to other
43 juvenile detention facilities or shelters, shall appropriate an amount
44 to pay the county receiving such juveniles for all expenses incurred
45 pursuant to paragraph (6) of this subsection.

46 (cf: P.L.2006, c.47, s.16)

1 5. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
2 read as follows:

3 23. Predispositional evaluation. a. Before making a disposition,
4 the court may refer the juvenile to an appropriate individual, agency
5 or institution for examination and evaluation.

6 b. In arriving at a disposition, the court may also consult with
7 such individuals and agencies as may be appropriate to the
8 juvenile's situation, including the county probation division, the
9 Department of Children and Families, the **【Juvenile】 Youth** Justice
10 Commission established pursuant to section 2 of P.L.1995, c.284
11 (C.52:17B-170), the county youth services commission, school
12 personnel, clergy, law enforcement authorities, family members and
13 other interested and knowledgeable parties. In so doing, the court
14 may convene a predispositional conference to discuss and
15 recommend disposition.

16 c. (1) The predisposition report ordered pursuant to the Rules of
17 Court may include a statement by the victim of the offense for
18 which the juvenile has been adjudicated delinquent or by the nearest
19 relative of a homicide victim. The statement may include the nature
20 and extent of any physical harm or psychological or emotional harm
21 or trauma suffered by the victim, the extent of any loss to include
22 loss of earnings or ability to work suffered by the victim and the
23 effect of the crime upon the victim's family. The probation division
24 shall notify the victim or nearest relative of a homicide victim of his
25 right to make a statement for inclusion in the predisposition report
26 if the victim or relative so desires. Any statement shall be made
27 within 20 days of notification by the probation division. The report
28 shall further include information on the financial resources of the
29 juvenile. This information shall be made available on request to the
30 Victims of Crime Compensation **【Board】 Office** established
31 pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any
32 officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to
33 collect payment of an assessment, restitution or fine.

34 (2) Any predisposition report prepared pursuant to this section
35 shall include:

36 (a) an analysis of the circumstances attending the commission of
37 the act;

38 (b) the impact of the offense on the community;

39 (c) the offender's history of delinquency or criminality;

40 (d) the offender's family situation;

41 (e) the offender's financial resources;

42 (f) the financial resources of the juvenile's parent or guardian;

43 (g) the information concerning the parent or guardian's exercise
44 of supervision and control relevant to commission of the act; and

45 (h) in any case where the juvenile is charged with an act which
46 if committed by an adult would constitute prostitution in violation
47 of N.J.S.2C:34-1 or any offense which the juvenile alleges is related
48 to the juvenile being a victim of human trafficking, the

1 predisposition report may include any information relevant to the
2 commission of the act.

3 Information concerning financial resources included in the report
4 shall be made available to any officer authorized to collect payment
5 on any assessment, restitution or fine.

6 (cf: P.L.2011, c.195, s.3)

7

8 6. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
9 read as follows:

10 24. Disposition of delinquency cases. a. In determining the
11 appropriate disposition for a juvenile adjudicated delinquent the
12 court shall weigh the following factors:

13 (1) The nature and circumstances of the offense;

14 (2) The degree of injury to persons or damage to property
15 caused by the juvenile's offense;

16 (3) The juvenile's age, previous record, prior social service
17 received, and out-of-home placement history;

18 (4) Whether the disposition supports family strength,
19 responsibility, and unity and the well-being and physical safety of
20 the juvenile;

21 (5) Whether the disposition provides for reasonable
22 participation by the child's parent, guardian, or custodian, provided,
23 however, that the failure of a parent or parents to cooperate in the
24 disposition shall not be weighed against the juvenile in arriving at
25 an appropriate disposition;

26 (6) Whether the disposition recognizes and treats the unique
27 physical, psychological, and social characteristics and needs of the
28 child;

29 (7) Whether the disposition contributes to the developmental
30 needs of the child, including the academic and social needs of the
31 child where the child has intellectual disabilities or learning
32 disabilities;

33 (8) Any other circumstances related to the offense and the
34 juvenile's social history as deemed appropriate by the court;

35 (9) The impact of the offense on the victim or victims;

36 (10) The impact of the offense on the community; and

37 (11) The threat to the safety of the public or any individual posed
38 by the child.

39 b. If a juvenile is adjudged delinquent, and except to the extent
40 that an additional specific disposition is required pursuant to this
41 section, the court, in accordance with subsection i. of section 2 of
42 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to
43 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order
44 any one or more of the following dispositions:

45 (1) Adjourn formal entry of disposition of the case for a period
46 not to exceed 12 months for the purpose of determining whether the
47 juvenile makes a satisfactory adjustment, and if during the period of

- 1 continuance the juvenile makes such an adjustment, dismiss the
2 complaint;
- 3 (2) Release the juvenile to the supervision of the juvenile's
4 parent or guardian;
- 5 (3) Place the juvenile on probation to the chief probation officer
6 of the county or to any other suitable person who agrees to accept
7 the duty of probation supervision for a period not to exceed three
8 years upon such written conditions as the court deems will aid
9 rehabilitation of the juvenile;
- 10 (4) Transfer custody of the juvenile to any relative or other
11 person determined by the court to be qualified to care for the
12 juvenile;
- 13 (5) Place the juvenile under the care and responsibility of the
14 Department of Children and Families so that the commissioner may
15 designate a division or organizational unit in the department
16 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
17 providing services in or out of the home. Within 14 days, unless for
18 good cause shown, but not later than 30 days, the Department of
19 Children and Families shall submit to the court a service plan,
20 which shall be presumed valid, detailing the specifics of any
21 disposition order. The plan shall be developed within the limits of
22 fiscal and other resources available to the department. If the court
23 determines that the service plan is inappropriate, given existing
24 resources, the department may request a hearing on that
25 determination;
- 26 (6) Place the juvenile under the care and custody of the
27 Commissioner of Children and Families for the purpose of
28 receiving the services of the Division of Children's System of Care
29 of that department, provided that the juvenile has been determined
30 to be eligible for those services under P.L.1965, c.59, s.16
31 (C.30:4-25.4);
- 32 (7) Commit the juvenile, pursuant to applicable laws and the
33 Rules of Court governing civil commitment, to the Department of
34 Children and Families under the responsibility of the Division of
35 Children's System of Care for the purpose of placement in a suitable
36 public or private hospital or other residential facility for the
37 treatment of persons who are mentally ill, on the ground that the
38 juvenile is in need of involuntary commitment;
- 39 (8) (Deleted by amendment, P.L.2019, c.363)
- 40 (9) Order the juvenile to make restitution to a person or entity
41 who has suffered loss resulting from personal injuries or damage to
42 property as a result of the offense for which the juvenile has been
43 adjudicated delinquent. The court may determine the reasonable
44 amount, terms, and conditions of restitution. If the juvenile
45 participated in the offense with other persons, the participants shall
46 be jointly and severally responsible for the payment of restitution.
47 The court shall not require a juvenile to make full or partial
48 restitution if the juvenile reasonably satisfies the court that the

1 juvenile does not have the means to make restitution and could not
2 reasonably acquire the means to pay restitution;

3 (10) Order that the juvenile perform community services under
4 the supervision of a probation division or other agency or individual
5 deemed appropriate by the court. Such services shall be
6 compulsory and reasonable in terms of nature and duration. Such
7 services may be performed without compensation, provided that any
8 money earned by the juvenile from the performance of community
9 services may be applied towards any payment of restitution or fine
10 which the court has ordered the juvenile to pay;

11 (11) Order that the juvenile participate in work programs which
12 are designed to provide job skills and specific employment training
13 to enhance the employability of job participants. Such programs
14 may be without compensation, provided that any money earned by
15 the juvenile from participation in a work program may be applied
16 towards any payment of restitution or fine which the court has
17 ordered the juvenile to pay;

18 (12) Order that the juvenile participate in programs emphasizing
19 self-reliance, such as intensive outdoor programs teaching survival
20 skills, including but not limited to camping, hiking, and other
21 appropriate activities;

22 (13) Order that the juvenile participate in a program of academic
23 or vocational education or counseling, such as a youth service
24 bureau, requiring attendance at sessions designed to afford access to
25 opportunities for normal growth and development. This may
26 require attendance after school, evenings, and weekends;

27 (14) Place the juvenile in a suitable residential or nonresidential
28 program for the treatment of alcohol or narcotic abuse, provided
29 that the juvenile has been determined to be in need of such services;

30 (15) Order the parent or guardian of the juvenile to participate in
31 appropriate programs or services when the court has found either
32 that such person's omission or conduct was a significant
33 contributing factor towards the commission of the delinquent act,
34 or, under its authority to enforce litigant's rights, that such person's
35 omission or conduct has been a significant contributing factor
36 towards the ineffective implementation of a court order previously
37 entered in relation to the juvenile;

38 (16) (a) Place the juvenile in a nonresidential program operated
39 by a public or private agency, providing intensive services to
40 juveniles for specified hours, which may include education,
41 counseling to the juvenile and the juvenile's family if appropriate,
42 vocational training, employment counseling, work, or other
43 services;

44 (b) Place the juvenile under the custody of the **【Juvenile】 Youth**
45 Justice Commission established pursuant to section 2 of P.L.1995,
46 c.284 (C.52:17B-170) for placement with any private group home
47 or private residential facility with which the commission has
48 entered into a purchase of service contract;

1 (17) Instead of or in addition to any disposition made according
2 to this section, the court may postpone, suspend, or revoke for a
3 period not to exceed two years the driver's license, registration
4 certificate, or both of any juvenile who used a motor vehicle in the
5 course of committing an act for which the juvenile was adjudicated
6 delinquent. In imposing this disposition and in deciding the duration
7 of the postponement, suspension, or revocation, the court shall
8 consider the circumstances of the act for which the juvenile was
9 adjudicated delinquent and the potential effect of the loss of driving
10 privileges on the juvenile's ability to be rehabilitated. Any
11 postponement, suspension, or revocation shall be imposed
12 consecutively with any custodial commitment;

13 (18) Order that the juvenile satisfy any other conditions
14 reasonably related to the rehabilitation of the juvenile;

15 (19) Order a parent or guardian who has failed or neglected to
16 exercise reasonable supervision or control of a juvenile who has
17 been adjudicated delinquent to make restitution to any person or
18 entity who has suffered a loss as a result of that offense. The court
19 may determine the reasonable amount, terms, and conditions of
20 restitution; or

21 (20) Place the juvenile, if eligible, in an appropriate juvenile
22 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
23 et al.).

24 c. (1) If the county in which the juvenile has been adjudicated
25 delinquent has a juvenile detention facility meeting the physical and
26 program standards established pursuant to this subsection by the
27 **【Juvenile】 Youth** Justice Commission, the court may, in addition to
28 any of the dispositions not involving placement out of the home
29 enumerated in this section, incarcerate the juvenile in the youth
30 detention facility in that county for a term not to exceed 60
31 consecutive days. The decision by the court to incarcerate a
32 juvenile shall be made in accordance with subsection i. of section 2
33 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
34 their own juvenile detention facilities may contract for the use of
35 approved commitment programs with counties with which they
36 have established agreements for the use of pre-disposition juvenile
37 detention facilities. The **【Juvenile】 Youth** Justice Commission
38 shall promulgate such rules and regulations from time to time as
39 deemed necessary to establish minimum physical facility and
40 program standards for the use of juvenile detention facilities
41 pursuant to this subsection.

42 (2) A juvenile shall not be incarcerated in any county detention
43 facility unless the county has entered into an agreement with the
44 **【Juvenile】 Youth** Justice Commission concerning the use of the
45 facility for sentenced juveniles. Upon agreement with the county,
46 the **【Juvenile】 Youth** Justice Commission shall certify detention
47 facilities which may receive juveniles sentenced pursuant to this
48 subsection and shall specify the capacity of the facility that may be

1 made available to receive such juveniles; provided, however, that in
2 no event shall the number of juveniles incarcerated pursuant to this
3 subsection exceed **【50%】** 50 percent of the maximum capacity of
4 the facility.

5 (3) The court may fix a term of incarceration under this
6 subsection that is in accordance with subsection i. of section 2 of
7 P.L.1982, c.77 (C.2A:4A-21) and:

8 (a) The act for which the juvenile was adjudicated delinquent, if
9 committed by an adult, would have constituted a crime or repetitive
10 disorderly persons offense;

11 (b) Incarceration of the juvenile is consistent with the goals of
12 public safety, accountability, and rehabilitation and the court is
13 clearly convinced that the aggravating factors substantially
14 outweigh the mitigating factors as set forth in section 25 of
15 P.L.1982, c.77 (C.2A:4A-44); and

16 (c) The detention facility has been certified for admission of
17 adjudicated juveniles pursuant to paragraph (2).

18 (4) If as a result of incarceration of adjudicated juveniles
19 pursuant to this subsection, a county is required to transport a
20 predisposition juvenile to a juvenile detention facility in another
21 county, the costs of such transportation shall be borne by the
22 **【Juvenile】** Youth Justice Commission.

23 d. Whenever the court imposes a disposition upon an
24 adjudicated delinquent which requires the juvenile to perform a
25 community service, restitution, or to participate in any other
26 program provided for in this section other than subsection c., the
27 duration of the juvenile's mandatory participation in such
28 alternative programs shall extend for a period consistent with the
29 program goal for the juvenile and shall in no event exceed one year
30 beyond the maximum duration permissible for the delinquent if the
31 juvenile had been committed to a term of incarceration.

32 e. In addition to any disposition the court may impose pursuant
33 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
34 following orders shall be included in dispositions of the
35 adjudications set forth below:

36 (1) An order to perform community service pursuant to
37 paragraph (10) of subsection b. of this section for a period of at
38 least 60 days, if the juvenile has been adjudicated delinquent for an
39 act which, if committed by an adult, would constitute the crime of
40 theft of a motor vehicle, or the crime of unlawful taking of a motor
41 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
42 degree crime of eluding in violation of subsection b. of
43 N.J.S.2C:29-2; and

44 (2) (Deleted by amendment, P.L.2019, c.363)

45 (3) An order to perform community service pursuant to
46 paragraph (10) of subsection b. of this section for a period of at
47 least 30 days, if the juvenile has been adjudicated delinquent for an
48 act which, if committed by an adult, would constitute the fourth

1 degree crime of unlawful taking of a motor vehicle in violation of
2 subsection b. of N.J.S.2C:20-10.

3 (4) (Deleted by amendment, P.L.2019, c.363)

4 f. (1) (Deleted by amendment, P.L.2019, c.363)

5 (2) (Deleted by amendment, P.L.2019, c.363)

6 (3) (Deleted by amendment, P.L.2019, c.363)

7 g. Whenever the court imposes a disposition upon an
8 adjudicated delinquent which requires the juvenile to perform a
9 community service, restitution, or to participate in any other
10 program provided for in this section, the order shall include
11 provisions which provide balanced attention to the protection of the
12 community, accountability for offenses committed, fostering
13 interaction and dialogue between the offender, victim, and
14 community and the development of competencies to enable the
15 child to become a responsible and productive member of the
16 community.

17 (cf: P.L.2021, c.342, s.1)

18

19 7. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
20 read as follows:

21 8. a. In addition to any other disposition made pursuant to law,
22 a court shall order a juvenile charged with delinquency or
23 adjudicated delinquent for an act which, if committed by an adult
24 would constitute a crime, a disorderly persons offense or a petty
25 disorderly persons offense, to submit to an approved serological test
26 for acquired immune deficiency syndrome (AIDS) or infection with
27 the human immunodeficiency virus (HIV) or any other related virus
28 identified as a probable causative agent of AIDS if:

29 (1) in the course of the commission of the act, including the
30 immediate flight thereafter or during any investigation or arrest
31 related to that act, a law enforcement officer, the victim or other
32 person suffered a prick from a hypodermic needle, provided there is
33 probable cause to believe that the juvenile is an intravenous user of
34 controlled dangerous substances; or

35 (2) in the course of the commission of the act, including the
36 immediate flight thereafter or during any investigation or arrest
37 related to that act, a law enforcement officer, the victim or other
38 person had contact with the juvenile which involved or was likely to
39 involve the transmission of bodily fluids.

40 The court may order a juvenile to submit to an approved
41 serological test for AIDS or infection with the HIV or any other
42 related virus identified as a probable causative agent of AIDS if in
43 the course of the performance of any other law enforcement duties,
44 a law enforcement officer suffers a prick from a hypodermic needle,
45 provided that there is probable cause to believe that the defendant is
46 an intravenous user of controlled dangerous substances, or had
47 contact with the defendant which involved or was likely to involve
48 the transmission of bodily fluids. The court shall issue such an

1 order only upon the request of the law enforcement officer, victim
2 of the offense or other affected person made at the time of
3 indictment, charge or conviction. If a county prosecutor declines to
4 make such an application within 72 hours of being requested to do
5 so by the law enforcement officer, the law enforcement officer may
6 appeal to the Division of Criminal Justice in the Department of Law
7 and Public Safety for that officer to bring the application. The
8 juvenile shall be ordered by the court to submit to such repeat or
9 confirmatory tests as may be medically necessary.

10 b. A court order issued pursuant to subsection a. of this section
11 shall require testing to be performed as soon as practicable by the
12 Executive Director of the **【Juvenile】 Youth** Justice Commission
13 pursuant to authority granted to the executive director by sections 6
14 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider
15 of health care or at a health care facility licensed pursuant to section
16 12 of P.L.1971, c.136 (C.26:2H-12). The order shall also require
17 that the results of the test be reported to the offender, the
18 appropriate Office of Victim-Witness Advocacy if a victim of an
19 offense is tested, and the affected law enforcement officer. Upon
20 receipt of the result of a test ordered pursuant to subsection a. of
21 this section, the Office of Victim-Witness Advocacy shall provide
22 the victim with appropriate counseling, referral for counseling and
23 if appropriate, referral for health care. The office shall notify the
24 victim or make appropriate arrangements for the victim to be
25 notified of the test result.

26 c. (Deleted by amendment, P.L.2021, c.342)

27 d. The result of a test ordered pursuant to subsection a. of this
28 section shall be confidential and health care providers and
29 employees of the **【Juvenile】 Youth** Justice Commission, the Office
30 of Victim-Witness Advocacy, a health care facility or counseling
31 service shall not disclose the result of a test performed pursuant to
32 this section except as authorized herein or as otherwise authorized
33 by law or court order. The provisions of this section shall not be
34 deemed to prohibit disclosure of a test result to the person tested.

35 e. Persons who perform tests ordered pursuant to subsection a.
36 of this section in accordance with accepted medical standards for
37 the performance of such tests shall be immune from civil and
38 criminal liability arising from their conduct.

39 f. This section shall not be construed to preclude or limit any
40 other testing for AIDS or infection with the HIV or any other
41 related virus identified as a probable causative agent of AIDS which
42 is otherwise permitted by statute, court rule or common law.

43 (cf: P.L.2021, c.342, s.2)

44
45 8. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to
46 read as follows:

47 25. Incarceration--Aggravating and mitigating factors

1 a. (1) In determining whether incarceration is an appropriate
2 disposition and in addition to the considerations set forth in
3 subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court
4 shall consider the following aggravating circumstances:

5 (a) The fact that the nature and circumstances of the act, and the
6 role of the juvenile therein, was committed in an especially heinous,
7 cruel, or depraved manner;

8 (b) The fact that there was grave and serious harm inflicted on
9 the victim and that based upon the juvenile's age or mental capacity
10 the juvenile knew or reasonably should have known that the victim
11 was particularly vulnerable or incapable of resistance due to
12 advanced age, disability, ill-health, or extreme youth, or was for any
13 other reason substantially incapable;

14 (c) The character and attitude of the juvenile indicate that the
15 juvenile is likely to commit another delinquent or criminal act;

16 (d) The juvenile's prior record and the seriousness of any acts
17 for which the juvenile has been adjudicated delinquent;

18 (e) The fact that the juvenile committed the act pursuant to an
19 agreement that the juvenile either pay or be paid for the commission
20 of the act and that the pecuniary incentive was beyond that inherent
21 in the act itself;

22 (f) The fact that the juvenile committed the act against a
23 policeman or other law enforcement officer, correctional employee
24 or fireman, acting in the performance of his duties while in uniform
25 or exhibiting evidence of his authority, or the juvenile committed
26 the act because of the status of the victim as a public servant;

27 (g) The need for deterring the juvenile and others from violating
28 the law;

29 (h) The fact that the juvenile knowingly conspired with others as
30 an organizer, supervisor, or manager to commit continuing criminal
31 activity in concert with two or more persons and the circumstances
32 of the crime show that he has knowingly devoted himself to
33 criminal activity as part of an ongoing business activity;

34 (i) The fact that the juvenile on two separate occasions was
35 adjudged a delinquent on the basis of acts which if committed by an
36 adult would constitute crimes;

37 (j) The impact of the offense on the victim or victims;

38 (k) The impact of the offense on the community; and

39 (l) The threat to the safety of the public or any individual posed
40 by the child.

41 (2) In determining whether incarceration is an appropriate
42 disposition the court shall consider the following mitigating
43 circumstances:

44 (a) The child is under the age of 14;

45 (b) The juvenile's conduct neither caused nor threatened serious
46 harm;

47 (c) The juvenile did not contemplate that the juvenile's conduct
48 would cause or threaten serious harm;

- 1 (d) The juvenile acted under a strong provocation;
- 2 (e) There were substantial grounds tending to excuse or justify
- 3 the juvenile's conduct, though failing to establish a defense;
- 4 (f) The victim of the juvenile's conduct induced or facilitated its
- 5 commission;
- 6 (g) The juvenile has compensated or will compensate the victim
- 7 for the damage or injury that the victim has sustained, or will
- 8 participate in a program of community service;
- 9 (h) The juvenile has no history of prior delinquency or criminal
- 10 activity or has led a law-abiding life for a substantial period of time
- 11 before the commission of the present act;
- 12 (i) The juvenile's conduct was the result of circumstances
- 13 unlikely to recur;
- 14 (j) The character and attitude of the juvenile indicate that the
- 15 juvenile is unlikely to commit another delinquent or criminal act;
- 16 (k) The juvenile is particularly likely to respond affirmatively to
- 17 noncustodial treatment;
- 18 (l) The separation of the juvenile from the juvenile's family by
- 19 incarceration of the juvenile would entail excessive hardship to the
- 20 juvenile or the juvenile's family;
- 21 (m) The willingness of the juvenile to cooperate with law
- 22 enforcement authorities;
- 23 (n) The conduct of the juvenile was substantially influenced by
- 24 another person more mature than the juvenile.
- 25 b. (1) There shall be a presumption of nonincarceration for any
- 26 crime or offense of the fourth degree or less committed by a
- 27 juvenile who has not previously been adjudicated delinquent or
- 28 convicted of a crime or offense.
- 29 (2) Where incarceration is imposed, the court and a panel
- 30 comprised of at least two members of the **【Juvenile】 Youth** Justice
- 31 Commission designated by the executive director and a member of
- 32 the State Parole Board designated by the chairman shall consider
- 33 the juvenile's eligibility for release pursuant to the provisions of
- 34 subsection d. of this section.
- 35 c. The following juveniles shall not be committed to a State
- 36 juvenile facility:
- 37 (1) Juveniles age 11 or under unless adjudicated delinquent for
- 38 the crime of arson or a crime which, if committed by an adult,
- 39 would be a crime of the first or second degree; and
- 40 (2) Juveniles who are developmentally disabled as defined in
- 41 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82
- 42 (C.30:6D-3).
- 43 d. (1) When the court determines that, based on the
- 44 consideration of all the factors set forth in subsection a., the
- 45 juvenile shall be incarcerated, unless it orders the incarceration
- 46 pursuant to subsection c. of section 24 of P.L.1982, c.77
- 47 (C.2A:4A-43), it shall state on the record the reasons for imposing
- 48 incarceration, including any findings with regard to these factors,

1 and commit the juvenile to the custody of the **【Juvenile】 Youth**
2 Justice Commission which shall provide for the juvenile's
3 placement in a suitable juvenile facility pursuant to the conditions
4 set forth in this subsection and for terms not to exceed the
5 maximum terms as provided herein for what would constitute the
6 following crimes if committed by an adult:

7	(a) Murder under 2C:11-3a(1) or (2)	20 years
8	(b) Murder under 2C:11-3a(3)	10 years
9	(c) Crime of the first degree, except murder	4 years
10	(d) Crime of the second degree	3 years
11	(e) Crime of the third degree	2 years
12	(f) Crime of the fourth degree	1 year
13	(g) Disorderly persons offense	6 months

14 (2) The period of confinement shall continue until the panel
15 established pursuant to subsection b. of this section determines that
16 the person is eligible for early release on parole or until expiration
17 of the term of confinement, whichever shall occur first; except that
18 in no case shall the period of confinement and parole exceed the
19 maximum provided by law for the offense. A juvenile shall be
20 granted early release on parole when it appears that the juvenile has
21 made substantial progress toward positive behavioral adjustment
22 and rehabilitative goals articulated by the panel established pursuant
23 to subsection b. of this section to the juvenile. However, if a
24 juvenile is approved for parole by the panel established pursuant to
25 subsection b. of this section prior to serving one-third of any term
26 imposed for any crime of the first, second, or third degree,
27 including any extended term imposed pursuant to paragraph (3) or
28 (4) of this subsection, or one-fourth of any term imposed for any
29 other crime the granting of parole shall be subject to approval of the
30 sentencing court. Prior to approving parole, the court shall give the
31 prosecuting attorney notice and an opportunity to be heard. If the
32 court denies the parole of a juvenile pursuant to this paragraph it
33 shall state its reasons in writing and notify the panel established
34 pursuant to subsection b. of this section, the juvenile, and the
35 juvenile's attorney. The court shall have 30 days from the date of
36 notice of the pending parole to exercise the power granted under
37 this paragraph. If the court does not respond within that time
38 period, the parole will be deemed approved.

39 The panel established pursuant to subsection b. of this section
40 shall determine at the time of release the conditions of parole,
41 which shall be appropriately tailored to the needs of each juvenile.
42 Any conditions imposed at the time of release or modified
43 thereafter as a graduated intervention in lieu of initiating parole
44 revocation proceedings shall constitute the least restrictive
45 alternatives necessary to promote the successful return of the
46 juvenile to the community. The juvenile shall not be required to
47 enter or complete a residential community release program,
48 residential treatment program, or other out-of-home placement as a

1 condition of parole unless it is determined that the condition is
2 necessary to protect the safety of the juvenile.

3 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
4 seq.) who is released on parole prior to the expiration of the
5 juvenile's maximum term may be retained under parole supervision
6 for a period not exceeding the unserved portion of the term. The
7 panel established pursuant to subsection b. of this section, the
8 juvenile, the juvenile's attorney, the juvenile's parent or guardian or,
9 with leave of the court any other interested party, may make a
10 motion to the court, with notice to the prosecuting attorney, for the
11 return of the juvenile from a juvenile facility prior to the juvenile's
12 parole and provide for an alternative disposition which would not
13 exceed the duration of the original time to be served in the facility.

14 (3) Upon application by the prosecutor, the court may sentence a
15 juvenile who has been convicted of a crime of the first, second, or
16 third degree if committed by an adult, to an extended term of
17 incarceration beyond the maximum set forth in paragraph (1) of this
18 subsection, if it finds that the juvenile was previously adjudged
19 delinquent on at least two separate occasions, for offenses which, if
20 committed by an adult, would constitute a crime of the first or
21 second degree. The extended term shall not exceed five additional
22 years for an act which would constitute murder and shall not exceed
23 three additional years for all other crimes of the first degree and
24 shall not exceed two additional years for a crime of the second
25 degree, if committed by an adult, and one additional year for a
26 crime of the third degree, if committed by an adult.

27 (4) Upon application by the prosecutor, when a juvenile is
28 before the court at one time for disposition of three or more
29 unrelated offenses which, if committed by an adult, would
30 constitute crimes of the first, second or third degree and which are
31 not part of the same transaction, the court may sentence the juvenile
32 to an extended term of incarceration not to exceed the maximum of
33 the permissible term for the most serious offense for which the
34 juvenile has been adjudicated plus two additional years.

35 (5) The panel established pursuant to subsection b. of this
36 section may impose a term of post-incarceration supervision
37 following the juvenile's release from custody only if it is deemed
38 necessary to effectuate the juvenile's rehabilitation and reintegration
39 into society. Post-incarceration supervision shall not exceed six
40 months, except the term may be extended for an additional six
41 months if the panel established pursuant to subsection b. of this
42 section deems continuation of the post-incarceration supervision
43 necessary to effectuate the juvenile's rehabilitation and reintegration
44 into society. Post-incarceration supervision shall not exceed one
45 year. Post-incarceration supervision shall not be imposed on any
46 juvenile who has completed a period of parole supervision of six
47 months or more. The term of post-incarceration supervision shall
48 commence on the date of the expiration of the juvenile's maximum

1 sentence. During the term of post-incarceration supervision the
2 juvenile shall remain in the community and in the legal custody of
3 the commission. The juvenile shall not be required to enter or
4 complete a residential community release program, residential
5 treatment program, or other out-of-home placement as a condition
6 of post-incarceration supervision. A term of post-incarceration
7 supervision imposed pursuant to this paragraph may be terminated
8 by the panel established pursuant to subsection b. of this section or
9 court if the juvenile has made a satisfactory adjustment in the
10 community while under supervision and if continued supervision is
11 not required.

12 (6) The commission shall review the case of each juvenile
13 sentenced to a term of commitment with the commission at least
14 every three months and submit a status report to the court, the
15 prosecutor, and the counsel for the juvenile. The commission's
16 review and status report shall include, but not be limited to:

17 (a) information on the treatment, care, and custody of the
18 juvenile;

19 (b) whether the juvenile is receiving the mental health,
20 substance abuse, educational, and other rehabilitative services
21 necessary to promote the juvenile's successful reintegration into the
22 community;

23 (c) any incidents of violence involving the juvenile; and

24 (d) the juvenile's eligibility for parole.

25 Counsel for the juvenile shall have the opportunity to respond to
26 the report required pursuant to this paragraph.

27 The commission shall continue to submit quarterly reports to the
28 court until the juvenile is paroled or released at the expiration of the
29 term of incarceration and shall resume the quarterly reviews if the
30 juvenile is returned to the custody of the commission. The court
31 may conduct a hearing at any time to determine whether
32 commitment with the commission continues to be appropriate
33 pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and section
34 25 of P.L.1982, c.77 (C.2A:4A-44), and may release the juvenile or
35 otherwise modify the dispositional order. Nothing in this paragraph
36 shall abrogate the court's retention of jurisdiction pursuant to
37 section 26 of P.L.1982, c.77 (C.2A:4A-45).

38 e. If the panel established pursuant to subsection b. of this
39 section determines there is probable cause to believe that the
40 juvenile has seriously or persistently violated the terms and
41 conditions of parole, the commission shall conduct a hearing to
42 determine if the juvenile's parole should be revoked. The juvenile
43 shall be represented by counsel at the hearing. The hearing shall be
44 conducted by a hearing officer who is licensed as an attorney-at-law
45 in this State. The juvenile shall not be incarcerated prior to the
46 hearing unless the panel established pursuant to subsection b. of this
47 section determines by objective and credible evidence that the
48 juvenile poses an immediate and substantial danger to public safety.

1 If the juvenile is incarcerated prior to the hearing, the hearing shall
2 be held within 72 hours of the juvenile's return to custody and a
3 written decision made and transmitted to the juvenile and the
4 juvenile's counsel within 48 hours of the hearing. Upon request of
5 counsel for the juvenile, the hearing officer shall adjourn the
6 hearing for not more than 72 hours. Subsequent adjournments may
7 be granted upon request of the juvenile and good cause shown.

8 The panel established pursuant to subsection b. of this section
9 shall not revoke the parole of a juvenile unless the hearing officer
10 determines, by clear and convincing evidence, that:

11 (1) the juvenile has seriously or persistently violated the
12 conditions of parole;

13 (2) the juvenile poses a substantial danger to public safety and
14 no form of community-based supervision would alleviate that
15 danger; and

16 (3) revocation is consistent with the provisions of section 2 of
17 P.L.1982, c.77 (C.2A:4A-21).

18 The procedures and standards set forth in sections 15 through 21
19 of P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall
20 apply to juvenile parole revocation hearings, unless the procedures
21 and standards conflict with those set forth in this subsection.

22 Notwithstanding a determination that the juvenile violated a
23 condition of parole, the panel established pursuant to subsection b.
24 of this section may modify those conditions.

25 f. The panel established pursuant to subsection b. of this
26 section may relieve a juvenile of any parole conditions, and may
27 permit a parolee to reside outside the State pursuant to the
28 provisions of the Interstate Compact on Juveniles, P.L.1955, c.55
29 (C.9:23-1 to 9:23-4), and after providing notice to the Attorney
30 General, may consent to the supervision of a parolee by the federal
31 government pursuant to the federal Witness Security Reform Act,
32 Pub.L.98-473 (18 U.S.C. s.3521 et seq.). The panel established
33 pursuant to subsection b. of this section may revoke permission,
34 except in the case of a juvenile under the Witness Security Reform
35 Act, or reinstate relieved parole conditions for any period of time
36 during which a juvenile is under its jurisdiction.

37 g. The commission shall promulgate rules and regulations
38 governing the commission's duties and responsibilities concerning
39 parole eligibility, supervision, and revocation.

40 h. The member of the State Parole Board who is designated by
41 the chairman to be on the panel established pursuant to subsection
42 b. of this section shall have experience in juvenile justice or have
43 successfully completed a juvenile justice training program to be
44 established by the chairman. The training program shall be
45 comprised of seven hours of instruction including, but not limited
46 to: emerging scientific knowledge concerning adolescent
47 development, particularly adolescent brain function and how
48 adolescent development relates to incarcerated youth, the influence

1 of peer relationships among adolescents and peer contagion effects,
2 and the effects of juvenile crime on victims.

3 i. Any decision concerning parole made by the panel
4 established pursuant to subsection b. of this section shall be
5 unanimous.

6 (cf: P.L.2019, c.363, s.3)

7

8 9. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to
9 read as follows:

10 1. The **【Juvenile】 Youth** Justice Commission established
11 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) may enter
12 into an agreement with any county concerning the use of that
13 county's juvenile detention facility for the housing of juveniles the
14 court has placed under the custody of the commission for placement
15 in State correctional facilities only if the county's juvenile detention
16 facility is not over its maximum rated capacity.

17 Unless the contract otherwise provides or the commission so
18 directs in order to provide for the secure and orderly operation of
19 the facility, a juvenile placed in a county detention facility pursuant
20 to the provisions of this act shall not be segregated from the
21 juveniles otherwise placed in the county detention facility or
22 excluded from any program or activity offered in that facility.

23 Any contract entered into pursuant to this section shall ensure
24 that educational, vocational, mental health, health and rehabilitative
25 services are provided to the juveniles and that these services are, at
26 minimum, equivalent to those provided to adjudicated juveniles in
27 State-operated facilities.

28 (cf: P.L.1995, c.280, s.12)

29

30 10. Section 2 of P.L.2020, c.111 (C.2A:4A-44.2) is amended to
31 read as follows:

32 2. a. Except as provided in subsection b. of this section, the
33 award of public health emergency credits pursuant to section 1 of
34 P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile
35 serving a sentence in a State correctional facility operated by the
36 **【Juvenile】 Youth** Justice Commission who due to the expiration of
37 the juvenile's term of commitment is scheduled to be released from
38 custody within 365 days .

39 b. Public health emergency credits shall not be awarded to any
40 juvenile serving a sentence in a State correctional facility operated
41 by the **【Juvenile】 Youth** Justice Commission for:

42 (1) murder pursuant to N.J.S.2C:11-3;

43 (2) aggravated sexual assault pursuant to subsection a. of
44 N.J.S.2C:14-2; or

45 (3) any offense enumerated in N.J.S.2C:47-1 and who is deemed
46 a repetitive, compulsive sex offender.

47 c. A juvenile who was serving a sentence in a State
48 correctional facility operated by the **【Juvenile】 Youth** Justice

1 Commission during the Public Health Emergency and State of
2 Emergency declared by the Governor in Executive Order 103 of
3 2020 concerning the coronavirus disease 2019 pandemic shall
4 receive public health emergency credits in accordance with section
5 1 of P.L.2020, c.111 (C.30:4-123.100).

6 d. A juvenile scheduled to be released from the custody of the
7 **【Juvenile】 Youth** Justice Commission following an award of public
8 health emergency credits pursuant to section 1 of P.L.2020, c.111
9 (C.30:4-123.100) shall be released on the scheduled release date
10 based on the award of public health emergency credits.

11 e. (1) Notwithstanding the provisions of subsection d. of this
12 section, a juvenile scheduled to be released from the custody of the
13 **【Juvenile】 Youth** Justice Commission following an award of public
14 health emergency credits pursuant to section 1 of P.L.2020, c.111
15 (C.30:4-123.100) whose scheduled release date is less than 45 days
16 after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.)
17 shall be released within 45 days after the effective date, in order to
18 allow the **【Juvenile】 Youth** Justice Commission to devise and
19 implement a release plan for the juvenile and arrange for services to
20 be provided to the juvenile upon release.

21 (2) A juvenile who is released from custody following an award
22 of public health emergency credits pursuant to this section shall be
23 prohibited from making contact with a victim as set forth in section
24 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall
25 remain in force until the time that the juvenile was scheduled to be
26 released prior to the award of public health emergency credits .

27 f. Prior to releasing a juvenile from the custody of the
28 **【Juvenile】 Youth** Justice Commission following an award of public
29 health emergency credits pursuant to section 1 of P.L.2020, c.111
30 (C.30:4-123.100), the Executive Director of the **【Juvenile】 Youth**
31 Justice Commission shall:

32 (1) notify the juvenile in writing of the prohibition against
33 making contact with any victim of the crime for which the juvenile
34 was serving a sentence pursuant to section 5 of P.L.2020, c.111
35 (C.30:4-123.103);

36 (2) notify the juvenile that a violation of the prohibition against
37 contact with the victim is a crime of the fourth degree; and

38 (3) require the juvenile to acknowledge in writing the receipt of
39 the notifications provided pursuant to this subsection .

40 (cf: P.L.2020, c.111, s.2)

41
42 11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to
43 read as follows:

44 6. a. The Executive Director of the **【Juvenile】 Youth** Justice
45 Commission shall immediately identify any juvenile who is
46 scheduled to be released from the custody of the **【Juvenile】 Youth**
47 Justice Commission within 365 days as a result of the award of

1 public health emergency credits pursuant to section 1 of P.L.2020,
2 c.111 (C.30:4-123.100).

3 b. Notwithstanding any provisions of law to the contrary, the
4 Executive Director of the **【Juvenile】 Youth** Justice Commission
5 shall provide notice to the prosecutor of the county in which the
6 juvenile was adjudicated delinquent or the Attorney General if the
7 matter was prosecuted by the Attorney General. The notice shall
8 include:

9 (1) the name of any juvenile who, due to the expiration of the
10 juvenile's term of commitment, is scheduled to be released from the
11 custody of the **【Juvenile】 Youth** Justice Commission within 365
12 days as a result of the award of public health emergency credits;

13 (2) the date on which the juvenile is scheduled to be released
14 from custody based on the award of public health emergency
15 credits; and

16 (3) the date on which the juvenile was scheduled to be released
17 from custody prior to the award of public health emergency credits.

18 c. The Executive Director of the **【Juvenile】 Youth** Justice
19 Commission shall make available to the public on the Internet
20 website of the **【Juvenile】 Youth** Justice Commission, in both
21 English and Spanish, information concerning:

22 (1) the procedures for filing an application for a restraining
23 order pursuant to the "Prevention of Domestic Violence Act of
24 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

25 (2) resources for victims of domestic violence; and

26 (3) procedures for filing with the court a petition to dissolve the
27 prohibition established pursuant to section 5 of P.L.2020, c.111
28 (C.30:4-123.103) prohibiting a juvenile from making contact with
29 any victim of the crime for which the juvenile was serving a
30 sentence.

31 (cf: P.L.2020, c.111, s.6)

32

33 12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to
34 read as follows:

35 7. Notwithstanding the provisions of any law to the contrary,
36 upon receipt of notice from the Executive Director of the
37 **【Juvenile】 Youth** Justice Commission that a juvenile is scheduled
38 to be released from the custody of the **【Juvenile】 Youth** Justice
39 Commission within 365 days based on the award of public health
40 emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-
41 123.100), the prosecutor or Attorney General, prior to the juvenile's
42 scheduled release date, may:

43 a. use any reasonable means available to notify any identifiable
44 victim of the crime for which the juvenile is serving a sentence in a
45 State correctional facility operated by the **【Juvenile】 Youth** Justice
46 Commission of the juvenile's scheduled release date;

1 b. notify the identifiable victim that the law prohibits the
2 juvenile from having any contact with the victim unless a petition is
3 filed with the court to dissolve the prohibition in accordance with
4 the procedures established by the court;

5 c. notify the victim of the duration of the prohibition against
6 the juvenile having contact with the victim;

7 d. notify the victim of the penalties imposed for the juvenile's
8 violation of the prohibition against contact;

9 e. provide information to the victim concerning how a petition
10 may be filed with the court to dissolve the prohibition against the
11 juvenile having contact with the victim; and

12 f. provide information to the victim concerning the procedures
13 for filing an application for a restraining order pursuant to the
14 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
15 (C.2C:25-17 et seq.), and resources for victims of domestic
16 violence.

17 (cf: P.L.2020, c.111, s.7)

18
19 13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
20 read as follows:

21 1. Disclosure of juvenile information; penalties for disclosure.

22 a. Social, medical, psychological, legal and other records of the
23 court and probation division, and records of law enforcement
24 agencies, pertaining to juveniles charged as a delinquent or found to
25 be part of a juvenile-family crisis, shall be strictly safeguarded from
26 public inspection. Such records shall be made available only to:

27 (1) Any court or probation division;

28 (2) The Attorney General or county prosecutor;

29 (3) The parents or guardian and to the attorney of the juvenile;

30 (4) The Department of Human Services or Department of
31 Children and Families, if providing care or custody of the juvenile;

32 (5) Any institution or facility to which the juvenile is currently
33 committed or in which the juvenile is placed;

34 (6) Any person or agency interested in a case or in the work of
35 the agency keeping the records, by order of the court for good cause
36 shown, except that information concerning adjudications of
37 delinquency, records of custodial confinement, payments owed on
38 assessments imposed pursuant to section 2 of P.L.1979, c.396
39 (C.2C:43-3.1) or restitution ordered following conviction of a crime
40 or adjudication of delinquency, and the juvenile's financial
41 resources, shall be made available upon request to the Victims of
42 Crime Compensation Agency established pursuant to section 2 of
43 P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information
44 and records confidential;

45 (7) The **【Juvenile】** Youth Justice Commission established
46 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

1 (8) Law enforcement agencies for the purpose of reviewing
2 applications for a permit to purchase a handgun or firearms
3 purchaser identification card;

4 (9) Any potential party in a subsequent civil action for damages
5 related to an act of delinquency committed by a juvenile, including
6 the victim or a member of the victim's immediate family, regardless
7 of whether the action has been filed against the juvenile; provided,
8 however, that records available under this paragraph shall be
9 limited to official court documents, such as complaints, pleadings
10 and orders, and that such records may be disclosed by the recipient
11 only in connection with asserting legal claims or obtaining
12 indemnification on behalf of the victim or the victim's family and
13 otherwise shall be safeguarded from disclosure to other members of
14 the public. Any potential party in a civil action related to the
15 juvenile offense may file a motion with the civil trial judge seeking
16 to have the juvenile's social, medical or psychological records
17 admitted into evidence in a civil proceeding for damages;

18 (10) Any potential party in a subsequent civil action for damages
19 related to an act of delinquency committed by a juvenile, including
20 the victim or a member of the victim's immediate family, regardless
21 of whether the action has been filed against the juvenile; provided,
22 however, that records available under this paragraph shall be
23 limited to police or investigation reports concerning acts of
24 delinquency, which shall be disclosed by a law enforcement agency
25 only with the approval of the County Prosecutor's Office or the
26 Division of Criminal Justice. Prior to disclosure, all personal
27 information regarding all individuals, other than the requesting
28 party and the arresting or investigating officer, shall be redacted.
29 Such records may be disclosed by the recipient only in connection
30 with asserting legal claims or obtaining indemnification on behalf
31 of the victim or the victim's family, and otherwise shall be
32 safeguarded from disclosure to other members of the public;

33 (11) The Office of the Child Advocate established pursuant to
34 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
35 information received by the child advocate pursuant to this
36 paragraph shall be in accordance with the provisions of section 76
37 of P.L.2005, c.155 (C.52:27EE-76);

38 (12) Law enforcement agencies with respect to information
39 available on the juvenile central registry maintained by the courts
40 pursuant to subsection g. of this section, including, but not limited
41 to: records of official court documents, such as complaints,
42 pleadings and orders for the purpose of obtaining juvenile arrest
43 information; juvenile disposition information; juvenile pretrial
44 information; and information concerning the probation status of a
45 juvenile; and

46 (13) A Court Appointed Special Advocate as defined in section 1
47 of P.L.2009, c.217 (C.2A:4A-92).

1 b. Records of law enforcement agencies may be disclosed for
2 law enforcement purposes, or for the purpose of reviewing
3 applications for a permit to purchase a handgun or a firearms
4 purchaser identification card to any law enforcement agency of this
5 State, another state or the United States, and the identity of a
6 juvenile under warrant for arrest for commission of an act that
7 would constitute a crime if committed by an adult may be disclosed
8 to the public when necessary to execution of the warrant.

9 c. At the time of charge, adjudication or disposition,
10 information as to the identity of a juvenile charged with an offense,
11 the offense charged, the adjudication and disposition shall, upon
12 request, be disclosed to:

13 (1) The victim or a member of the victim's immediate family;

14 (2) (Deleted by amendment, P.L.2005, c.165).

15 (3) On a confidential basis, the principal of the school where the
16 juvenile is enrolled for use by the principal and such members of
17 the staff and faculty of the school as the principal deems
18 appropriate for maintaining order, safety or discipline in the school
19 or to planning programs relevant to the juvenile's educational and
20 social development, provided that no record of such information
21 shall be maintained except as authorized by regulation of the
22 Department of Education; or

23 (4) A party in a subsequent legal proceeding involving the
24 juvenile, upon approval by the court.

25 d. A law enforcement or prosecuting agency shall, at the time
26 of a charge, adjudication or disposition, send written notice to the
27 principal of the school where the juvenile is enrolled of the identity
28 of the juvenile charged, the offense charged, the adjudication and
29 the disposition if:

30 (1) The offense occurred on school property or a school bus,
31 occurred at a school-sponsored function or was committed against
32 an employee or official of the school; or

33 (2) The juvenile was taken into custody as a result of
34 information or evidence provided by school officials; or

35 (3) The offense, if committed by an adult, would constitute a
36 crime, and the offense:

37 (a) resulted in death or serious bodily injury or involved an
38 attempt or conspiracy to cause death or serious bodily injury; or

39 (b) involved the unlawful use or possession of a firearm or other
40 weapon; or

41 (c) involved the unlawful manufacture, distribution or
42 possession with intent to distribute a controlled dangerous
43 substance or controlled substance analog; or

44 (d) was committed by a juvenile who acted with a purpose to
45 intimidate an individual or group of individuals because of race,
46 color, religion, sexual orientation or ethnicity; or

47 (e) would be a crime of the first, second, or third degree.

1 Information provided to the principal pursuant to this subsection
2 shall be maintained by the school and shall be treated as
3 confidential but may be made available to such members of the staff
4 and faculty of the school as the principal deems appropriate for
5 maintaining order, safety or discipline in the school or for planning
6 programs relevant to a juvenile's educational and social
7 development.

8 e. Nothing in this section prohibits a law enforcement or
9 prosecuting agency from providing the principal of a school with
10 information identifying one or more juveniles who are under
11 investigation or have been taken into custody for commission of any
12 act that would constitute an offense if committed by an adult when
13 the law enforcement or prosecuting agency determines that the
14 information may be useful to the principal in maintaining order,
15 safety or discipline in the school or in planning programs relevant
16 to the juvenile's educational and social development. Information
17 provided to the principal pursuant to this subsection shall be treated
18 as confidential but may be made available to such members of the
19 staff and faculty of the school as the principal deems appropriate for
20 maintaining order, safety or discipline in the school or for planning
21 programs relevant to the juvenile's educational and social
22 development. No information provided pursuant to this section
23 shall be maintained.

24 f. Information as to the identity of a juvenile adjudicated
25 delinquent, the offense, the adjudication and the disposition shall be
26 disclosed to the public where the offense for which the juvenile has
27 been adjudicated delinquent if committed by an adult, would
28 constitute a crime of the first, second or third degree, or aggravated
29 assault, destruction or damage to property to an extent of more than
30 \$500.00, unless upon application at the time of disposition the
31 juvenile demonstrates a substantial likelihood that specific and
32 extraordinary harm would result from such disclosure in the specific
33 case. Where the court finds that disclosure would be harmful to the
34 juvenile, the reasons therefor shall be stated on the record.

35 g. (1) Nothing in this section shall prohibit the establishment and
36 maintaining of a central registry of the records of law enforcement
37 agencies relating to juveniles for the purpose of exchange between
38 State and local law enforcement agencies and prosecutors of this
39 State, another state, or the United States. These records of law
40 enforcement agencies shall be available on a 24-hour basis.

41 (2) Certain information and records relating to juveniles in the
42 central registry maintained by the courts, as prescribed in paragraph
43 (12) of subsection a. of this section, shall be available to State and
44 local law enforcement agencies and prosecutors on a 24-hour basis.

45 h. Whoever, except as provided by law, knowingly discloses,
46 publishes, receives, or makes use of or knowingly permits the
47 unauthorized use of information concerning a particular juvenile
48 derived from records listed in subsection a. or acquired in the

1 course of court proceedings, probation, or police duties, shall, upon
2 conviction thereof, be guilty of a disorderly persons offense.

3 i. Juvenile delinquency proceedings.

4 (1) Except as provided in paragraph (2) of this subsection, the
5 court may, upon application by the juvenile or his parent or
6 guardian, the prosecutor or any other interested party, including the
7 victim or complainant or members of the news media, permit public
8 attendance during any court proceeding at a delinquency case,
9 where it determines that a substantial likelihood that specific harm
10 to the juvenile would not result. The court shall have the authority
11 to limit and control attendance in any manner and to the extent it
12 deems appropriate;

13 (2) The court or, in cases where the county prosecutor has
14 entered an appearance, the county prosecutor shall notify the victim
15 or a member of the victim's immediate family of any court
16 proceeding involving the juvenile and the court shall permit the
17 attendance of the victim or family member at the proceeding except
18 when, prior to completing testimony as a witness, the victim or
19 family member is properly sequestered in accordance with the law
20 or the Rules Governing the Courts of the State of New Jersey or
21 when the juvenile or the juvenile's family member shows, by clear
22 and convincing evidence, that such attendance would result in a
23 substantial likelihood that specific harm to the juvenile would result
24 from the attendance of the victim or a family member at a
25 proceeding or any portion of a proceeding and that such harm
26 substantially outweighs the interest of the victim or family member
27 to attend that portion of the proceeding;

28 (3) The court shall permit a victim, or a family member of a
29 victim to make a statement prior to ordering a disposition in any
30 delinquency proceeding involving an offense that would constitute a
31 crime if committed by an adult.

32 j. The Department of Education, in consultation with the
33 Attorney General, shall adopt, pursuant to the "Administrative
34 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
35 regulations concerning the creation, maintenance and disclosure of
36 pupil records including information acquired pursuant to this
37 section.

38 (cf: P.L.2009, c.217, s.2)

39
40 14. N.J.S.2C:4-11 is amended to read as follows:

41 2C:4-11. a. A person shall not be tried for or convicted of an
42 offense if:

43 (1) At the time of the conduct charged to constitute the offense
44 he was less than 14 years of age, in which case the family court
45 shall have exclusive jurisdiction unless pursuant to section 8 of the
46 "New Jersey Code of **【Juvenile】** Youth Justice" the juvenile has
47 demanded indictment and trial by jury; or

(2) At the time of the conduct charged to constitute the offense he was 14, 15, 16 or 17 years of age, unless:

(a) The family court has no jurisdiction over him;

(b) The family court has, pursuant to section 7 of the "New Jersey Code of **【Juvenile】 Youth** Justice," entered an order waiving jurisdiction and referring the case to the county prosecutor for the institution of criminal proceedings against him;

(c) The juvenile has, pursuant to section 8 of the "New Jersey Code of **【Juvenile】 Youth** Justice," demanded indictment and trial by jury.

b. No court shall have jurisdiction to try and convict a person of an offense if criminal proceedings against him are barred by subsection a. of this section. When it appears that a person charged with the commission of an offense may be of such an age that proceedings may be barred under subsection a. of this section, the court shall hold a hearing thereon, and the burden shall be on such person to establish to the satisfaction of the court that the proceeding is barred upon such grounds. If the court determines that the proceeding is barred, custody of the person charged shall be surrendered to the family court and the case, including all papers and processes relating thereto shall be transferred.

(cf: P.L.1982, c.77, s.32)

15. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as follows:

2. a. (1) A person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sex offense as defined in subsection b. of this section shall register as provided in subsections c. and d. of this section.

(2) A person who in another jurisdiction is required to register as a sex offender and (a) is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education or other post-secondary school, or (b) is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall register in this State as provided in subsections c. and d. of this section.

(3) A person who fails to register as required under this act shall be guilty of a crime of the third degree.

b. For the purposes of this act a sex offense shall include the following:

(1) Aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior,

1 regardless of the date of the commission of the offense or the date
2 of conviction;

3 (2) A conviction, adjudication of delinquency, or acquittal by
4 reason of insanity for aggravated sexual assault; sexual assault;
5 aggravated criminal sexual contact; kidnapping pursuant to
6 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
7 welfare of a child by engaging in sexual conduct which would
8 impair or debauch the morals of the child pursuant to subsection a.
9 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
10 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or
11 (ii) of subparagraph (b) of paragraph (5) of subsection b. of
12 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
13 c.291 (C.2C:13-6); criminal sexual contact pursuant to
14 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to
15 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false
16 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
17 the offender is not the parent of the victim; knowingly promoting
18 prostitution of a child pursuant to paragraph (3) or paragraph (4) of
19 subsection b. of N.J.S.2C:34-1; leader of a child pornography
20 network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or
21 an attempt to commit any of these enumerated offenses if the
22 conviction, adjudication of delinquency or acquittal by reason of
23 insanity is entered on or after the effective date of this act or the
24 offender is serving a sentence of incarceration, probation, parole or
25 other form of community supervision as a result of the offense or is
26 confined following acquittal by reason of insanity or as a result of
27 civil commitment on the effective date of this act;

28 (3) A conviction, adjudication of delinquency, or acquittal by
29 reason of insanity for an offense similar to any offense enumerated
30 in paragraph (2) or a sentence on the basis of criteria similar to the
31 criteria set forth in paragraph (1) of this subsection entered or
32 imposed under the laws of the United States, this State, or another
33 state.

34 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)
35 of this subsection, a sex offense shall not include an adjudication of
36 delinquency for endangering the welfare of a child pursuant to
37 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that
38 the actor demonstrates that:

39 (a) the facts of the case are limited to the creation, exhibition or
40 distribution of a photograph depicting nudity or portraying a child
41 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
42 through the use of an electronic communications device, an
43 interactive wireless communications device, or a computer;

44 (b) the creator and subject of the photograph are juveniles or
45 were juveniles at the time of its making; and

46 (c) the subject of the photograph whose nudity is depicted or
47 who is portrayed in a sexually suggestive manner, as the case may
48 be, knowingly consented to the making of the photograph.

1 c. A person required to register under the provisions of this act
2 shall do so on forms to be provided by the designated registering
3 agency as follows:

4 (1) A person who is required to register and who is under
5 supervision in the community on probation, parole, furlough, work
6 release, or a similar program, shall register at the time the person is
7 placed under supervision or no later than 120 days after the
8 effective date of this act, whichever is later, in accordance with
9 procedures established by the Department of Corrections, the
10 Department of Human Services, the **【Juvenile】 Youth** Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170) or the Administrative Office of the Courts,
13 whichever is responsible for supervision;

14 (2) A person confined in a correctional or juvenile facility or
15 involuntarily committed who is required to register shall register
16 prior to release in accordance with procedures established by the
17 Department of Corrections, the Department of Human Services or
18 the **【Juvenile】 Youth** Justice Commission and, within 48 hours of
19 release, shall also register with the chief law enforcement officer of
20 the municipality in which the person resides or, if the municipality
21 does not have a local police force, the Superintendent of State
22 Police;

23 (3) A person moving to or returning to this State from another
24 jurisdiction shall register with the chief law enforcement officer of
25 the municipality in which the person will reside or, if the
26 municipality does not have a local police force, the Superintendent
27 of State Police within 120 days of the effective date of this act or 10
28 days of first residing in or returning to a municipality in this State,
29 whichever is later;

30 (4) A person required to register on the basis of a conviction
31 prior to the effective date who is not confined or under supervision
32 on the effective date of this act shall register within 120 days of the
33 effective date of this act with the chief law enforcement officer of
34 the municipality in which the person will reside or, if the
35 municipality does not have a local police force, the Superintendent
36 of State Police;

37 (5) A person who in another jurisdiction is required to register
38 as a sex offender and who is enrolled on a full-time or part-time
39 basis in any public or private educational institution in this State,
40 including any secondary school, trade or professional institution,
41 institution of higher education or other post-secondary school shall,
42 within ten days of commencing attendance at such educational
43 institution, register with the chief law enforcement officer of the
44 municipality in which the educational institution is located or, if the
45 municipality does not have a local police force, the Superintendent
46 of State Police;

47 (6) A person who in another jurisdiction is required to register
48 as a sex offender and who is employed or carries on a vocation in

1 this State, on either a full-time or a part-time basis, with or without
2 compensation, for more than 14 consecutive days or for an
3 aggregate period exceeding 30 days in a calendar year, shall, within
4 ten days after commencing such employment or vocation, register
5 with the chief law enforcement officer of the municipality in which
6 the employer is located or where the vocation is carried on, as the
7 case may be, or, if the municipality does not have a local police
8 force, the Superintendent of State Police;

9 (7) In addition to any other registration requirements set forth in
10 this section, a person required to register under this act who is
11 enrolled at, employed by or carries on a vocation at an institution of
12 higher education or other post-secondary school in this State shall,
13 within 10 days after commencing such attendance, employment or
14 vocation, register with the law enforcement unit of the educational
15 institution, if the institution has such a unit.

16 d. (1) Upon a change of address, a person shall notify the law
17 enforcement agency with which the person is registered and shall
18 re-register with the appropriate law enforcement agency no less
19 than 10 days before he intends to first reside at his new address.
20 Upon a change of employment or school enrollment status, a person
21 shall notify the appropriate law enforcement agency no later than
22 five days after any such change. A person who fails to notify the
23 appropriate law enforcement agency of a change of address or status
24 in accordance with this subsection is guilty of a crime of the third
25 degree.

26 (2) A person required to register under this act shall provide the
27 appropriate law enforcement agency with information as to whether
28 the person has routine access to or use of a computer or any other
29 device with Internet capability. A person who fails to notify the
30 appropriate law enforcement agency of such information or of a
31 change in the person's access to or use of a computer or other
32 device with Internet capability or who provides false information
33 concerning the person's access to or use of a computer or any other
34 device with Internet capability is guilty of a crime of the third
35 degree.

36 e. A person required to register under paragraph (1) of
37 subsection b. of this section or under paragraph (3) of subsection b.
38 due to a sentence imposed on the basis of criteria similar to the
39 criteria set forth in paragraph (1) of subsection b. shall verify his
40 address with the appropriate law enforcement agency every 90 days
41 in a manner prescribed by the Attorney General. A person required
42 to register under paragraph (2) of subsection b. of this section or
43 under paragraph (3) of subsection b. on the basis of a conviction for
44 an offense similar to an offense enumerated in paragraph (2) of
45 subsection b. shall verify his address annually in a manner
46 prescribed by the Attorney General. In addition to address
47 information, the person shall provide as part of the verification
48 process any additional information the Attorney General may

1 require. One year after the effective date of this act, the Attorney
2 General shall review, evaluate and, if warranted, modify pursuant to
3 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.) the verification requirement. Any person who knowingly
5 provides false information concerning his place of residence or who
6 fails to verify his address with the appropriate law enforcement
7 agency or other entity, as prescribed by the Attorney General in
8 accordance with this subsection, is guilty of a crime of the third
9 degree.

10 f. Except as provided in subsection g. of this section, a person
11 required to register under this act may make application to the
12 Superior Court of this State to terminate the obligation upon proof
13 that the person has not committed an offense within 15 years
14 following conviction or release from a correctional facility for any
15 term of imprisonment imposed, whichever is later, and is not likely
16 to pose a threat to the safety of others.

17 g. A person required to register under this section who has
18 been convicted of, adjudicated delinquent, or acquitted by reason of
19 insanity for more than one sex offense as defined in subsection b. of
20 this section or who has been convicted of, adjudicated delinquent,
21 or acquitted by reason of insanity for aggravated sexual assault
22 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
23 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
24 eligible under subsection f. of this section to make application to
25 the Superior Court of this State to terminate the registration
26 obligation.

27 (cf: P.L.2017, c.141, s.3)

28

29 16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
30 as follows:

31 3. Notice of the obligation to register shall be provided as
32 follows:

33 (1) A court imposing a sentence, disposition or order of
34 commitment following acquittal by reason of insanity shall notify
35 the defendant of the obligation to register pursuant to section 2 of
36 this act.

37 (2) The Department of Corrections, the Administrative Office of
38 the Courts, the **【Juvenile】 Youth** Justice Commission established
39 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and the
40 Department of Human Services shall (a) establish procedures for
41 notifying persons under their supervision of the obligation to
42 register pursuant to this act and (b) establish procedures for
43 registration by persons with the appropriate law enforcement
44 agency who are under supervision in the community on probation,
45 parole, furlough, work release or similar program outside the
46 facility, and registration with the appropriate law enforcement
47 agency of persons who are released from the facility in which they
48 are confined without supervision.

1 (3) The Division of Motor Vehicles in the Department of Law
2 and Public Safety shall provide notice of the obligation to register
3 pursuant to this section in connection with each application for a
4 license to operate a motor vehicle and each application for an
5 identification card issued pursuant to section 2 of P.L.1980, c.47
6 (C.39:3-29.3).

7 (4) The Attorney General shall cause notice of the obligation to
8 register to be published in a manner reasonably calculated to reach
9 the general public within 30 days of the effective date of this act.
10 (cf: P.L.1995, c.280, s.19)

11
12 17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
13 as follows:

14 4. a. Within 60 days of the effective date of this act, the
15 Superintendent of State Police, with the approval of the Attorney
16 General, shall prepare the form of registration statement as required
17 in subsection b. of this section and shall provide such forms to each
18 organized full-time municipal police department, the Department of
19 Corrections, the Administrative Office of the Courts and the
20 Department of Human Services. In addition, the Superintendent of
21 State Police shall make such forms available to the **【Juvenile】**
22 Youth Justice Commission established pursuant to section 2 of
23 P.L.1995, c.284 (C.52:17B-170).

24 b. The form of registration required by this act shall include:

25 (1) A statement in writing signed by the person required to
26 register acknowledging that the person has been advised of the duty
27 to register and reregister imposed by this act and including the
28 person's name, social security number, age, race, sex, date of birth,
29 height, weight, hair and eye color, address of legal residence,
30 address of any current temporary residence, date and place of
31 employment; and any anticipated or current school enrollment,
32 including but not limited to enrollment at or employment by any
33 institution of higher education;

34 (2) Date and place of each conviction, adjudication or acquittal
35 by reason of insanity, indictment number, fingerprints, and a brief
36 description of the crime or crimes for which registration is required;
37 and

38 (3) Any other information that the Attorney General deems
39 necessary to assess risk of future commission of a crime, including
40 criminal and corrections records, nonprivileged personnel,
41 treatment, and abuse registry records, and evidentiary genetic
42 markers when available.

43 c. Within three days of receipt of a registration pursuant to
44 subsection c. of section 2 of this act, the registering agency shall
45 forward the statement and any other required information to the
46 prosecutor who shall, as soon as practicable, transmit the form of
47 registration to the Superintendent of State Police, and, if the
48 registrant will reside in a different county, to the prosecutor of the

1 county in which the person will reside. The prosecutor of the
2 county in which the person will reside shall transmit the form of
3 registration to the law enforcement agency responsible for the
4 municipality in which the person will reside and other appropriate
5 law enforcement agencies. The superintendent shall promptly
6 transmit the conviction data and fingerprints to the Federal Bureau
7 of Investigation.

8 d. The Superintendent of State Police shall maintain a central
9 registry of registrations provided pursuant to this act.

10 (cf: P.L.2003, c.34, s.2)

11
12 18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
13 read as follows:

14 2. Application for Temporary Protective Order.

15 a. (1) Any person alleging to be a victim of nonconsensual sexual
16 contact, sexual penetration, or lewdness, or any attempt at such
17 conduct, or stalking or cyber-harassment, and who is not eligible for
18 a restraining order as a "victim of domestic violence" as defined by
19 the provisions of subsection d. of section 3 of P.L.1991, c.261
20 (C.2C:25-19), may, except as provided in subsection b. of this
21 section, file an application with the Superior Court pursuant to the
22 Rules of Court alleging the commission of such conduct or
23 attempted conduct and seeking a temporary protective order.

24 As used in this section and in sections 3, 4, and 8 of P.L.2015,
25 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

26 "Sexual contact" means an intentional touching by the victim or
27 actor, either directly or through clothing, of the victim's or actor's
28 intimate parts for the purpose of degrading or humiliating the victim
29 or sexually arousing or sexually gratifying the actor.

30 "Sexual penetration" means vaginal intercourse, cunnilingus,
31 fellatio or anal intercourse between persons or insertion of the hand,
32 finger or object into the anus or vagina either by the actor or upon
33 the actor's instruction.

34 "Lewdness" means the exposing of the genitals for the purpose
35 of arousing or gratifying the sexual desire of the actor or of any
36 other person.

37 "Intimate parts" means the following body parts: sexual organs,
38 genital area, anal area, inner thigh, groin, buttock or breast of a
39 person.

40 "Stalking" means purposefully or knowingly engaging in a
41 course of conduct directed at or toward a person that would cause a
42 reasonable person to fear for the reasonable person's own safety or
43 the safety of a third person, or suffer other emotional distress,
44 because the conduct involves: repeatedly maintaining a visual or
45 physical proximity to a person; directly, indirectly, or through third
46 parties, by any action, method, device, or means, following,
47 monitoring, observing, surveilling, threatening, or communicating
48 to or about a person, or interfering with a person's property;

1 repeatedly committing harassment against a person; or repeatedly
2 conveying, or causing to be conveyed, verbal or written threats or
3 threats conveyed by any other means of communication or threats
4 implied by conduct or a combination thereof directed at or towards
5 a person.

6 "Repeatedly" means on two or more occasions.

7 "Emotional distress" means significant mental suffering or
8 distress.

9 "Cause a reasonable person to fear" means to cause fear which a
10 reasonable victim, similarly situated, would have under the
11 circumstances.

12 "Cyber-harassment" means conduct that occurs, while making
13 one or more communications in an online capacity via any
14 electronic device or through a social networking site and with the
15 purpose to harass another, that involves: threatening to inflict injury
16 or physical harm to any person or the property of any person;
17 knowingly sending, posting, commenting, requesting, suggesting, or
18 proposing any lewd, indecent, or obscene material to or about a
19 person with the intent to emotionally harm a reasonable person or
20 place a reasonable person in fear of physical or emotional harm to
21 the reasonable person; or threatening to commit any crime against a
22 person or the person's property.

23 (2) Except as provided in subsection b. of this section, an
24 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
25 be filed by the alleged victim's parent or guardian on behalf of the
26 alleged victim in any case in which the alleged victim:

27 (a) is less than 18 years of age; or

28 (b) has a developmental disability as defined in section 3 of
29 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
30 renders the alleged victim temporarily or permanently incapable of
31 understanding the nature of the alleged victim's conduct, including,
32 but not limited to, being incapable of providing consent, or of
33 understanding the nature of the alleged conduct that is the subject of
34 the application.

35 b. (1) When it is alleged that nonconsensual sexual contact,
36 sexual penetration, or lewdness, or any attempt at such conduct, or
37 stalking or cyber-harassment has been committed by an
38 unemancipated minor, an applicant seeking a protective order shall
39 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
40 al.), but may seek a protective order and other relief under the "New
41 Jersey Code of **【Juvenile】** Youth Justice," P.L.1982, c.77
42 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
43 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

44 (2) When it is alleged that nonconsensual sexual contact, sexual
45 penetration, or lewdness, or any attempt at such conduct, or stalking
46 or cyber-harassment has been committed against an unemancipated
47 minor by a parent, guardian, or other person having care, custody
48 and control of that child as defined in R.S.9:6-2, an applicant

1 seeking a protective order shall not proceed under the provisions of
2 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
3 the Department of Children and Families for appropriate action.

4 c. (1) An applicant may seek a protective order pursuant to
5 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
6 order regardless of whether criminal charges based on the incident
7 were filed and regardless of the disposition of any such charges.

8 (2) The filing of an application pursuant to this section shall not
9 prevent the filing of a criminal complaint, or the institution or
10 maintenance of a criminal prosecution based on the same act.

11 d. The court shall waive any requirement that the applicant's or
12 alleged victim's place of residence appear on the application.

13 e. An applicant may seek a protective order pursuant to
14 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
15 over the place where the alleged conduct or attempted conduct
16 occurred, where the respondent resides, or where the alleged victim
17 resides or is sheltered.

18 f. No fees or other costs shall be assessed against an applicant
19 for seeking a protective order pursuant to P.L.2015, c.147
20 (C.2C:14-13 et al.).

21 (cf: P.L.2023, c.127, s.2)

22
23 19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to
24 read as follows:

25 1. a. For the purposes of this section:

26 "County correctional facility" means any prison or other secure
27 facility managed and operated by any county of this State in which
28 adult offenders are incarcerated.

29 "County juvenile detention facility" means any secure juvenile
30 facility managed and operated by any county of this State.

31 "Secure juvenile facility" means the New Jersey Training School
32 for Boys, the Juvenile Medium Security Facility, and any other
33 secure juvenile facility managed and operated by the **【Juvenile】**
34 Youth Justice Commission.

35 "State correctional facility" means a State prison or other penal
36 institution.

37 b. A person who possesses or uses an electronic
38 communication device or a battery or device to recharge an
39 electronic communication device while confined to a State
40 correctional facility, secure juvenile facility, county correctional
41 facility, or county juvenile detention facility is guilty of a crime of
42 the third degree.

43 c. A person, other than an employee or a contract employee of
44 the Department of Corrections, the **【Juvenile】** Youth Justice
45 Commission, a county correctional facility, or a county juvenile
46 detention facility who knowingly sells, transfers, assigns, provides,
47 or otherwise gives an electronic communication device to a person
48 who is confined in a State correctional facility, secure juvenile

1 facility, county correctional facility, or county juvenile detention
2 facility is guilty of a crime of the third degree.

3 d. An employee or a contract employee of the Department of
4 Corrections, the **【Juvenile】 Youth** Justice Commission, a county
5 correctional facility, or a county juvenile detention facility who
6 knowingly sells, transfers, assigns, provides, or otherwise gives an
7 electronic communication device to a person who is confined in a
8 State correctional facility, secure juvenile facility, county
9 correctional facility, or county juvenile detention facility is guilty of
10 a crime of the second degree.

11 (cf: P.L.2007, c.127, s.1)

12
13 20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
14 read as follows:

15 4. a. (1) The Attorney General shall biannually issue a
16 comprehensive report detailing the number of occurrences and other
17 statistics, without revealing or including any personal identifying
18 information, concerning first, second, third and subsequent
19 violations of paragraph (1) of subsection a. of section 1 of
20 P.L.1979, c.264 (C.2C:33-15) involving the possession or
21 consumption of any alcoholic beverage, marijuana, hashish, or
22 cannabis items by persons under the legal age to purchase alcoholic
23 beverages or cannabis items, the municipal, county or other
24 geographic areas within which first, second, third and subsequent
25 violations occur, and the law enforcement agencies involved in
26 first, second, third and subsequent violations, covering the previous
27 six-month period. The initial report shall be issued by June 30,
28 2021, the second report shall be issued by January 30, 2022, and
29 then the next report issued every six months thereafter. Each report
30 shall also be submitted to the Governor and the Legislature pursuant
31 to section 2 of P.L.1991, c.164 (C.52:14-19.1).

32 (2) The Attorney General shall also make reports available to
33 the task force established pursuant to subsection b. of this section
34 based on the Attorney General's periodic review of body worn
35 camera recordings of law enforcement officers responding to a call
36 for service related to a violation or suspected violation of paragraph
37 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
38 at the initiation of any other law enforcement or investigative
39 encounter between an officer and a person related to a violation or
40 suspected violation of that paragraph, which recordings are required
41 to be made in accordance with paragraph (4) of subsection a. of
42 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
43 shall be conducted using body worn camera recordings both
44 selected by the Attorney General and randomly determined, and the
45 task force may request an Attorney General review a particular
46 municipality, region, or time period. The identity of any person
47 included in a recording reviewed by the Attorney General shall be
48 kept confidential and shall not be revealed to the members of the

1 task force or any staff provided to the task force by the Department
2 of Law and Public Safety pursuant to paragraph (6) of subsection b.
3 of this section to support its work.

4 b. (1) A taskforce shall be established in the Department of Law
5 and Public Safety, comprised of 26 members to review each
6 Attorney General report described in subsection a. of this section,
7 and make recommendations thereon to the Governor and
8 Legislature related to law enforcement activities to address the
9 enforcement of underage possession or consumption of alcoholic
10 beverages, marijuana, hashish, or cannabis items in violation of
11 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
12 issue of underage possession or consumption of these substances.

13 (2) The membership of the taskforce shall include the following
14 individuals:

15 (a) the Attorney General, or a designee;

16 (b) the Public Defender, or a designee;

17 (c) the Commissioner of the Department of Children and
18 Families, or a designee;

19 (d) the Commissioner of Education, or a designee;

20 (e) a representative from the **【Juvenile】 Youth** Justice
21 Commission, appointed by the Governor;

22 (f) a representative from the Division of Criminal Justice in the
23 Department of Law and Public Safety, appointed by the Governor;

24 (g) the Chair of the Governor's **【Juvenile】 Youth** Justice
25 Delinquency and Prevention Committee;

26 (h) two members appointed by the Governor upon the
27 recommendation of the President of the Senate, at least one of
28 whom shall be a member of the Legislative Black Caucus or
29 Legislative Latino Caucus, determined in coordination with the
30 members recommended by the Speaker of the General Assembly
31 pursuant to subparagraph (i) of this paragraph, so that there is at
32 least one member of each caucus serving as a member of the task
33 force;

34 (i) two members appointed by the Governor

35 upon the recommendation of the Speaker of the General
36 Assembly, at least one of whom shall be a member of the
37 Legislative Black Caucus or Legislative Latino Caucus, determined
38 in coordination with the members recommended by the Senate
39 President pursuant to subparagraph (h) of this paragraph, so that
40 there is at least one member of each caucus serving as a member of
41 the task force;

42 (j) the Administrative Director of the Courts, or a designee;

43 (k) a representative from the New Jersey Institute for Social
44 Justice, appointed by the Governor;

45 (l) a representative from the American Civil Liberties Union of
46 New Jersey, appointed by the Governor;

- 1 (m) a representative from the County Prosecutors Association of
2 New Jersey who is actively and presently involved in juvenile
3 matters, appointed by the Governor;
- 4 (n) a representative from the New Jersey Juvenile Officers
5 Association, appointed by the Governor;
- 6 (o) one representative each from the Annie E. Casey Foundation
7 and Vera Institute of Justice, both appointed by the Governor;
- 8 (p) a representative of the NAACP New Jersey State
9 Conference, appointed by the Governor;
- 10 (q) a representative of Salvation and Social Justice, appointed
11 by the Governor;
- 12 (r) a representative from the County Youth Services
13 Commission Administrators, appointed by the Governor;
- 14 (s) a representative from the faith-based ethical community in
15 New Jersey, appointed by the Governor;
- 16 (t) a representative of an employee organization representing
17 employees who work at juvenile justice facilities, appointed by the
18 Governor; and
- 19 (u) three representatives who have been involved with the New
20 Jersey juvenile justice system, appointed by the Governor,
21 including at least one representative of a non-profit organization
22 that deals with juvenile justice issues and at least one individual
23 who has been subject to the custody of the juvenile justice system.
- 24 (3) All members appointed by the Governor, other than the
25 members of the Legislature recommended for appointment, shall
26 serve at the pleasure of the Governor. The members of the
27 Legislature shall serve on the task force during their elective term
28 of office. Any vacancies in the membership of the task force shall
29 be filled in the same manner as the original appointments were
30 made.
- 31 (4) Members of the task force shall serve without compensation,
32 but shall be reimbursed for necessary expenditures incurred in the
33 performance of their duties as members of the task force within the
34 limits of funds appropriated or otherwise made available to the task
35 force for its purposes.
- 36 (5) The task force shall organize as soon as practicable
37 following the appointment of its members. The task force shall
38 choose a chairperson from among its members and shall appoint a
39 secretary who need not be a member of the task force.
- 40 (6) The Department of Law and Public Safety shall provide such
41 stenographic, clerical, and other administrative assistants, and such
42 professional staff as the task force requires to carry out its work.
43 (cf: P.L.2021, c.25, s.4)
44
- 45 21. N.J.S.2C:39-6 is amended to read as follows:
46 2C:39-6. a. Provided a person complies with the requirements of
47 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

1 (1) Members of the Armed Forces of the United States or of the
2 National Guard while actually on duty, or while traveling between
3 places of duty and carrying authorized weapons in the manner
4 prescribed by the appropriate military authorities;

5 (2) Federal law enforcement officers, and any other federal
6 officers and employees required to carry firearms in the
7 performance of their official duties;

8 (3) Members of the State Police and, under conditions prescribed
9 by the superintendent, members of the Marine Law Enforcement
10 Bureau of the Division of State Police;

11 (4) A sheriff, undersheriff, sheriff's officer, prosecutor's detective
12 or investigator, State investigator employed by the Division of
13 Criminal Justice of the Department of Law and Public Safety,
14 investigator employed by the State Commission of Investigation,
15 inspector of the Alcoholic Beverage Control Enforcement Bureau of
16 the Division of State Police in the Department of Law and Public
17 Safety authorized to carry weapons by the Superintendent of State
18 Police, State park police officer, or State conservation police
19 officer;

20 (5) Except as hereinafter provided, a State correctional police
21 officer, or a prison or jail warden of any penal institution in this
22 State or the warden's deputies, or an employee of the Department of
23 Corrections engaged in the interstate transportation of convicted
24 offenders, while in the performance of the employee's duties, and
25 when required to possess the weapon by a superior officer, or a
26 correctional police officer or keeper of a penal institution in this
27 State at all times while in the State of New Jersey, provided the
28 person annually passes an examination approved by the
29 superintendent testing the person's proficiency in the handling of
30 firearms;

31 (6) A civilian employee of the United States Government under
32 the supervision of the commanding officer of any post, camp,
33 station, base or other military or naval installation located in this
34 State who is required, in the performance of the employee's official
35 duties, to carry firearms, and who is authorized to carry firearms by
36 the commanding officer, while in the actual performance of the
37 employee's official duties;

38 (7) (a) A regularly employed member, including a detective, of
39 the police department of any county or municipality, or of any
40 State, interstate, municipal or county park police force or boulevard
41 police force, at all times while in the State of New Jersey;

42 (b) A special law enforcement officer authorized to carry a
43 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
44 (C.40A:14-146.14);

45 (c) An airport security officer or a special law enforcement
46 officer appointed by the governing body of any county or
47 municipality, except as provided in subparagraph (b) of this
48 paragraph, or by the commission, board or other body having

1 control of a county park or airport or boulevard police force, while
2 engaged in the actual performance of the officer's official duties and
3 when specifically authorized by the governing body to carry
4 weapons;

5 (8) A full-time, paid member of a paid or part-paid fire
6 department or force of any municipality who is assigned full-time
7 or part-time to an arson investigation unit created pursuant to
8 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
9 investigation unit in the county prosecutor's office, while either
10 engaged in the actual performance of arson investigation duties or
11 while actually on call to perform arson investigation duties and
12 when specifically authorized by the governing body or the county
13 prosecutor, as the case may be, to carry weapons. Prior to being
14 permitted to carry a firearm, a member shall take and successfully
15 complete a firearms training course administered by the Police
16 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
17 seq.), and shall annually qualify in the use of a revolver or similar
18 weapon prior to being permitted to carry a firearm;

19 (9) A juvenile correctional police officer in the employment of
20 the **【Juvenile】** Youth Justice Commission established pursuant to
21 section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the
22 regulations promulgated by the commission;

23 (10) A designated employee or designated licensed agent for a
24 nuclear power plant under license of the Nuclear Regulatory
25 Commission, while in the actual performance of the person's
26 official duties, if the federal licensee certifies that the designated
27 employee or designated licensed agent is assigned to perform site
28 protection, guard, armed response or armed escort duties and is
29 appropriately trained and qualified, as prescribed by federal
30 regulation, to perform those duties. Any firearm utilized by an
31 employee or agent for a nuclear power plant pursuant to this
32 paragraph shall be returned each day at the end of the employee's or
33 agent's authorized official duties to the employee's or agent's
34 supervisor. All firearms returned each day pursuant to this
35 paragraph shall be stored in locked containers located in a secure
36 area;

37 (11) A county correctional police officer at all times while in the
38 State of New Jersey, provided the officer annually passes an
39 examination approved by the superintendent testing the officer's
40 proficiency in the handling of firearms;

41 (12) A county prosecutor, assistant prosecutor, federal
42 prosecutor, municipal prosecutor, Attorney General, assistant
43 attorney general, deputy attorney general and federal, State, county,
44 or municipal court judge, including a judge of the Tax Court and
45 any other court of limited jurisdiction established, altered, or
46 abolished by law, a judge of the Office of Administrative Law, a
47 judge of the Division of Workers' Compensation at all times while
48 in this State. Prior to being permitted to carry a firearm, a person

1 subject to this paragraph shall take and successfully complete a
2 firearms training course administered by the Police Training
3 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
4 shall annually qualify in the use of a handgun or similar weapon
5 prior to being permitted to carry a firearm. The superintendent may
6 issue identification cards indicating that such a person is permitted
7 to carry a handgun pursuant to this paragraph.

8 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

9 (1) A law enforcement officer employed by a governmental
10 agency outside of the State of New Jersey while actually engaged in
11 the officer's official duties, provided, however, that the officer has
12 first notified the superintendent or the chief law enforcement officer
13 of the municipality or the prosecutor of the county in which the
14 officer is engaged; or

15 (2) A licensed dealer in firearms and the dealer's registered
16 employees during the course of their normal business while
17 traveling to and from their place of business and other places for the
18 purpose of demonstration, exhibition or delivery in connection with
19 a sale, provided, however, that the weapon is carried in the manner
20 specified in subsection g. of this section.

21 c. Provided a person complies with the requirements of
22 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
23 do not apply to:

24 (1) A special agent of the Division of Taxation who has passed
25 an examination in an approved police training program testing
26 proficiency in the handling of any firearm which the agent may be
27 required to carry, while in the actual performance of the agent's
28 official duties and while going to or from the agent's place of duty,
29 or any other police officer, while in the actual performance of the
30 officer's official duties;

31 (2) A State deputy conservation police officer or a full-time
32 employee of the Division of Parks and Forestry having the power of
33 arrest and authorized to carry weapons, while in the actual
34 performance of the officer's official duties;

35 (3) (Deleted by amendment, P.L.1986, c.150.)

36 (4) A court attendant appointed by the sheriff of the county or by
37 the judge of any municipal court or other court of this State, while
38 in the actual performance of the attendant's official duties;

39 (5) A guard employed by any railway express company, banking
40 or building and loan or savings and loan institution of this State,
41 while in the actual performance of the guard's official duties;

42 (6) A member of a legally recognized military organization while
43 actually under orders or while going to or from the prescribed place
44 of meeting and carrying the weapons prescribed for drill, exercise
45 or parade;

46 (7) A municipal humane law enforcement officer, authorized
47 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
48 14.1), or humane law enforcement officer of a county society for

1 the prevention of cruelty to animals authorized pursuant to
2 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
3 in the actual performance of the officer's duties;

4 (8) An employee of a public utilities corporation actually
5 engaged in the transportation of explosives;

6 (9) A railway policeman, except a transit police officer of the
7 New Jersey Transit Police Department, at all times while in the
8 State of New Jersey, provided that the person has passed an
9 approved police academy training program consisting of at least
10 280 hours. The training program shall include, but need not be
11 limited to, the handling of firearms, community relations, and
12 juvenile relations;

13 (10) A campus police officer appointed under P.L.1970, c.211
14 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
15 a firearm, a campus police officer shall take and successfully
16 complete a firearms training course administered by the Police
17 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
18 seq.), and shall annually qualify in the use of a revolver or similar
19 weapon prior to being permitted to carry a firearm;

20 (11) (Deleted by amendment, P.L.2003, c.168).

21 (12) A transit police officer of the New Jersey Transit Police
22 Department, at all times while in the State of New Jersey, provided
23 the officer has satisfied the training requirements of the Police
24 Training Commission, pursuant to subsection c. of section 2 of
25 P.L.1989, c.291 (C.27:25-15.1);

26 (13) A parole officer employed by the State Parole Board at all
27 times. Prior to being permitted to carry a firearm, a parole officer
28 shall take and successfully complete a basic course for regular
29 police officer training administered by the Police Training
30 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
31 shall annually qualify in the use of a revolver or similar weapon
32 prior to being permitted to carry a firearm;

33 (14) A Human Services police officer at all times while in the
34 State of New Jersey, as authorized by the Commissioner of Human
35 Services;

36 (15) A person or employee of any person who, pursuant to and as
37 required by a contract with a governmental entity, supervises or
38 transports persons charged with or convicted of an offense;

39 (16) A housing authority police officer appointed under
40 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
41 State of New Jersey; or

42 (17) A probation officer assigned to the "Probation Officer
43 Community Safety Unit" created by section 2 of P.L.2001, c.362
44 (C.2B:10A-2) while in the actual performance of the probation
45 officer's official duties. Prior to being permitted to carry a firearm,
46 a probation officer shall take and successfully complete a basic
47 course for regular police officer training administered by the Police
48 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm.

3 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
4 antique firearms, provided that the antique firearms are unloaded or
5 are being fired for the purposes of exhibition or demonstration at an
6 authorized target range or in another manner approved in writing by
7 the chief law enforcement officer of the municipality in which the
8 exhibition or demonstration is held, or if not held on property under
9 the control of a particular municipality, the superintendent.

10 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
11 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
12 being fired but that is unloaded and immobile, provided that the
13 antique cannon is possessed by (a) a scholastic institution, a
14 museum, a municipality, a county or the State, or (b) a person who
15 obtained a firearms purchaser identification card as specified in
16 N.J.S.2C:58-3.

17 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
18 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
19 being transported by one eligible to possess it, in compliance with
20 regulations the superintendent may promulgate, between its
21 permanent location and place of purchase or repair.

22 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
23 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
24 or fired by one eligible to possess an antique cannon, for purposes
25 of exhibition or demonstration at an authorized target range or in
26 the manner as has been approved in writing by the chief law
27 enforcement officer of the municipality in which the exhibition or
28 demonstration is held, or if not held on property under the control
29 of a particular municipality, the superintendent, provided that
30 performer has given at least 30 days' notice to the superintendent.

31 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
32 N.J.S.2C:39-5 do not apply to the transportation of unloaded
33 antique cannons directly to or from exhibitions or demonstrations
34 authorized under paragraph (4) of subsection d. of this section,
35 provided that the transportation is in compliance with safety
36 regulations the superintendent may promulgate. Those subsections
37 shall not apply to transportation directly to or from exhibitions or
38 demonstrations authorized under the law of another jurisdiction,
39 provided that the superintendent has been given 30 days' notice and
40 that the transportation is in compliance with safety regulations the
41 superintendent may promulgate.

42 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
43 be construed to prevent a person keeping or carrying about the
44 person's place of business, residence, premises or other land owned
45 or possessed by the person, any firearm, or from carrying the same,
46 in the manner specified in subsection g. of this section, from any
47 place of purchase to the person's residence or place of business,
48 between the person's dwelling and place of business, between one

1 place of business or residence and another when moving, or
2 between the person's dwelling or place of business and place where
3 the firearms are repaired, for the purpose of repair. For the
4 purposes of this section, a place of business shall be deemed to be a
5 fixed location.

6 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
7 be construed to prevent:

8 (1) A member of any rifle or pistol club organized in accordance
9 with the rules prescribed by the National Board for the Promotion
10 of Rifle Practice, in going to or from a place of target practice,
11 carrying firearms necessary for target practice, provided that the
12 club has filed a copy of its charter with the superintendent and
13 annually submits a list of its members to the superintendent and
14 provided further that the firearms are carried in the manner
15 specified in subsection g. of this section;

16 (2) A person carrying a firearm or knife in the woods or fields or
17 upon the waters of this State for the purpose of hunting, target
18 practice or fishing, provided that the firearm or knife is legal and
19 appropriate for hunting or fishing purposes in this State and the
20 person has in the person's possession a valid hunting license, or,
21 with respect to fresh water fishing, a valid fishing license;

22 (3) A person transporting any firearm or knife while traveling:

23 (a) Directly to or from any place for the purpose of hunting or
24 fishing, provided the person has in the person's possession a valid
25 hunting or fishing license; or

26 (b) Directly to or from any target range, or other authorized place
27 for the purpose of practice, match, target, trap or skeet shooting
28 exhibitions, provided in all cases that during the course of the travel
29 all firearms are carried in the manner specified in subsection g. of
30 this section and the person has complied with all the provisions and
31 requirements of Title 23 of the Revised Statutes and any
32 amendments thereto and all rules and regulations promulgated
33 thereunder; or

34 (c) In the case of a firearm, directly to or from any exhibition or
35 display of firearms which is sponsored by any law enforcement
36 agency, any rifle or pistol club, or any firearms collectors club, for
37 the purpose of displaying the firearms to the public or to the
38 members of the organization or club, provided, however, that not
39 less than 30 days prior to the exhibition or display, notice of the
40 exhibition or display shall be given to the Superintendent of the
41 State Police by the sponsoring organization or club, and the sponsor
42 has complied with any reasonable safety regulations the
43 superintendent may promulgate. Any firearms transported pursuant
44 to this section shall be transported in the manner specified in
45 subsection g. of this section;

46 (4) A person from keeping or carrying about a private or
47 commercial aircraft or any boat, or from transporting to or from the
48 aircraft or boat for the purpose of installation or repair of a visual

1 distress signaling device approved by the United States Coast
2 Guard.

3 g. Any weapon being transported under paragraph (2) of
4 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
5 of this section shall be carried unloaded and contained in a closed
6 and fastened case, gunbox, securely tied package, or locked in the
7 trunk of the automobile in which it is being transported, and in the
8 course of travel shall include only deviations as are reasonably
9 necessary under the circumstances.

10 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
11 to prevent any employee of a public utility, as defined in R.S.48:2-
12 13, doing business in this State or any United States Postal Service
13 employee, while in the actual performance of duties which
14 specifically require regular and frequent visits to private premises,
15 from possessing, carrying or using any device which projects,
16 releases or emits any substance specified as being noninjurious to
17 canines or other animals by the Commissioner of Health and which
18 immobilizes only on a temporary basis and produces only
19 temporary physical discomfort through being vaporized or
20 otherwise dispensed in the air for the sole purpose of repelling
21 canine or other animal attacks.

22 The device shall be used solely to repel only those canine or
23 other animal attacks when the canines or other animals are not
24 restrained in a fashion sufficient to allow the employee to properly
25 perform the employee's duties.

26 Any device used pursuant to this act shall be selected from a list
27 of products, which consist of active and inert ingredients, permitted
28 by the Commissioner of Health.

29 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any
30 person who is 18 years of age or older and who has not been
31 convicted of a crime, from possession for the purpose of personal
32 self-defense of one pocket-sized device which contains and releases
33 not more than three-quarters of an ounce of chemical substance not
34 ordinarily capable of lethal use or of inflicting serious bodily injury,
35 but rather, is intended to produce temporary physical discomfort or
36 disability through being vaporized or otherwise dispensed in the air.
37 Any person in possession of any device in violation of this
38 subsection shall be deemed and adjudged to be a disorderly person,
39 and upon conviction thereof, shall be punished by a fine of not less
40 than \$100.

41 (2) Notwithstanding the provisions of paragraph (1) of this
42 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
43 health inspector or investigator operating pursuant to the provisions
44 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
45 inspector from possessing a device which is capable of releasing
46 more than three-quarters of an ounce of a chemical substance, as
47 described in paragraph (1) of this subsection, while in the actual
48 performance of the inspector's or investigator's duties, provided that

1 the device does not exceed the size of those used by law
2 enforcement.

3 j. A person shall qualify for an exemption from the provisions
4 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
5 section, if the person has satisfactorily completed a firearms
6 training course approved by the Police Training Commission.

7 The exempt person shall not possess or carry a firearm until the
8 person has satisfactorily completed a firearms training course and
9 shall annually qualify in the use of a revolver or similar weapon.
10 For purposes of this subsection, a "firearms training course" means
11 a course of instruction in the safe use, maintenance and storage of
12 firearms which is approved by the Police Training Commission.
13 The commission shall approve a firearms training course if the
14 requirements of the course are substantially equivalent to the
15 requirements for firearms training provided by police training
16 courses which are certified under section 6 of P.L.1961, c.56
17 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
18 or (6) of subsection a. of this section shall be exempt from the
19 requirements of this subsection.

20 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
21 to prevent any financial institution, or any duly authorized
22 personnel of the institution, from possessing, carrying or using for
23 the protection of money or property, any device which projects,
24 releases or emits tear gas or other substances intended to produce
25 temporary physical discomfort or temporary identification.

26 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
27 to prevent a law enforcement officer who retired in good standing,
28 including a retirement because of a disability pursuant to section 6
29 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
30 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
31 substantially similar statute governing the disability retirement of
32 federal law enforcement officers, provided the officer was a
33 regularly employed, full-time law enforcement officer for an
34 aggregate of four or more years prior to the officer's disability
35 retirement and further provided that the disability which constituted
36 the basis for the officer's retirement did not involve a certification
37 that the officer was mentally incapacitated for the performance of
38 the officer's usual law enforcement duties and any other available
39 duty in the department which the officer's employer was willing to
40 assign to the officer or does not subject that retired officer to any of
41 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
42 would disqualify the retired officer from possessing or carrying a
43 firearm, who semi-annually qualifies in the use of the handgun the
44 officer is permitted to carry in accordance with the requirements
45 and procedures established by the Attorney General pursuant to
46 subsection j. of this section and pays the actual costs associated
47 with those semi-annual qualifications, who is 75 years of age or
48 younger, and who was regularly employed as a full-time member of

1 the State Police; a full-time member of an interstate police force; a
2 full-time member of a county or municipal police department in this
3 State; a full-time member of a State law enforcement agency; a full-
4 time sheriff, undersheriff or sheriff's officer of a county of this
5 State; a full-time State or county correctional police officer; a full-
6 time State correctional police officer or county correctional police
7 officer; a full-time State or county park police officer; a full-time
8 special agent of the Division of Taxation; a full-time Human
9 Services police officer; a full-time transit police officer of the New
10 Jersey Transit Police Department; a full-time campus police officer
11 exempted pursuant to paragraph (10) of subsection c. of this
12 section; a full-time State conservation police officer exempted
13 pursuant to paragraph (4) of subsection a. of this section; a full-time
14 Palisades Interstate Park officer appointed pursuant to
15 R.S.32:14-21; a full-time Burlington County Bridge police officer
16 appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a
17 full-time housing authority police officer exempted pursuant to
18 paragraph (16) of subsection c. of this section; a full-time juvenile
19 correctional police officer exempted pursuant to paragraph (9) of
20 subsection a. of this section; a full-time parole officer exempted
21 pursuant to paragraph (13) of subsection c. of this section; a full-
22 time railway policeman exempted pursuant to paragraph (9) of
23 subsection c. of this section; a full-time county prosecutor's
24 detective or investigator; a full-time federal law enforcement
25 officer; or is a qualified retired law enforcement officer, as used in
26 the federal "Law Enforcement Officers Safety Act of 2004,"
27 Pub.L.108-277, domiciled in this State from carrying a handgun in
28 the same manner as law enforcement officers exempted under
29 paragraph (7) of subsection a. of this section. A retired law
30 enforcement officer shall be entitled to carry a handgun pursuant to
31 this subsection under the following conditions:

32 (1) The retired law enforcement officer shall make application in
33 writing to the Superintendent of State Police for approval to carry a
34 handgun every two years. A renewal application shall be submitted
35 in the same manner.

36 (2) Upon receipt of the written application of the retired law
37 enforcement officer, the superintendent shall request a verification
38 of service from the chief law enforcement officer of the
39 organization in which the retired officer was last regularly
40 employed as a full-time law enforcement officer prior to retiring.
41 The verification of service shall include:

42 (a) The name and address of the retired officer;

43 (b) The date that the retired officer was hired and the date that
44 the officer retired;

45 (c) A list of all handguns known to be registered to that officer;

46 (d) A statement that, to the reasonable knowledge of the chief
47 law enforcement officer, the retired officer is not subject to any of
48 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

1 (e) A statement that the officer retired in good standing.

2 (3) If the superintendent approves a retired officer's application
3 or reapplication to carry a handgun pursuant to the provisions of
4 this subsection, the superintendent shall notify in writing the chief
5 law enforcement officer of the municipality wherein that retired
6 officer resides. In the event the retired officer resides in a
7 municipality which has no chief law enforcement officer or law
8 enforcement agency, the superintendent shall maintain a record of
9 the approval.

10 (4) The superintendent shall issue to an approved retired officer
11 an identification card permitting the retired officer to carry a
12 handgun pursuant to this subsection. This identification card shall
13 be valid for two years from the date of issuance and shall be valid
14 throughout the State. The identification card shall not be
15 transferable to any other person. The identification card shall be
16 carried at all times on the person of the retired officer while the
17 retired officer is carrying a handgun. The retired officer shall
18 produce the identification card for review on the demand of any law
19 enforcement officer or authority.

20 (5) Any person aggrieved by the denial of the superintendent of
21 approval for a permit to carry a handgun pursuant to this subsection
22 may request a hearing in the Superior Court of New Jersey in the
23 county in which the person resides by filing a written request for a
24 hearing within 30 days of the denial. Copies of the request shall be
25 served upon the superintendent and the county prosecutor. The
26 hearing shall be held within 30 days of the filing of the request, and
27 no formal pleading or filing fee shall be required. Appeals from the
28 determination of the hearing shall be in accordance with law and the
29 rules governing the courts of this State.

30 (6) A judge of the Superior Court may revoke a retired officer's
31 privilege to carry a handgun pursuant to this subsection for good
32 cause shown on the application of any interested person. A person
33 who becomes subject to any of the disabilities set forth in
34 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
35 superintendent, the person's identification card issued under
36 paragraph (4) of this subsection to the chief law enforcement officer
37 of the municipality wherein the person resides or the
38 superintendent, and shall be permanently disqualified to carry a
39 handgun under this subsection.

40 (7) The superintendent may charge a reasonable application fee
41 to retired officers to offset any costs associated with administering
42 the application process set forth in this subsection.

43 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent duly authorized personnel of the New Jersey Division of
45 Fish and Wildlife, while in the actual performance of duties, from
46 possessing, transporting or using any device that projects, releases
47 or emits any substance specified as being non-injurious to wildlife
48 by the Director of the Division of Animal Health in the Department

1 of Agriculture, and which may immobilize wildlife and produces
2 only temporary physical discomfort through being vaporized or
3 otherwise dispensed in the air for the purpose of repelling bear or
4 other animal attacks or for the aversive conditioning of wildlife.

5 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
6 be construed to prevent duly authorized personnel of the New
7 Jersey Division of Fish and Wildlife, while in the actual
8 performance of duties, from possessing, transporting or using hand
9 held pistol-like devices, rifles or shotguns that launch pyrotechnic
10 missiles for the sole purpose of frightening, hazing or aversive
11 conditioning of nuisance or depredating wildlife; from possessing,
12 transporting or using rifles, pistols or similar devices for the sole
13 purpose of chemically immobilizing wild or non-domestic animals;
14 or, provided the duly authorized person complies with the
15 requirements of subsection j. of this section, from possessing,
16 transporting or using rifles or shotguns, upon completion of a Police
17 Training Commission approved training course, in order to dispatch
18 injured or dangerous animals or for non-lethal use for the purpose
19 of frightening, hazing or aversive conditioning of nuisance or
20 depredating wildlife.

21 (cf: P.L.2022, c.131, s.8)

22
23 22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to
24 read as follows:

25 4. a. In addition to any other disposition made pursuant to law,
26 a court shall order a person convicted of, indicted for or formally
27 charged with, or a juvenile charged with delinquency or adjudicated
28 delinquent for an act which if committed by an adult would
29 constitute, aggravated sexual assault or sexual assault as defined in
30 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
31 serological test for acquired immune deficiency syndrome (AIDS)
32 or infection with the human immunodeficiency virus (HIV) or any
33 other related virus identified as a probable causative agent of AIDS.
34 The court shall issue such an order only upon the request of the
35 victim and upon application of the prosecutor immediately
36 following the request. The person or juvenile shall be ordered by
37 the court to submit to such repeat or confirmatory tests as may be
38 medically necessary.

39 As used in this section, "formal charge" includes a proceeding by
40 accusation in the event that the defendant has waived the right to an
41 indictment.

42 b. A court order issued pursuant to subsection a. of this section
43 shall require testing to be performed as soon as practicable by the
44 Commissioner of the Department of Corrections pursuant to
45 authority granted to the commissioner by sections 6 and 10 of
46 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
47 care, at a health facility licensed pursuant to section 12 of P.L.1971,
48 c.136 (C.26:2H-12) or the **【Juvenile】** Youth Justice Commission

1 established pursuant to section 2 of P.L.1995, c.284
2 (C.52:17B-170). If the victim makes the request prior to or at the
3 time of indictment, or accusation if the defendant has waived the
4 right to an indictment, the court order shall require the testing be
5 performed within 48 hours. The order shall also require that the
6 results of the test be reported to the offender and to the appropriate
7 Office of Victim-Witness Advocacy.

8 c. The Office of Victim-Witness Advocacy, established
9 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
10 reimburse the Department of Corrections, Department of Health or
11 the **【Juvenile】 Youth** Justice Commission for the direct costs
12 incurred by these departments for any tests ordered by a court
13 pursuant to subsection a. of this section. Reimbursement shall be
14 made following a request from the department.

15 d. In addition to any other disposition authorized, a court may
16 order an offender at the time of sentencing to reimburse the State
17 for the costs of the tests ordered by subsection a. of this section.

18 e. Upon receipt of the result of a test ordered pursuant to
19 subsection a. of this section, the Office of Victim-Witness
20 Advocacy shall provide the victim with appropriate counseling,
21 referral for counseling and if appropriate, referral for health care.
22 The office shall notify the victim or make appropriate arrangements
23 for the victim to be notified of the test result.

24 f. The result of a test ordered pursuant to subsection a. of this
25 section shall be confidential and employees of the Department of
26 Corrections, the **【Juvenile】 Youth** Justice Commission, the Office
27 of Victim-Witness Advocacy, a health care provider, health care
28 facility or counseling service shall not disclose the result of a test
29 performed pursuant to this section except as authorized herein or as
30 otherwise authorized by law or court order. The provisions of this
31 section shall not be deemed to prohibit disclosure of a test result to
32 the person tested.

33 g. Persons who perform tests ordered pursuant to subsection a.
34 of this section in accordance with accepted medical standards for
35 the performance of such tests shall be immune from civil and
36 criminal liability arising from their conduct.

37 h. This section shall not be construed to preclude or limit any
38 other testing for acquired immune deficiency syndrome (AIDS) or
39 infection with the human immunodeficiency virus (HIV) or any
40 other related virus identified as a probable causative agent of AIDS
41 which is otherwise permitted by statute, court rule or common law.

42 (cf: P.L.2013, c.140, s.1)

43
44 23. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
45 as follows:

46 3. a. All fines, assessments imposed pursuant to section 2 of
47 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
48 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed

1 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
2 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
3 penalties imposed pursuant to section 1 of P.L.2009, c.143
4 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
5 P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected
6 as follows:

7 (1) All fines, assessments imposed pursuant to section 2 of
8 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
9 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
10 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
11 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
12 penalties imposed pursuant to section 1 of P.L.2009, c.143
13 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
14 P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the
15 Superior Court or otherwise imposed at the county level, shall be
16 collected by the county probation division except when the fine,
17 assessment, or restitution is imposed in conjunction with a custodial
18 sentence to a State correctional facility or in conjunction with a
19 term of incarceration imposed pursuant to section 25 of P.L.1982,
20 c.77 (C.2A:4A-44) in which event the fine, assessment, or
21 restitution shall be collected by the Department of Corrections or
22 the **【Juvenile】 Youth** Justice Commission established pursuant to
23 section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
24 a State correctional institution or a juvenile serving a term of
25 incarceration imposed pursuant to section 25 of P.L.1982, c.77
26 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
27 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed
28 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty
29 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a
30 penalty imposed pursuant to section 1 of P.L.2009, c.143
31 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013,
32 c.214 (C.30:4-123.97), or restitution shall have the assessment,
33 penalty, fine, or restitution deducted from any income the inmate
34 receives as a result of labor performed at the institution or on any
35 type of work release program or, pursuant to regulations
36 promulgated by the Commissioner of the Department of Corrections
37 or the **【Juvenile】 Youth** Justice Commission, from any personal
38 account established in the institution for the benefit of the inmate.

39 (a) A payment of restitution collected by the Department of
40 Corrections pursuant to this paragraph shall be maintained by the
41 department for two years during which the department shall attempt
42 to locate the victim to whom the restitution is owed. If the
43 department has not located the victim and the victim has not come
44 forward to claim the payment within this two-year period, the
45 payment shall be transferred to the Victims of Crime Compensation
46 Office Account to be used in satisfying claims pursuant to the
47 provisions of the "Criminal Injuries Compensation Act of 1971,"
48 P.L.1971, c.317 (C.52:4B-1 et seq.).

1 (b) If the Department of Corrections has transferred a payment
2 of restitution to the Victims of Crime Compensation Office
3 pursuant to subparagraph (a) of this paragraph, the department shall
4 provide the office with the order for restitution and any other
5 information regarding the identity of the victim to whom the
6 payment is owed. The office shall be responsible for maintaining
7 this information and for distributing payments of restitution to
8 victims who can prove they are owed the payments.

9 (2) All fines, assessments imposed pursuant to section 2 of
10 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
11 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed
12 by a municipal court shall be collected by the municipal court
13 administrator except if the fine, assessments imposed pursuant to
14 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
15 as a condition of probation in which event it shall be collected by
16 the county probation division.

17 b. Except as provided in subsection c. with respect to fines
18 imposed on appeals following convictions in municipal courts and
19 except as provided in subsection i. with respect to restitution
20 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
21 al.), all fines imposed by the Superior Court or otherwise imposed
22 at the county level, shall be paid over by the officer entitled to
23 collect the fines to:

24 (1) The county treasurer with respect to fines imposed on
25 defendants who are sentenced to and serve a custodial term,
26 including a term as a condition of probation, in the county jail,
27 workhouse, or penitentiary except where such county sentence is
28 served concurrently with a sentence to a State institution; or

29 (2) The State Treasurer with respect to all other fines.

30 c. All fines imposed by municipal courts, except a central
31 municipal court established pursuant to N.J.S.2B:12-1 on
32 defendants convicted of crimes, disorderly persons offenses, and
33 petty disorderly persons offenses, and all fines imposed following
34 conviction on appeal therefrom, and all forfeitures of bail shall be
35 paid over by the officer entitled to collect the fines to the treasury
36 of the municipality wherein the municipal court is located.

37 In the case of an intermunicipal court, fines shall be paid into the
38 municipal treasury of the municipality in which the offense was
39 committed, and costs, fees, and forfeitures of bail shall be
40 apportioned among the several municipalities to which the court's
41 jurisdiction extends according to the ratios of the municipalities'
42 contributions to the total expense of maintaining the court.

43 In the case of a central municipal court, established by a county
44 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of
45 bail shall be paid into the county treasury of the county where the
46 central municipal court is located.

1 d. All assessments imposed pursuant to section 2 of P.L.1979,
2 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
3 in that section.

4 e. All mandatory Drug Enforcement and Demand Reduction
5 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
6 and deposited as provided for in that section.

7 f. All forensic laboratory fees assessed pursuant to
8 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
9 that section.

10 g. All restitution ordered to be paid to the Victims of Crime
11 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
12 to the office for deposit in the Victims of Crime Compensation
13 Office Account.

14 h. All assessments imposed pursuant to section 11 of P.L.1993,
15 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
16 in that section.

17 i. All restitution imposed on defendants under the provisions
18 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
19 enforcement entity in extraditing the defendant from another
20 jurisdiction shall be paid over by the officer entitled to collect the
21 restitution to the law enforcement entities which participated in the
22 extradition of the defendant.

23 j. All penalties imposed pursuant to section 1 of P.L.1999,
24 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
25 in that section.

26 k. All penalties imposed pursuant to section 11 of P.L.2001,
27 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
28 that section.

29 l. All mandatory penalties imposed pursuant to section 1 of
30 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
31 provided in that section.

32 m. All mandatory Computer Crime Prevention penalties
33 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
34 shall be forwarded and deposited as provided in that section.

35 n. All mandatory Sex Offender Supervision penalties imposed
36 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
37 forwarded and deposited as provided in that section.

38 (cf: P.L.2019, c.363, s.6)

39
40 24. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
41 read as follows:

42 14. a. No person under the age of 18 years shall purchase, barter
43 or otherwise acquire a firearm and no person under the age of 21
44 years shall purchase, barter or otherwise acquire a handgun, unless
45 the person is authorized to possess the handgun in connection with
46 the performance of official duties under the provisions of
47 N.J.S.2C:39-6.

1 b. No person under the age of 18 years shall possess, carry, fire
2 or use a firearm except as provided under paragraphs (1), (2), (3)
3 and (4) of this subsection; and, unless authorized in connection with
4 the performance of official duties under the provisions of
5 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
6 carry, fire or use a handgun except under the following
7 circumstances:

8 (1) In the actual presence or under the direct supervision of his
9 father, mother or guardian, or some other person who holds a permit
10 to carry a handgun or a firearms purchaser identification card, as the
11 case may be; or

12 (2) For the purpose of military drill under the auspices of a
13 legally recognized military organization and under competent
14 supervision; or

15 (3) For the purpose of competition, target practice, instruction,
16 and training in and upon a firing range approved by the governing
17 body of the municipality in which the range is located or the
18 National Rifle Association and which is under competent
19 supervision at the time of such supervision or target practice or
20 instruction and training at any location; or

21 (4) For the purpose of hunting during the regularly designated
22 hunting season, provided that he possesses a valid hunting license
23 and has successfully completed a hunter's safety course taught by a
24 qualified instructor or conservation police officer and possesses a
25 certificate indicating the successful completion of such a course.

26 c. A person who violates this section shall be guilty of a crime
27 of the fourth degree. For purposes of this section the fact that the
28 act would not constitute a crime if committed by an adult shall not
29 be deemed to prohibit or require waiver of family court jurisdiction
30 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
31 under the "New Jersey Code of **【Juvenile】** Youth Justice,"
32 P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60
33 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81
34 (C.2A:4A-70 et seq.).

35 (cf: P.L.2019, c.407, s.3)

36

37 25. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
38 read as follows:

39 20. Records involving abuse or neglect. When the Department
40 of Children and Families receives a report or complaint that a child
41 may be abused or neglected; when the department provides services
42 to a child; or when the department receives a request from the
43 Superior Court, Chancery Division, Family Part to investigate an
44 allegation of abuse or neglect, the department may request of any
45 and all public or private institutions, or agencies including law
46 enforcement agencies, or any private practitioners, their records
47 past and present pertaining to that child and other children under the
48 same care, custody and control. The department shall not be

1 charged a fee for the copying of the records. Records kept pursuant
2 to the "New Jersey Code of **【Juvenile】 Youth Justice**," P.L.1982,
3 c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon
4 issuance by a court of an order on good cause shown directing these
5 records to be released to the department for the purpose of aiding in
6 evaluation to determine if the child is abused or neglected. In the
7 release of the aforementioned records, the source shall have
8 immunity from any liability, civil or criminal.
9 (cf: P.L.2006, c.47, s.51)

10
11 26. Section 9 of P.L.1947, c.179 (C.9:22-9) is amended to read
12 as follows:

13 9. Any municipal youth guidance council having an adjustment
14 committee may petition the Superior Court, Chancery Division,
15 Family Part, in its discretion, to either:

16 A. Establish a schedule for a holding of juvenile hearings in a
17 suitable location chosen by the adjustment committee within the
18 limits of the petitioning municipality; or

19 B. Appoint a referee to hear and recommend disposition of any
20 cases specifically referred to the referee by the Family Part of the
21 county and any cases coming within the provisions of the "New
22 Jersey Code of **【Juvenile】 Youth Justice**," P.L.1982, c. 77
23 (C.2A:4A-20 et seq.) arising within the limits of the petitioning
24 municipality. It shall be the duty of the petitioning municipality to
25 see that adequate diagnostic services shall be made available to
26 such children.

27 Any case requiring the detention of a child shall be referred to
28 the Family Part for hearing.

29 Upon receipt of a petition to appoint a referee the Family Part
30 shall proceed to appoint a member of the adjustment committee, or
31 some other suitable person, as referee, in accordance with
32 N.J.S.2A:4-12. Nothing in this provision shall limit the present
33 discretionary power of the Family Part to appoint referees on their
34 own initiative or to prevent such a court from hearing cases
35 scheduled to be heard in the petitioning municipality in place of the
36 referee so appointed by it.

37 (cf: P.L.1991, c.91, s.215)

38
39 27. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read as
40 follows:

41 2. Pursuant to said compact, the Governor is hereby authorized
42 and empowered to designate an officer within the **【Juvenile】 Youth**
43 Justice Commission established pursuant to section 2 of P.L.1995,
44 c.284 (C.52:17B-170) who shall be the compact administrator and
45 who, acting jointly with like officers of other party States, shall
46 promulgate rules and regulations to carry out more effectively the
47 terms of the compact. Said compact administrator shall serve
48 subject to the pleasure of the Governor. The compact administrator

1 is hereby authorized, empowered and directed to co-operate with all
2 departments, agencies and officers of and in the government of this
3 State and its political subdivisions in facilitating the proper
4 administration of the compact or of any supplementary agreement
5 or agreements entered into by this State thereunder.

6 (cf: P.L.1995, c.280, s.23)

7
8 28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to
9 read as follows:

10 1. a. The Civil Service Commission shall effectuate the
11 following title changes in the career service:

12 (1) Correction officer recruit shall be retitled as correctional
13 police officer;

14 (2) Senior correction officer shall be retitled as senior
15 correctional police officer;

16 (3) Correction sergeant shall be retitled as correctional police
17 sergeant;

18 (4) Correction lieutenant shall be retitled as correctional police
19 lieutenant;

20 (5) Correction captain shall be retitled as correctional police
21 captain;

22 (6) Director of custody operations shall be retitled as
23 correctional police chief ;

24 (7) Correction officer apprentice shall be retitled as correctional
25 police officer apprentice; and

26 (8) Correction major shall be retitled as correctional police
27 major.

28 b. The title changes provided under this section shall apply to
29 all corrections officers employed by the New Jersey Department of
30 Corrections and the **【Juvenile】** Youth Justice Commission.

31 c. Any fees associated with the retitling pursuant to subsection
32 a. of this section shall be borne by the corrections officer whose
33 title is changed.

34 (cf: P.L.2017, c.293, s.1)

35
36 29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read
37 as follows:

38 6. a. For each State-placed child who is resident in a district
39 and in a State facility on the last school day prior to October 16 of
40 the prebudget year, and for each district-placed child who is
41 resident in a district and in a State facility on the last school day
42 prior to October 16 of the budget year, the Commissioner of
43 Education shall deduct from the State aid payable to that district an
44 amount equal to the approved per pupil cost established pursuant to
45 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
46 except that for a child in a county juvenile detention center, no
47 deduction shall be made until Fiscal Year 1999, in which year and
48 thereafter **【50%】** 50 percent of the per pupil cost shall be deducted.

1 b. If, for any district, the amount to be deducted pursuant to
2 subsection a. of this section is greater than State aid payable to the
3 district, the district shall pay to the Department of Education the
4 difference between the amount to be deducted and the State aid
5 payable to the district.

6 c. The amount deducted pursuant to subsection a. of this
7 section and the amount paid to the Department of Education
8 pursuant to subsection b. of this section shall be forwarded to the
9 Department of Human Services or the Department of Children and
10 Families, as applicable, if the facility is operated by or under
11 contract with that department, or to the Department of Corrections
12 if the facility is operated by or under contract with that department,
13 or to the **【Juvenile】 Youth** Justice Commission established pursuant
14 to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
15 operated by or under contract with that commission, and shall serve
16 as payment by the district of tuition for the child. In the case of
17 county juvenile detention centers, the tuition shall be deemed to
18 supplement funds currently provided by the county for this purpose
19 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
20 In Fiscal Year 1998, a county shall not decrease its level of
21 contribution as a result of the payment of tuition pursuant to this
22 section. In Fiscal Year 1999 and thereafter, a county shall be
23 required to pay **【50%】 50 percent** of the approved per pupil costs
24 established pursuant to the provisions of section 24 of P.L.1996,
25 c.138 (C.18A:7F-24) for the purpose of implementing chapters 10
26 and 11 of Title 9 of the Revised Statutes. Amounts so deducted
27 shall be used solely for the support of educational programs and
28 shall be maintained in a separate account for that purpose. No
29 district shall be responsible for the tuition of any child admitted by
30 the State to a State facility after the last school day prior to October
31 16 of the prebudget year.

32 (cf: P.L.2006, c.47, s.81)

33
34 30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
35 read as follow:

36 8. Funds received pursuant to this act by the Department of
37 Human Services, the Department of Children and Families, the
38 Department of Corrections or the **【Juvenile】 Youth** Justice
39 Commission established pursuant to section 2 of P.L.1995, c.284
40 (C.52:17B-170) shall be used only for the salaries of teachers,
41 educational administrators at the program level, child study team
42 personnel, clerical staff assigned to child study teams or to
43 educational day programs, paraprofessionals assigned to
44 educational programs in State facilities, and for diagnostic services
45 required as part of the child study team evaluations and related
46 educational services personnel whose function requires an
47 educational certificate issued by the State Department of Education,
48 and for the costs of educational materials, supplies and equipment

1 for these programs. No such funds shall be used for the renovation
2 or construction of capital facilities, for the maintenance and
3 operation of educational facilities, or for custodial, habilitation or
4 other noneducational costs.

5 There are hereby authorized to be appropriated to the
6 Departments of Human Services, Children and Families and
7 Corrections such funds as may be necessary to provide for adult,
8 post-secondary and college programs.

9 (cf: P.L.2006, c.47, s.82)

10
11 31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to
12 read as follows:

13 9. The Commissioner of Education, with the approval of the
14 State Board of Education, shall promulgate rules and regulations to
15 ensure a thorough and efficient education, consistent with the
16 provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), for the children
17 in State facilities. In the case of county juvenile detention centers,
18 the Office of Education in the **【Juvenile】** Youth Justice
19 Commission shall develop, in consultation with the commissioner,
20 appropriate standards, to be effective for Fiscal Year 1999, for the
21 provision of a thorough and efficient education by the county for
22 facilities established under chapter 10 and chapter 11 of Title 9 of
23 the Revised Statutes.

24 The commissioner shall continually review the operation of
25 educational programs in State facilities. If he finds that the
26 operation of any of these programs does not meet the educational
27 standard required by the regulations, he shall direct that a remedial
28 plan be prepared by the education director of the facility in which
29 the program is located, together with the director of educational
30 services of the department which is operating or contracting with
31 the facility. The plan shall be submitted to the Commissioner of
32 Education for his approval. If he approves the plan, it shall be
33 implemented in a timely and effective manner. If he finds the plan
34 or its implementation to be insufficient, he may, until the
35 insufficiency is corrected, withhold and place in a special account
36 any State aid funds which otherwise would have been forwarded
37 pursuant to section 6 of P.L.1979, c.207.

38 (cf: P.L.2007, c.260, s.26)

39
40 32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
41 read as follows:

42 11. a. Any parent or guardian of a pupil in a State facility and
43 any pupil in a State facility between 18 and 20 years of age, may
44 request an administrative review on matters of educational
45 classification or educational program.

46 b. The administrative review process shall include the
47 following sequence:

1 (1) A conference with teaching staff members or child study
2 team personnel;

3 (2) A conference with the Director of Educational Services of
4 the Department of Human Services, the Department of Children and
5 Families, the Department of Corrections, or the **【Juvenile】 Youth**
6 Justice Commission, whichever is appropriate;

7 (3) A hearing by the Commissioner of Education pursuant to
8 law and regulation.

9 c. The due process rights available to children, parents and
10 guardians in the public schools on matters of educational
11 classification or educational program shall be available to children,
12 parents and guardians in State facilities.

13 d. The placement of a child in a particular State facility shall
14 not be subject to an administrative review or hearing pursuant to
15 this section.

16 (cf: P.L.2006, c.47, s.83)

17

18 33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
19 read as follows:

20 19. For school funding purposes, the Commissioner of
21 Education shall determine district of residence as follows:

22 a. (1) In the case of a child placed in a resource family home
23 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
24 the district of residence shall be the district in which the resource
25 family parents reside. If such a child in a resource family home is
26 subsequently placed in a State facility or by a State agency, the
27 district of residence of the child shall then be determined as if no
28 such resource family placement had occurred.

29 (2) In the case of a child placed in a resource family home on or
30 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
31 district of residence shall be the present district of residence of the
32 parent or guardian with whom the child lived prior to the most
33 recent placement in a resource family home.

34 b. The district of residence for children who are in residential
35 State facilities, or who have been placed by State agencies in group
36 homes, skill development homes, private schools or out-of-State
37 facilities, shall be the present district of residence of the parent or
38 guardian with whom the child lived prior to his most recent
39 admission to a State facility or most recent placement by a State
40 agency.

41 c. The district of residence for children whose parent or
42 guardian temporarily moves from one school district to another as
43 the result of being homeless shall be the district in which the parent
44 or guardian last resided prior to becoming homeless. For the
45 purpose of this amendatory and supplementary act, "homeless" shall
46 mean an individual who temporarily lacks a fixed, regular and
47 adequate residence.

1 d. If the district of residence cannot be determined according to
2 the criteria contained herein, if the criteria contained herein identify
3 a district of residence outside of the State, or if the child has resided
4 in a domestic violence shelter, homeless shelter, or transitional
5 living facility located outside of the district of residence for more
6 than one year, the State shall assume fiscal responsibility for the
7 tuition of the child. The tuition shall equal the approved per pupil
8 cost established pursuant to section 24 of P.L.1996, c.138
9 (C.18A:7F-24). This amount shall be appropriated in the same
10 manner as other State aid under this act. The Department of
11 Education shall pay the amount to the Department of Human
12 Services, the Department of Children and Families, the Department
13 of Corrections or the **【Juvenile】 Youth** Justice Commission
14 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
15 or, in the case of a homeless child or a child in a family resource
16 home, the Department of Education shall pay to the school district
17 in which the child is enrolled the weighted base per pupil amount
18 calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49)
19 and the appropriate security categorical aid per pupil and special
20 education categorical aid per pupil.

21 e. If the State has assumed fiscal responsibility for the tuition
22 of a child in a private educational facility approved by the
23 Department of Education to serve children who are classified as
24 needing special education services, the department shall pay to the
25 Department of Human Services, the Department of Children and
26 Families or the **【Juvenile】 Youth** Justice Commission, as
27 appropriate, the aid specified in subsection d. of this section and in
28 addition, such aid as required to make the total amount of aid equal
29 to the actual cost of the tuition.

30 (cf: P.L.2017, c.83, s.1)

31
32 34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
33 read as follows:

34 20. Beginning in the school year 1997-98, the Commissioner of
35 Education shall annually report to the Legislature, describing the
36 condition of educational programs in State facilities, the efforts of
37 the Departments of Corrections, Children and Families, and Human
38 Services and the **【Juvenile】 Youth** Justice Commission in meeting
39 the standards of a thorough and efficient education in these
40 facilities, the steps underway to correct any deficiencies in their
41 educational programs, and the progress of the educational programs
42 in New Jersey State facilities in comparison with those in the state
43 facilities of other states. At that time the commissioner shall
44 recommend to the Legislature any necessary or desirable changes or
45 modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).

46 (cf: P.L.2006, c.47, s.86)

1 35. Section 1 of P.L.2005, c.265 (C.18A:7C-12) is amended to
2 read as follows:

3 1. Notwithstanding any provision of law to the contrary, in the
4 case of a student enrolled in an educational program in a county
5 juvenile detention center that meets the standards for a thorough
6 and efficient education developed by the Office of Education in the
7 **【Juvenile】 Youth** Justice Commission, in consultation with the
8 Commissioner of Education, pursuant to section 9 of P.L. 1979,
9 c.207 (C.18A:7B-5), who subsequently enrolls in a public school
10 district, the district shall accept all days of attendance and courses
11 studied by the student at the county juvenile detention center and
12 apply them toward district requirements for elementary, middle, or
13 high school graduation.
14 (cf: P.L.2005, c.265, s.1)

15

16 36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
17 read as follows:

18 24. Annually by December 15, the Department of Corrections,
19 the Department of Human Services, the Department of Children and
20 Families and the **【Juvenile】 Youth** Justice Commission shall each
21 submit to the commissioner for approval, with respect to the
22 facilities under their operational or supervisory authority, a budget
23 for educational programs as set forth in section 8 of P.L.1979, c.207
24 (C.18A:7B-4) for the subsequent year, together with enrollments
25 and per pupil costs. For the purposes of calculating a per pupil cost,
26 enrollment shall be based on the number of pupils in the State
27 facility on the last school day prior to October 16 of the prebudget
28 year. In the subsequent year, pursuant to P.L.1979, c.207
29 (C.18A:7B-1 et seq.) for students resident in a district, approved per
30 pupil amounts shall be deducted from each school district's State aid
31 and remitted to the appropriate agency, except that for county
32 juvenile detention centers, no deduction shall be made until Fiscal
33 Year 1999; in that year and thereafter, **【50%】 50 percent** of
34 approved per pupil amounts shall be deducted and remitted to the
35 **【Juvenile】 Youth** Justice Commission.
36 (cf: P.L.2006, c.47, s.89)

37

38 37. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to
39 read as follows:

40 3. As used in this act and P.L.1996, c.138, unless the context
41 clearly requires a different meaning:

42 "At-risk pupils" means those resident pupils from households
43 with a household income at or below the most recent federal
44 poverty guidelines available on October 15 of the prebudget year
45 multiplied by 1.85;

46 "Base per pupil amount" means the cost per elementary pupil of
47 delivering the core curriculum content standards and extracurricular

1 and cocurricular activities necessary for a thorough and efficient
2 education;

3 "Bilingual education pupil" means a resident pupil enrolled in a
4 program of bilingual education or in an English as a second
5 language program approved by the State Board of Education;

6 "Budgeted local share" means the district's local tax levy
7 contained in the budget certified for taxation purposes;

8 "Capital outlay" means capital outlay as defined in GAAP;

9 "Combination pupil" means a resident pupil who is both an at-
10 risk pupil and a bilingual education pupil;

11 "Commissioner" means the Commissioner of Education;

12 "Concentration of at-risk pupils" shall be based on prebudget
13 year pupil data and means, for a school district or a county
14 vocational school district, the number of at-risk pupils among those
15 counted in resident enrollment, divided by resident enrollment;

16 "County special services school district" means any entity
17 established pursuant to article 8 of chapter 46 of Title 18A of the
18 New Jersey Statutes;

19 "County vocational school district" means any entity established
20 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
21 Statutes;

22 "CPI" means the increase, expressed as a decimal, in the average
23 annualized consumer price index for the New York City and
24 Philadelphia areas in the fiscal year preceding the prebudget year
25 relative to the previous fiscal year as reported by the United States
26 Department of Labor;

27 "Debt service" means payments of principal and interest upon
28 school bonds and other obligations issued to finance the purchase or
29 construction of school facilities, additions to school facilities, or the
30 reconstruction, remodeling, alteration, modernization, renovation or
31 repair of school facilities, including furnishings, equipment,
32 architect fees, and the costs of issuance of such obligations and
33 shall include payments of principal and interest upon bonds
34 heretofore issued to fund or refund such obligations, and upon
35 municipal bonds and other obligations which the commissioner
36 approves as having been issued for such purposes;

37 "District income" means the aggregate income of the residents of
38 the taxing district or taxing districts, based upon data provided by
39 the Division of Taxation in the New Jersey Department of the
40 Treasury and contained on the New Jersey State Income Tax forms
41 for the calendar year ending two years prior to the prebudget year.
42 The commissioner may supplement data contained on the State
43 Income Tax forms with data available from other State or federal
44 agencies in order to better correlate the data to that collected on the
45 federal census. With respect to regional districts and their
46 constituent districts, however, the district income as described
47 above shall be allocated among the regional and constituent districts
48 in proportion to the number of pupils resident in each of them;

1 "Equalized valuation" means the equalized valuation of the
2 taxing district or taxing districts, as certified by the Director of the
3 Division of Taxation on October 1, or subsequently revised by the
4 tax court by January 15, of the prebudget year. With respect to
5 regional districts and their constituent districts, however, the
6 equalized valuations as described above shall be allocated among
7 the regional and constituent districts in proportion to the number of
8 pupils resident in each of them. In the event that the equalized table
9 certified by the director shall be revised by the tax court after
10 January 15 of the prebudget year, the revised valuations shall be
11 used in the recomputation of aid for an individual school district
12 filing an appeal, but shall have no effect upon the calculation of the
13 property value rate, Statewide average equalized school tax rate, or
14 Statewide equalized total tax rate;

15 "Full-day preschool" means a preschool day consisting of a six-
16 hour comprehensive educational program in accordance with the
17 district's kindergarten through grade 12 school calendar;

18 "GAAP" means the generally accepted accounting principles
19 established by the Governmental Accounting Standards Board as
20 prescribed by the State board pursuant to N.J.S.18A:4-14;

21 "General special education services pupil" means a pupil
22 receiving specific services pursuant to chapter 46 of Title 18A of
23 the New Jersey Statutes;

24 "Geographic cost adjustment" means an adjustment that reflects
25 county differences in the cost of providing educational services that
26 are outside the control of the district;

27 "Household income" means income as defined in 7 CFR ss.245.2
28 and 245.6 or any subsequent superseding federal law or regulation;

29 "Net budget" means the sum of the district's general fund tax
30 levy, State aid received pursuant to the provisions of this act other
31 than preschool education aid, miscellaneous revenue estimated
32 pursuant to GAAP, and designated general fund balance;

33 "Prebudget year" means the school fiscal year preceding the year
34 in which the school budget is implemented;

35 "Nonpreschool ECPA" means the amount of early childhood
36 program aid, excluding prior year carry-forward amounts, included
37 in a district's 2007-2008 school year budget certified for taxes that
38 was allocated to grades K through 3;

39 "Report" means the Educational Adequacy Report issued by the
40 commissioner pursuant to section 4 of this act;

41 "Resident enrollment" means the number of pupils other than
42 preschool pupils, post-graduate pupils, and post-secondary
43 vocational pupils who, on the last school day prior to October 16 of
44 the current school year, are residents of the district and are enrolled
45 in: (1) the public schools of the district, excluding evening schools,
46 (2) another school district, other than a county vocational school
47 district in the same county on a full-time basis, or a State college
48 demonstration school or private school to which the district of

1 residence pays tuition, or (3) a State facility in which they are
2 placed by the district; or are residents of the district and are: (1)
3 receiving home instruction, or (2) in a shared-time vocational
4 program and are regularly attending a school in the district and a
5 county vocational school district. In addition, resident enrollment
6 shall include the number of pupils who, on the last school day prior
7 to October 16 of the prebudget year, are residents of the district and
8 in a State facility in which they were placed by the State. Pupils in
9 a shared-time vocational program shall be counted on an equated
10 full-time basis in accordance with procedures to be established by
11 the commissioner. Resident enrollment shall include regardless of
12 nonresidence, the enrolled children of teaching staff members of the
13 school district or county vocational school district who are
14 permitted, by contract or local district policy, to enroll their
15 children in the educational program of the school district or county
16 vocational school district without payment of tuition. Disabled
17 children between three and five years of age and receiving programs
18 and services pursuant to N.J.S.18A:46-6 shall be included in the
19 resident enrollment of the district;

20 "School district" means any local or regional school district
21 established pursuant to chapter 8 or chapter 13 of Title 18A of the
22 New Jersey Statutes;

23 "State facility" means a State developmental center, a State
24 Division of Youth and Family Services' residential center, a State
25 residential mental health center, a Department of Children and
26 Families Regional Day School, a State training school/secure care
27 facility, a State juvenile community program, a juvenile detention
28 center or a boot camp under the supervisory authority of the
29 **【Juvenile】 Youth** Justice Commission pursuant to P.L.1995, c.284
30 (C.52:17B-169 et seq.), or an institution operated by or under
31 contract with the Department of Corrections, Children and Families
32 or Human Services, or the **【Juvenile】 Youth** Justice Commission;

33 "Statewide equalized school tax rate" means the amount
34 calculated by dividing the general fund tax levy for all school
35 districts, which excludes county vocational school districts and
36 county special services school districts as defined pursuant to this
37 section, in the State for the prebudget year by the equalized
38 valuations certified in the year prior to the prebudget year of all
39 taxing districts in the State except taxing districts for which there
40 are not school tax levies;

41 "Tax levy growth limitation" means the permitted annual
42 increase in the adjusted tax levy for a school district as calculated
43 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
44 18A:7F-39).

45 (cf: P.L.2010, c.44, s.6)

46

47 38. N.J.S.18A:47-4 is amended to read as follows:

1 18A:47-4. Such special school shall receive, restrain, and
2 instruct dependent delinquent children, and children under the age
3 of 16 years, committed to such school by the Superior Court,
4 Chancery Division, Family Part pursuant to the "New Jersey Code
5 of **【Juvenile】 Youth** Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

6 If in the judgment of the court the best interests of a child
7 demand that the special school have the entire charge and control of
8 the child, the court may take the custody of the child from its
9 parents or guardian and give it, for an indeterminate period, to the
10 board of education having control of the special school. When in
11 the judgment of the board the conduct of the child has so improved
12 that it should be permitted to attend the regular public schools, it
13 may return the child to the custody of its parents or guardian.

14 Any child, under the age of 16 years, arrested for any cause
15 except murder or manslaughter, and pupils habitually truant or
16 incorrigible, may, by order of the Family Part be held in the school
17 until final judgment.

18 (cf: P.L.1991, c.91, s.235)

19
20 39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
21 read as follows:

22 2. The Legislature finds and declares that:

23 a. A qualified and stable work force in public facilities and
24 nonprofit social services agencies is essential to ensure the
25 provision of quality services to persons in need of services,
26 including persons with mental illness, developmental disabilities or
27 other disabilities, persons in need of substance abuse treatment and
28 juveniles under the custody and care of the **【Juvenile】 Youth**
29 Justice Commission;

30 b. These public facilities and social services agencies are
31 currently facing a personnel crisis, which is expected to worsen in
32 the next two decades;

33 c. The entry-level and on-going salaries offered by these public
34 facilities and social services agencies to direct care professionals
35 are not always competitive with those offered in the private for
36 profit sector, which limits the ability of these facilities and agencies
37 to attract and retain qualified direct care professionals;

38 d. Loan redemption programs can address the economic
39 hardship of direct care professionals performing critical work in
40 low-paying jobs, who in many instances are forced, because of their
41 high loan debt and low incomes, to reject or abandon employment
42 in the public sector, which is in great need of their skills and
43 knowledge, for employment that is more financially rewarding;

44 e. The departure of these skilled direct care professionals from
45 the public and nonprofit sector is, in many cases, a loss to their own
46 sense of personal fulfillment, to the consumers that they serve, and
47 to society at large; and

1 f. The establishment by this State of a loan redemption
2 program for direct care professionals employed in public facilities
3 and nonprofit agencies that contract with the Department of Human
4 Services and the **【Juvenile】 Youth** Justice Commission is essential
5 to address the need for the continued provision of high-quality
6 services by these skilled and knowledgeable professionals.
7 (cf: P.L.2005, c.157, s.2)

8
9 40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to
10 read as follows:

11 3. As used in this act:

12 "Approved course of study" means: an undergraduate program
13 leading to a bachelor's degree offered by a four-year public or
14 independent institution of higher education; or a graduate program
15 leading to a master's degree, which is offered by a public or
16 independent institution of higher education, in a human services
17 discipline such as social work, psychology or counseling, or a
18 health-related profession such as occupational, physical or speech
19 therapy.

20 "Approved employment" means postgraduate, full-time
21 employment as a direct care professional in a qualified facility. The
22 term shall not include a paid student internship, paid fellowship,
23 volunteer service or employment before graduation.

24 "Authority" means the Higher Education Student Assistance
25 Authority established pursuant to N.J.S.18A:71A-3.

26 "Direct care professional" means a professional staff member at
27 a qualified facility who provides one or more of the following
28 services to eligible persons: counseling; physical, occupational,
29 recreational or speech therapy; case management; vocational
30 training; assistance with activities of daily living; medication
31 management; budgeting assistance; addiction treatment services;
32 nutrition; and other clinical services.

33 "Eligible student loan expenses" mean the cumulative total of the
34 annual student loans, covering the cost of attendance while enrolled
35 in an approved course of study. Interest paid or due on student
36 loans that a program participant has taken out for use in paying the
37 costs of attendance at an institution of higher education shall be
38 considered eligible for reimbursement under the program.

39 "Program" means the Social Services Student Loan Redemption
40 Program established pursuant to this act.

41 "Program participant" means a person who meets the
42 requirements of the program.

43 "Qualified facility" means:

44 a. a facility operated by the Department of Human Services
45 that provides direct care services to persons served by the
46 department;

47 b. a county psychiatric hospital;

1 c. a facility operated by the **【Juvenile】 Youth** Justice
2 Commission;

3 d. a veterans' memorial home operated by the Department of
4 Military and Veterans' Affairs; and

5 e. a nonprofit agency in the State that contracts with the
6 Department of Human Services or the **【Juvenile】 Youth** Justice
7 Commission to provide direct care services to persons served by the
8 department or commission.

9 (cf: P.L.2005, c.157, s.3)

10
11 41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to
12 read as follows:

13 4. There is established the Social Services Student Loan
14 Redemption Program within the Higher Education Student
15 Assistance Authority.

16 The purpose of the program is to address the current and
17 projected critical shortage of direct care professionals in the State
18 by providing an incentive for persons to engage in employment at
19 certain public facilities, and nonprofit social services agencies
20 under contract with the Department of Human Services or the
21 **【Juvenile】 Youth** Justice Commission, so as to ensure that State
22 residents who are in need of direct care services at these facilities
23 and agencies have sufficient, qualified professional staff in order to
24 provide the needed services.

25 The program shall provide loan redemption to finance the
26 undergraduate or graduate study of program participants in
27 exchange for full-time employment as a direct care professional at a
28 qualified facility following completion of an approved course of
29 study.

30 (cf: P.L.2005, c.157, s.4)

31
32 42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended
33 to read as follows:

34 10. The Higher Education Student Assistance Authority, in
35 consultation with the Commissioner of Human Services and the
36 executive director of the **【Juvenile】 Youth** Justice Commission,
37 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to
39 implement the provisions of this act, including eligibility criteria for
40 the program, procedures for determining the amount of the loan
41 redemption award, and the types of direct care professional
42 positions that qualify for the program.

43 (cf: P.L.2005, c.157, s.10)

44
45 43 Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to
46 read as follows:

47 10. a. To assist and advise in issues pertaining to prisoner
48 reentry, there is established in the Department of Corrections an

1 advisory commission to be known as the "Prisoner Reentry
2 Commission." The purpose of the commission shall be to review,
3 study, and offer solutions to problems facing prisoners re-entering
4 society, including, but not limited to determining whether:

5 (1) New Jersey should seek a federal waiver under Section 1115
6 of the Social Security Act to expand Medicaid eligibility to non-
7 disabled adults, to leverage additional federal funds in order to
8 target high risk populations;

9 (2) Health care and treatment resources for former prisoners are
10 adequate and if not, methods by which they can be improved;

11 (3) The prison population can be incorporated fully into New
12 Jersey's workforce development strategy; and

13 (4) Sources of funding intended for the same populations and
14 communities could be tapped, coordinated and leveraged
15 effectively.

16 b. In addition, the commission shall:

17 (1) Evaluate and provide recommendations for special issues
18 concerning juvenile reentry;

19 (2) Evaluate and make recommendations concerning current law
20 on juvenile waiver; and

21 (3) Evaluate and provide recommendations for inter-agency
22 communication, information sharing, and problem solving.

23 c. (1) The advisory commission shall consist of 18 members as
24 follows:

25 (a) The Attorney General or his designee, who shall serve ex
26 officio;

27 (b) The Secretary of State or his designee, who shall serve ex
28 officio;

29 (c) The Commissioner of Corrections or his designee, who shall
30 serve ex officio;

31 (d) The Commissioner of Human Services or his designee, who
32 shall serve ex officio;

33 (e) The Commissioner of Labor and Workforce Development or
34 his designee, who shall serve ex officio;

35 (f) The Commissioner of Community Affairs or his designee,
36 who shall serve ex officio;

37 (g) The Commissioner of Education or his designee, who shall
38 serve ex officio;

39 (h) Two members of the Senate, to be appointed by the
40 President of the Senate, who shall each be of different political
41 parties;

42 (i) Two members of the General Assembly, to be appointed by
43 the Speaker of the General Assembly, who shall each be of different
44 political parties;

45 (j) The Chairman of the State Parole Board or his designee,
46 who shall serve ex officio;

47 (k) The Executive Director of the **【Juvenile】** Youth Justice
48 Commission or his designee, who shall serve ex officio;

1 (l) The Executive Director of the Housing and Mortgage
2 Finance Agency or his designee, who shall serve ex officio;

3 (m) The New Jersey Public Defender or his designee, who shall
4 serve ex officio;

5 (n) One representative from the New Jersey Institute for Social
6 Justice; and

7 (o) Two public members, who by experience or training have
8 expertise in issues facing former prisoners, to be appointed by the
9 Governor.

10 (2) The Governor shall designate one member as chairman and
11 two members as vice-chairmen of the commission from among the
12 members listed in this subsection.

13 (3) The public members shall be appointed for a five-year term.
14 Vacancies in the membership of the advisory commission shall be
15 filled in the same manner provided for in the original appointments.
16 The members of the advisory commission shall serve without
17 compensation but may be reimbursed for travel and other
18 miscellaneous expenses necessary to perform their duties, within
19 the limits of funds made available to the advisory commission for
20 its purposes.

21 (4) A member of the commission may be removed for good
22 cause.

23 d. The commission may meet at the call of its chair and hold
24 hearings at the times and in the places it may deem appropriate and
25 necessary to fulfill its charge. The advisory commission shall be
26 entitled to call to its assistance, and avail itself of the services of,
27 the employees of any State, county or municipal department, board,
28 bureau, commission or agency as it may require and as may be
29 available to it for its purposes.

30 e. The commission shall annually submit a report to the
31 Governor and the Legislature pursuant to section 2 of P.L.1991,
32 c.164 (C.52:14-19.1) along with any recommendations it deems
33 appropriate, including any legislative proposals it may wish to
34 make.

35 (cf: P.L.2009, c.329, s.10)

36

37 44. Section 3 of P.L.1998, c.71 (C.30:4-27.26) is amended to
38 read as follows:

39 3. As used in this act:

40 "Agency with jurisdiction" means the agency which releases
41 upon lawful order or authority a person who is serving a sentence or
42 term of confinement, or is otherwise being detained or maintained
43 in custody. This term includes the Department of Corrections or a
44 county correctional facility, the **【Juvenile】** Youth Justice
45 Commission or a county juvenile detention facility, and the
46 Department of Human Services. "Attorney General" means the
47 Attorney General or a county prosecutor to whom the Attorney
48 General has delegated authority under this act.

1 "Clinical certificate for a sexually violent predator" means a
2 form prepared by the Division of Mental Health Services in the
3 Department of Human Services and approved by the Administrative
4 Office of the Courts, that is completed by the psychiatrist or other
5 physician who has examined the person who is subject to
6 commitment within three days of presenting the person for
7 admission to a facility for treatment, and which states that the
8 person is a sexually violent predator in need of involuntary
9 commitment. The form shall also state the specific facts upon which
10 the examining physician has based that conclusion and shall be
11 certified in accordance with the Rules Governing the Courts of the
12 State of New Jersey. A clinical certificate for a sexually violent
13 predator may not be executed by an individual who is a relative by
14 blood or marriage to the person who is being examined.

15 "Likely to engage in acts of sexual violence" means the
16 propensity of a person to commit acts of sexual violence is of such
17 a degree as to pose a threat to the health and safety of others.

18 "Mental abnormality" means a mental condition that affects a
19 person's emotional, cognitive or volitional capacity in a manner that
20 predisposes that person to commit acts of sexual violence.

21 "Person" means an individual 18 years of age or older who is a
22 potential or actual subject of proceedings under this act.

23 "Psychiatrist" means a physician who has completed the training
24 requirements of the American Board of Psychiatry and Neurology.

25 "Sexually violent offense" means:

26 (a) aggravated sexual assault; sexual assault; aggravated
27 criminal sexual contact; kidnapping pursuant to subparagraph (b) of
28 paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual
29 contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3
30 if the underlying crime is sexual assault; an attempt to commit any
31 of these enumerated offenses; or a criminal offense with
32 substantially the same elements as any offense enumerated above,
33 entered or imposed under the laws of the United States, this State or
34 another state; or

35 (b) any offense for which the court makes a specific finding on
36 the record that, based on the circumstances of the case, the person's
37 offense should be considered a sexually violent offense.

38 "Sexually violent predator" means a person who has been
39 convicted, adjudicated delinquent or found not guilty by reason of
40 insanity for commission of a sexually violent offense, or has been
41 charged with a sexually violent offense but found to be incompetent
42 to stand trial, and suffers from a mental abnormality or personality
43 disorder that makes the person likely to engage in acts of sexual
44 violence if not confined in a secure facility for control, care and
45 treatment.

46 "Treatment team" means the individuals, agencies or firms which
47 provide treatment, supervision or other services at a facility

1 designated for the custody, care and treatment of sexually violent
2 predators.

3 (cf: P.L.1998, c.71, s.3)

4

5 45. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
6 read as follows:

7 4. a. In order to ensure that adult and juvenile inmates who are
8 dangerous to themselves or others because of mental illness and
9 who are "in need of involuntary commitment" within the meaning
10 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
11 violent predators" within the meaning of section 3 of P.L.1998, c.71
12 (C.30:4-27.26), are not released without appropriate supervision
13 and treatment, the board, the Commissioner of the Department of
14 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
15 Commission established pursuant to section 2 of P.L.1995, c.284
16 (C.52:17B-170) and county prosecutors shall follow the procedures
17 set forth in this section.

18 b. When an adult or juvenile inmate is scheduled for release
19 due to expiration of the inmate's maximum term, the commissioner
20 or the **【Juvenile】 Youth** Justice Commission shall notify the
21 Attorney General and the prosecutor of the county from which the
22 person was committed if:

23 (1) The adult inmate's term includes a sentence imposed for
24 conviction of aggravated sexual assault, sexual assault or
25 aggravated criminal sexual contact and the court imposing sentence
26 found that the offender's conduct was characterized by a pattern of
27 repetitive, compulsive behavior;

28 (2) The parole board or the superintendent of the facility in
29 which the inmate has been confined has advised the commissioner
30 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
31 inmate during the period of confinement, the inmate's mental
32 condition or the inmate's past history indicates that the inmate may
33 be "in need of involuntary commitment" within the meaning of
34 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

35 (3) The inmate's term includes a sentence imposed for
36 conviction of a "sexually violent offense" as defined in section 3 of
37 P.L.1998, c.71 (C.30:4-27.26).

38 c. Notice required by subsection b. shall be given no less than
39 90 days before the date on which the inmate's maximum term is
40 scheduled to expire.

41 d. When such notice is given, the board, the **【Juvenile】 Youth**
42 Justice Commission or the commissioner shall provide the Attorney
43 General and county prosecutor with all information relevant to a
44 determination of whether the inmate may be "in need of involuntary
45 commitment" or may be a "sexually violent predator", including,
46 without regard to classification as confidential pursuant to
47 regulations of the board, of the Department of Corrections or the

1 **【Juvenile】 Youth** Justice Commission, any preparole report,
2 psychological and medical records, any statement of the reasons for
3 denial of parole and, if applicable, a statement of the reasons for the
4 determination that the inmate may be "in need of involuntary
5 commitment" or may be a "sexually violent predator".

6 e. If the Attorney General or county prosecutor determines, on
7 the basis of the information provided pursuant to this section or
8 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
9 commitment" or may be a "sexually violent predator", the
10 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
11 Commission, upon request of the Attorney General or county
12 prosecutor shall:

13 (1) Permit persons qualified to execute clinical certificates
14 necessary for civil commitment to examine the inmate in the
15 institution in which he is confined; or

16 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
17 arrange for persons qualified to execute clinical certificates
18 necessary for civil commitment to examine the inmate.

19 f. In the interests of the public safety and the well-being of the
20 inmate, the Attorney General or county prosecutor may exercise
21 discretion to obtain an assessment of the inmate's condition by one
22 or more of the means set forth in subsection e. of this section.

23 g. The Attorney General or county prosecutor shall provide a
24 psychiatrist or physician assessing or examining an inmate pursuant
25 to this section with all information relevant to the inmate's need of
26 involuntary commitment, including information concerning the
27 inmate's condition, history, recent behavior and any recent act or
28 threat. Any person who assesses or examines an inmate pursuant to
29 this section shall provide the Attorney General and county
30 prosecutor with a written report detailing the person's findings and
31 conclusions.

32 h. (1) All information, documents and records concerning the
33 inmate's mental condition or classified as confidential pursuant to
34 regulations of the board, of the Department of Corrections or the
35 **【Juvenile】 Youth** Justice Commission that are received or provided
36 pursuant to this section or N.J.S.2C:47-5 shall be deemed
37 confidential.

38 (2) Unless authorized or required by court order or except as
39 required in the course of judicial proceedings relating to the
40 inmate's commitment or release, disclosure of such information,
41 documents and records shall be limited to professionals evaluating
42 the inmate's condition pursuant to this section, the Attorney
43 General, county prosecutor and members of their respective staffs
44 as necessary to the performance of duties imposed pursuant to this
45 section.

46 i. Any person acting in good faith who has provided
47 information relevant to an inmate's need of involuntary commitment
48 or as to whether the inmate is a sexually violent predator or has

1 taken good faith steps to assess an inmate's need of involuntary
2 commitment or whether the inmate is a sexually violent predator is
3 immune from civil and criminal liability.
4 (cf: P.L.1998, c.71, s.17)

5
6 46. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
7 read as follows:

8 4. a. In order to ensure that adult and juvenile inmates who are
9 dangerous to themselves or others because of mental illness and
10 who are "in need of involuntary commitment" within the meaning
11 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
12 violent predators" within the meaning of section 3 of P.L.1998, c.71
13 (C.30:4-27.26), are not released without appropriate supervision
14 and treatment, the board, the Commissioner of the Department of
15 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
16 Commission established pursuant to section 2 of P.L.1995, c.284
17 (C.52:17B-170) and county prosecutors shall follow the procedures
18 set forth in this section.

19 b. When an adult or juvenile inmate is scheduled for release
20 due to expiration of the inmate's maximum term, the commissioner
21 or the **【Juvenile】 Youth** Justice Commission shall notify the
22 Attorney General and the prosecutor of the county from which the
23 person was committed if:

24 (1) The adult inmate's term includes a sentence imposed for
25 conviction of aggravated sexual assault, sexual assault or
26 aggravated criminal sexual contact and the court imposing sentence
27 found that the offender's conduct was characterized by a pattern of
28 repetitive, compulsive behavior;

29 (2) The parole board or the superintendent of the facility in
30 which the inmate has been confined has advised the commissioner
31 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
32 inmate during the period of confinement, the inmate's mental
33 condition or the inmate's past history indicates that the inmate may
34 be "in need of involuntary commitment" within the meaning of
35 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

36 (3) The inmate's term includes a sentence imposed for
37 conviction of a "sexually violent offense" as defined in section 3 of
38 P.L.1998, c.71 (C.30:4-27.26).

39 c. Notice required by subsection b. shall be given no less than
40 90 days before the date on which the inmate's maximum term is
41 scheduled to expire.

42 d. When such notice is given, the board, the **【Juvenile】 Youth**
43 Justice Commission or the commissioner shall provide the Attorney
44 General and county prosecutor with all information relevant to a
45 determination of whether the inmate may be "in need of involuntary
46 commitment" or may be a "sexually violent predator", including,
47 without regard to classification as confidential pursuant to
48 regulations of the board, of the Department of Corrections or the

1 **【Juvenile】 Youth** Justice Commission, any preparole report,
2 psychological and medical records, any statement of the reasons for
3 denial of parole and, if applicable, a statement of the reasons for the
4 determination that the inmate may be "in need of involuntary
5 commitment" or may be a "sexually violent predator".

6 e. If the Attorney General or county prosecutor determines, on
7 the basis of the information provided pursuant to this section or
8 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
9 commitment" or may be a "sexually violent predator", the
10 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
11 Commission, upon request of the Attorney General or county
12 prosecutor shall:

13 (1) Permit persons qualified to execute clinical certificates
14 necessary for civil commitment to examine the inmate in the
15 institution in which he is confined; or

16 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
17 arrange for persons qualified to execute clinical certificates
18 necessary for civil commitment to examine the inmate.

19 f. In the interests of the public safety and the well-being of the
20 inmate, the Attorney General or county prosecutor may exercise
21 discretion to obtain an assessment of the inmate's condition by one
22 or more of the means set forth in subsection e. of this section.

23 g. The Attorney General or county prosecutor shall provide a
24 psychiatrist or physician assessing or examining an inmate pursuant
25 to this section with all information relevant to the inmate's need of
26 involuntary commitment, including information concerning the
27 inmate's condition, history, recent behavior and any recent act or
28 threat. Any person who assesses or examines an inmate pursuant to
29 this section shall provide the Attorney General and county
30 prosecutor with a written report detailing the person's findings and
31 conclusions.

32 h. (1) All information, documents and records concerning the
33 inmate's mental condition or classified as confidential pursuant to
34 regulations of the board, of the Department of Corrections or the
35 **【Juvenile】 Youth** Justice Commission that are received or provided
36 pursuant to this section or N.J.S.2C:47-5 shall be deemed
37 confidential.

38 (2) Unless authorized or required by court order or except as
39 required in the course of judicial proceedings relating to the
40 inmate's commitment or release, disclosure of such information,
41 documents and records shall be limited to professionals evaluating
42 the inmate's condition pursuant to this section, the Attorney
43 General, county prosecutor and members of their respective staffs
44 as necessary to the performance of duties imposed pursuant to this
45 section.

46 i. Any person acting in good faith who has provided
47 information relevant to an inmate's need of involuntary commitment
48 or as to whether the inmate is a sexually violent predator or has

1 taken good faith steps to assess an inmate's need of involuntary
2 commitment or whether the inmate is a sexually violent predator is
3 immune from civil and criminal liability.

4 (cf: P.L.1998, c.71, s.17)

5
6 47. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is amended to
7 read as follows:

8 3. a. The Commissioner of Corrections, in conjunction with the
9 **【Juvenile】** Youth Justice Commission and the State Parole Board,
10 shall establish a program to record and analyze the recidivism of all
11 inmates and juveniles adjudicated delinquent who are released from
12 a State correctional facility or a training school for juveniles,
13 whether on parole or upon the completion of their maximum
14 sentences. The purpose of this program shall be to assist in
15 measuring the effectiveness of the State's reentry initiatives and
16 programs.

17 b. The program shall record the arrests for all offenses
18 committed by releasees within three years following their release
19 and any convictions resulting from the arrests. These data shall be
20 analyzed to determine whether the rates and nature of rearrests and
21 convictions differ according to the criminal histories and personal
22 characteristics of releasees, the treatment they received while
23 confined, length of sentence, conditions of parole, participation and
24 involvement in reentry initiatives and programs, and such other
25 factors as may be relevant to the purposes of this section, including,
26 but not limited to, race, gender, ethnicity, and age.

27 c. The commissioner shall prepare and disseminate semi-
28 annual reports summarizing the recidivism rates, patterns, and other
29 findings and analyses resultant of the information gathered pursuant
30 to this section. These reports shall include summaries of the
31 treatment received by the releasees and any participation and
32 involvement in reentry initiatives by the releasees, and shall make
33 recommendations concerning the effectiveness of the treatment
34 programs and reentry initiatives. These reports shall be available to
35 the general public and shall not contain any personally identifying
36 information. To facilitate the accessibility of these reports to the
37 general public, the commissioner shall, to the greatest extent
38 possible, utilize the Internet.

39 d. The commissioner shall annually prepare and transmit to the
40 Governor and the Legislature, pursuant to section 2 of P.L.1991,
41 c.164 (C.52:14-19.1), a summary of the recommendations set forth
42 in the reports prepared pursuant to subsection c. of this section,
43 along with any recommendations the department, **【Juvenile】** Youth
44 Justice Commission or the State Parole Board may have for
45 legislation to improve the effectiveness of the State's reentry
46 initiatives and programs.

47 (cf: P.L.2015, c.144, s.1)

1 48. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
2 read as follows:

3 1. a. This act shall be known and may be cited as the "Parole Act
4 of 1979."

5 b. In this act, unless a different meaning is plainly required:

6 (1) "Adult inmate" means any person sentenced as an adult to a
7 term of incarceration.

8 (2) "Juvenile inmate" means any person under commitment as a
9 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
10 (C.2A:4A-44).

11 (3) "Parole release date" means that date certified by a member
12 of the board for release of an inmate after a review of the inmate's
13 case pursuant to section 11, 13 or 14 of this act.

14 (4) "Primary parole eligibility date" means that date established
15 for parole eligibility for adult inmates pursuant to section 7 or 20 of
16 this act.

17 (5) "Public notice" shall consist of lists including names of all
18 inmates being considered for parole, the county from which the
19 inmates were committed and the crimes for which the inmates were
20 incarcerated. At least 30 days prior to parole consideration the lists
21 shall be forwarded to the office of the public defender of each
22 county or the private attorney of record for the inmates, the
23 prosecutor's office of each county, the sentencing court, the office
24 of the Attorney General, any other criminal justice agencies whose
25 information and comment may be relevant, and news organizations.

26 (6) Removal for "cause" means substantial cause that is plainly
27 sufficient under the law and sound public policy touching upon
28 qualifications appropriate to a member of the parole board or the
29 administration of the board such that the public interest precludes
30 the member's continuance in office. Cause includes, but is not
31 limited to, misconduct in office, incapacity, inefficiency,
32 nonfeasance, and violations of the Parole Board's Code of Ethics.

33 (7) "Commission" means the **【Juvenile】 Youth** Justice
34 Commission established pursuant to section 2 of P.L.1995, c.284
35 (C.52:17B-170).

36 (8) "Parole officer" means, with respect to an adult inmate, an
37 officer assigned by the Chairman of the State Parole Board or the
38 chairman's designee and, with respect to a juvenile inmate, a person
39 assigned by the commission.

40 (cf: P.L.2019, c.364, s.7)

41

42 49. Section 5 of P.L.2020, c.111 (C.30:4-123.103) is amended to
43 read as follows:

44 5. a. An inmate who is released from the custody of the
45 Commissioner of Corrections or a juvenile who is released from the
46 custody of the **【Juvenile】 Youth** Justice Commission following an
47 award of public health emergency credits pursuant to section 1 of
48 P.L.2020, c.111 (C.30:4-123.100), from the date of release until the

1 date the inmate or juvenile, as the case may be, was scheduled to be
2 released prior to the award of public health emergency credits, shall
3 be prohibited from purposely or knowingly making contact with any
4 victim of the crime for which the inmate or juvenile was serving a
5 sentence.

6 For purposes of this subsection, making contact with a victim
7 shall include contact made personally by the inmate or juvenile, as
8 the case may be, or through an agent, and shall include but not be
9 limited to: personal, written, electronic, or telephone contact or
10 communication; or entering the residence, property, school, or place
11 of employment of the victim.

12 b. A violation of subsection a. of this section shall be a crime
13 of the fourth degree.

14 c. (1) A petition may be filed with the court to dissolve the
15 prohibition established pursuant to the provisions of this section
16 prohibiting an inmate or juvenile, as the case may be, from making
17 contact with the victim in accordance with procedures established
18 by the court.

19 (2) The Director of the Administrative Office of the Courts shall
20 provide the Department of Corrections, **[Juvenile]** Youth Justice
21 Commission, and Attorney General with information concerning the
22 procedures established by the court for filing a petition to dissolve
23 the prohibition established pursuant to this section prohibiting an
24 inmate or juvenile, as the case may be, from making contact with
25 any victim of the crime for which the inmate or juvenile was
26 serving a sentence.

27 (cf: P.L.2020, c.111, s.5)
28

29 50. Section 12 of 1970, c.300 (C.30:4-157.2) is amended to read
30 as follows:

31 12. The warrant of commitment to the custody of the **[Juvenile]**
32 Youth Justice Commission established pursuant to section 2 of
33 P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the
34 parents or guardians if they can be ascertained and the juvenile's
35 place of residence. The court shall order transmitted to the
36 commission, by the officer serving the order of commitment a copy
37 of the complaint, a copy of any probation reports, pre-disposition
38 reports, education records, county detention center records, or other
39 records which the county may have concerning the past
40 delinquencies of the juvenile and other information concerning any
41 mental or physical condition which the court deems to be of
42 importance in the rehabilitation of the juvenile or the maintenance
43 of discipline, order and safety in the facility or the operation of the
44 facility or its programs. Such records shall be used for the
45 information and guidance of the facility and the commission but
46 shall not be public records. Such warrants and records shall be
47 forwarded to the commission on, or prior to, the date of the

1 juvenile's admission into the facility.
2 (cf: P.L.1995, c.280, s.49)
3

4 51. Section 1 of P.L.1939, c.301 (C.30:4-157.4) is amended to
5 read as follows:

6 30:4-157.4. Whenever a juvenile shall be committed to the
7 custody of the **【Juvenile】 Youth** Justice Commission established
8 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be
9 the duty of the court, at the time of the examination, to make
10 inquiry as to the ability of the parent or guardian to pay the
11 expenses of the commitment proceedings and the board of the
12 juvenile, and it shall endorse on the warrant of commitment a
13 statement of its finding in that regard.

14 Payment by the parent or guardian of these costs shall be made to
15 the probation division or county adjuster, whichever the court shall
16 designate; provided, however, that upon collection thereof the costs
17 of the commitment proceedings shall be paid to the county
18 treasurer, and any amount received representing maintenance shall
19 be forwarded to the State Treasurer. In the event of failure of the
20 parent or guardian to pay the amount ordered by the court then the
21 probation division or county adjuster, as the case may be, shall
22 bring the matter before the court for such further order as shall
23 appear proper therein to compel payment.

24 (cf: P.L.1995, c.280, s.50)
25

26 52. Section 16 of P.L.1970, c.300 (C.30:4-157.7) is amended to
27 read as follows:

28 30:4-157.7. No juvenile in custody of the **【Juvenile】 Youth**
29 Justice Commission established pursuant to section 2 of P.L.1995,
30 c.284 (C.52:17B-170) shall be indentured or bound out to service.
31 (cf: P.L.1995, c.280, s.52)
32

33 53. Section 11 of P.L.2017, c.176 (C.30:7E-7) is amended to
34 read as follows:

35 11. a. Notwithstanding the provisions of any other law or
36 regulation to the contrary, any contract between a health care
37 provider and the New Jersey Department of Corrections, the
38 **【Juvenile】 Youth** Justice Commission, the State Parole Board, or
39 any other State or local entity, which contract provides health care
40 services to the State's inmate population, shall not contain any
41 provision that discriminates, and the State or local entity
42 contracting for services shall ensure there is no discrimination, on
43 the basis of a person's gender identity or expression or on the basis
44 that the person is a transgender person.

45 b. The discrimination prohibited by this section shall include:

46 (1) denying, cancelling, limiting or refusing to issue or renew a
47 contract on the basis of a covered person's or prospective covered
48 person's gender identity or expression, or for the reason that the

1 covered person or prospective covered person is a transgender
2 person;

3 (2) demanding or requiring a payment or premium that is based
4 in whole or in part on a covered person's or prospective covered
5 person's gender identity or expression, or for the reason that the
6 covered person or prospective covered person is a transgender
7 person;

8 (3) designating a covered person's or prospective covered
9 person's gender identity or expression, or the fact that a covered
10 person or prospective covered person is a transgender person, as a
11 preexisting condition for which coverage will be denied or limited;
12 or

13 (4) denying or limiting coverage, or denying a claim, for
14 services including but not limited to the following, due to a covered
15 person's gender identity or expression or for the reason that the
16 covered person is a transgender person:

17 (a) health care services related to gender transition if coverage
18 is available for those services under the contract when the services
19 are not related to gender transition, including but not limited to
20 hormone therapy, hysterectomy, mastectomy, and vocal training; or

21 (b) health care services that are ordinarily or exclusively
22 available to individuals of one sex when the denial or limitation is
23 due only to the fact that the covered person is enrolled as belonging
24 to the other sex or has undergone, or is in the process of
25 undergoing, gender transition.

26 c. For the purposes of this section:

27 "Gender expression" means a person's gender-related appearance
28 and behavior, whether or not stereotypically associated with the
29 person's assigned sex at birth.

30 "Gender identity" means a person's internal sense of their own
31 gender, regardless of the sex the person was assigned at birth.

32 "Gender transition" means the process of changing a person's
33 outward appearance, including physical sex characteristics, to
34 accord with the person's actual gender identity.

35 "Transgender person" means a person who identifies as a gender
36 different from the sex assigned to the person at birth.

37 d. Nothing in this section shall preclude a State or local entity
38 contracting for services pursuant to this section from performing
39 utilization review, including periodic review of the medical
40 necessity of a particular service.

41 (cf: P.L.2017, c.176, s.11)

42

43 54. Section 3 of P.L.1997, c.81 (C.30:8-63) is amended to read
44 as follows:

45 3. As used in this act:

46 "Commission" means the **【Juvenile】 Youth** Justice Commission
47 established pursuant to section 2 of P.L.1995, c.284
48 (C.52:17B-170).

1 "Juvenile offender" means a person under the age of 18 who has
2 been adjudicated delinquent for an act which, if committed by an
3 adult, would constitute a crime of the third or fourth degree,
4 excluding an adjudication for any act which would constitute a
5 crime under chapter 14 of Title 2C of the New Jersey Statutes.

6 (cf: P.L.1997, c.81, s.3)
7

8 55. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to
9 read as follows:

10 4. There is established in the Department of Children and
11 Families the New Jersey Youth Suicide Prevention Advisory
12 Council.

13 a. The purpose of the council shall be to: examine existing
14 needs and services and make recommendations to the division for
15 youth suicide reporting, prevention and intervention; advise the
16 division on the content of informational materials to be made
17 available to persons who report attempted or completed suicides;
18 and advise the division in the development of regulations required
19 pursuant to this act.

20 b. The council shall consist of 18 members as follows:

21 (1) the Commissioners of Human Services, Children and
22 Families, Health and Senior Services, and Education, the executive
23 director of the **Juvenile** Youth Justice Commission established
24 pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the
25 chairman of the Community Mental Health Citizens Advisory
26 Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.),
27 or their designees, who shall serve ex officio;

28 (2) six public members appointed by the Governor, as follows:
29 one person who is a current member of a county mental health
30 advisory board, one person with personal or family experience with
31 suicide, one person who is a current or retired primary or secondary
32 school teacher, one person who is a current or former member of a
33 local board of education, one psychiatrist and one person with
34 professional experience in the collection and reporting of social
35 science data;

36 (3) three public members appointed by the President of the
37 Senate, no more than two of whom are members of the same
38 political party, one of whom has volunteer or paid experience in the
39 provision of services to survivors of suicide or youth at risk of
40 attempting suicide, one of whom is an alcohol and drug counselor,
41 and one of whom is a representative of the New Jersey Traumatic
42 Loss Coalition; and

43 (4) three public members appointed by the Speaker of the
44 General Assembly, no more than two of whom are members of the
45 same political party, one of whom has knowledge of and interest in
46 the prevention of youth suicide and the provision of education about
47 suicide to high-risk populations, including religious, racial, ethnic

1 or sexual minorities, one of whom is a pediatrician, and one of
2 whom is a school-based counselor.

3 c. The public members shall be appointed no later than 60 days
4 after the date of enactment of this act.

5 d. The public members shall serve for a term of five years; but,
6 of the members first appointed, three shall serve for a term of two
7 years, three for a term of three years, three for a term of four years
8 and three for a term of five years. Members are eligible for
9 reappointment upon the expiration of their terms. Vacancies in the
10 membership of the council shall be filled in the same manner
11 provided for the original appointments.

12 e. The council shall organize as soon as practicable following
13 the appointment of its members and shall select a chairperson and
14 vice-chairperson from among the members. The chairperson shall
15 appoint a secretary who need not be a member of the council.

16 f. The public members shall serve without compensation, but
17 shall be reimbursed for necessary expenses incurred in the
18 performance of their duties and within the limits of funds available
19 to the council.

20 g. The council shall be entitled to call to its assistance and avail
21 itself of the services of the employees of any State, county or
22 municipal department, board, bureau, commission or agency as it
23 may require and as may be available to it for its purposes.

24 h. The Department of Children and Families shall provide staff
25 support to the council.

26 (cf: P.L.2006, c.47, s.175)

27

28 56. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to
29 read as follows:

30 9. The commission shall:

31 a. Issue the New Jersey Unified Workforce Investment Plan
32 pursuant to the provisions of the Workforce Investment Act of
33 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
34 P.L.1989, c.293 (C.34:15C-7);

35 b. Establish performance standards for workforce investment
36 programs pursuant to the Workforce Investment Act of 1998,
37 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
38 P.L.1989, c.293 (C.34:15C-8);

39 c. Act to ensure the full participation of Workforce Investment
40 Boards in the planning and supervision of local workforce
41 investment systems. The commission shall be responsible to
42 oversee and develop appropriate standards to ensure Workforce
43 Investment Board compliance with State and federal law, the State
44 plan, and other relevant requirements regarding membership,
45 staffing, meetings, and functions;

46 d. Foster and coordinate initiatives of the Department of
47 Education and Commission on Higher Education to enhance the

1 contributions of public schools and institutions of higher education
2 to the implementation of the State workforce investment policy;

3 e. Examine federal and State laws and regulations to assess
4 whether those laws and regulations present barriers to achieving any
5 of the goals of this act. The commission shall, from time to time as
6 it deems appropriate, issue to the Governor and the Legislature
7 reports on its findings, including recommendations for changes in
8 State or federal laws or regulations concerning workforce
9 investment programs or services, including, when appropriate,
10 recommendations to merge other State advisory structures and
11 functions into the commission;

12 f. Perform the duties assigned to a State Workforce Investment
13 Board pursuant to subsection (d) of section 111 of the Workforce
14 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

15 g. Have the authority to enter into agreements with the head of
16 each State department or commission which administers or funds
17 education, employment or training programs, including, but not
18 limited to, the Departments of Labor and Workforce Development,
19 Community Affairs, Education, and Human Services and the
20 Commission on Higher Education, the New Jersey Economic
21 Development Authority, and the **【Juvenile】** Youth Justice
22 Commission, which agreements are for the purpose of assigning
23 planning, policy guidance and oversight functions to each
24 Workforce Investment Board with respect to any workforce
25 investment program funded or administered by the State department
26 or commission within the Workforce Investment Board's respective
27 labor market area or local area, as the case may be; and

28 h. Establish guidelines to be used by the Workforce Investment
29 Boards in performing the planning, policy guidance, and oversight
30 functions assigned to the boards under any agreement reached by
31 the commission with a department or commission pursuant to
32 subsection g. of this section. The commission shall approve all
33 local Workforce Investment Board plans that meet the criteria
34 established by the commission for the establishment of One-Stop
35 systems. The Department of Labor and Workforce Development
36 shall approve the operational portion of the plans for programs
37 administered by the department.

38 The commission shall have access to all files and records of
39 other State agencies and may require any officer or employee
40 therein to provide such information as it may deem necessary in the
41 performance of its functions.

42 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
43 construed as affecting the authority of the State Treasurer to review
44 and approve training programs for State employees pursuant to
45 N.J.S.11A:6-25.

46 (cf: P.L.2008, c.29, s.91)

1 57. Section 1 of P.L.2001, c.446 (C.34:15F-12) is amended to
2 read as follows:

3 1. a. There is established in the Department of Labor and
4 Workforce Development a Youth Employment and After School
5 Incentive Pilot Program which shall be administered by the
6 Commissioner of Labor and Workforce Development, pursuant to
7 the provisions of P.L.2001, c.446 (C.34:15F-12 et seq.). The
8 program shall provide for employment opportunities for
9 disadvantaged youth with private and nonprofit employers. The
10 purpose of the program shall be to enable disadvantaged youth to
11 acquire job knowledge and skills and an understanding of the
12 linkage between the skills, behaviors, and attitudes necessary to
13 function as an adult in the workplace.

14 As used in P.L.2001, c.446 (C.34:15F-12 et seq.),
15 "disadvantaged youth" means public and nonpublic school students
16 as well as youth who are not students who reside in municipalities
17 where both the rates of unemployment and violent crime
18 significantly exceed the Statewide rates of unemployment and
19 violent crime by percentages which shall be designated by the
20 commissioner. The term shall include youth in these municipalities
21 who are participating in a program of aftercare following their
22 release from juvenile detention or community facilities.

23 b. There is established in, but not of, the Department of Labor
24 and Workforce Development the Disadvantaged Youth Employment
25 Opportunities Council. Notwithstanding the allocation of the
26 council to the Department of Labor and Workforce Development,
27 the council shall directly report to the Chairperson of the State
28 Employment and Training Commission established by section 5 of
29 P.L.1989, c.293 (C.34:15C-2). The council shall consist of 18
30 members: the Commissioner of Labor and Workforce Development,
31 the Commissioner of Education, the Executive Director of the New
32 Jersey Commission on Higher Education, the Chief Executive
33 Officer and Secretary of the New Jersey Commerce, Economic
34 Growth and Tourism Commission, the Secretary of State and the
35 Executive Director of the **【Juvenile】 Youth** Justice Commission, or
36 their designees, who shall serve ex officio and as nonvoting
37 members; and 12 public members appointed by the Governor, the
38 President of the Senate and the Speaker of the General Assembly.
39 The Governor shall appoint two religious leaders and two
40 representatives of education organizations. The President of the
41 Senate and the Speaker of the Assembly shall each appoint a leader
42 of the business community, a labor leader, a representative of a
43 county vocational-technical school, and a person representing
44 organizations that have expertise serving the needs of
45 disadvantaged youth. The public members shall serve for terms of
46 three years, may be reappointed and may serve until a successor has
47 been appointed. Of the public members first appointed, six shall be
48 appointed for terms of three years, and six shall be appointed for

1 terms of two years. A vacancy in the membership, occurring other
2 than by expiration of a term, shall be filled in the same manner as
3 the original appointment, but for the unexpired term only. The
4 members shall serve without compensation, but the council may,
5 within the limits of funds appropriated or otherwise made available
6 to it, reimburse members for actual expenses necessarily incurred in
7 the discharge of their official duties.

8 The council shall organize as soon as its members are appointed
9 and shall select a chairman and vice-chairman from among its
10 members and may select a secretary, who need not be a member of
11 the council. The council shall meet monthly, and at such other
12 times as may be necessary.

13 The council may employ, prescribe the duties and fix and pay the
14 compensation of such persons it may deem necessary to carry out
15 the duties of the council within the limits of available
16 appropriations.

17 It shall be the duty of the council to:

18 (1) Develop a master plan to increase employment opportunities
19 for disadvantaged youth;

20 (2) Enlist the commitment of the State's business leadership to
21 provide employment opportunities for disadvantaged youth;

22 (3) Enlist the support of the State's key unions which operate
23 apprenticeship and similar programs;

24 (4) Develop proposals for innovative efforts to assist
25 economically disadvantaged youth to enroll in and successfully
26 complete employment programs;

27 (5) Involve all sectors of the community, including high level
28 representatives of business, youth-serving agencies, foundations,
29 local school systems, the communications media, and the religious
30 community in an effort to promote and coordinate employment
31 opportunities for disadvantaged youth; and

32 (6) In conjunction with the Department of Labor and Workforce
33 Development and the Commerce, Economic Growth and Tourism
34 Commission, seek to identify and maximize any available federal
35 funding for the purpose of enhancing employment opportunities
36 provided under P.L.2001, c.446 (C.34:15F-12 et seq.).

37 The council shall be entitled to call to its assistance and avail
38 itself of the services of such employees of any State, county or
39 municipal department, board, bureau, commission, or agency as it
40 may require and as may be available to it for these purposes.

41 The Commissioner of Labor and Workforce Development, in
42 consultation with the State Employment and Training Commission
43 and the council, may promulgate rules and regulations necessary to
44 effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).

45 (cf: P.L.2007, c.189, s.1)

46
47 58. Section 2 P.L.2001, c.446 (C.34:15F-13) is amended to read
48 as follows:

1 2. a. In cooperation with the Disadvantaged Youth Employment
2 Opportunities Council established in section 1 of P.L.2001, c.446
3 (C.34:15F-12), the Commissioner of Labor and Workforce
4 Development, in consultation with the State Employment and
5 Training Commission shall develop and administer the employment
6 program established under this act. The commissioner shall, to the
7 greatest extent feasible, attempt to achieve a balance of enrolled
8 disadvantaged youth from the northern, central, and southern parts
9 of the State.

10 b. The Commissioner of Labor and Workforce Development, in
11 consultation with the State Employment and Training Commission,
12 the Department of Education, the **【Juvenile】 Youth** Justice
13 Commission, and the council, shall develop procedures relating to
14 the program referral process; establish the selection criteria for
15 participants which shall include the identification of local
16 disadvantaged youths assessed by local law enforcement and
17 juvenile corrections authorities as being at risk of gang membership
18 or involvement or reinvolvement in the criminal justice system and
19 students who are not meeting minimal district standards of behavior
20 and academic achievement; provide a listing of employers who have
21 agreed to participate in the program; and establish the process
22 which will be utilized for matching disadvantaged youth to
23 employment opportunities that will enhance the self-esteem and
24 assimilation of life skills necessary for productive functioning in the
25 school setting and society.

26 (cf: P.L.2007, c.189, s.2)

27
28 59. Section 1 of P.L.2009, c.16 (C.40A:14-200) is amended to
29 read as follows:

30 1. As used in this act:

31 "Law enforcement agency" or "agency" means any public
32 agency, other than the Department of Law and Public Safety, but
33 not including the **【Juvenile】 Youth** Justice Commission, any police
34 force, department, or division within the State, or any county or
35 municipality thereof, which is empowered by statute to act for the
36 detection, investigation, arrest, conviction, detention, or
37 rehabilitation of persons violating the criminal laws of this State.

38 "Law enforcement officer" or "officer" means any person who is
39 employed as a permanent full-time member of any State, county, or
40 municipal law enforcement agency, department, or division of those
41 governments who is statutorily empowered to act for the detection,
42 investigation, arrest, conviction, detention, or rehabilitation of
43 persons violating the criminal laws of this State and statutorily
44 required to successfully complete a training course approved by, or
45 certified as being substantially equivalent to such an approved
46 course, by the Police Training Commission pursuant to P.L.1961,
47 c.56 (C.52:17B-66 et seq.).

1 "Paid firefighter" or "firefighter" means any full-time paid
2 firefighter employed by a public fire department.

3 "Public fire department" or "department" means any department
4 of a municipality, county, fire district or the State or any agency
5 thereof having employees engaged in firefighting provided that such
6 firefighting employees are included in a negotiating unit exclusively
7 comprised of firefighting employees.

8 (cf: P.L.2009, c.16, s.1)

9

10 60. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
11 read as follow:

12 19. a. The Victims of Crime Compensation Agency, after
13 consultation with the Attorney General, the Department of
14 Corrections, and the Administrative Office of the Courts, on behalf
15 of the county probation divisions and the municipal court clerks,
16 shall continue to develop the existing uniform system for recording
17 all information necessary to ensure proper identification, tracking,
18 collection and disposition of moneys owed for:

19 (1) assessments imposed pursuant to section 2 of P.L.1979,
20 c.396 (C.2C:43-3.1);

21 (2) fines and restitutions imposed in accordance with provisions
22 of Title 2C of the New Jersey Statutes;

23 (3) fees imposed pursuant to N.J.S.2C:35-20;

24 (4) penalties imposed pursuant to N.J.S.2C:35-15.

25 b. The Victims of Crime Compensation Agency shall use the
26 moneys deposited in the Criminal Disposition and Revenue
27 Collection Fund to defray the costs incurred by the agency in
28 developing, implementing, operating and improving the agency's
29 component of the uniform system for tracking and collecting
30 revenues described in subsection a. of this section.

31 c. The **【Juvenile】** Youth Justice Commission established
32 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the
33 Department of Corrections, and the Administrative Office of the
34 Courts, on behalf of the county probation divisions and the
35 municipal court clerks, shall file such reports with the Victims of
36 Crime Compensation Agency as required for the operation of the
37 uniform system described in subsection a. of this section.

38 d. The Victims of Crime Compensation Agency shall report
39 annually to the Governor, the Attorney General, the Administrative
40 Director of the Administrative Office of the Courts, the
41 Commissioner of the Department of Corrections, the **【Juvenile】**
42 Youth Justice Commission and the Legislature on the development,
43 implementation, improvement and effectiveness of the uniform
44 system and on moneys received, deposited and identified as
45 receivable.

46 (cf: P.L.2007, c.95, s.10)

1 61. Section 1 of P.L.2019, c.115 (C.52:16A-26.10) is amended
2 to read as follows:

3 1. a. The New Jersey State Council on the Arts shall publish on
4 its website and disseminate to any organization in this State that
5 expresses to the council an intent to develop or expand an arts
6 program for youth at risk of juvenile delinquency a guide
7 containing best practices for such programs. Under the best
8 practices guidelines, programs should:

9 (1) recognize that art is a vehicle that can be used to engage
10 youth in activities that will increase their self-esteem;

11 (2) provide for collaborative effort among the artist, social
12 service provider, teacher, agency staff, youth, and family, as
13 appropriate, in delivery of the program;

14 (3) recognize and involve the families of the youth and the
15 communities in which the youth live;

16 (4) include age-appropriate curriculum;

17 (5) emphasize dynamic teaching tactics, such as hands-on
18 learning, apprentice relationships, and the use of technology;

19 (6) to the extent possible, culminate in a public performance or
20 exhibition with a focus on building participants' self-esteem through
21 public recognition;

22 (7) during the planning stage, address program goals, site
23 selection, population, the development of relationships among team
24 members, the methods for youth involvement in planning,
25 curriculum design, transportation, safety, incentives, behavioral
26 requirements, program growth, the balance between arts program
27 and other program objectives, the balance between process and
28 product, student recognition of achievements, and the involvement
29 of families, communities, and volunteers;

30 (8) incorporate an evaluation system early into the program;

31 (9) train teams, collaboratively, that work with youth in team
32 building, communication skills, and organizational skills;

33 (10) train teams in effective methods for working with youth
34 from special populations, including in behavior management,
35 adolescent psychology, and familiarization with the juvenile justice
36 system;

37 (11) train teams in designing a curriculum or involving a trained
38 curriculum specialist;

39 (12) adopt training that is practical, addresses issues identified
40 by team members, incorporates advice from a variety of trainers
41 with expertise in relevant issue areas, provides opportunities for
42 team members to share in successes and failures and engage in peer
43 training, and integrates specialized training into ongoing training
44 sessions whenever possible;

45 (13) require program staff to clearly define program goals and
46 intended outcomes in evaluating an arts program, and to monitor
47 and document program implementation and the service-delivery
48 process;

1 (14) utilize "process evaluations," which examine program
2 implementation and service delivery, to describe and refine a
3 program, measuring the impact on youth and identifying ways to
4 improve a program;

5 (15) employ journals, portfolios, surveys, and artist observations
6 as evaluation measures to determine the effects of arts programs on
7 at-risk youth, incorporating those measures into program activities
8 when possible;

9 (16) document program-specific factors, such as staff ratios,
10 hours of contact, and duration of contact, in process evaluations;

11 (17) account for the impact of individual, family, and
12 community factors on program effectiveness; and

13 (18) incorporate activities that recognize individual efforts and
14 provide opportunities for youth to learn new skills, which activities
15 are designed to reduce the influence of risk factors associated with
16 adolescent problem behaviors, such as low neighborhood
17 attachment, lack of commitment to school, alienation and
18 rebelliousness, and friends who engage in problem behavior.

19 The council shall make periodic revisions to the guide as
20 necessary.

21 b. The council shall provide technical and consultative
22 assistance to any State agency or local government unit requesting
23 such assistance to implement a program adopting the elements
24 listed in subsection a. of this section. The council shall, upon
25 completion or revision, deliver, by electronic or other means, the
26 guide to the **【Juvenile】 Youth** Justice Commission and the Division
27 of Child Protection and Permanency in the Department of Children
28 and Families.

29 As used in this subsection, "State agency" means any agency in
30 the Executive branch of State government, including, but not
31 limited to, any department, board, bureau, commission, division,
32 office, council, or instrumentality thereof, or independent agency,
33 public authority or public benefit corporation, and any State college
34 or public institution of higher education. "Local government unit"
35 means a county, municipality, board of education, or county college
36 as defined in section 2 of P.L.1982, c.189 (C.18A:64A-25.2).

37 (cf: P.L.2019, c.115, s.1)

38
39 62. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
40 read as follows:

41 2. As used in this act:

42 "Applicant" means an individual who applies to the Police
43 Training Commission to become licensed as a law enforcement
44 officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

45 "Approved school" shall mean a school approved and authorized
46 by the Police Training Commission to give police training courses
47 or a training course for State and county correctional police officers
48 and juvenile detention officers as prescribed in this act.

1 "Commission" shall mean the Police Training Commission or
2 officers or employees thereof acting on its behalf.

3 "County" shall mean any county which within its jurisdiction has
4 or shall have a law enforcement unit as defined in this act.

5 "Discipline subject to appeal" means a removal, disciplinary
6 demotion, suspension, or fine of more than five days, or fewer
7 where the aggregate number of days the employee was suspended
8 or fined in any one calendar year is 15 or more days, or where the
9 employee received more than three suspensions or fines of five days
10 or fewer in one calendar year.

11 "Law enforcement officer" means any person who is employed
12 as a sworn member of any State, county, or municipal law
13 enforcement agency, department, division, or instrumentality of
14 those governments who is statutorily empowered to act for the
15 detection, investigation, arrest, conviction, detention, or
16 rehabilitation of persons violating the criminal laws of the State.
17 This term shall include, but is not limited to, sworn members of the
18 New Jersey State Police, the Division of Criminal Justice, and the
19 **【Juvenile】** Youth Justice Commission; State correctional police
20 officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4);
21 county correctional police officers pursuant to N.J.S.2A:154-3;
22 State Parole officers pursuant to section 1 of P.L.1968, c.427
23 (C.2A:154-4); special law enforcement officers of all classes
24 pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law
25 enforcement officers appointed pursuant to section 25 of P.L.2017,
26 c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4);
27 transit police officers appointed by New Jersey Transit pursuant to
28 section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police
29 officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
30 seq.).

31 "Law enforcement unit" shall mean any State, county or
32 municipal law enforcement agency, department, division, or
33 instrumentality of such government that is statutorily empowered to
34 act for the detection, investigation, arrest, conviction, detention, or
35 rehabilitation of persons violating the criminal laws of the State,
36 and shall include all agencies that employ law enforcement officers
37 as defined in this section.

38 "Licensing committee" means the committee established by the
39 Police Training Commission to perform duties with respect to law
40 enforcement officer licensing as set forth in subsection c. of section
41 9 of P.L.2022, c.65 (C.52:17B-71a).

42 "Municipality" shall mean a city of any class, township, borough,
43 village, or any other type of municipality in this State which, within
44 its jurisdiction, has or shall have a law enforcement unit as defined
45 in this act.

46 "National Decertification Index" shall mean the national registry
47 of law enforcement officer decertification or license revocations

1 maintained by the International Association of Directors of Law
2 Enforcement Standards and Training, or a successor database.

3 "Permanent appointment" shall mean an appointment having
4 permanent status as a law enforcement officer in a law enforcement
5 unit as prescribed by Title 11A of the New Jersey Statutes, Civil
6 Service Commission Rules and Regulations, or of any other law of
7 this State, municipal ordinance, or rules and regulations adopted
8 thereunder.

9 "Police training course" means a training course approved by the
10 Police Training Commission and conducted at an approved school.

11 "Probationary law enforcement license" means a license issued
12 by the Police Training Commission to a person appointed by a law
13 enforcement unit on a probationary or temporary basis which
14 authorizes the person to perform the functions of a permanent law
15 enforcement officer during the person's probationary or temporary
16 appointment term.

17 "Sustained finding" shall mean a determination by an employing
18 law enforcement unit that a law enforcement officer violated a law;
19 regulation; directive, guideline, policy, or procedure issued by the
20 Attorney General or County Prosecutor; agency protocol; standing
21 operating procedure; rule; or training.

22 (cf: P.L.2022, c.65, s.2)

23

24 63. Section 1 of P.L.1995, c.284 (C.52:17B-169) is amended to
25 read as follows:

26 1. The Legislature finds and declares:

27 a. The public safety requires reform of the juvenile justice
28 system;

29 b. Juvenile arrests for murder, robbery, aggravated sexual
30 assault, sexual assault and aggravated assault have increased 38
31 percent between 1988 and 1993 and New Jersey ranks near the top
32 nationally in the number of juvenile arrests for serious violent
33 crimes;

34 c. Juvenile crime has become a leading cause of injury and
35 death among young people;

36 d. Currently, preventive, deterrent and rehabilitative services
37 and sanctions for juveniles are the responsibility of no less than
38 three State departments: The Department of Law and Public Safety
39 deals with county prosecutors and local police and implements
40 prevention programs; the Department of Corrections operates the
41 New Jersey Training School for Boys and the Juvenile Medium
42 Security Facility, and its Bureau of Parole supervises juvenile
43 parolees; and the Department of Human Services operates
44 residential and day programs in facilities for juveniles adjudicated
45 delinquent;

46 e. The division of responsibility for the juvenile justice
47 population and the limitations on resources available to meet ever-
48 increasing demands for services provided by the Departments of

- 1 Human Services and Corrections have prevented the departments
2 from maximizing efforts to meet the special needs of the juvenile
3 justice population;
- 4 f. The juvenile justice system lacks services and sanctions
5 short of incarceration, particularly in urban areas and for that
6 reason, many juveniles are not held accountable until they have
7 committed a series of increasingly serious criminal acts;
- 8 g. The special needs of juveniles can be addressed through
9 services and sanctions provided at the county and local level;
- 10 h. The need to protect the public from criminal acts by juvenile
11 offenders requires a comprehensive program and concerted action
12 of governmental agencies and private organizations at the State,
13 county and local level that permit effective response and avoid
14 waste of scarce resources;
- 15 i. (1) The comprehensive program should provide a range of
16 services and sanctions for juveniles sufficient to protect the public
17 through prevention; early intervention; and a range of meaningful
18 sanctions that ensure accountability, provide training, education,
19 treatment and, when necessary, confinement followed by
20 community supervision that is adequate to protect the public and
21 promote successful reintegration into the community;
- 22 (2) Consistent with the need to protect the public, services and
23 sanctions for juveniles shall provide balanced attention to the
24 protection of the community, the imposition of accountability for
25 offenses committed, fostering interaction and dialogue between the
26 offender, victim and community and the development of
27 competencies to enable juvenile offenders to become responsible
28 and productive members of the community.
- 29 j. The most efficient and effective use of available resources
30 requires fixing responsibility for the comprehensive program in a
31 single State agency and providing incentives to encourage the
32 development and provision of appropriate services and sanctions at
33 the county and local level; and
- 34 k. It is, therefore, necessary to establish a **【Juvenile】 Youth**
35 Justice Commission responsible for operating State services and
36 sanctions for juveniles involved in the juvenile justice system and
37 responsible for developing a Statewide plan for effective provision
38 of juvenile justice services and sanctions at the State, county and
39 local level; to establish a State/Community Partnership Grant
40 Program through which the State will provide incentives to county
41 and local governments to encourage the provision of services and
42 sanctions for juveniles adjudicated or charged as delinquent and
43 programs for the prevention of juvenile delinquency, and to
44 establish county youth services commissions responsible for
45 planning and implementing the Partnership at the local level.
46 (cf: P.L.2001, c.408, s.7.)

1 64. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
2 read as follows:

3 2. a. A **【Juvenile】** Youth Justice Commission is established in,
4 but not of, the Department of Law and Public Safety. The
5 commission is allocated to the Department of Law and Public
6 Safety for the purpose of complying with Article V, Section IV,
7 paragraph 1 of the New Jersey Constitution. The Attorney General
8 shall be the request officer for the commission within the meaning
9 of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall
10 exercise that authority and other administrative functions, powers
11 and duties consistent with the provisions of this act.

12 b. The commission shall consist of an executive director, an
13 executive board, an advisory council and such facilities, officers,
14 employees and organizational units as provided herein or as
15 otherwise necessary to performance of the commission's duties and
16 responsibilities.

17 c. The executive director shall be appointed by the Governor
18 with the advice and consent of the Senate and shall serve at the
19 pleasure of the Governor during the Governor's term of office and
20 until a successor is appointed and qualified.

21 d. The executive board shall consist of the following members:
22 The Attorney General, who shall serve as chair of the executive
23 board; the Commissioner of Corrections and the Commissioner of
24 Children and Families, who shall serve as vice-chairs of the
25 executive board; the Commissioner of Education; the chair of the
26 **【Juvenile】** Youth Justice Commission advisory council, established
27 pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two
28 members who serve as chairs of a county youth services
29 commission, established pursuant to P.L.1995, c.282
30 (C.52:17B-180), to be appointed by the Governor to serve at the
31 Governor's pleasure. The Administrative Director of the
32 Administrative Office of the Courts is invited to participate on the
33 executive board, subject to the approval of the Supreme Court. A
34 member of the executive board may name a designee who shall
35 have the authority to act for the member. Members of the executive
36 board shall serve without compensation for their services to the
37 commission. The executive board shall meet at least quarterly and
38 at such other times as designated by the chair. Except with respect
39 to matters concerning distribution of funds to counties, four
40 members of the executive board shall constitute a quorum to
41 transact business of the executive board and action of the executive
42 board shall require an affirmative vote of four members. A member
43 of the executive board who is also a member of a county youth
44 services commission shall not participate in matters concerning
45 distribution of funds to counties; in these matters, three members of
46 the executive board shall constitute a quorum to transact business
47 and an action of the executive board shall require an affirmative
48 vote of three members.

- 1 e. The commission shall have the following powers, duties and
2 responsibilities:
- 3 (1) To specify qualifications for and to employ, within the limits
4 of available appropriations and subject to the provisions of
5 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
6 Jersey Statutes, such staff as are necessary to accomplish the work
7 of the commission or as are needed for the proper performance of
8 the functions and duties of the commission, including but not
9 limited to:
- 10 (a) The number of deputy directors, assistant directors,
11 superintendents, assistant superintendents and other assistants who
12 shall be in the unclassified service and shall be deemed confidential
13 employees for the purposes of the "New Jersey Employer-Employee
14 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and
- 15 (b) Juvenile corrections officers;
- 16 (2) To utilize such staff of the Department of Law and Public
17 Safety as the Attorney General, within the limits of available
18 appropriations, may make available to the commission;
- 19 (3) To organize the work of the commission in appropriate
20 bureaus and other organization units;
- 21 (4) To enter into contracts and agreements with State, county
22 and municipal governmental agencies and with private entities for
23 the purpose of providing services and sanctions for juveniles
24 adjudicated or charged as delinquent and programs for prevention
25 of juvenile delinquency;
- 26 (5) To contract for the services of professional and technical
27 personnel and consultants as necessary to fulfill the statutory
28 responsibilities of the commission;
- 29 (6) To establish minimum standards for the care, treatment,
30 government and discipline of juveniles confined pending, or as a
31 result of, an adjudication of delinquency;
- 32 (7) To assume the custody and care of all juveniles committed
33 by court order, law, classification, regulation or contract to the
34 custody of the commission or transferred to the custody of the
35 commission pursuant to section 8 of P.L.1995, c.284
36 (C.52:17B-176);
- 37 (8) To manage and operate all State secure juvenile facilities
38 which shall include the New Jersey Training School for Boys
39 created pursuant to R.S.30:1-7 and transferred to the Commissioner
40 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
41 and the Juvenile Medium Security Facility created pursuant to
42 R.S.30:1-7 and both transferred to the commission pursuant to
43 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
44 other secure juvenile facility established by the commission in the
45 future;
- 46 (9) To manage and operate all State juvenile facilities or
47 juvenile programs for juveniles adjudicated delinquent which shall
48 include facilities and programs transferred to the commission

1 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
2 established or contracted for in the future by the commission;

3 (10) To prepare a State **【Juvenile】 Youth** Justice Master Plan
4 every third year which identifies facilities, sanctions and services
5 available for juveniles adjudicated or charged as delinquent and
6 juvenile delinquency prevention programs and which identifies
7 additional needs based upon the extent and nature of juvenile
8 delinquency and the adequacy and effectiveness of available
9 facilities, services, sanctions and programs;

10 (11) To approve plans for each county submitted by the county
11 youth services commission pursuant to P.L.1995, c.282
12 (C.52:17B-180);

13 (12) To administer the State/Community Partnership Grant
14 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

15 (13) To accept from any governmental department or agency,
16 public or private body or any other source, grants or contributions
17 to be used in exercising its power, and in meeting its duties and
18 responsibilities;

19 (14) To formulate and adopt standards and rules for the efficient
20 conduct of the work of the commission, the facilities, services,
21 sanctions and programs within its jurisdiction, and its officers and
22 employees;

23 (15) To provide for the development of the facilities, services,
24 sanctions and programs within its jurisdiction and to promote the
25 integration of State, county and local facilities, sanctions, services
26 and programs, including probation and parole;

27 (16) To institute, or cause to be instituted, such legal proceedings
28 or processes as may be necessary to enforce properly and give
29 effect to any of its powers or duties including the authority to
30 compel by subpoena, subject to the sanction for contempt of
31 subpoena issued by a court, attendance and production of records;

32 (17) To provide for the timely and efficient collection and
33 analysis of data regarding the juvenile justice system to insure the
34 continuing review and evaluation of services, policies and
35 procedures;

36 (18) To receive and classify juveniles committed to the custody
37 of the commission;

38 (19) To determine whether an incarcerated juvenile is eligible for
39 parole and to supervise compliance with conditions of parole;

40 (20) To establish appropriate dispositions of juveniles for whom
41 parole has been revoked;

42 (21) To perform such other functions as may be prescribed by
43 law; and

44 (22) To promulgate, pursuant to the "Administrative Procedure
45 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
46 necessary to implement and effectuate the purposes of this act.

47 f. Whenever the term “Juvenile Justice Commission” occurs or
48 any reference is made thereto in any law, contract or document, the

1 same shall be deemed to mean or refer to the “Youth Justice
2 Commission” established and designated therein.

3 (cf: P.L.2019, c.363, s.17)

4
5 65. Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is amended
6 to read as follows:

7 1. The **【Juvenile】** Youth Justice Commission shall establish
8 standards for suicide and mental health screening in county juvenile
9 detention facilities in accordance with the provisions of this act.
10 The standards shall require that each county detention facility
11 develop written policies concerning mental health screening,
12 suicide screening, suicide prevention protocols and other mental
13 and emotional health-related issues and that each county juvenile
14 detention facility make psychological or psychiatric services
15 available to juveniles as needed.

16 (cf: P.L.2007, c.315, s.1)

17
18 66. Section 2 of P.L.2007, c.315 (C.52:17B-171.2) is amended
19 to read as follows:

20 2. a. Upon admission to a county juvenile detention facility, a
21 juvenile shall be screened for risk of suicide in accordance with the
22 facility's suicide prevention protocols and written policies required
23 by section 1 of this act. The suicide risk screening shall include,
24 but not be limited to, the use of a standardized suicide risk
25 questionnaire designated and made available by the **【Juvenile】**
26 Youth Justice Commission. The findings shall be recorded and
27 brought to the attention of the appropriate medical or mental health
28 staff as soon as possible.

29 b. If a juvenile shows evidence of suicide risk, the facility's
30 suicide prevention protocols shall be immediately implemented.
31 The policies shall include an increased level of supervision of a
32 juvenile showing evidence of suicide risk until appropriate mental
33 health services can be obtained. The facility administrator, or the
34 administrator's designee, shall be immediately notified if a juvenile:

35 (1) is suspected of being at risk of attempting suicide or in
36 emotional distress;

37 (2) has made a suicidal gesture or attempt; or

38 (3) scores in a suicide caution or warning range in a screening.

39 c. Every suicide gesture or attempt shall be reported to the
40 **【Juvenile】** Youth Justice Commission.

41 (cf: P.L.2007, c.315, s.2)

42
43 67. Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is amended
44 to read as follows:

45 3. Between 24 and 48 hours following admission to a county
46 juvenile detention facility, a juvenile shall undergo mental health
47 screening using a mental health screening tool designated by the
48 **【Juvenile】** Youth Justice Commission and in accordance with the

1 facility's written policies required by section 1 of this act. If the
2 screening tool indicates that a referral for additional screening or
3 mental health services is appropriate, that referral shall occur as
4 soon as possible. If the screening indicates a warning or caution,
5 the juvenile shall be placed on, and remain under, increased
6 supervision until it is determined by a mental health clinician that a
7 heightened level of supervision is no longer needed to ensure the
8 safety of the juvenile.

9 (cf: P.L.2007, c.315, s.3)

10
11 68. Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is amended
12 to read as follows:

13 6. No person shall perform a suicide risk screening pursuant to
14 section 2 of this act or a mental health screening pursuant to section
15 3 of this act unless that person has been certified by the **【Juvenile】**
16 Youth Justice Commission as qualified to perform such screening.

17 (cf: P.L.2007, c.315, s.6)

18
19 69. Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is amended
20 to read as follows:

21 7. The **【Juvenile】** Youth Justice Commission, in conjunction
22 with the Department of Children and Families, shall establish and
23 maintain a confidential Statewide database of the suicide risk
24 screenings required by section 2 of this act and the mental health
25 screenings required by section 3 of this act to be used exclusively
26 by persons performing suicide risk and mental health screenings.

27 (cf: P.L.2007, c.315, s.7)

28
29 70. Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is amended
30 to read as follows:

31 8. a. The **【Juvenile】** Youth Justice Commission shall monitor the
32 number of suicides that occur at each county juvenile detention
33 facility.

34 b. Upon an initial suicide at a facility, the commission shall
35 conduct an evaluation of the facility's compliance with the
36 provisions of this act, an accountability assessment and an action
37 report.

38 c. If a second suicide occurs within seven years of the initial
39 suicide, the **【Juvenile】** Youth Justice Commission shall, within 30
40 days, and with the approval of the Attorney General, evaluate the
41 facility for compliance with the provisions of this act. A facility
42 shall not admit additional juveniles until the Attorney General has
43 certified that the facility is in compliance with the provisions of this
44 act.

45 d. If a third or subsequent suicide occurs within seven years of
46 an initial suicide, the facility shall be immediately closed and shall
47 not reopen until the Governor determines that it shall reopen. A
48 task force comprised of the following seven members shall assist

1 the Governor in making this determination: the Executive Director
2 of the **【Juvenile】 Youth** Justice Commission, or a designee; the
3 Attorney General, or a designee; the Child Advocate, or a designee;
4 the Commissioner of Children and Families, or a designee; one
5 public member; a director of a county juvenile detention facility,
6 but not of the county facility being evaluated; and a member of the
7 board of chosen freeholders of the county within which the facility
8 being evaluated is located.

9 (cf: P.L.2007, c.315, s.8)

10
11 71. Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is amended
12 to read as follows:

13 9. The **【Juvenile】 Youth** Justice Commission shall include the
14 following information on the commission's website:

15 a. All reports monitoring the operations of county juvenile
16 detention centers, including, but not limited to, any corrective
17 actions taken against or penalties imposed on a center, if applicable;
18 and

19 b. The rated census capacity and the average monthly
20 population for each county juvenile detention center.

21 (cf: P.L.2007, c.315, s.9)

22
23 72. Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is amended
24 to read as follows:

25 10. The **【Juvenile】 Youth** Justice Commission shall, in
26 conjunction with the Police Training Commission and mental health
27 experts, develop a training curriculum for juvenile detention
28 officers and youth workers focusing on the mental health needs of
29 the juvenile detention population.

30 (cf: P.L.2007, c.315, s.10)

31
32 73. Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is
33 amended to read as follows:

34 11. The **【Juvenile】 Youth** Justice Commission, in conjunction
35 with the Department of Children and Families, shall annually
36 submit to the Governor and the Legislature, for seven years
37 following the effective date of this act, a report detailing:

38 a. the number of suicides and suicide attempts at each county
39 juvenile detention facility;

40 b. the number of suicide and mental health screenings that have
41 been conducted at each facility and the number of juveniles whose
42 screenings have indicated a warning or caution;

43 c. the number of juveniles who have been referred for
44 additional screening or evaluation; and

45 d. a summary of the diagnoses for juveniles who have received
46 treatment.

47 (cf: P.L.2007, c.315, s.11)

1 74. Section 12 of P.L.2007, c.315 (C.52:17B-171.11) is
2 amended to read as follows:

3 12. The **【Juvenile】** Youth Justice Commission, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.) shall adopt rules and regulations necessary to implement the
6 provisions of this act, which may include:

7 a. penalties for continued violations of the manual of standards
8 applicable to county detention centers; and

9 b. a graduated system of intermediate fines and penalties for
10 violations of the provisions of the act.

11 (cf: P.L.2007, c.315, s.12)

12

13 75. Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is amended
14 to read as follows:

15 8. The **【Juvenile】** Youth Justice Commission shall ensure that
16 prior to the scheduled date of release of a juvenile from a detention
17 facility or a facility in which the juvenile was incarcerated, the
18 appropriate staff at the facility notify the applicable county welfare
19 agency to process the reinstatement of the juvenile in the Medicaid
20 program if the juvenile was enrolled in Medicaid prior to detention
21 or incarceration and continues to meet eligibility requirements for
22 the program.

23 As used in this act, "Medicaid" means the Medicaid program
24 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

25 (cf: P.L.2009, c.329, s.8)

26

27 76. Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is amended
28 to read as follows:

29 5. a. A juvenile detained in, or sentenced to, a State juvenile
30 correctional facility or county juvenile detention center shall not be
31 subject to room restriction unless the juvenile poses an immediate
32 and substantial risk of harm to others or to the security of the
33 facility, and all other less-restrictive options have been exhausted.

34 b. A juvenile may be subject to room restriction only for the
35 minimum time required to address the safety risk and for a period
36 that does not compromise the mental and physical health of the
37 juvenile, but in no case shall a juvenile be held in room restriction
38 for more than eight consecutive waking hours without being
39 released for at least two hours for recreation and exercise.

40 c. A juvenile who is 15 years of age or younger shall not be
41 subject to room restriction for more than two consecutive days. A
42 juvenile who is 16 years of age or older but younger than 18 years
43 of age shall not be subject to room restriction for more than three
44 consecutive days. A juvenile who is 18 years of age or older shall
45 not be subject to room restriction for more than five consecutive
46 days. A juvenile shall not be subject to room restriction for more
47 than 10 total days in a calendar month.

1 d. Juveniles subject to room restriction shall continue to
2 receive health, mental health, and educational services.

3 e. Each State correctional facility or county juvenile detention
4 facility shall document, in aggregate, the use of room restriction,
5 including the dates and duration of each occurrence, the reason for
6 placement in room restriction, and the race, age, and gender of the
7 juvenile placed in room restriction. If any health or mental health
8 clinical evaluations were performed, it shall be affirmatively
9 certified that the results of those evaluations were considered in any
10 decision to place the juvenile in room restriction or to continue
11 room restriction.

12 The aggregate data compiled pursuant to this subsection shall be:

13 (1) made available for public inspection pursuant to P.L.1963,
14 c.73 (C.47:1A-1 et seq.), commonly known as the open public
15 records act; and

16 (2) published on the official Internet website of the **【Juvenile】**
17 Youth Justice Commission.

18 f. This section shall not prohibit the use of single-person
19 rooms or cells for the housing of juveniles in State correctional or
20 county juvenile detention centers.

21 g. This section does not apply to juveniles in court holding
22 facilities or adult facilities.

23 h. Nothing in this section shall be construed to conflict with
24 any law providing greater or additional protections to juveniles.

25 i. For the purposes of this section, "room restriction" shall
26 mean the placement of a juvenile in a State juvenile correctional
27 facility or county juvenile detention center in a locked room or cell,
28 alone or with one other person, for 22 to 24 hours per day. Room
29 restriction shall not include confinement of a juvenile in a single-
30 person room or cell for brief periods of locked-room confinement
31 necessary for institutional operations, including, but not limited to,
32 shift changes, showering, and unit movements.

33 (cf: P.L.2015, c.89, s.5)

34
35 77. Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is
36 amended to read as follows:

37 18. a. The **【Juvenile】** Youth Justice Commission shall establish a
38 program to collect, record, and analyze data regarding juveniles
39 who were sentenced to a term of incarceration. In furtherance of
40 this program, the commission shall collect the following data:

41 (1) the offense for which the juvenile was incarcerated; the term
42 of incarceration imposed on the juvenile, including a term of
43 incarceration imposed for a violation of parole; the age, gender,
44 race, and ethnicity of the juvenile; the county where the juvenile
45 was adjudicated delinquent; the classification of the juvenile; and
46 whether the juvenile was sentenced to an extended term of
47 incarceration;

1 (2) aggregate data of incidents of violence, suicide, suicide
2 attempts, hospitalizations, and any form of segregation or isolation
3 of a juvenile for all facilities where juveniles are placed; and

4 (3) the amount of time remaining on each sentence of
5 incarceration imposed on a juvenile whose parole was revoked;
6 whether the violation that was the basis for the revocation was
7 technical or based upon a new offense; the age, gender, race, and
8 ethnicity of the juvenile; and the county where the juvenile's parole
9 was revoked by the court.

10 b. The commission shall prepare and publish on its Internet
11 website biennial reports summarizing the aggregated data collected,
12 recorded, and analyzed pursuant to subsection a. of this section.

13 c. The commission shall publish on its Internet website the
14 criteria that are used to determine whether a juvenile is granted
15 parole. The commission also shall provide this information to every
16 juvenile who is sentenced to a term of incarceration.

17 (cf: P.L.2019, c.363, s.18)

18
19 78. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to
20 read as follows:

21 4. a. The advisory council to the **【Juvenile】 Youth** Justice
22 Commission shall consist of the following members:

23 (1) The Commissioner of the Department of Labor and
24 Workforce Development, the Commissioner of the Department of
25 Health **【and Senior Services】**, the Commissioner of the Department
26 of Community Affairs, the Chairperson of the Civil Service
27 Commission, the Public Defender and a county prosecutor selected
28 by and serving at the pleasure of the Governor or a person
29 designated by one of the forenamed officers to serve in that officer's
30 place;

31 (2) Nine members who shall be selected for their knowledge,
32 competence, experience or interest in the juvenile justice system.
33 Appointments shall be made as follows: three by the President of
34 the Senate, no more than two of whom shall be of the same political
35 party; three by the Speaker of the General Assembly, no more than
36 two of whom shall be of the same political party and three by the
37 Governor, no more than two of whom shall be of the same political
38 party.

39 b. The term of office of each public member of the advisory
40 council shall be three years; except that of the first members
41 appointed, one appointed by the Governor, one by the President of
42 the Senate and one by the Speaker of the General Assembly shall be
43 appointed for a term of one year, one appointed by the Governor,
44 one by the President of the Senate and one by the Speaker of the
45 General Assembly shall be appointed for a term of two years and
46 the remaining three members shall be appointed for a term of three
47 years. Each member shall serve until a successor has been
48 appointed and qualified, and vacancies shall be filled in the same

1 manner as the original appointments for the remainder of the
2 unexpired term. A member is eligible for reappointment to the
3 council.

4 c. The Governor shall appoint the chair of the advisory council
5 from among the members of the council. The chair shall serve at
6 the pleasure of the Governor during the Governor's term of office
7 and until the appointment and qualification of the chair's successor.
8 The members of the council shall elect a vice-chair from among the
9 members of the council.

10 d. The members of the council shall receive no compensation
11 for their services.

12 (cf: P.L.2008, c.29, s.110)

13

14 79. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
15 read as follows:

16 6. a. The **【Juvenile】** Youth Justice Commission shall employ,
17 within the limits of available funds, juvenile corrections officers to
18 staff each State secure juvenile facility and to provide security for
19 other State juvenile facilities and programs including parole
20 programs as deemed appropriate and to perform all other duties
21 related to enforcement of confinement and conditions of release
22 including execution of warrants and legal process. Juvenile
23 corrections officers shall be in the competitive division of the career
24 service established pursuant to N.J.S.11A:3-2, "policemen" within
25 the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and
26 members of the Police and Firemen's Retirement System of New
27 Jersey established pursuant to section 2 of P.L.1944, c.255
28 (C.43:16A-2), and shall be "employees" within the meaning of
29 section 3 of P.L.1941, c.100 (C.34:13A-3).

30 b. Except as provided in subsection c. of this section, no person
31 shall be appointed as a juvenile corrections officer unless that
32 person:

33 (1) Is a citizen of the United States;

34 (2) Is able to read, write and speak the English language well
35 and intelligently;

36 (3) Has a high school diploma or its equivalent;

37 (4) Is sound in body and of good health;

38 (5) Is of good moral character;

39 (6) Has not been convicted of any offense which would make
40 the person unfit to perform the duties of a juvenile corrections
41 officer;

42 (7) Has successfully completed the training course approved by
43 the Police Training Commission and required by section 5 of
44 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
45 provisions of that section; and

46 (8) Meets such other qualifications, including education and
47 training, as may be specified by the commission in consultation
48 with the Civil Service Commission.

1 c. (1) Pending appointment of a full complement of juvenile
2 corrections officers who meet the requirements of subsection b. of
3 this section, the commission and the Commissioner of Corrections
4 shall arrange through agreement for the assignment of corrections
5 officers necessary to fill the positions transferred pursuant to
6 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
7 assigned to the commission pursuant to such an agreement shall be
8 under the supervision of the commission during the period of
9 assignment as provided by the agreement between the commission
10 and the Commissioner of Corrections. The primary concerns of all
11 agreements governing assignment and supervision shall be public
12 safety and safety within the facilities and programs. No officer
13 assigned pursuant to such an agreement shall, by virtue of such
14 assignment, be considered an employee of the commission or lose
15 or suffer any diminution of any right, power, privilege or benefit to
16 which the employee would otherwise be entitled pursuant to the
17 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
18 Revised Statutes, or Title 43 of the Revised Statutes, including any
19 rights, powers, privileges or benefits as to salary, seniority,
20 promotion, re-employment, retirement, pension or representation
21 for purposes of collective bargaining;

22 (2) Notwithstanding the provisions of subsection b. of this
23 section, a corrections officer assigned to the commission pursuant
24 to this section shall not be considered ineligible for the position of
25 juvenile corrections officer solely because the officer does not meet
26 any educational or training requirement the commission may
27 establish and may be appointed as a juvenile corrections officer if
28 the officer applies for such position within 18 months of the
29 effective date of this act. A juvenile corrections officer appointed
30 pursuant to this subsection shall not be deprived of any right or
31 protection provided by Title 11A of the New Jersey Statutes or any
32 pension or retirement system and, notwithstanding any law or
33 regulation to the contrary, shall be eligible to compete for vacant
34 positions within the Department of Corrections with full credit for
35 experience, service and rank earned as an employee of the
36 Department of Corrections and such credit for experience, service
37 and rank earned as an employee of the commission as the
38 Commissioner of Corrections, after consultation with the Civil
39 Service Commission, deems appropriate.

40 d. Each juvenile corrections officer shall by virtue of such
41 employment and in addition to any other power or authority, be
42 empowered to act as an officer for the detection, apprehension,
43 arrest and adjudication of offenders against the law and, subject to
44 regulations promulgated by the commission and conditions set forth
45 in N.J.S.2C:39-6, shall have the authority to possess and carry a
46 firearm.

47 (cf: P.L.2008, c.29, s.111)

1 80. Section 8 of P.L.1995, c.284 (C.52:17B-176) is amended to
2 read as follows:

3 8. a. The following are transferred to the **【Juvenile】 Youth**
4 Justice Commission:

5 (1) The custody and care of any juvenile adjudicated delinquent
6 and committed or classified to the custody of the Department of
7 Corrections or committed or classified to the custody or care of the
8 Division of Juvenile Services of the Department of Human
9 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as
10 modified by Reorganization Plan No. 001-1993, P.L.1993, c.283,
11 and Executive Order No. 93 of 1993, or serving a term of
12 incarceration in a county detention facility pursuant to section 1 of
13 P.L.1992, c.211 (C.2A:4A-44.1);

14 (2) The New Jersey Training School for Boys created pursuant
15 to R.S.30:1-7 and transferred to the Commissioner of Corrections
16 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile
17 Medium Security Facility created pursuant to R.S.30:1-7;

18 (3) All residential and day care facilities and programs
19 established pursuant to the powers delegated to the Division of
20 Juvenile Services, Department of Corrections, by the Commissioner
21 of the Department of Corrections pursuant to his powers contained
22 in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth
23 committed to participate therein by court order, law, classification,
24 regulation or contract which were subsequently transferred to the
25 Division of Juvenile Services, Department of Human Services by
26 Reorganization Plan No. 001-1993;

27 (4) All furnishings and equipment presently located in the
28 institutions and programs of the Division of Juvenile Services and
29 in the institutions and programs of the Department of Corrections
30 transferred to the commission pursuant to subsections b. and c. of
31 this section, and, except as provided in section 6 of P.L.1995, c.284
32 (C.52:17B-174), all staff assigned to those institutions and
33 programs, including administrative and support staff;

34 (5) All operating and capital funding demarcated for the
35 institutions and programs set forth in this section, including funding
36 from bonds and funding for administrative costs associated with the
37 institutions and programs;

38 (6) All functions, powers, duties and authority of the
39 Commissioner of Corrections, including any transferred to the
40 Commissioner of Human Services pursuant to Reorganization Plan
41 No. 001-1993, with respect to all juvenile detention facilities
42 throughout the State pursuant to section 18 of P.L.1982, c.77
43 (C.2A:4A-37);

44 (7) The powers, duties and responsibilities of the Commissioner
45 of Corrections for establishing standards and monitoring of juvenile
46 detention facilities pursuant to section 18 of P.L.1982, c.77
47 (C.2A:4A-37), transferred to the Commissioner of Human Services
48 by Reorganization Plan No. 001-1993;

1 (8) All existing written agreements made between county
2 governments and the Department of Corrections or the Department
3 of Human Services concerning juvenile detention centers are hereby
4 modified to transfer the responsibilities, duties and obligations
5 specified in these agreements between the county governments and
6 the commission;

7 (9) The Juvenile Detention Monitoring Unit, Department of
8 Corrections, established pursuant to the powers of the
9 Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-
10 1 et seq.), to fulfill the obligations of the Department of Corrections
11 in monitoring juvenile detention centers throughout the State
12 pursuant to the Federal "Juvenile Justice and Delinquency
13 Prevention Act of 1974," as amended, and pursuant to section 18 of
14 P.L.1982, c.77 (C.2A:4A-37), which was transferred to the
15 Department of Human Services by Reorganization Plan No. 001-
16 1993, along with its staff, powers, duties and responsibilities;

17 (10) The legal custody and supervision of each juvenile parolee;
18 the functions, powers, duties and authority of the State Parole Board
19 established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.),
20 regarding juvenile offenders are continued, but the State Parole
21 Board shall file all of its reports and recommendations regarding
22 juveniles with the commission;

23 (11) All funding, programs and positions created or dedicated to
24 provide juvenile parole services by the Bureau of Parole within the
25 Department of Corrections in accordance with an agreement
26 between the Executive Director of the commission and the
27 Commissioner of Corrections in consultation with the State Parole
28 Board when an orderly transfer of the function has been completed
29 including appropriate changes in the reporting requirements,
30 funding, positions, and administrative housing and support;

31 (12) The powers, duties, and responsibilities of the Office of
32 Education created and established in the Departments of
33 Corrections and Human Services pursuant to the "State Facilities
34 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
35 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
36 offenders whose custody is transferred to the commission pursuant
37 to this act is transferred to the Office of Education established in the
38 commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-
39 178) along with staff, existing and future moneys and other
40 educational resources demarcated for juveniles whose custody is
41 transferred pursuant to this act, including funds collected pursuant
42 to the authority granted in the "State Facilities Education Act of
43 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State
44 educational grants and contract funds received for the benefit of
45 juvenile offenders whose custody is transferred pursuant to this act;

46 (13) The powers, duties, and responsibilities of the Bureau of
47 Juvenile Justice, including the Juvenile Justice and Delinquency
48 Prevention Unit, in the Division of Criminal Justice, Department of

1 Law and Public Safety established pursuant to section 4 of
2 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
3 and responsibilities; and

4 (14) All funding appropriated to the Department of Human
5 Services and demarcated for distribution by the department for
6 youth services commission funding.

7 b. Whenever in any law, rule, regulation, order, contract, lease,
8 document, judicial or administrative proceeding or otherwise,
9 reference is made to the Commissioner of the Department of
10 Corrections regarding a juvenile or juvenile offender as defined in
11 P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of
12 Juvenile Services transferred from the Department of Corrections to
13 the Department of Human Services by Reorganization Plan
14 No.001-1993 the same shall mean and refer to the commission.
15 (cf: P.L.1995, c.284, s.8)

16
17 81. Section 10 of P.L.1995, c.284 (C.52:17B-178) is amended to
18 read as follows:

19 10. There is hereby created and established in the **【Juvenile】**
20 Youth Justice Commission an Office of Education to be headed by a
21 Director of Educational Services who shall supervise the
22 educational programs in all juvenile facilities operated by the
23 **【Juvenile】** Youth Justice Commission and shall approve, except as
24 provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all
25 personnel to be hired for such programs.

26 The director shall hold the appropriate certificate issued by the
27 State Board of Examiners and shall be qualified by training and
28 experience for his position and shall be appointed by the executive
29 director with the approval of the executive board. The director shall
30 serve at the pleasure of the executive board.

31 The director shall establish primary, secondary, and vocational
32 programs which meet the educational needs of school age persons
33 for whom the commission is responsible. Appropriate credit and
34 certification shall be given for the successful completion of such
35 programs.

36 (cf: P.L.1995, c.284, s.10)

37
38 82. Section 1 of P.L.1995, c.283 (C.52:17B-179) is amended to
39 read as follows:

40 1. a. A State/Community Partnership Grant Program is
41 established within the **【Juvenile】** Youth Justice Commission
42 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
43 to support, through grants allocated to county youth services
44 commissions established pursuant to P.L.1995, c.282 (C.52:17B-
45 180), facilities, sanctions and services for juveniles adjudicated or
46 charged as delinquent and programs for prevention of juvenile
47 delinquency. This program is established in order to:

- 1 (1) Encourage development of sanctions and services for
- 2 juveniles adjudicated and charged as delinquent and programs for
- 3 prevention of juvenile delinquency that protect the public, ensure
- 4 accountability and foster rehabilitation;
- 5 (2) Increase the range of sanctions for juveniles adjudicated
- 6 delinquent;
- 7 (3) Reduce overcrowding in State juvenile institutions and other
- 8 facilities to ensure adequate bedspace for serious, violent and
- 9 repetitive offenders;
- 10 (4) Reduce overcrowding in county detention facilities;
- 11 (5) Provide greater access to community-based sanctions and
- 12 services for minority and female offenders;
- 13 (6) Expand programs designed to prevent juvenile delinquency;
- 14 and
- 15 (7) Promote public safety by reducing recidivism.
- 16 b. The **【Juvenile】 Youth** Justice Commission shall administer
- 17 the State/Community Partnership Grant Program and shall:
- 18 (1) Establish criteria and procedures for grant applications and
- 19 disbursement by regulation;
- 20 (2) Determine how best to allocate Partnership funds;
- 21 (3) Set standards and procedures for eligibility, operation,
- 22 supervision and evaluation;
- 23 (4) Advise and assist county youth services commissions in
- 24 preparation of county plans and grant applications;
- 25 (5) Award grants;
- 26 (6) Set standards for and determine eligibility for continued
- 27 Partnership funding;
- 28 (7) Collect and provide information about community-based
- 29 services and sanctions; and
- 30 (8) Monitor and evaluate implementation of county plans and
- 31 the provision of services, sanctions and programs provided pursuant
- 32 to this act.
- 33 (cf: P.L.1995, c.283, s.1)
- 34
- 35 83. Section 1 of P.L.1995, c.282 (C.52:17B-180) is amended to
- 36 read as follows:
- 37 1. a. In order to qualify for award of State/Community
- 38 Partnership Grant funds established pursuant to P.L.1995, c.283
- 39 (C.52:17B-179) a county shall:
- 40 (1) Establish a county youth services commission in accordance
- 41 with regulations promulgated by the **【Juvenile】 Youth** Justice
- 42 Commission established pursuant to section 2 of P.L.1995, c.284
- 43 (C.52:17B-170);
- 44 (2) Submit and obtain **【Juvenile】 Youth** Justice Commission
- 45 approval of a triennial comprehensive plan for services and
- 46 sanctions for juveniles adjudicated or charged as delinquent and
- 47 programs for the prevention of juvenile delinquency which:

- 1 (a) are designed to promote the goals of P.L.1995, c.283
2 (C.52:17B-179);
- 3 (b) provide recommendations for funding of programs, sanctions
4 and services that enhance and expand the range of sanctions and
5 services for juveniles adjudicated or charged as delinquent and
6 programs designed to prevent delinquency;
- 7 (c) make services available in geographical locations within the
8 county where juveniles in need reside; and
- 9 (d) provide for distribution of State/Community Partnership
10 Grant funds by the county in accordance with contracts or
11 agreements executed by the appropriate county officials in
12 accordance with applicable law.
- 13 b. The **【Juvenile】 Youth** Justice Commission shall establish by
14 regulation:
- 15 (1) Specific guidelines as to membership of a county youth
16 services commission;
- 17 (2) Specific requirements for the administration of the
18 State/Community Partnership Grant funds awarded by the county.
- 19 c. Notwithstanding the provisions of subsection a. of this
20 section, the county governing body may elect, upon annual written
21 request approved by the executive director, to designate a
22 commission, council or agency to assume the responsibilities of a
23 county youth services commission in that county. Approval of such
24 a request shall be contingent upon the governing body
25 demonstrating that the membership of the designated entity is
26 sufficiently representative of persons and agencies interested in the
27 juvenile justice system to permit the entity to perform the duties and
28 responsibilities of a county youth services commission, that the
29 members of the designated entity are otherwise qualified to perform
30 the duties and responsibilities of members of a county youth
31 services commission, and that the designated entity has the
32 authority and responsibility to carry out the duties and
33 responsibilities of a county youth services commission.
- 34 d. A county youth services commission shall:
- 35 (1) Recommend to the governing body of the county the
36 approval or disapproval of contracts with local government or
37 private agencies that desire participation in the State/Community
38 Partnership Grant Program;
- 39 (2) Monitor the operations of programs receiving
40 State/Community Partnership Grant funds with reference to
41 compliance with standards, policies and rules established by the
42 **【Juvenile】 Youth** Justice Commission;
- 43 (3) Monitor and evaluate the impact of the programs receiving
44 State/Community Partnership Grant funds, including the nature of
45 the offender or at risk populations served by the funded programs,
46 and prepare a written report with relevant documentation, on an
47 annual basis, to be submitted to the **【Juvenile】 Youth** Justice

1 Commission as part of the commission's triennial plan and annual
2 update; and

3 (4) Perform such other duties as may be established by the
4 **【Juvenile】 Youth** Justice Commission to achieve the purposes of
5 P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the
6 **【Juvenile】 Youth** Justice Commission and P.L.1995, c.283
7 (C.52:17B-179) which creates the State/Community Partnership
8 Grant Program.

9 e. No county may use funds received pursuant to this section to
10 supplant or replace existing funds or other resources from federal,
11 State or county government for existing juvenile justice-related
12 programs or for purposes of capital construction or renovation.

13 f. If a county elects not to participate in the State/Community
14 Partnership Grant Program, the commission is authorized to allocate
15 and expend that county's share of Partnership funding in a manner
16 consistent with the commission's Juvenile Justice Master Plan.
17 (cf: P.L.2005, c.164, s.2)

18
19 84. Section 3 of P.L.1995, c.330 (C.52:17B-183) is amended to
20 read as follows:

21 3. As used in this act:

22 a. "Commission" means the **【Juvenile】 Youth** Justice
23 Commission in, but not of, the Department of Law and Public
24 Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et
25 seq.).

26 b. "Commissioner" means the Commissioner of the Department
27 of Corrections.

28 c. "Juvenile offender" means a person at least 14 years old at the
29 time of disposition who has been adjudicated delinquent for an act
30 which, if committed by an adult, would constitute a crime,
31 excluding an adjudication for any act which would constitute a
32 crime of the first degree or a crime under chapter 14 of Title 2C of
33 the New Jersey Statutes.

34 d. "Youthful offender" means a person between 18 and 30 years
35 of age who has been convicted of a crime, excluding any person
36 convicted of:

37 (1) a crime of the first degree;

38 (2) a crime under chapter 14 of Title 2C of the New Jersey
39 Statutes;

40 (3) a crime which requires the imposition of a mandatory term
41 of imprisonment without eligibility for parole, unless the person has
42 less than one year of the mandatory portion of the sentence
43 remaining; or

44 (4) a crime of the second degree under any of the following:
45 N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1,
46 N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the
47 purpose of using it unlawfully against the person of another.

48 (cf: P.L.1997, c.55, s.1)

1 85. Section 45 of P.L.1996, c.62 (C.55:19-60) is amended to
2 read as follows:

3 45. a. There is established in, but not of, the Department of
4 Community Affairs an Urban Coordinating Council.

5 b. The Urban Coordinating Council shall be comprised of the
6 Governor, the chief officer of each department of the executive
7 branch, and the executive directors of the New Jersey
8 Redevelopment Authority, the New Jersey Economic Development
9 Authority, the Casino Reinvestment Development Authority, the
10 State Planning Commission, the New Jersey Housing and Mortgage
11 Finance Agency, the **[Juvenile]** Youth Justice Commission and the
12 Commission on Higher Education. The council shall be chaired by
13 the Governor. Members of the council may be represented on the
14 council by their designees.

15 (cf: P.L.1996, c.62, s.45)

16

17 86. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill renames the Juvenile Justice Commission as the Youth
23 Justice Commission. The bill also updates statutory references
24 from the “New Jersey Code of Juvenile Justice” to the “New Jersey
25 Code of Youth Justice.”

26 It is the sponsor’s intent to rename the commission in an effort to
27 better reflect the commission’s mission to assist and rehabilitate
28 court-involved youth and provide programs, support, and
29 opportunities designed to help youth grow, thrive, and become
30 independent, productive, and law-abiding citizens.

SENATE, No. 2423

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 29, 2024

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Co-Sponsored by:

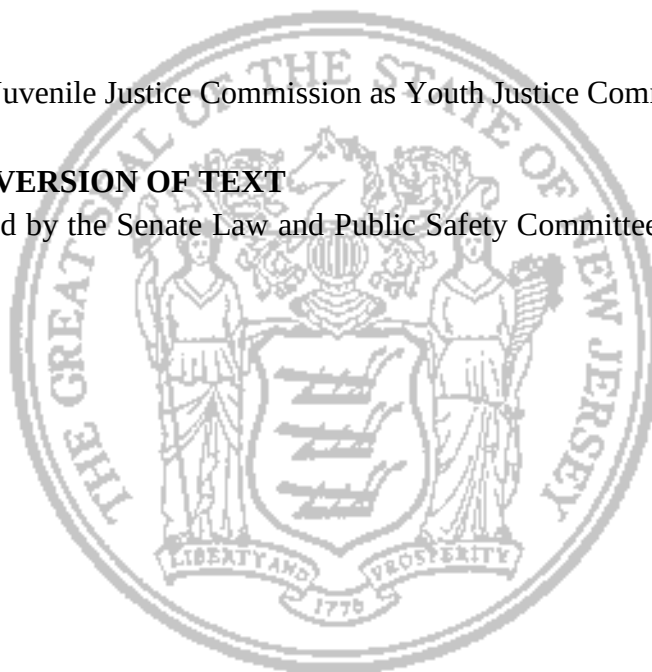
**Senator Diegnan, Assemblywomen McCoy, Murphy, Tucker,
Assemblyman Karabinchak, Assemblywomen Donlon, Peterpaul and
Assemblyman Freiman**

SYNOPSIS

Renames Juvenile Justice Commission as Youth Justice Commission.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee with technical review.



(Sponsorship Updated As Of: 1/30/2025)

1 **AN ACT** renaming the Juvenile Justice Commission and amending
2 the various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.1982, c.77 (C.2A:4A-20) is amended to
8 read as follows:

9 1. This act shall be known and may be cited as the "New Jersey
10 Code of **【Juvenile】** Youth Justice."
11 (cf: P.L.1982, c.77, s.1)

12
13 2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to
14 read as follows:

15 3. General definitions. As used in this act:

16 a. "Juvenile" means an individual who is under the age of 18
17 years.

18 b. "Adult" means an individual 18 years of age or older.

19 c. "Detention" means the temporary care of juveniles in
20 physically restricting facilities pending court disposition.

21 d. "Shelter care" means the temporary care of juveniles in
22 facilities without physical restriction pending court disposition.

23 e. "Commit" means to transfer legal custody to an institution.

24 f. "Guardian" means a person, other than a parent, to whom
25 legal custody of the child has been given by court order or who is
26 acting in the place of the parent or is responsible for the care and
27 welfare of the juvenile.

28 g. "Juvenile-family crisis" means behavior, conduct or a
29 condition of a juvenile, parent or guardian or other family member
30 which presents or results in (1) a serious threat to the well-being
31 and physical safety of a juvenile, or (2) a serious conflict between a
32 parent or guardian and a juvenile regarding rules of conduct which
33 has been manifested by repeated disregard for lawful parental
34 authority by a juvenile or misuse of lawful parental authority by a
35 parent or guardian, or (3) unauthorized absence by a juvenile for
36 more than 24 hours from his home, or (4) a pattern of repeated
37 unauthorized absences from school by a juvenile subject to the
38 compulsory education provision of Title 18A of the New Jersey
39 Statutes, or (5) an act which if committed by an adult would
40 constitute prostitution in violation of N.J.S.2C:34-1 or any offense
41 which the juvenile alleges is related to the juvenile being a victim
42 of human trafficking.

43 h. "Repetitive disorderly persons offense" means the second or
44 more disorderly persons offense committed by a juvenile on at least
45 two separate occasions and at different times.

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 i. "Court" means the Superior Court, Chancery Division,
2 Family Part unless a different meaning is plainly required.

3 j. "Commission" means the **【Juvenile】 Youth** Justice
4 Commission established pursuant to section 2 of P.L.1995, c.284
5 (C.52:17B-170).
6 (cf: P.L.2011, c.195, s.2)
7

8 3. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to read
9 as follows:

10 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
11 delinquency case by the Superior Court, Chancery Division, Family
12 Part to an appropriate court and prosecuting authority without the
13 consent of the juvenile shall file a motion within 60 days after the
14 receipt of the complaint, which time may be extended for good cause
15 shown. The motion shall be accompanied by a written statement of
16 reasons clearly setting forth the facts used in assessing all factors
17 contained in paragraph (3) of subsection c. of this section, together
18 with an explanation as to how evaluation of those facts support waiver
19 for each particular juvenile.

20 b. At a hearing, the court shall receive the evidence offered by the
21 State and by the juvenile. The State shall provide proof to satisfy the
22 requirements set forth in paragraphs (1) and (2) of subsection c. of this
23 section. The court also shall review whether the State considered the
24 factors set forth in paragraph (3) of subsection c. of this section.

25 c. Except as provided in paragraph (3) of this subsection, the
26 court shall waive jurisdiction of a juvenile delinquency case without
27 the juvenile's consent and shall refer the case to the appropriate court
28 and prosecuting authority having jurisdiction if:

29 (1) The juvenile was 15 years of age or older at the time of the
30 alleged delinquent act; and

31 (2) There is probable cause to believe that the juvenile committed
32 a delinquent act which if committed by an adult would constitute:

33 (a) criminal homicide, other than death by auto;

34 (b) strict liability for drug-induced deaths;

35 (c) first degree robbery;

36 (d) carjacking;

37 (e) aggravated sexual assault;

38 (f) sexual assault;

39 (g) second degree aggravated assault;

40 (h) kidnapping;

41 (i) aggravated arson;

42 (j) possession of a firearm with a purpose to use it unlawfully
43 against the person of another under subsection a. of N.J.S.2C:39-4, or
44 possession of a firearm while committing or attempting to commit,
45 including the immediate flight therefrom, aggravated assault,
46 aggravated criminal sexual contact, burglary, or escape;

47 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics Trafficking
48 Network);

1 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
2 CDS Production Facility);

3 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
4 (Weapons Possession while Committing certain CDS Offenses);

5 (n) an attempt or conspiracy to commit any of the crimes
6 enumerated in subparagraphs (a) through (m) of this paragraph; or

7 (o) a crime committed at a time when the juvenile previously had
8 been sentenced and confined in an adult correctional facility.

9 (3) The court may deny a motion by the prosecutor to waive
10 jurisdiction of a juvenile delinquency case if it is clearly convinced
11 that the prosecutor abused his discretion in considering the following
12 factors in deciding whether to seek a waiver:

13 (a) The nature and circumstances of the offense charged;

14 (b) Whether the offense was against a person or property,
15 allocating more weight for crimes against the person;

16 (c) Degree of the juvenile's culpability;

17 (d) Age and maturity of the juvenile;

18 (e) Any classification that the juvenile is eligible for special
19 education to the extent this information is provided to the prosecution
20 by the juvenile or by the court;

21 (f) Degree of criminal sophistication exhibited by the juvenile;

22 (g) Nature and extent of any prior history of delinquency of the
23 juvenile and dispositions imposed for those adjudications;

24 (h) If the juvenile previously served a custodial disposition in a
25 State juvenile facility operated by the **【Juvenile】 Youth** Justice
26 Commission, and the response of the juvenile to the programs
27 provided at the facility to the extent this information is provided to the
28 prosecution by the **【Juvenile】 Youth** Justice Commission;

29 (i) Current or prior involvement of the juvenile with child welfare
30 agencies;

31 (j) Evidence of mental health concerns, substance use disorder, or
32 emotional instability of the juvenile to the extent this information is
33 provided to the prosecution by the juvenile or by the court; and

34 (k) If there is an identifiable victim, the input of the victim or
35 victim's family.

36 The Attorney General may develop for dissemination to the county
37 prosecutors those guidelines or directives deemed necessary or
38 appropriate to ensure the uniform application of this section
39 throughout the State.

40 d. An order waiving jurisdiction over a case and referring the case
41 to the appropriate court and prosecuting authority shall specify the
42 alleged act upon which the referral is based and all other delinquent
43 acts charged against the juvenile arising out of or related to the same
44 transaction.

45 e. Testimony of a juvenile at a hearing to determine referral under
46 this section shall not be admissible for any purpose in any subsequent
47 hearing to determine delinquency or guilt of any offense.

1 f. Upon waiver of jurisdiction and referral to the appropriate
2 court and prosecuting authority having jurisdiction:

3 (1) The case shall proceed as if it originated in that court and shall
4 be subject to the sentencing provisions available to that court;
5 provided, however, upon conviction for any offense which is subject to
6 waiver pursuant to paragraph (2) of subsection c. of this section, there
7 shall be a presumption that the juvenile shall serve any custodial
8 sentence imposed in a State juvenile facility operated by the
9 **【Juvenile】 Youth** Justice Commission until the juvenile reaches the
10 age of 21, except that:

11 (a) a juvenile who has not reached the age of 21 may, in the
12 discretion of the **【Juvenile】 Youth** Justice Commission, be transferred
13 to the Department of Corrections in accordance with the plan
14 established pursuant to subsection e. of section 7 of P.L.1995, c.284
15 (C.52:17B-175) and regulations adopted pursuant to that section; and

16 (b) a juvenile who has reached or exceeds the age of 21 may
17 continue to serve a sentence in a State juvenile facility operated by the
18 **【Juvenile】 Youth** Justice Commission in the discretion of the
19 **【Juvenile】 Youth** Justice Commission and if the juvenile so consents;
20 otherwise the juvenile shall serve the remainder of the custodial
21 sentence in a State correctional facility;

22 (2) If a juvenile is not convicted of an offense set forth in
23 paragraph (2) of subsection c. of this section, a conviction for any
24 other offense shall be deemed a juvenile adjudication and be remanded
25 to the Superior Court, Chancery Division, Family Part for disposition,
26 in accordance with the dispositional options available to that court and
27 all records related to the act of delinquency shall be subject to the
28 provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60);

29 (3) With the consent of the defense and the prosecutor, at any point
30 in the proceedings subsequent to the decision ordering waiver the court
31 may remand to the Superior Court, Chancery Division, Family Part if
32 it appears that:

33 (a) the interests of the public and the best interests of the juvenile
34 require access to programs or procedures uniquely available to that
35 court; and

36 (b) the interests of the public are no longer served by waiver.

37 g. (1) The **【Juvenile】 Youth** Justice Commission, in consultation
38 with the Attorney General, shall establish a program to collect, record,
39 and analyze data regarding waiver of jurisdiction of a juvenile
40 delinquency case by the Superior Court, Chancery Division, Family
41 Part to an appropriate court and prosecuting authority. In furtherance
42 of this program, the **【Juvenile】 Youth** Justice Commission shall, in
43 cooperation with the Administrative Office of the Courts, Attorney
44 General, and county prosecutors, collect data related to the decision to
45 seek waiver of jurisdiction of a juvenile delinquency case, which shall
46 include but not be limited to data concerning:

47 (a) youth demographics, including age, gender, race, and ethnicity;

1 (b) case characteristics, including the degree of the offense waived,
2 the degree of the offense convicted, and the final court resolution;

3 (c) case processing times; and

4 (d) waiver rates by race and ethnicity.

5 (2) The commission shall prepare and publish on its Internet
6 website biennial reports summarizing the data collected, recorded, and
7 analyzed pursuant to paragraph (1) of this subsection.

8 (3) The commission shall, pursuant to section 2 of P.L. 1991,
9 c.164 (C.52:14-19.1), biennially prepare and transmit to the Governor
10 and the Legislature the reports required in paragraph (2) of this
11 subsection, along with any recommendations the commission may
12 have for legislation concerning waiver of jurisdiction of juvenile
13 delinquency cases.

14 (cf: P.L.2023, c.177, s.1)

15
16 4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
17 read as follows:

18 18. Place of detention or shelter. a. The **【Juvenile】 Youth**
19 Justice Commission established pursuant to section 2 of P.L.1995,
20 c.284 (C.52:17B-170) shall specify the place where a juvenile may
21 be detained; and the Department of Children and Families shall
22 specify where a juvenile may be placed in shelter.

23 b. No juvenile shall be placed in detention or shelter care in
24 any place other than that specified by the **【Juvenile】 Youth** Justice
25 Commission or Department of Children and Families as provided
26 in subsection a.

27 c. A juvenile being held for a charge under this act or for a
28 violation of or contempt in connection with a violation of Title 39
29 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
30 or N.J.S.2C:33-13, including a juvenile who has reached the age of
31 18 years after being charged, shall not be placed in any prison, jail
32 or lockup nor detained in any police station, except that if no other
33 facility is reasonably available a juvenile may be held in a police
34 station in a place other than one designed for the detention of
35 prisoners and apart from any adult charged with or convicted of a
36 crime for a brief period if such holding is necessary to allow release
37 to his parent, guardian, other suitable person, or approved facility.
38 No juvenile shall be placed in a detention facility which has reached
39 its maximum population capacity, as designated by the **【Juvenile】**
40 **Youth** Justice Commission.

41 d. No juvenile charged with delinquency shall be transferred to
42 an adult county jail solely by reason of having reached age 18. The
43 following standards shall apply to any juvenile who has been placed
44 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
45 and who violates the conditions of that probation after reaching the
46 age of 18; who has been placed on parole pursuant to the provisions
47 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.)
48 and who violates the conditions of that parole after reaching the age

1 of 18; or who is arrested after reaching the age of 18 on a warrant
2 emanating from the commission of an act of juvenile delinquency:

3 (1) In the case of a person 18 years of age but less than 20 years
4 of age, the court, upon application by any interested party, shall
5 determine the place of detention, taking into consideration the age
6 and maturity of the person, whether the placement of the person in a
7 juvenile detention facility would present a risk to the safety of
8 juveniles residing at the facility, the likelihood that the person
9 would influence in a negative manner juveniles incarcerated at the
10 facility, whether the facility has sufficient space available for
11 juveniles and any other factor the court deems appropriate. Upon
12 application at any time by the juvenile detention facility
13 administrator or any other interested party, the court may order that
14 the person be relocated to the county jail. The denial of an
15 application shall not preclude subsequent applications based on a
16 change in circumstances or information that was not previously
17 made available to the court. The determination of the place of
18 detention shall be made in a summary manner;

19 (2) In the case of a person 20 years of age or older, the person
20 shall be incarcerated in the county jail unless good cause is shown.

21 e. (1) The **【Juvenile】** Youth Justice Commission and the
22 Department of Children and Families shall promulgate such rules
23 and regulations from time to time as deemed necessary to establish
24 minimum physical facility and program standards for juvenile
25 detention facilities or shelters under their respective supervision.

26 (2) The **【Juvenile】** Youth Justice Commission and the
27 Department of Children and Families, in consultation with the
28 appropriate county administrator of the county facility or shelter,
29 shall assign a maximum population capacity for each juvenile
30 detention facility or shelter based on minimum standards for these
31 facilities.

32 f. (1) Where either the **【Juvenile】** Youth Justice Commission or
33 the Department of Children and Families determines that a juvenile
34 detention facility or shelter under its control or authority is
35 regularly over the maximum population capacity or is in willful and
36 continuous disregard of the minimum standards for these facilities
37 or shelters, the commission or department may restrict new
38 admissions to the facility or shelter.

39 (2) Upon making such determination, the commission or
40 department shall notify the governing body of the appropriate
41 county of its decision to impose such a restriction, which
42 notification shall include a written statement specifying the reasons
43 therefor and corrections to be made. If the commission or
44 department shall determine that no appropriate action has been
45 initiated by the administrator of the facility or shelter within 60
46 days following such notification to correct the violations specified
47 in the notification, it shall order that such juvenile detention facility
48 or shelter shall immediately cease to admit juveniles. The county

1 shall be entitled to a hearing where such a restriction is imposed by
2 the commission or department.

3 (3) Any juvenile detention facility or shelter so restricted shall
4 continue under such order until such time as the commission or
5 department determines that the violation specified in the notice has
6 been corrected or that the facility or shelter has initiated actions
7 which will ensure the correction of said violations.

8 (4) Upon the issuance of an order to cease admissions to a
9 juvenile detention facility or shelter, the commission or department
10 shall determine whether other juvenile detention facilities or
11 shelters have adequate room for admitting juveniles and shall assign
12 the juveniles to the facilities or shelters on the basis of available
13 space; provided that the department shall not assign the juvenile to
14 a facility or shelter where such facility or shelter is at the maximum
15 population. A juvenile detention facility or shelter ordered to
16 accept a juvenile shall do so within five days following the receipt
17 of an order to accept admission of such juvenile.

18 (5) A juvenile detention facility or shelter restricted by an order
19 to cease admissions shall assume responsibility for the
20 transportation of a juvenile sent to another juvenile detention
21 facility or shelter so long as the order shall remain in effect.

22 (6) A facility or shelter receiving juveniles pursuant to
23 paragraph (4) of this subsection shall receive from the sending
24 county a reasonable and appropriate per diem allowance for each
25 juvenile sent to the facility, such allowance to be used for the
26 custody, care, maintenance, and any other services normally
27 provided by the county to juveniles in the facility or shelter and
28 which reflects all county expenditures in maintaining such juvenile,
29 including a proportionate share of all buildings and grounds costs,
30 personnel costs, including fringe benefits, administrative costs and
31 all other direct and indirect costs.

32 (7) The governing body of a county whose juvenile detention
33 facility or shelter has been prohibited from accepting new
34 admissions, and whose juveniles have been assigned to other
35 juvenile detention facilities or shelters, shall appropriate an amount
36 to pay the county receiving such juveniles for all expenses incurred
37 pursuant to paragraph (6) of this subsection.

38 (cf: P.L.2006, c.47, s.16)

39

40 5. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
41 read as follows:

42 23. Predispositional evaluation. a. Before making a disposition,
43 the court may refer the juvenile to an appropriate individual, agency
44 or institution for examination and evaluation.

45 b. In arriving at a disposition, the court may also consult with
46 such individuals and agencies as may be appropriate to the
47 juvenile's situation, including the county probation division, the
48 Department of Children and Families, the **【Juvenile】** Youth Justice

1 Commission established pursuant to section 2 of P.L.1995, c.284
2 (C.52:17B-170), the county youth services commission, school
3 personnel, clergy, law enforcement authorities, family members and
4 other interested and knowledgeable parties. In so doing, the court
5 may convene a predispositional conference to discuss and
6 recommend disposition.

7 c. (1) The predisposition report ordered pursuant to the Rules of
8 Court may include a statement by the victim of the offense for
9 which the juvenile has been adjudicated delinquent or by the nearest
10 relative of a homicide victim. The statement may include the nature
11 and extent of any physical harm or psychological or emotional harm
12 or trauma suffered by the victim, the extent of any loss to include
13 loss of earnings or ability to work suffered by the victim and the
14 effect of the crime upon the victim's family. The probation division
15 shall notify the victim or nearest relative of a homicide victim of his
16 right to make a statement for inclusion in the predisposition report
17 if the victim or relative so desires. Any statement shall be made
18 within 20 days of notification by the probation division. The report
19 shall further include information on the financial resources of the
20 juvenile. This information shall be made available on request to the
21 Victims of Crime Compensation **【Board】** Office established
22 pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any
23 officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to
24 collect payment of an assessment, restitution or fine.

25 (2) Any predisposition report prepared pursuant to this section
26 shall include:

27 (a) an analysis of the circumstances attending the commission of
28 the act;

29 (b) the impact of the offense on the community;

30 (c) the offender's history of delinquency or criminality;

31 (d) the offender's family situation;

32 (e) the offender's financial resources;

33 (f) the financial resources of the juvenile's parent or guardian;

34 (g) the information concerning the parent or guardian's exercise
35 of supervision and control relevant to commission of the act; and

36 (h) in any case where the juvenile is charged with an act which
37 if committed by an adult would constitute prostitution in violation
38 of N.J.S.2C:34-1 or any offense which the juvenile alleges is related
39 to the juvenile being a victim of human trafficking, the
40 predisposition report may include any information relevant to the
41 commission of the act.

42 Information concerning financial resources included in the report
43 shall be made available to any officer authorized to collect payment
44 on any assessment, restitution or fine.

45 (cf: P.L.2011, c.195, s.3)

46
47 6. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
48 read as follows:

1 24. Disposition of delinquency cases. a. In determining the
2 appropriate disposition for a juvenile adjudicated delinquent the
3 court shall weigh the following factors:

4 (1) The nature and circumstances of the offense;

5 (2) The degree of injury to persons or damage to property
6 caused by the juvenile's offense;

7 (3) The juvenile's age, previous record, prior social service
8 received, and out-of-home placement history;

9 (4) Whether the disposition supports family strength,
10 responsibility, and unity and the well-being and physical safety of
11 the juvenile;

12 (5) Whether the disposition provides for reasonable
13 participation by the child's parent, guardian, or custodian, provided,
14 however, that the failure of a parent or parents to cooperate in the
15 disposition shall not be weighed against the juvenile in arriving at
16 an appropriate disposition;

17 (6) Whether the disposition recognizes and treats the unique
18 physical, psychological, and social characteristics and needs of the
19 child;

20 (7) Whether the disposition contributes to the developmental
21 needs of the child, including the academic and social needs of the
22 child where the child has intellectual disabilities or learning
23 disabilities;

24 (8) Any other circumstances related to the offense and the
25 juvenile's social history as deemed appropriate by the court;

26 (9) The impact of the offense on the victim or victims;

27 (10) The impact of the offense on the community; and

28 (11) The threat to the safety of the public or any individual
29 posed by the child.

30 b. If a juvenile is adjudged delinquent, and except to the extent
31 that an additional specific disposition is required pursuant to this
32 section, the court, in accordance with subsection i. of section 2 of
33 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to
34 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order
35 any one or more of the following dispositions:

36 (1) Adjourn formal entry of disposition of the case for a period
37 not to exceed 12 months for the purpose of determining whether the
38 juvenile makes a satisfactory adjustment, and if during the period of
39 continuance the juvenile makes such an adjustment, dismiss the
40 complaint;

41 (2) Release the juvenile to the supervision of the juvenile's
42 parent or guardian;

43 (3) Place the juvenile on probation to the chief probation officer
44 of the county or to any other suitable person who agrees to accept
45 the duty of probation supervision for a period not to exceed three
46 years upon such written conditions as the court deems will aid
47 rehabilitation of the juvenile;

1 (4) Transfer custody of the juvenile to any relative or other
2 person determined by the court to be qualified to care for the
3 juvenile;

4 (5) Place the juvenile under the care and responsibility of the
5 Department of Children and Families so that the commissioner may
6 designate a division or organizational unit in the department
7 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
8 providing services in or out of the home. Within 14 days, unless for
9 good cause shown, but not later than 30 days, the Department of
10 Children and Families shall submit to the court a service plan,
11 which shall be presumed valid, detailing the specifics of any
12 disposition order. The plan shall be developed within the limits of
13 fiscal and other resources available to the department. If the court
14 determines that the service plan is inappropriate, given existing
15 resources, the department may request a hearing on that
16 determination;

17 (6) Place the juvenile under the care and custody of the
18 Commissioner of Children and Families for the purpose of
19 receiving the services of the Division of Children's System of Care
20 of that department, provided that the juvenile has been determined
21 to be eligible for those services under P.L.1965, c.59, s.16
22 (C.30:4-25.4);

23 (7) Commit the juvenile, pursuant to applicable laws and the
24 Rules of Court governing civil commitment, to the Department of
25 Children and Families under the responsibility of the Division of
26 Children's System of Care for the purpose of placement in a suitable
27 public or private hospital or other residential facility for the
28 treatment of persons who are mentally ill, on the ground that the
29 juvenile is in need of involuntary commitment;

30 (8) (Deleted by amendment, P.L.2019, c.363)

31 (9) Order the juvenile to make restitution to a person or entity
32 who has suffered loss resulting from personal injuries or damage to
33 property as a result of the offense for which the juvenile has been
34 adjudicated delinquent. The court may determine the reasonable
35 amount, terms, and conditions of restitution. If the juvenile
36 participated in the offense with other persons, the participants shall
37 be jointly and severally responsible for the payment of restitution.
38 The court shall not require a juvenile to make full or partial
39 restitution if the juvenile reasonably satisfies the court that the
40 juvenile does not have the means to make restitution and could not
41 reasonably acquire the means to pay restitution;

42 (10) Order that the juvenile perform community services under
43 the supervision of a probation division or other agency or individual
44 deemed appropriate by the court. Such services shall be
45 compulsory and reasonable in terms of nature and duration. Such
46 services may be performed without compensation, provided that any
47 money earned by the juvenile from the performance of community

1 services may be applied towards any payment of restitution or fine
2 which the court has ordered the juvenile to pay;

3 (11) Order that the juvenile participate in work programs which
4 are designed to provide job skills and specific employment training
5 to enhance the employability of job participants. Such programs
6 may be without compensation, provided that any money earned by
7 the juvenile from participation in a work program may be applied
8 towards any payment of restitution or fine which the court has
9 ordered the juvenile to pay;

10 (12) Order that the juvenile participate in programs emphasizing
11 self-reliance, such as intensive outdoor programs teaching survival
12 skills, including but not limited to camping, hiking, and other
13 appropriate activities;

14 (13) Order that the juvenile participate in a program of academic
15 or vocational education or counseling, such as a youth service
16 bureau, requiring attendance at sessions designed to afford access to
17 opportunities for normal growth and development. This may
18 require attendance after school, evenings, and weekends;

19 (14) Place the juvenile in a suitable residential or nonresidential
20 program for the treatment of alcohol or narcotic abuse, provided
21 that the juvenile has been determined to be in need of such services;

22 (15) Order the parent or guardian of the juvenile to participate in
23 appropriate programs or services when the court has found either
24 that such person's omission or conduct was a significant
25 contributing factor towards the commission of the delinquent act,
26 or, under its authority to enforce litigant's rights, that such person's
27 omission or conduct has been a significant contributing factor
28 towards the ineffective implementation of a court order previously
29 entered in relation to the juvenile;

30 (16) (a) Place the juvenile in a nonresidential program operated
31 by a public or private agency, providing intensive services to
32 juveniles for specified hours, which may include education,
33 counseling to the juvenile and the juvenile's family if appropriate,
34 vocational training, employment counseling, work, or other
35 services;

36 (b) Place the juvenile under the custody of the **[Juvenile] Youth**
37 Justice Commission established pursuant to section 2 of P.L.1995,
38 c.284 (C.52:17B-170) for placement with any private group home
39 or private residential facility with which the commission has
40 entered into a purchase of service contract;

41 (17) Instead of or in addition to any disposition made according
42 to this section, the court may postpone, suspend, or revoke for a
43 period not to exceed two years the driver's license, registration
44 certificate, or both of any juvenile who used a motor vehicle in the
45 course of committing an act for which the juvenile was adjudicated
46 delinquent. In imposing this disposition and in deciding the duration
47 of the postponement, suspension, or revocation, the court shall
48 consider the circumstances of the act for which the juvenile was

1 adjudicated delinquent and the potential effect of the loss of driving
2 privileges on the juvenile's ability to be rehabilitated. Any
3 postponement, suspension, or revocation shall be imposed
4 consecutively with any custodial commitment;

5 (18) Order that the juvenile satisfy any other conditions
6 reasonably related to the rehabilitation of the juvenile;

7 (19) Order a parent or guardian who has failed or neglected to
8 exercise reasonable supervision or control of a juvenile who has
9 been adjudicated delinquent to make restitution to any person or
10 entity who has suffered a loss as a result of that offense. The court
11 may determine the reasonable amount, terms, and conditions of
12 restitution; or

13 (20) Place the juvenile, if eligible, in an appropriate juvenile
14 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
15 et al.).

16 c. (1) If the county in which the juvenile has been adjudicated
17 delinquent has a juvenile detention facility meeting the physical and
18 program standards established pursuant to this subsection by the
19 **【Juvenile】 Youth** Justice Commission, the court may, in addition to
20 any of the dispositions not involving placement out of the home
21 enumerated in this section, incarcerate the juvenile in the youth
22 detention facility in that county for a term not to exceed 60
23 consecutive days. The decision by the court to incarcerate a
24 juvenile shall be made in accordance with subsection i. of section 2
25 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
26 their own juvenile detention facilities may contract for the use of
27 approved commitment programs with counties with which they
28 have established agreements for the use of pre-disposition juvenile
29 detention facilities. The **【Juvenile】 Youth** Justice Commission
30 shall promulgate such rules and regulations from time to time as
31 deemed necessary to establish minimum physical facility and
32 program standards for the use of juvenile detention facilities
33 pursuant to this subsection.

34 (2) A juvenile shall not be incarcerated in any county detention
35 facility unless the county has entered into an agreement with the
36 **【Juvenile】 Youth** Justice Commission concerning the use of the
37 facility for sentenced juveniles. Upon agreement with the county,
38 the **【Juvenile】 Youth** Justice Commission shall certify detention
39 facilities which may receive juveniles sentenced pursuant to this
40 subsection and shall specify the capacity of the facility that may be
41 made available to receive such juveniles; provided, however, that in
42 no event shall the number of juveniles incarcerated pursuant to this
43 subsection exceed **【50%】 50 percent** of the maximum capacity of
44 the facility.

45 (3) The court may fix a term of incarceration under this
46 subsection that is in accordance with subsection i. of section 2 of
47 P.L.1982, c.77 (C.2A:4A-21) and:

- 1 (a) The act for which the juvenile was adjudicated delinquent, if
2 committed by an adult, would have constituted a crime or repetitive
3 disorderly persons offense;
- 4 (b) Incarceration of the juvenile is consistent with the goals of
5 public safety, accountability, and rehabilitation and the court is
6 clearly convinced that the aggravating factors substantially
7 outweigh the mitigating factors as set forth in section 25 of
8 P.L.1982, c.77 (C.2A:4A-44); and
- 9 (c) The detention facility has been certified for admission of
10 adjudicated juveniles pursuant to paragraph (2).
- 11 (4) If as a result of incarceration of adjudicated juveniles
12 pursuant to this subsection, a county is required to transport a
13 predisposition juvenile to a juvenile detention facility in another
14 county, the costs of such transportation shall be borne by the
15 **【Juvenile】** Youth Justice Commission.
- 16 d. Whenever the court imposes a disposition upon an
17 adjudicated delinquent which requires the juvenile to perform a
18 community service, restitution, or to participate in any other
19 program provided for in this section other than subsection c., the
20 duration of the juvenile's mandatory participation in such
21 alternative programs shall extend for a period consistent with the
22 program goal for the juvenile and shall in no event exceed one year
23 beyond the maximum duration permissible for the delinquent if the
24 juvenile had been committed to a term of incarceration.
- 25 e. In addition to any disposition the court may impose pursuant
26 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
27 following orders shall be included in dispositions of the
28 adjudications set forth below:
- 29 (1) An order to perform community service pursuant to
30 paragraph (10) of subsection b. of this section for a period of at
31 least 60 days, if the juvenile has been adjudicated delinquent for an
32 act which, if committed by an adult, would constitute the crime of
33 theft of a motor vehicle, or the crime of unlawful taking of a motor
34 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
35 degree crime of eluding in violation of subsection b. of
36 N.J.S.2C:29-2; and
- 37 (2) (Deleted by amendment, P.L.2019, c.363)
- 38 (3) An order to perform community service pursuant to
39 paragraph (10) of subsection b. of this section for a period of at
40 least 30 days, if the juvenile has been adjudicated delinquent for an
41 act which, if committed by an adult, would constitute the fourth
42 degree crime of unlawful taking of a motor vehicle in violation of
43 subsection b. of N.J.S.2C:20-10.
- 44 (4) (Deleted by amendment, P.L.2019, c.363)
- 45 f. (1) (Deleted by amendment, P.L.2019, c.363)
- 46 (2) (Deleted by amendment, P.L.2019, c.363)
- 47 (3) (Deleted by amendment, P.L.2019, c.363)

1 g. Whenever the court imposes a disposition upon an
2 adjudicated delinquent which requires the juvenile to perform a
3 community service, restitution, or to participate in any other
4 program provided for in this section, the order shall include
5 provisions which provide balanced attention to the protection of the
6 community, accountability for offenses committed, fostering
7 interaction and dialogue between the offender, victim, and
8 community and the development of competencies to enable the
9 child to become a responsible and productive member of the
10 community.

11 (cf: P.L.2021, c.342, s.1)

12

13 7. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
14 read as follows:

15 8. a. In addition to any other disposition made pursuant to law,
16 a court shall order a juvenile charged with delinquency or
17 adjudicated delinquent for an act which, if committed by an adult
18 would constitute a crime, a disorderly persons offense or a petty
19 disorderly persons offense, to submit to an approved serological test
20 for acquired immune deficiency syndrome (AIDS) or infection with
21 the human immunodeficiency virus (HIV) or any other related virus
22 identified as a probable causative agent of AIDS if:

23 (1) in the course of the commission of the act, including the
24 immediate flight thereafter or during any investigation or arrest
25 related to that act, a law enforcement officer, the victim or other
26 person suffered a prick from a hypodermic needle, provided there is
27 probable cause to believe that the juvenile is an intravenous user of
28 controlled dangerous substances; or

29 (2) in the course of the commission of the act, including the
30 immediate flight thereafter or during any investigation or arrest
31 related to that act, a law enforcement officer, the victim or other
32 person had contact with the juvenile which involved or was likely to
33 involve the transmission of bodily fluids.

34 The court may order a juvenile to submit to an approved
35 serological test for AIDS or infection with the HIV or any other
36 related virus identified as a probable causative agent of AIDS if in
37 the course of the performance of any other law enforcement duties,
38 a law enforcement officer suffers a prick from a hypodermic needle,
39 provided that there is probable cause to believe that the defendant is
40 an intravenous user of controlled dangerous substances, or had
41 contact with the defendant which involved or was likely to involve
42 the transmission of bodily fluids. The court shall issue such an
43 order only upon the request of the law enforcement officer, victim
44 of the offense or other affected person made at the time of
45 indictment, charge or conviction. If a county prosecutor declines to
46 make such an application within 72 hours of being requested to do
47 so by the law enforcement officer, the law enforcement officer may
48 appeal to the Division of Criminal Justice in the Department of Law

1 and Public Safety for that officer to bring the application. The
2 juvenile shall be ordered by the court to submit to such repeat or
3 confirmatory tests as may be medically necessary.

4 b. A court order issued pursuant to subsection a. of this section
5 shall require testing to be performed as soon as practicable by the
6 Executive Director of the **【Juvenile】 Youth** Justice Commission
7 pursuant to authority granted to the executive director by sections 6
8 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider
9 of health care or at a health care facility licensed pursuant to section
10 12 of P.L.1971, c.136 (C.26:2H-12). The order shall also require
11 that the results of the test be reported to the offender, the
12 appropriate Office of Victim-Witness Advocacy if a victim of an
13 offense is tested, and the affected law enforcement officer. Upon
14 receipt of the result of a test ordered pursuant to subsection a. of
15 this section, the Office of Victim-Witness Advocacy shall provide
16 the victim with appropriate counseling, referral for counseling and
17 if appropriate, referral for health care. The office shall notify the
18 victim or make appropriate arrangements for the victim to be
19 notified of the test result.

20 c. (Deleted by amendment, P.L.2021, c.342)

21 d. The result of a test ordered pursuant to subsection a. of this
22 section shall be confidential and health care providers and
23 employees of the **【Juvenile】 Youth** Justice Commission, the Office
24 of Victim-Witness Advocacy, a health care facility or counseling
25 service shall not disclose the result of a test performed pursuant to
26 this section except as authorized herein or as otherwise authorized
27 by law or court order. The provisions of this section shall not be
28 deemed to prohibit disclosure of a test result to the person tested.

29 e. Persons who perform tests ordered pursuant to subsection a.
30 of this section in accordance with accepted medical standards for
31 the performance of such tests shall be immune from civil and
32 criminal liability arising from their conduct.

33 f. This section shall not be construed to preclude or limit any
34 other testing for AIDS or infection with the HIV or any other
35 related virus identified as a probable causative agent of AIDS which
36 is otherwise permitted by statute, court rule or common law.

37 (cf: P.L.2021, c.342, s.2)

38
39 8. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read
40 as follows:

41 25. Incarceration--Aggravating and mitigating factors

42 a. (1) In determining whether incarceration is an appropriate
43 disposition and in addition to the considerations set forth in subsection
44 i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court shall consider
45 the following aggravating circumstances:

46 (a) The fact that the nature and circumstances of the act, and the
47 role of the juvenile therein, was committed in an especially heinous,
48 cruel, or depraved manner;

- 1 (b) The fact that there was grave and serious harm inflicted on the
- 2 victim and that based upon the juvenile's age or mental capacity the
- 3 juvenile knew or reasonably should have known that the victim was
- 4 particularly vulnerable or incapable of resistance due to advanced age,
- 5 disability, ill-health, or extreme youth, or was for any other reason
- 6 substantially incapable;
- 7 (c) The character and attitude of the juvenile indicate that the
- 8 juvenile is likely to commit another delinquent or criminal act;
- 9 (d) The juvenile's prior record and the seriousness of any acts for
- 10 which the juvenile has been adjudicated delinquent;
- 11 (e) The fact that the juvenile committed the act pursuant to an
- 12 agreement that the juvenile either pay or be paid for the commission of
- 13 the act and that the pecuniary incentive was beyond that inherent in the
- 14 act itself;
- 15 (f) The fact that the juvenile committed the act against a
- 16 policeman or other law enforcement officer, correctional employee or
- 17 fireman, acting in the performance of his duties while in uniform or
- 18 exhibiting evidence of his authority, or the juvenile committed the act
- 19 because of the status of the victim as a public servant;
- 20 (g) The need for deterring the juvenile and others from violating
- 21 the law;
- 22 (h) The fact that the juvenile knowingly conspired with others as
- 23 an organizer, supervisor, or manager to commit continuing criminal
- 24 activity in concert with two or more persons and the circumstances of
- 25 the crime show that he has knowingly devoted himself to criminal
- 26 activity as part of an ongoing business activity;
- 27 (i) The fact that the juvenile on two separate occasions was
- 28 adjudged a delinquent on the basis of acts which if committed by an
- 29 adult would constitute crimes;
- 30 (j) The impact of the offense on the victim or victims;
- 31 (k) The impact of the offense on the community; and
- 32 (l) The threat to the safety of the public or any individual posed by
- 33 the child.
- 34 (2) In determining whether incarceration is an appropriate
- 35 disposition the court shall consider the following mitigating
- 36 circumstances:
- 37 (a) The child is under the age of 14;
- 38 (b) The juvenile's conduct neither caused nor threatened serious
- 39 harm;
- 40 (c) The juvenile did not contemplate that the juvenile's conduct
- 41 would cause or threaten serious harm;
- 42 (d) The juvenile acted under a strong provocation;
- 43 (e) There were substantial grounds tending to excuse or justify the
- 44 juvenile's conduct, though failing to establish a defense;
- 45 (f) The victim of the juvenile's conduct induced or facilitated its
- 46 commission;

1 (g) The juvenile has compensated or will compensate the victim
2 for the damage or injury that the victim has sustained, or will
3 participate in a program of community service;

4 (h) The juvenile has no history of prior delinquency or criminal
5 activity or has led a law-abiding life for a substantial period of time
6 before the commission of the present act;

7 (i) The juvenile's conduct was the result of circumstances unlikely
8 to recur;

9 (j) The character and attitude of the juvenile indicate that the
10 juvenile is unlikely to commit another delinquent or criminal act;

11 (k) The juvenile is particularly likely to respond affirmatively to
12 noncustodial treatment;

13 (l) The separation of the juvenile from the juvenile's family by
14 incarceration of the juvenile would entail excessive hardship to the
15 juvenile or the juvenile's family;

16 (m) The willingness of the juvenile to cooperate with law
17 enforcement authorities;

18 (n) The conduct of the juvenile was substantially influenced by
19 another person more mature than the juvenile.

20 b. (1) There shall be a presumption of nonincarceration for any
21 crime or offense of the fourth degree or less committed by a juvenile
22 who has not previously been adjudicated delinquent or convicted of a
23 crime or offense.

24 (2) Where incarceration is imposed, the court and a panel
25 comprised of at least two members of the **【Juvenile】 Youth** Justice
26 Commission designated by the executive director and a member of the
27 State Parole Board designated by the chairman shall consider the
28 juvenile's eligibility for release pursuant to the provisions of
29 subsection d. of this section.

30 c. The following juveniles shall not be committed to a State
31 juvenile facility:

32 (1) Juveniles age 11 or under unless adjudicated delinquent for the
33 crime of arson or a crime which, if committed by an adult, would be a
34 crime of the first or second degree; and

35 (2) Juveniles who are developmentally disabled as defined in
36 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82 (C.30:6D-
37 3).

38 d. (1) When the court determines that, based on the consideration
39 of all the factors set forth in subsection a., the juvenile shall be
40 incarcerated, unless it orders the incarceration pursuant to subsection
41 c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall state on the
42 record the reasons for imposing incarceration, including any findings
43 with regard to these factors, and commit the juvenile to the custody of
44 the **【Juvenile】 Youth** Justice Commission which shall provide for the
45 juvenile's placement in a suitable juvenile facility pursuant to the
46 conditions set forth in this subsection and for terms not to exceed the
47 maximum terms as provided herein for what would constitute the
48 following crimes if committed by an adult:

1	(a) Murder under 2C:11-3a(1) or (2)	20 years
2	(b) Murder under 2C:11-3a(3)	10 years
3	(c) Crime of the first degree, except murder	4 years
4	(d) Crime of the second degree	3 years
5	(e) Crime of the third degree	2 years
6	(f) Crime of the fourth degree	1 year
7	(g) Disorderly persons offense	6 months
- 8 (2) The period of confinement shall continue until the panel
9 established pursuant to subsection b. of this section determines that the
10 person is eligible for early release on parole or until expiration of the
11 term of confinement, whichever shall occur first; except that in no case
12 shall the period of confinement and parole exceed the maximum
13 provided by law for the offense. A juvenile shall be granted early
14 release on parole when it appears that the juvenile has made
15 substantial progress toward positive behavioral adjustment and
16 rehabilitative goals articulated by the panel established pursuant to
17 subsection b. of this section to the juvenile. However, if a juvenile is
18 approved for parole by the panel established pursuant to subsection b.
19 of this section prior to serving one-third of any term imposed for any
20 crime of the first, second, or third degree, including any extended term
21 imposed pursuant to paragraph (3) or (4) of this subsection, or one-
22 fourth of any term imposed for any other crime the granting of parole
23 shall be subject to approval of the sentencing court. Prior to approving
24 parole, the court shall give the prosecuting attorney notice and an
25 opportunity to be heard. If the court denies the parole of a juvenile
26 pursuant to this paragraph it shall state its reasons in writing and notify
27 the panel established pursuant to subsection b. of this section, the
28 juvenile, and the juvenile's attorney. The court shall have 30 days from
29 the date of notice of the pending parole to exercise the power granted
30 under this paragraph. If the court does not respond within that time
31 period, the parole will be deemed approved.
- 32 The panel established pursuant to subsection b. of this section shall
33 determine at the time of release the conditions of parole, which shall
34 be appropriately tailored to the needs of each juvenile. Any conditions
35 imposed at the time of release or modified thereafter as a graduated
36 intervention in lieu of initiating parole revocation proceedings shall
37 constitute the least restrictive alternatives necessary to promote the
38 successful return of the juvenile to the community. The juvenile shall
39 not be required to enter or complete a residential community release
40 program, residential treatment program, or other out-of-home
41 placement as a condition of parole unless it is determined that the
42 condition is necessary to protect the safety of the juvenile.
- 43 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
44 seq.) who is released on parole prior to the expiration of the juvenile's
45 maximum term may be retained under parole supervision for a period
46 not exceeding the unserved portion of the term. The panel established
47 pursuant to subsection b. of this section, the juvenile, the juvenile's
48 attorney, the juvenile's parent or guardian or, with leave of the court

1 any other interested party, may make a motion to the court, with notice
2 to the prosecuting attorney, for the return of the juvenile from a
3 juvenile facility prior to the juvenile's parole and provide for an
4 alternative disposition which would not exceed the duration of the
5 original time to be served in the facility.

6 (3) Upon application by the prosecutor, the court may sentence a
7 juvenile who has been convicted of a crime of the first, second, or
8 third degree if committed by an adult, to an extended term of
9 incarceration beyond the maximum set forth in paragraph (1) of this
10 subsection, if it finds that the juvenile was previously adjudged
11 delinquent on at least two separate occasions, for offenses which, if
12 committed by an adult, would constitute a crime of the first or second
13 degree. The extended term shall not exceed five additional years for an
14 act which would constitute murder and shall not exceed three
15 additional years for all other crimes of the first degree and shall not
16 exceed two additional years for a crime of the second degree, if
17 committed by an adult, and one additional year for a crime of the third
18 degree, if committed by an adult.

19 (4) Upon application by the prosecutor, when a juvenile is before
20 the court at one time for disposition of three or more unrelated
21 offenses which, if committed by an adult, would constitute crimes of
22 the first, second or third degree and which are not part of the same
23 transaction, the court may sentence the juvenile to an extended term of
24 incarceration not to exceed the maximum of the permissible term for
25 the most serious offense for which the juvenile has been adjudicated
26 plus two additional years.

27 (5) The panel established pursuant to subsection b. of this section
28 may impose a term of post-incarceration supervision following the
29 juvenile's release from custody only if it is deemed necessary to
30 effectuate the juvenile's rehabilitation and reintegration into society.
31 Post-incarceration supervision shall not exceed six months, except the
32 term may be extended for an additional six months if the panel
33 established pursuant to subsection b. of this section deems
34 continuation of the post-incarceration supervision necessary to
35 effectuate the juvenile's rehabilitation and reintegration into society.
36 Post-incarceration supervision shall not exceed one year. Post-
37 incarceration supervision shall not be imposed on any juvenile who
38 has completed a period of parole supervision of six months or more.
39 The term of post-incarceration supervision shall commence on the date
40 of the expiration of the juvenile's maximum sentence. During the term
41 of post-incarceration supervision the juvenile shall remain in the
42 community and in the legal custody of the commission. The juvenile
43 shall not be required to enter or complete a residential community
44 release program, residential treatment program, or other out-of-home
45 placement as a condition of post-incarceration supervision. A term of
46 post-incarceration supervision imposed pursuant to this paragraph may
47 be terminated by the panel established pursuant to subsection b. of this
48 section or court if the juvenile has made a satisfactory adjustment in

1 the community while under supervision and if continued supervision is
2 not required.

3 (6) The commission shall review the case of each juvenile
4 sentenced to a term of commitment with the commission at least every
5 three months and submit a status report to the court, the prosecutor,
6 and the counsel for the juvenile. The commission's review and status
7 report shall include, but not be limited to:

8 (a) information on the treatment, care, and custody of the juvenile;

9 (b) whether the juvenile is receiving the mental health, substance
10 use disorder, educational, and other rehabilitative services necessary to
11 promote the juvenile's successful reintegration into the community;

12 (c) any incidents of violence involving the juvenile; and

13 (d) the juvenile's eligibility for parole.

14 Counsel for the juvenile shall have the opportunity to respond to
15 the report required pursuant to this paragraph.

16 The commission shall continue to submit quarterly reports to the
17 court until the juvenile is paroled or released at the expiration of the
18 term of incarceration and shall resume the quarterly reviews if the
19 juvenile is returned to the custody of the commission. The court may
20 conduct a hearing at any time to determine whether commitment with
21 the commission continues to be appropriate pursuant to section 24 of
22 P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77
23 (C.2A:4A-44), and may release the juvenile or otherwise modify the
24 dispositional order. Nothing in this paragraph shall abrogate the
25 court's retention of jurisdiction pursuant to section 26 of P.L.1982,
26 c.77 (C.2A:4A-45).

27 e. If the panel established pursuant to subsection b. of this section
28 determines there is probable cause to believe that the juvenile has
29 seriously or persistently violated the terms and conditions of parole,
30 the commission shall conduct a hearing to determine if the juvenile's
31 parole should be revoked. The juvenile shall be represented by
32 counsel at the hearing. The hearing shall be conducted by a hearing
33 officer who is licensed as an attorney-at-law in this State. The juvenile
34 shall not be incarcerated prior to the hearing unless the panel
35 established pursuant to subsection b. of this section determines by
36 objective and credible evidence that the juvenile poses an immediate
37 and substantial danger to public safety. If the juvenile is incarcerated
38 prior to the hearing, the hearing shall be held within 72 hours of the
39 juvenile's return to custody and a written decision made and
40 transmitted to the juvenile and the juvenile's counsel within 48 hours
41 of the hearing. Upon request of counsel for the juvenile, the hearing
42 officer shall adjourn the hearing for not more than 72 hours.
43 Subsequent adjournments may be granted upon request of the juvenile
44 and good cause shown.

45 The panel established pursuant to subsection b. of this section shall
46 not revoke the parole of a juvenile unless the hearing officer
47 determines, by clear and convincing evidence, that:

1 (1) the juvenile has seriously or persistently violated the conditions
2 of parole;

3 (2) the juvenile poses a substantial danger to public safety and no
4 form of community-based supervision would alleviate that danger; and

5 (3) revocation is consistent with the provisions of section 2 of
6 P.L.1982, c.77 (C.2A:4A-21).

7 The procedures and standards set forth in sections 15 through 21 of
8 P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall apply to
9 juvenile parole revocation hearings, unless the procedures and
10 standards conflict with those set forth in this subsection.

11 Notwithstanding a determination that the juvenile violated a
12 condition of parole, the panel established pursuant to subsection b. of
13 this section may modify those conditions.

14 f. The panel established pursuant to subsection b. of this section
15 may relieve a juvenile of any parole conditions, and may permit a
16 parolee to reside outside the State pursuant to the provisions of the
17 Interstate Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),
18 and after providing notice to the Attorney General, may consent to the
19 supervision of a parolee by the federal government pursuant to the
20 federal Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521
21 et seq.). The panel established pursuant to subsection b. of this section
22 may revoke permission, except in the case of a juvenile under the
23 Witness Security Reform Act, or reinstate relieved parole conditions
24 for any period of time during which a juvenile is under its jurisdiction.

25 g. The commission shall promulgate rules and regulations
26 governing the commission's duties and responsibilities concerning
27 parole eligibility, supervision, and revocation.

28 h. The member of the State Parole Board who is designated by
29 the chairman to be on the panel established pursuant to subsection b.
30 of this section shall have experience in juvenile justice or have
31 successfully completed a juvenile justice training program to be
32 established by the chairman. The training program shall be comprised
33 of seven hours of instruction including, but not limited to: emerging
34 scientific knowledge concerning adolescent development, particularly
35 adolescent brain function and how adolescent development relates to
36 incarcerated youth, the influence of peer relationships among
37 adolescents and peer contagion effects, and the effects of juvenile
38 crime on victims.

39 i. Any decision concerning parole made by the panel established
40 pursuant to subsection b. of this section shall be unanimous.

41 (cf: P.L.2023, c.177, s.2)

42

43 9. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to
44 read as follows:

45 1. The **【Juvenile】** Youth Justice Commission established
46 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) may enter
47 into an agreement with any county concerning the use of that
48 county's juvenile detention facility for the housing of juveniles the

1 court has placed under the custody of the commission for placement
2 in State correctional facilities only if the county's juvenile detention
3 facility is not over its maximum rated capacity.

4 Unless the contract otherwise provides or the commission so
5 directs in order to provide for the secure and orderly operation of
6 the facility, a juvenile placed in a county detention facility pursuant
7 to the provisions of this act shall not be segregated from the
8 juveniles otherwise placed in the county detention facility or
9 excluded from any program or activity offered in that facility.

10 Any contract entered into pursuant to this section shall ensure
11 that educational, vocational, mental health, health and rehabilitative
12 services are provided to the juveniles and that these services are, at
13 minimum, equivalent to those provided to adjudicated juveniles in
14 State-operated facilities.

15 (cf: P.L.1995, c.280, s.12)

16
17 10. Section 2 of P.L.2020, c.111 (C.2A:4A-44.2) is amended to
18 read as follows:

19 2. a. Except as provided in subsection b. of this section, the
20 award of public health emergency credits pursuant to section 1 of
21 P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile
22 serving a sentence in a State correctional facility operated by the
23 **【Juvenile】 Youth** Justice Commission who due to the expiration of
24 the juvenile's term of commitment is scheduled to be released from
25 custody within 365 days .

26 b. Public health emergency credits shall not be awarded to any
27 juvenile serving a sentence in a State correctional facility operated
28 by the **【Juvenile】 Youth** Justice Commission for:

- 29 (1) murder pursuant to N.J.S.2C:11-3;
30 (2) aggravated sexual assault pursuant to subsection a. of
31 N.J.S.2C:14-2; or
32 (3) any offense enumerated in N.J.S.2C:47-1 and who is deemed
33 a repetitive, compulsive sex offender.

34 c. A juvenile who was serving a sentence in a State
35 correctional facility operated by the **【Juvenile】 Youth** Justice
36 Commission during the Public Health Emergency and State of
37 Emergency declared by the Governor in Executive Order 103 of
38 2020 concerning the coronavirus disease 2019 pandemic shall
39 receive public health emergency credits in accordance with section
40 1 of P.L.2020, c.111 (C.30:4-123.100).

41 d. A juvenile scheduled to be released from the custody of the
42 **【Juvenile】 Youth** Justice Commission following an award of public
43 health emergency credits pursuant to section 1 of P.L.2020, c.111
44 (C.30:4-123.100) shall be released on the scheduled release date
45 based on the award of public health emergency credits.

46 e. (1) Notwithstanding the provisions of subsection d. of this
47 section, a juvenile scheduled to be released from the custody of the

1 **【Juvenile】 Youth** Justice Commission following an award of public
2 health emergency credits pursuant to section 1 of P.L.2020, c.111
3 (C.30:4-123.100) whose scheduled release date is less than 45 days
4 after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.)
5 shall be released within 45 days after the effective date, in order to
6 allow the **【Juvenile】 Youth** Justice Commission to devise and
7 implement a release plan for the juvenile and arrange for services to
8 be provided to the juvenile upon release.

9 (2) A juvenile who is released from custody following an award
10 of public health emergency credits pursuant to this section shall be
11 prohibited from making contact with a victim as set forth in section
12 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall
13 remain in force until the time that the juvenile was scheduled to be
14 released prior to the award of public health emergency credits .

15 f. Prior to releasing a juvenile from the custody of the
16 **【Juvenile】 Youth** Justice Commission following an award of public
17 health emergency credits pursuant to section 1 of P.L.2020, c.111
18 (C.30:4-123.100), the Executive Director of the **【Juvenile】 Youth**
19 Justice Commission shall:

20 (1) notify the juvenile in writing of the prohibition against
21 making contact with any victim of the crime for which the juvenile
22 was serving a sentence pursuant to section 5 of P.L.2020, c.111
23 (C.30:4-123.103);

24 (2) notify the juvenile that a violation of the prohibition against
25 contact with the victim is a crime of the fourth degree; and

26 (3) require the juvenile to acknowledge in writing the receipt of
27 the notifications provided pursuant to this subsection .

28 (cf: P.L.2020, c.111, s.2)

29
30 11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to
31 read as follows:

32 6. a. The Executive Director of the **【Juvenile】 Youth** Justice
33 Commission shall immediately identify any juvenile who is
34 scheduled to be released from the custody of the **【Juvenile】 Youth**
35 Justice Commission within 365 days as a result of the award of
36 public health emergency credits pursuant to section 1 of P.L.2020,
37 c.111 (C.30:4-123.100).

38 b. Notwithstanding any provisions of law to the contrary, the
39 Executive Director of the **【Juvenile】 Youth** Justice Commission
40 shall provide notice to the prosecutor of the county in which the
41 juvenile was adjudicated delinquent or the Attorney General if the
42 matter was prosecuted by the Attorney General. The notice shall
43 include:

44 (1) the name of any juvenile who, due to the expiration of the
45 juvenile's term of commitment, is scheduled to be released from the
46 custody of the **【Juvenile】 Youth** Justice Commission within 365
47 days as a result of the award of public health emergency credits;

1 (2) the date on which the juvenile is scheduled to be released
2 from custody based on the award of public health emergency
3 credits; and

4 (3) the date on which the juvenile was scheduled to be released
5 from custody prior to the award of public health emergency credits.

6 c. The Executive Director of the **【Juvenile】 Youth** Justice
7 Commission shall make available to the public on the Internet
8 website of the **【Juvenile】 Youth** Justice Commission, in both
9 English and Spanish, information concerning:

10 (1) the procedures for filing an application for a restraining
11 order pursuant to the "Prevention of Domestic Violence Act of
12 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

13 (2) resources for victims of domestic violence; and

14 (3) procedures for filing with the court a petition to dissolve the
15 prohibition established pursuant to section 5 of P.L.2020, c.111
16 (C.30:4-123.103) prohibiting a juvenile from making contact with
17 any victim of the crime for which the juvenile was serving a
18 sentence.

19 (cf: P.L.2020, c.111, s.6)

20
21 12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to
22 read as follows:

23 7. Notwithstanding the provisions of any law to the contrary,
24 upon receipt of notice from the Executive Director of the
25 **【Juvenile】 Youth** Justice Commission that a juvenile is scheduled
26 to be released from the custody of the **【Juvenile】 Youth** Justice
27 Commission within 365 days based on the award of public health
28 emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-
29 123.100), the prosecutor or Attorney General, prior to the juvenile's
30 scheduled release date, may:

31 a. use any reasonable means available to notify any identifiable
32 victim of the crime for which the juvenile is serving a sentence in a
33 State correctional facility operated by the **【Juvenile】 Youth** Justice
34 Commission of the juvenile's scheduled release date;

35 b. notify the identifiable victim that the law prohibits the
36 juvenile from having any contact with the victim unless a petition is
37 filed with the court to dissolve the prohibition in accordance with
38 the procedures established by the court;

39 c. notify the victim of the duration of the prohibition against
40 the juvenile having contact with the victim;

41 d. notify the victim of the penalties imposed for the juvenile's
42 violation of the prohibition against contact;

43 e. provide information to the victim concerning how a petition
44 may be filed with the court to dissolve the prohibition against the
45 juvenile having contact with the victim; and

46 f. provide information to the victim concerning the procedures
47 for filing an application for a restraining order pursuant to the

1 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
2 (C.2C:25-17 et seq.), and resources for victims of domestic
3 violence.
4 (cf: P.L.2020, c.111, s.7)

5
6 13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
7 read as follows:

8 1. Disclosure of juvenile information; penalties for disclosure.

9 a. Social, medical, psychological, legal and other records of the
10 court and probation division, and records of law enforcement
11 agencies, pertaining to juveniles charged as a delinquent or found to
12 be part of a juvenile-family crisis, shall be strictly safeguarded from
13 public inspection. Such records shall be made available only to:

14 (1) Any court or probation division;

15 (2) The Attorney General or county prosecutor;

16 (3) The parents or guardian and to the attorney of the juvenile;

17 (4) The Department of Human Services or Department of
18 Children and Families, if providing care or custody of the juvenile;

19 (5) Any institution or facility to which the juvenile is currently
20 committed or in which the juvenile is placed;

21 (6) Any person or agency interested in a case or in the work of
22 the agency keeping the records, by order of the court for good cause
23 shown, except that information concerning adjudications of
24 delinquency, records of custodial confinement, payments owed on
25 assessments imposed pursuant to section 2 of P.L.1979, c.396
26 (C.2C:43-3.1) or restitution ordered following conviction of a crime
27 or adjudication of delinquency, and the juvenile's financial
28 resources, shall be made available upon request to the Victims of
29 Crime Compensation Agency established pursuant to section 2 of
30 P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information
31 and records confidential;

32 (7) The **【Juvenile】 Youth** Justice Commission established
33 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

34 (8) Law enforcement agencies for the purpose of reviewing
35 applications for a permit to purchase a handgun or firearms
36 purchaser identification card;

37 (9) Any potential party in a subsequent civil action for damages
38 related to an act of delinquency committed by a juvenile, including
39 the victim or a member of the victim's immediate family, regardless
40 of whether the action has been filed against the juvenile; provided,
41 however, that records available under this paragraph shall be
42 limited to official court documents, such as complaints, pleadings
43 and orders, and that such records may be disclosed by the recipient
44 only in connection with asserting legal claims or obtaining
45 indemnification on behalf of the victim or the victim's family and
46 otherwise shall be safeguarded from disclosure to other members of
47 the public. Any potential party in a civil action related to the
48 juvenile offense may file a motion with the civil trial judge seeking

1 to have the juvenile's social, medical or psychological records
2 admitted into evidence in a civil proceeding for damages;

3 (10) Any potential party in a subsequent civil action for
4 damages related to an act of delinquency committed by a juvenile,
5 including the victim or a member of the victim's immediate family,
6 regardless of whether the action has been filed against the juvenile;
7 provided, however, that records available under this paragraph shall
8 be limited to police or investigation reports concerning acts of
9 delinquency, which shall be disclosed by a law enforcement agency
10 only with the approval of the County Prosecutor's Office or the
11 Division of Criminal Justice. Prior to disclosure, all personal
12 information regarding all individuals, other than the requesting
13 party and the arresting or investigating officer, shall be redacted.
14 Such records may be disclosed by the recipient only in connection
15 with asserting legal claims or obtaining indemnification on behalf
16 of the victim or the victim's family, and otherwise shall be
17 safeguarded from disclosure to other members of the public;

18 (11) The Office of the Child Advocate established pursuant to
19 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
20 information received by the child advocate pursuant to this
21 paragraph shall be in accordance with the provisions of section 76
22 of P.L.2005, c.155 (C.52:27EE-76);

23 (12) Law enforcement agencies with respect to information
24 available on the juvenile central registry maintained by the courts
25 pursuant to subsection g. of this section, including, but not limited
26 to: records of official court documents, such as complaints,
27 pleadings and orders for the purpose of obtaining juvenile arrest
28 information; juvenile disposition information; juvenile pretrial
29 information; and information concerning the probation status of a
30 juvenile; and

31 (13) A Court Appointed Special Advocate as defined in section
32 1 of P.L.2009, c.217 (C.2A:4A-92).

33 b. Records of law enforcement agencies may be disclosed for
34 law enforcement purposes, or for the purpose of reviewing
35 applications for a permit to purchase a handgun or a firearms
36 purchaser identification card to any law enforcement agency of this
37 State, another state or the United States, and the identity of a
38 juvenile under warrant for arrest for commission of an act that
39 would constitute a crime if committed by an adult may be disclosed
40 to the public when necessary to execution of the warrant.

41 c. At the time of charge, adjudication or disposition,
42 information as to the identity of a juvenile charged with an offense,
43 the offense charged, the adjudication and disposition shall, upon
44 request, be disclosed to:

45 (1) The victim or a member of the victim's immediate family;

46 (2) (Deleted by amendment, P.L.2005, c.165).

47 (3) On a confidential basis, the principal of the school where the
48 juvenile is enrolled for use by the principal and such members of

1 the staff and faculty of the school as the principal deems
2 appropriate for maintaining order, safety or discipline in the school
3 or to planning programs relevant to the juvenile's educational and
4 social development, provided that no record of such information
5 shall be maintained except as authorized by regulation of the
6 Department of Education; or

7 (4) A party in a subsequent legal proceeding involving the
8 juvenile, upon approval by the court.

9 d. A law enforcement or prosecuting agency shall, at the time
10 of a charge, adjudication or disposition, send written notice to the
11 principal of the school where the juvenile is enrolled of the identity
12 of the juvenile charged, the offense charged, the adjudication and
13 the disposition if:

14 (1) The offense occurred on school property or a school bus,
15 occurred at a school-sponsored function or was committed against
16 an employee or official of the school; or

17 (2) The juvenile was taken into custody as a result of
18 information or evidence provided by school officials; or

19 (3) The offense, if committed by an adult, would constitute a
20 crime, and the offense:

21 (a) resulted in death or serious bodily injury or involved an
22 attempt or conspiracy to cause death or serious bodily injury; or

23 (b) involved the unlawful use or possession of a firearm or other
24 weapon; or

25 (c) involved the unlawful manufacture, distribution or
26 possession with intent to distribute a controlled dangerous
27 substance or controlled substance analog; or

28 (d) was committed by a juvenile who acted with a purpose to
29 intimidate an individual or group of individuals because of race,
30 color, religion, sexual orientation or ethnicity; or

31 (e) would be a crime of the first, second, or third degree.

32 Information provided to the principal pursuant to this subsection
33 shall be maintained by the school and shall be treated as
34 confidential but may be made available to such members of the staff
35 and faculty of the school as the principal deems appropriate for
36 maintaining order, safety or discipline in the school or for planning
37 programs relevant to a juvenile's educational and social
38 development.

39 e. Nothing in this section prohibits a law enforcement or
40 prosecuting agency from providing the principal of a school with
41 information identifying one or more juveniles who are under
42 investigation or have been taken into custody for commission of any
43 act that would constitute an offense if committed by an adult when
44 the law enforcement or prosecuting agency determines that the
45 information may be useful to the principal in maintaining order,
46 safety or discipline in the school or in planning programs relevant
47 to the juvenile's educational and social development. Information
48 provided to the principal pursuant to this subsection shall be treated

1 as confidential but may be made available to such members of the
2 staff and faculty of the school as the principal deems appropriate for
3 maintaining order, safety or discipline in the school or for planning
4 programs relevant to the juvenile's educational and social
5 development. No information provided pursuant to this section
6 shall be maintained.

7 f. Information as to the identity of a juvenile adjudicated
8 delinquent, the offense, the adjudication and the disposition shall be
9 disclosed to the public where the offense for which the juvenile has
10 been adjudicated delinquent if committed by an adult, would
11 constitute a crime of the first, second or third degree, or aggravated
12 assault, destruction or damage to property to an extent of more than
13 \$500.00, unless upon application at the time of disposition the
14 juvenile demonstrates a substantial likelihood that specific and
15 extraordinary harm would result from such disclosure in the specific
16 case. Where the court finds that disclosure would be harmful to the
17 juvenile, the reasons therefor shall be stated on the record.

18 g. (1) Nothing in this section shall prohibit the establishment and
19 maintaining of a central registry of the records of law enforcement
20 agencies relating to juveniles for the purpose of exchange between
21 State and local law enforcement agencies and prosecutors of this
22 State, another state, or the United States. These records of law
23 enforcement agencies shall be available on a 24-hour basis.

24 (2) Certain information and records relating to juveniles in the
25 central registry maintained by the courts, as prescribed in paragraph
26 (12) of subsection a. of this section, shall be available to State and
27 local law enforcement agencies and prosecutors on a 24-hour basis.

28 h. Whoever, except as provided by law, knowingly discloses,
29 publishes, receives, or makes use of or knowingly permits the
30 unauthorized use of information concerning a particular juvenile
31 derived from records listed in subsection a. or acquired in the
32 course of court proceedings, probation, or police duties, shall, upon
33 conviction thereof, be guilty of a disorderly persons offense.

34 i. Juvenile delinquency proceedings.

35 (1) Except as provided in paragraph (2) of this subsection, the
36 court may, upon application by the juvenile or his parent or
37 guardian, the prosecutor or any other interested party, including the
38 victim or complainant or members of the news media, permit public
39 attendance during any court proceeding at a delinquency case,
40 where it determines that a substantial likelihood that specific harm
41 to the juvenile would not result. The court shall have the authority
42 to limit and control attendance in any manner and to the extent it
43 deems appropriate;

44 (2) The court or, in cases where the county prosecutor has
45 entered an appearance, the county prosecutor shall notify the victim
46 or a member of the victim's immediate family of any court
47 proceeding involving the juvenile and the court shall permit the
48 attendance of the victim or family member at the proceeding except

1 when, prior to completing testimony as a witness, the victim or
2 family member is properly sequestered in accordance with the law
3 or the Rules Governing the Courts of the State of New Jersey or
4 when the juvenile or the juvenile's family member shows, by clear
5 and convincing evidence, that such attendance would result in a
6 substantial likelihood that specific harm to the juvenile would result
7 from the attendance of the victim or a family member at a
8 proceeding or any portion of a proceeding and that such harm
9 substantially outweighs the interest of the victim or family member
10 to attend that portion of the proceeding;

11 (3) The court shall permit a victim, or a family member of a
12 victim to make a statement prior to ordering a disposition in any
13 delinquency proceeding involving an offense that would constitute a
14 crime if committed by an adult.

15 j. The Department of Education, in consultation with the
16 Attorney General, shall adopt, pursuant to the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
18 regulations concerning the creation, maintenance and disclosure of
19 pupil records including information acquired pursuant to this
20 section.

21 (cf: P.L.2009, c.217, s.2)

22

23 14. N.J.S.2C:4-11 is amended to read as follows:

24 2C:4-11. a. A person shall not be tried for or convicted of an
25 offense if:

26 (1) At the time of the conduct charged to constitute the offense
27 he was less than 14 years of age, in which case the family court
28 shall have exclusive jurisdiction unless pursuant to section 8 of the
29 "New Jersey Code of **【Juvenile】** Youth Justice" the juvenile has
30 demanded indictment and trial by jury; or

31 (2) At the time of the conduct charged to constitute the offense
32 he was 14, 15, 16 or 17 years of age, unless:

33 (a) The family court has no jurisdiction over him;

34 (b) The family court has, pursuant to section 7 of the "New
35 Jersey Code of **【Juvenile】** Youth Justice," entered an order waiving
36 jurisdiction and referring the case to the county prosecutor for the
37 institution of criminal proceedings against him;

38 (c) The juvenile has, pursuant to section 8 of the "New Jersey
39 Code of **【Juvenile】** Youth Justice," demanded indictment and trial
40 by jury.

41 b. No court shall have jurisdiction to try and convict a person of
42 an offense if criminal proceedings against him are barred by
43 subsection a. of this section. When it appears that a person charged
44 with the commission of an offense may be of such an age that
45 proceedings may be barred under subsection a. of this section, the
46 court shall hold a hearing thereon, and the burden shall be on such
47 person to establish to the satisfaction of the court that the
48 proceeding is barred upon such grounds. If the court determines

1 that the proceeding is barred, custody of the person charged shall be
2 surrendered to the family court and the case, including all papers
3 and processes relating thereto shall be transferred.

4 (cf: P.L.1982, c.77, s.32)

5
6 15. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
7 as follows:

8 2. a. (1) A person who has been convicted, adjudicated
9 delinquent or found not guilty by reason of insanity for commission
10 of a sex offense as defined in subsection b. of this section shall
11 register as provided in subsections c. and d. of this section.

12 (2) A person who in another jurisdiction is required to register
13 as a sex offender and (a) is enrolled on a full-time or part-time basis
14 in any public or private educational institution in this State,
15 including any secondary school, trade or professional institution,
16 institution of higher education or other post-secondary school, or
17 (b) is employed or carries on a vocation in this State, on either a
18 full-time or a part-time basis, with or without compensation, for
19 more than 14 consecutive days or for an aggregate period exceeding
20 30 days in a calendar year, shall register in this State as provided in
21 subsections c. and d. of this section.

22 (3) A person who fails to register as required under this act shall
23 be guilty of a crime of the third degree.

24 b. For the purposes of this act a sex offense shall include the
25 following:

26 (1) Aggravated sexual assault, sexual assault, aggravated
27 criminal sexual contact, kidnapping pursuant to paragraph (2) of
28 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
29 crimes if the court found that the offender's conduct was
30 characterized by a pattern of repetitive, compulsive behavior,
31 regardless of the date of the commission of the offense or the date
32 of conviction;

33 (2) A conviction, adjudication of delinquency, or acquittal by
34 reason of insanity for aggravated sexual assault; sexual assault;
35 aggravated criminal sexual contact; kidnapping pursuant to
36 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
37 welfare of a child by engaging in sexual conduct which would
38 impair or debauch the morals of the child pursuant to subsection a.
39 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
40 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or
41 (ii) of subparagraph (b) of paragraph (5) of subsection b. of
42 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
43 c.291 (C.2C:13-6); criminal sexual contact pursuant to
44 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to
45 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false
46 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
47 the offender is not the parent of the victim; knowingly promoting
48 prostitution of a child pursuant to paragraph (3) or paragraph (4) of

1 subsection b. of N.J.S.2C:34-1; leader of a child pornography
2 network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or
3 an attempt to commit any of these enumerated offenses if the
4 conviction, adjudication of delinquency or acquittal by reason of
5 insanity is entered on or after the effective date of this act or the
6 offender is serving a sentence of incarceration, probation, parole or
7 other form of community supervision as a result of the offense or is
8 confined following acquittal by reason of insanity or as a result of
9 civil commitment on the effective date of this act;

10 (3) A conviction, adjudication of delinquency, or acquittal by
11 reason of insanity for an offense similar to any offense enumerated
12 in paragraph (2) or a sentence on the basis of criteria similar to the
13 criteria set forth in paragraph (1) of this subsection entered or
14 imposed under the laws of the United States, this State, or another
15 state.

16 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)
17 of this subsection, a sex offense shall not include an adjudication of
18 delinquency for endangering the welfare of a child pursuant to
19 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that
20 the actor demonstrates that:

21 (a) the facts of the case are limited to the creation, exhibition or
22 distribution of a photograph depicting nudity or portraying a child
23 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
24 through the use of an electronic communications device, an
25 interactive wireless communications device, or a computer;

26 (b) the creator and subject of the photograph are juveniles or
27 were juveniles at the time of its making; and

28 (c) the subject of the photograph whose nudity is depicted or
29 who is portrayed in a sexually suggestive manner, as the case may
30 be, knowingly consented to the making of the photograph.

31 c. A person required to register under the provisions of this act
32 shall do so on forms to be provided by the designated registering
33 agency as follows:

34 (1) A person who is required to register and who is under
35 supervision in the community on probation, parole, furlough, work
36 release, or a similar program, shall register at the time the person is
37 placed under supervision or no later than 120 days after the
38 effective date of this act, whichever is later, in accordance with
39 procedures established by the Department of Corrections, the
40 Department of Human Services, the **【Juvenile】 Youth** Justice
41 Commission established pursuant to section 2 of P.L.1995, c.284
42 (C.52:17B-170) or the Administrative Office of the Courts,
43 whichever is responsible for supervision;

44 (2) A person confined in a correctional or juvenile facility or
45 involuntarily committed who is required to register shall register
46 prior to release in accordance with procedures established by the
47 Department of Corrections, the Department of Human Services or
48 the **【Juvenile】 Youth** Justice Commission and, within 48 hours of

1 release, shall also register with the chief law enforcement officer of
2 the municipality in which the person resides or, if the municipality
3 does not have a local police force, the Superintendent of State
4 Police;

5 (3) A person moving to or returning to this State from another
6 jurisdiction shall register with the chief law enforcement officer of
7 the municipality in which the person will reside or, if the
8 municipality does not have a local police force, the Superintendent
9 of State Police within 120 days of the effective date of this act or 10
10 days of first residing in or returning to a municipality in this State,
11 whichever is later;

12 (4) A person required to register on the basis of a conviction
13 prior to the effective date who is not confined or under supervision
14 on the effective date of this act shall register within 120 days of the
15 effective date of this act with the chief law enforcement officer of
16 the municipality in which the person will reside or, if the
17 municipality does not have a local police force, the Superintendent
18 of State Police;

19 (5) A person who in another jurisdiction is required to register
20 as a sex offender and who is enrolled on a full-time or part-time
21 basis in any public or private educational institution in this State,
22 including any secondary school, trade or professional institution,
23 institution of higher education or other post-secondary school shall,
24 within ten days of commencing attendance at such educational
25 institution, register with the chief law enforcement officer of the
26 municipality in which the educational institution is located or, if the
27 municipality does not have a local police force, the Superintendent
28 of State Police;

29 (6) A person who in another jurisdiction is required to register
30 as a sex offender and who is employed or carries on a vocation in
31 this State, on either a full-time or a part-time basis, with or without
32 compensation, for more than 14 consecutive days or for an
33 aggregate period exceeding 30 days in a calendar year, shall, within
34 ten days after commencing such employment or vocation, register
35 with the chief law enforcement officer of the municipality in which
36 the employer is located or where the vocation is carried on, as the
37 case may be, or, if the municipality does not have a local police
38 force, the Superintendent of State Police;

39 (7) In addition to any other registration requirements set forth in
40 this section, a person required to register under this act who is
41 enrolled at, employed by or carries on a vocation at an institution of
42 higher education or other post-secondary school in this State shall,
43 within 10 days after commencing such attendance, employment or
44 vocation, register with the law enforcement unit of the educational
45 institution, if the institution has such a unit.

46 d. (1) Upon a change of address, a person shall notify the law
47 enforcement agency with which the person is registered and shall
48 re-register with the appropriate law enforcement agency no less

1 than 10 days before he intends to first reside at his new address.
2 Upon a change of employment or school enrollment status, a person
3 shall notify the appropriate law enforcement agency no later than
4 five days after any such change. A person who fails to notify the
5 appropriate law enforcement agency of a change of address or status
6 in accordance with this subsection is guilty of a crime of the third
7 degree.

8 (2) A person required to register under this act shall provide the
9 appropriate law enforcement agency with information as to whether
10 the person has routine access to or use of a computer or any other
11 device with Internet capability. A person who fails to notify the
12 appropriate law enforcement agency of such information or of a
13 change in the person's access to or use of a computer or other
14 device with Internet capability or who provides false information
15 concerning the person's access to or use of a computer or any other
16 device with Internet capability is guilty of a crime of the third
17 degree.

18 e. A person required to register under paragraph (1) of
19 subsection b. of this section or under paragraph (3) of subsection b.
20 due to a sentence imposed on the basis of criteria similar to the
21 criteria set forth in paragraph (1) of subsection b. shall verify his
22 address with the appropriate law enforcement agency every 90 days
23 in a manner prescribed by the Attorney General. A person required
24 to register under paragraph (2) of subsection b. of this section or
25 under paragraph (3) of subsection b. on the basis of a conviction for
26 an offense similar to an offense enumerated in paragraph (2) of
27 subsection b. shall verify his address annually in a manner
28 prescribed by the Attorney General. In addition to address
29 information, the person shall provide as part of the verification
30 process any additional information the Attorney General may
31 require. One year after the effective date of this act, the Attorney
32 General shall review, evaluate and, if warranted, modify pursuant to
33 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.) the verification requirement. Any person who knowingly
35 provides false information concerning his place of residence or who
36 fails to verify his address with the appropriate law enforcement
37 agency or other entity, as prescribed by the Attorney General in
38 accordance with this subsection, is guilty of a crime of the third
39 degree.

40 f. Except as provided in subsection g. of this section, a person
41 required to register under this act may make application to the
42 Superior Court of this State to terminate the obligation upon proof
43 that the person has not committed an offense within 15 years
44 following conviction or release from a correctional facility for any
45 term of imprisonment imposed, whichever is later, and is not likely
46 to pose a threat to the safety of others.

47 g. A person required to register under this section who has
48 been convicted of, adjudicated delinquent, or acquitted by reason of

1 insanity for more than one sex offense as defined in subsection b. of
2 this section or who has been convicted of, adjudicated delinquent,
3 or acquitted by reason of insanity for aggravated sexual assault
4 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
5 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
6 eligible under subsection f. of this section to make application to
7 the Superior Court of this State to terminate the registration
8 obligation.

9 (cf: P.L.2017, c.141, s.3)

10
11 16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
12 as follows:

13 3. Notice of the obligation to register shall be provided as
14 follows:

15 (1) A court imposing a sentence, disposition or order of
16 commitment following acquittal by reason of insanity shall notify
17 the defendant of the obligation to register pursuant to section 2 of
18 this act.

19 (2) The Department of Corrections, the Administrative Office of
20 the Courts, the **【Juvenile】** Youth Justice Commission established
21 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and the
22 Department of Human Services shall (a) establish procedures for
23 notifying persons under their supervision of the obligation to
24 register pursuant to this act and (b) establish procedures for
25 registration by persons with the appropriate law enforcement
26 agency who are under supervision in the community on probation,
27 parole, furlough, work release or similar program outside the
28 facility, and registration with the appropriate law enforcement
29 agency of persons who are released from the facility in which they
30 are confined without supervision.

31 (3) The Division of Motor Vehicles in the Department of Law
32 and Public Safety shall provide notice of the obligation to register
33 pursuant to this section in connection with each application for a
34 license to operate a motor vehicle and each application for an
35 identification card issued pursuant to section 2 of P.L.1980, c.47
36 (C.39:3-29.3).

37 (4) The Attorney General shall cause notice of the obligation to
38 register to be published in a manner reasonably calculated to reach
39 the general public within 30 days of the effective date of this act.

40 (cf: P.L.1995, c.280, s.19)

41
42 17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
43 as follows:

44 4. a. Within 60 days of the effective date of this act, the
45 Superintendent of State Police, with the approval of the Attorney
46 General, shall prepare the form of registration statement as required
47 in subsection b. of this section and shall provide such forms to each
48 organized full-time municipal police department, the Department of

1 Corrections, the Administrative Office of the Courts and the
2 Department of Human Services. In addition, the Superintendent of
3 State Police shall make such forms available to the **[Juvenile]**
4 Youth Justice Commission established pursuant to section 2 of
5 P.L.1995, c.284 (C.52:17B-170).

6 b. The form of registration required by this act shall include:

7 (1) A statement in writing signed by the person required to
8 register acknowledging that the person has been advised of the duty
9 to register and reregister imposed by this act and including the
10 person's name, social security number, age, race, sex, date of birth,
11 height, weight, hair and eye color, address of legal residence,
12 address of any current temporary residence, date and place of
13 employment; and any anticipated or current school enrollment,
14 including but not limited to enrollment at or employment by any
15 institution of higher education;

16 (2) Date and place of each conviction, adjudication or acquittal
17 by reason of insanity, indictment number, fingerprints, and a brief
18 description of the crime or crimes for which registration is required;
19 and

20 (3) Any other information that the Attorney General deems
21 necessary to assess risk of future commission of a crime, including
22 criminal and corrections records, nonprivileged personnel,
23 treatment, and abuse registry records, and evidentiary genetic
24 markers when available.

25 c. Within three days of receipt of a registration pursuant to
26 subsection c. of section 2 of this act, the registering agency shall
27 forward the statement and any other required information to the
28 prosecutor who shall, as soon as practicable, transmit the form of
29 registration to the Superintendent of State Police, and, if the
30 registrant will reside in a different county, to the prosecutor of the
31 county in which the person will reside. The prosecutor of the
32 county in which the person will reside shall transmit the form of
33 registration to the law enforcement agency responsible for the
34 municipality in which the person will reside and other appropriate
35 law enforcement agencies. The superintendent shall promptly
36 transmit the conviction data and fingerprints to the Federal Bureau
37 of Investigation.

38 d. The Superintendent of State Police shall maintain a central
39 registry of registrations provided pursuant to this act.

40 (cf: P.L.2003, c.34, s.2)

41
42 18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
43 read as follows:

44 2. Application for Temporary Protective Order.

45 a. (1) Any person alleging to be a victim of nonconsensual sexual
46 contact, sexual penetration, or lewdness, or any attempt at such
47 conduct, or stalking or cyber-harassment, and who is not eligible for
48 a restraining order as a "victim of domestic violence" as defined by

1 the provisions of subsection d. of section 3 of P.L.1991, c.261
2 (C.2C:25-19), may, except as provided in subsection b. of this
3 section, file an application with the Superior Court pursuant to the
4 Rules of Court alleging the commission of such conduct or
5 attempted conduct and seeking a temporary protective order.

6 As used in this section and in sections 3, 4, and 8 of P.L.2015,
7 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

8 "Sexual contact" means an intentional touching by the victim or
9 actor, either directly or through clothing, of the victim's or actor's
10 intimate parts for the purpose of degrading or humiliating the victim
11 or sexually arousing or sexually gratifying the actor.

12 "Sexual penetration" means vaginal intercourse, cunnilingus,
13 fellatio or anal intercourse between persons or insertion of the hand,
14 finger or object into the anus or vagina either by the actor or upon
15 the actor's instruction.

16 "Lewdness" means the exposing of the genitals for the purpose
17 of arousing or gratifying the sexual desire of the actor or of any
18 other person.

19 "Intimate parts" means the following body parts: sexual organs,
20 genital area, anal area, inner thigh, groin, buttock or breast of a
21 person.

22 "Stalking" means purposefully or knowingly engaging in a
23 course of conduct directed at or toward a person that would cause a
24 reasonable person to fear for the reasonable person's own safety or
25 the safety of a third person, or suffer other emotional distress,
26 because the conduct involves: repeatedly maintaining a visual or
27 physical proximity to a person; directly, indirectly, or through third
28 parties, by any action, method, device, or means, following,
29 monitoring, observing, surveilling, threatening, or communicating
30 to or about a person, or interfering with a person's property;
31 repeatedly committing harassment against a person; or repeatedly
32 conveying, or causing to be conveyed, verbal or written threats or
33 threats conveyed by any other means of communication or threats
34 implied by conduct or a combination thereof directed at or towards
35 a person.

36 "Repeatedly" means on two or more occasions.

37 "Emotional distress" means significant mental suffering or
38 distress.

39 "Cause a reasonable person to fear" means to cause fear which a
40 reasonable victim, similarly situated, would have under the
41 circumstances.

42 "Cyber-harassment" means conduct that occurs, while making
43 one or more communications in an online capacity via any
44 electronic device or through a social networking site and with the
45 purpose to harass another, that involves: threatening to inflict injury
46 or physical harm to any person or the property of any person;
47 knowingly sending, posting, commenting, requesting, suggesting, or
48 proposing any lewd, indecent, or obscene material to or about a

1 person with the intent to emotionally harm a reasonable person or
2 place a reasonable person in fear of physical or emotional harm to
3 the reasonable person; or threatening to commit any crime against a
4 person or the person's property.

5 (2) Except as provided in subsection b. of this section, an
6 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
7 be filed by the alleged victim's parent or guardian on behalf of the
8 alleged victim in any case in which the alleged victim:

9 (a) is less than 18 years of age; or

10 (b) has a developmental disability as defined in section 3 of
11 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
12 renders the alleged victim temporarily or permanently incapable of
13 understanding the nature of the alleged victim's conduct, including,
14 but not limited to, being incapable of providing consent, or of
15 understanding the nature of the alleged conduct that is the subject of
16 the application.

17 b. (1) When it is alleged that nonconsensual sexual contact,
18 sexual penetration, or lewdness, or any attempt at such conduct, or
19 stalking or cyber-harassment has been committed by an
20 unemancipated minor, an applicant seeking a protective order shall
21 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
22 al.), but may seek a protective order and other relief under the "New
23 Jersey Code of **Juvenile** Youth Justice," P.L.1982, c.77
24 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
25 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

26 (2) When it is alleged that nonconsensual sexual contact, sexual
27 penetration, or lewdness, or any attempt at such conduct, or stalking
28 or cyber-harassment has been committed against an unemancipated
29 minor by a parent, guardian, or other person having care, custody
30 and control of that child as defined in R.S.9:6-2, an applicant
31 seeking a protective order shall not proceed under the provisions of
32 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
33 the Department of Children and Families for appropriate action.

34 c. (1) An applicant may seek a protective order pursuant to
35 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
36 order regardless of whether criminal charges based on the incident
37 were filed and regardless of the disposition of any such charges.

38 (2) The filing of an application pursuant to this section shall not
39 prevent the filing of a criminal complaint, or the institution or
40 maintenance of a criminal prosecution based on the same act.

41 d. The court shall waive any requirement that the applicant's or
42 alleged victim's place of residence appear on the application.

43 e. An applicant may seek a protective order pursuant to
44 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
45 over the place where the alleged conduct or attempted conduct
46 occurred, where the respondent resides, or where the alleged victim
47 resides or is sheltered.

1 f. No fees or other costs shall be assessed against an applicant
2 for seeking a protective order pursuant to P.L.2015, c.147
3 (C.2C:14-13 et al.).
4 (cf: P.L.2023, c.127, s.2)

5
6 19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to
7 read as follows:

8 1. a. For the purposes of this section:

9 "County correctional facility" means any prison or other secure
10 facility managed and operated by any county of this State in which
11 adult offenders are incarcerated.

12 "County juvenile detention facility" means any secure juvenile
13 facility managed and operated by any county of this State.

14 "Secure juvenile facility" means the New Jersey Training School
15 for Boys, the Juvenile Medium Security Facility, and any other
16 secure juvenile facility managed and operated by the **【Juvenile】**
17 Youth Justice Commission.

18 "State correctional facility" means a State prison or other penal
19 institution.

20 b. A person who possesses or uses an electronic
21 communication device or a battery or device to recharge an
22 electronic communication device while confined to a State
23 correctional facility, secure juvenile facility, county correctional
24 facility, or county juvenile detention facility is guilty of a crime of
25 the third degree.

26 c. A person, other than an employee or a contract employee of
27 the Department of Corrections, the **【Juvenile】** Youth Justice
28 Commission, a county correctional facility, or a county juvenile
29 detention facility who knowingly sells, transfers, assigns, provides,
30 or otherwise gives an electronic communication device to a person
31 who is confined in a State correctional facility, secure juvenile
32 facility, county correctional facility, or county juvenile detention
33 facility is guilty of a crime of the third degree.

34 d. An employee or a contract employee of the Department of
35 Corrections, the **【Juvenile】** Youth Justice Commission, a county
36 correctional facility, or a county juvenile detention facility who
37 knowingly sells, transfers, assigns, provides, or otherwise gives an
38 electronic communication device to a person who is confined in a
39 State correctional facility, secure juvenile facility, county
40 correctional facility, or county juvenile detention facility is guilty of
41 a crime of the second degree.

42 (cf: P.L.2007, c.127, s.1)

43
44 20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
45 read as follows:

46 4. a. (1) The Attorney General shall biannually issue a
47 comprehensive report detailing the number of occurrences and other
48 statistics, without revealing or including any personal identifying

1 information, concerning first, second, third and subsequent
2 violations of paragraph (1) of subsection a. of section 1 of
3 P.L.1979, c.264 (C.2C:33-15) involving the possession or
4 consumption of any alcoholic beverage, marijuana, hashish, or
5 cannabis items by persons under the legal age to purchase alcoholic
6 beverages or cannabis items, the municipal, county or other
7 geographic areas within which first, second, third and subsequent
8 violations occur, and the law enforcement agencies involved in
9 first, second, third and subsequent violations, covering the previous
10 six-month period. The initial report shall be issued by June 30,
11 2021, the second report shall be issued by January 30, 2022, and
12 then the next report issued every six months thereafter. Each report
13 shall also be submitted to the Governor and the Legislature pursuant
14 to section 2 of P.L.1991, c.164 (C.52:14-19.1).

15 (2) The Attorney General shall also make reports available to
16 the task force established pursuant to subsection b. of this section
17 based on the Attorney General's periodic review of body worn
18 camera recordings of law enforcement officers responding to a call
19 for service related to a violation or suspected violation of paragraph
20 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
21 at the initiation of any other law enforcement or investigative
22 encounter between an officer and a person related to a violation or
23 suspected violation of that paragraph, which recordings are required
24 to be made in accordance with paragraph (4) of subsection a. of
25 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
26 shall be conducted using body worn camera recordings both
27 selected by the Attorney General and randomly determined, and the
28 task force may request an Attorney General review a particular
29 municipality, region, or time period. The identity of any person
30 included in a recording reviewed by the Attorney General shall be
31 kept confidential and shall not be revealed to the members of the
32 task force or any staff provided to the task force by the Department
33 of Law and Public Safety pursuant to paragraph (6) of subsection b.
34 of this section to support its work.

35 b. (1) A taskforce shall be established in the Department of Law
36 and Public Safety, comprised of 26 members to review each
37 Attorney General report described in subsection a. of this section,
38 and make recommendations thereon to the Governor and
39 Legislature related to law enforcement activities to address the
40 enforcement of underage possession or consumption of alcoholic
41 beverages, marijuana, hashish, or cannabis items in violation of
42 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
43 issue of underage possession or consumption of these substances.

44 (2) The membership of the taskforce shall include the following
45 individuals:

46 (a) the Attorney General, or a designee;

47 (b) the Public Defender, or a designee;

- 1 (c) the Commissioner of the Department of Children and
2 Families, or a designee;
- 3 (d) the Commissioner of Education, or a designee;
- 4 (e) a representative from the **【Juvenile】** Youth Justice
5 Commission, appointed by the Governor;
- 6 (f) a representative from the Division of Criminal Justice in the
7 Department of Law and Public Safety, appointed by the Governor;
- 8 (g) the Chair of the Governor's **【Juvenile】** Youth Justice
9 Delinquency and Prevention Committee;
- 10 (h) two members appointed by the Governor upon the
11 recommendation of the President of the Senate, at least one of
12 whom shall be a member of the Legislative Black Caucus or
13 Legislative Latino Caucus, determined in coordination with the
14 members recommended by the Speaker of the General Assembly
15 pursuant to subparagraph (i) of this paragraph, so that there is at
16 least one member of each caucus serving as a member of the task
17 force;
- 18 (i) two members appointed by the Governor
19 upon the recommendation of the Speaker of the General
20 Assembly, at least one of whom shall be a member of the
21 Legislative Black Caucus or Legislative Latino Caucus, determined
22 in coordination with the members recommended by the Senate
23 President pursuant to subparagraph (h) of this paragraph, so that
24 there is at least one member of each caucus serving as a member of
25 the task force;
- 26 (j) the Administrative Director of the Courts, or a designee;
- 27 (k) a representative from the New Jersey Institute for Social
28 Justice, appointed by the Governor;
- 29 (l) a representative from the American Civil Liberties Union of
30 New Jersey, appointed by the Governor;
- 31 (m) a representative from the County Prosecutors Association of
32 New Jersey who is actively and presently involved in juvenile
33 matters, appointed by the Governor;
- 34 (n) a representative from the New Jersey Juvenile Officers
35 Association, appointed by the Governor;
- 36 (o) one representative each from the Annie E. Casey Foundation
37 and Vera Institute of Justice, both appointed by the Governor;
- 38 (p) a representative of the NAACP New Jersey State
39 Conference, appointed by the Governor;
- 40 (q) a representative of Salvation and Social Justice, appointed
41 by the Governor;
- 42 (r) a representative from the County Youth Services
43 Commission Administrators, appointed by the Governor;
- 44 (s) a representative from the faith-based ethical community in
45 New Jersey, appointed by the Governor;
- 46 (t) a representative of an employee organization representing
47 employees who work at juvenile justice facilities, appointed by the
48 Governor; and

1 (u) three representatives who have been involved with the New
2 Jersey juvenile justice system, appointed by the Governor,
3 including at least one representative of a non-profit organization
4 that deals with juvenile justice issues and at least one individual
5 who has been subject to the custody of the juvenile justice system.

6 (3) All members appointed by the Governor, other than the
7 members of the Legislature recommended for appointment, shall
8 serve at the pleasure of the Governor. The members of the
9 Legislature shall serve on the task force during their elective term
10 of office. Any vacancies in the membership of the task force shall
11 be filled in the same manner as the original appointments were
12 made.

13 (4) Members of the task force shall serve without compensation,
14 but shall be reimbursed for necessary expenditures incurred in the
15 performance of their duties as members of the task force within the
16 limits of funds appropriated or otherwise made available to the task
17 force for its purposes.

18 (5) The task force shall organize as soon as practicable
19 following the appointment of its members. The task force shall
20 choose a chairperson from among its members and shall appoint a
21 secretary who need not be a member of the task force.

22 (6) The Department of Law and Public Safety shall provide such
23 stenographic, clerical, and other administrative assistants, and such
24 professional staff as the task force requires to carry out its work.
25 (cf: P.L.2021, c.25, s.4)

26

27 21. N.J.S.2C:39-6 is amended to read as follows:

28 2C:39-6. a. Provided a person complies with the requirements of
29 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

30 (1) Members of the Armed Forces of the United States or of the
31 National Guard while actually on duty, or while traveling between
32 places of duty and carrying authorized weapons in the manner
33 prescribed by the appropriate military authorities;

34 (2) Federal law enforcement officers, and any other federal
35 officers and employees required to carry firearms in the
36 performance of their official duties;

37 (3) Members of the State Police and, under conditions
38 prescribed by the superintendent, members of the Marine Law
39 Enforcement Bureau of the Division of State Police;

40 (4) A sheriff, undersheriff, sheriff's officer, prosecutor's
41 detective or investigator, State investigator employed by the
42 Division of Criminal Justice of the Department of Law and Public
43 Safety, investigator employed by the State Commission of
44 Investigation, inspector of the Alcoholic Beverage Control
45 Enforcement Bureau of the Division of State Police in the
46 Department of Law and Public Safety authorized to carry weapons
47 by the Superintendent of State Police, State park police officer, or
48 State conservation police officer;

1 (5) Except as hereinafter provided, a State correctional police
2 officer, or a prison or jail warden of any penal institution in this
3 State or the warden's deputies, or an employee of the Department of
4 Corrections engaged in the interstate transportation of convicted
5 offenders, while in the performance of the employee's duties, and
6 when required to possess the weapon by a superior officer, or a
7 correctional police officer or keeper of a penal institution in this
8 State at all times while in the State of New Jersey, provided the
9 person annually passes an examination approved by the
10 superintendent testing the person's proficiency in the handling of
11 firearms;

12 (6) A civilian employee of the United States Government under
13 the supervision of the commanding officer of any post, camp,
14 station, base or other military or naval installation located in this
15 State who is required, in the performance of the employee's official
16 duties, to carry firearms, and who is authorized to carry firearms by
17 the commanding officer, while in the actual performance of the
18 employee's official duties;

19 (7) (a) A regularly employed member, including a detective, of
20 the police department of any county or municipality, or of any
21 State, interstate, municipal or county park police force or boulevard
22 police force, at all times while in the State of New Jersey;

23 (b) A special law enforcement officer authorized to carry a
24 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
25 (C.40A:14-146.14);

26 (c) An airport security officer or a special law enforcement
27 officer appointed by the governing body of any county or
28 municipality, except as provided in subparagraph (b) of this
29 paragraph, or by the commission, board or other body having
30 control of a county park or airport or boulevard police force, while
31 engaged in the actual performance of the officer's official duties and
32 when specifically authorized by the governing body to carry
33 weapons;

34 (8) A full-time, paid member of a paid or part-paid fire
35 department or force of any municipality who is assigned full-time
36 or part-time to an arson investigation unit created pursuant to
37 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
38 investigation unit in the county prosecutor's office, while either
39 engaged in the actual performance of arson investigation duties or
40 while actually on call to perform arson investigation duties and
41 when specifically authorized by the governing body or the county
42 prosecutor, as the case may be, to carry weapons. Prior to being
43 permitted to carry a firearm, a member shall take and successfully
44 complete a firearms training course administered by the Police
45 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
46 seq.), and shall annually qualify in the use of a revolver or similar
47 weapon prior to being permitted to carry a firearm;

1 (9) A juvenile correctional police officer in the employment of
2 the **【Juvenile】 Youth** Justice Commission established pursuant to
3 section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the
4 regulations promulgated by the commission;

5 (10) A designated employee or designated licensed agent for a
6 nuclear power plant under license of the Nuclear Regulatory
7 Commission, while in the actual performance of the person's
8 official duties, if the federal licensee certifies that the designated
9 employee or designated licensed agent is assigned to perform site
10 protection, guard, armed response or armed escort duties and is
11 appropriately trained and qualified, as prescribed by federal
12 regulation, to perform those duties. Any firearm utilized by an
13 employee or agent for a nuclear power plant pursuant to this
14 paragraph shall be returned each day at the end of the employee's or
15 agent's authorized official duties to the employee's or agent's
16 supervisor. All firearms returned each day pursuant to this
17 paragraph shall be stored in locked containers located in a secure
18 area;

19 (11) A county correctional police officer at all times while in the
20 State of New Jersey, provided the officer annually passes an
21 examination approved by the superintendent testing the officer's
22 proficiency in the handling of firearms;

23 (12) A county prosecutor, assistant prosecutor, federal
24 prosecutor, municipal prosecutor, Attorney General, assistant
25 attorney general, deputy attorney general and federal, State, county,
26 or municipal court judge, including a judge of the Tax Court and
27 any other court of limited jurisdiction established, altered, or
28 abolished by law, a judge of the Office of Administrative Law, a
29 judge of the Division of Workers' Compensation at all times while
30 in this State. Prior to being permitted to carry a firearm, a person
31 subject to this paragraph shall take and successfully complete a
32 firearms training course administered by the Police Training
33 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
34 shall annually qualify in the use of a handgun or similar weapon
35 prior to being permitted to carry a firearm. The superintendent may
36 issue identification cards indicating that such a person is permitted
37 to carry a handgun pursuant to this paragraph.

38 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

39 (1) A law enforcement officer employed by a governmental
40 agency outside of the State of New Jersey while actually engaged in
41 the officer's official duties, provided, however, that the officer has
42 first notified the superintendent or the chief law enforcement officer
43 of the municipality or the prosecutor of the county in which the
44 officer is engaged; or

45 (2) A licensed dealer in firearms and the dealer's registered
46 employees during the course of their normal business while
47 traveling to and from their place of business and other places for the
48 purpose of demonstration, exhibition or delivery in connection with

1 a sale, provided, however, that the weapon is carried in the manner
2 specified in subsection g. of this section.

3 c. Provided a person complies with the requirements of
4 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
5 do not apply to:

6 (1) A special agent of the Division of Taxation who has passed
7 an examination in an approved police training program testing
8 proficiency in the handling of any firearm which the agent may be
9 required to carry, while in the actual performance of the agent's
10 official duties and while going to or from the agent's place of duty,
11 or any other police officer, while in the actual performance of the
12 officer's official duties;

13 (2) A State deputy conservation police officer or a full-time
14 employee of the Division of Parks and Forestry having the power of
15 arrest and authorized to carry weapons, while in the actual
16 performance of the officer's official duties;

17 (3) (Deleted by amendment, P.L.1986, c.150.)

18 (4) A court attendant appointed by the sheriff of the county or
19 by the judge of any municipal court or other court of this State,
20 while in the actual performance of the attendant's official duties;

21 (5) A guard employed by any railway express company, banking
22 or building and loan or savings and loan institution of this State,
23 while in the actual performance of the guard's official duties;

24 (6) A member of a legally recognized military organization
25 while actually under orders or while going to or from the prescribed
26 place of meeting and carrying the weapons prescribed for drill,
27 exercise or parade;

28 (7) A municipal humane law enforcement officer, authorized
29 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
30 14.1), or humane law enforcement officer of a county society for
31 the prevention of cruelty to animals authorized pursuant to
32 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
33 in the actual performance of the officer's duties;

34 (8) An employee of a public utilities corporation actually
35 engaged in the transportation of explosives;

36 (9) A railway policeman, except a transit police officer of the
37 New Jersey Transit Police Department, at all times while in the
38 State of New Jersey, provided that the person has passed an
39 approved police academy training program consisting of at least
40 280 hours. The training program shall include, but need not be
41 limited to, the handling of firearms, community relations, and
42 juvenile relations;

43 (10) A campus police officer appointed under P.L.1970, c.211
44 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
45 a firearm, a campus police officer shall take and successfully
46 complete a firearms training course administered by the Police
47 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm;

3 (11) (Deleted by amendment, P.L.2003, c.168).

4 (12) A transit police officer of the New Jersey Transit Police
5 Department, at all times while in the State of New Jersey, provided
6 the officer has satisfied the training requirements of the Police
7 Training Commission, pursuant to subsection c. of section 2 of
8 P.L.1989, c.291 (C.27:25-15.1);

9 (13) A parole officer employed by the State Parole Board at all
10 times. Prior to being permitted to carry a firearm, a parole officer
11 shall take and successfully complete a basic course for regular
12 police officer training administered by the Police Training
13 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
14 shall annually qualify in the use of a revolver or similar weapon
15 prior to being permitted to carry a firearm;

16 (14) A Human Services police officer at all times while in the
17 State of New Jersey, as authorized by the Commissioner of Human
18 Services;

19 (15) A person or employee of any person who, pursuant to and
20 as required by a contract with a governmental entity, supervises or
21 transports persons charged with or convicted of an offense;

22 (16) A housing authority police officer appointed under
23 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
24 State of New Jersey; or

25 (17) A probation officer assigned to the "Probation Officer
26 Community Safety Unit" created by section 2 of P.L.2001, c.362
27 (C.2B:10A-2) while in the actual performance of the probation
28 officer's official duties. Prior to being permitted to carry a firearm,
29 a probation officer shall take and successfully complete a basic
30 course for regular police officer training administered by the Police
31 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
32 seq.), and shall annually qualify in the use of a revolver or similar
33 weapon prior to being permitted to carry a firearm.

34 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
35 antique firearms, provided that the antique firearms are unloaded or
36 are being fired for the purposes of exhibition or demonstration at an
37 authorized target range or in another manner approved in writing by
38 the chief law enforcement officer of the municipality in which the
39 exhibition or demonstration is held, or if not held on property under
40 the control of a particular municipality, the superintendent.

41 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
42 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
43 being fired but that is unloaded and immobile, provided that the
44 antique cannon is possessed by (a) a scholastic institution, a
45 museum, a municipality, a county or the State, or (b) a person who
46 obtained a firearms purchaser identification card as specified in
47 N.J.S.2C:58-3.

1 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
2 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
3 being transported by one eligible to possess it, in compliance with
4 regulations the superintendent may promulgate, between its
5 permanent location and place of purchase or repair.

6 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
7 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
8 or fired by one eligible to possess an antique cannon, for purposes
9 of exhibition or demonstration at an authorized target range or in
10 the manner as has been approved in writing by the chief law
11 enforcement officer of the municipality in which the exhibition or
12 demonstration is held, or if not held on property under the control
13 of a particular municipality, the superintendent, provided that
14 performer has given at least 30 days' notice to the superintendent.

15 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
16 N.J.S.2C:39-5 do not apply to the transportation of unloaded
17 antique cannons directly to or from exhibitions or demonstrations
18 authorized under paragraph (4) of subsection d. of this section,
19 provided that the transportation is in compliance with safety
20 regulations the superintendent may promulgate. Those subsections
21 shall not apply to transportation directly to or from exhibitions or
22 demonstrations authorized under the law of another jurisdiction,
23 provided that the superintendent has been given 30 days' notice and
24 that the transportation is in compliance with safety regulations the
25 superintendent may promulgate.

26 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
27 be construed to prevent a person keeping or carrying about the
28 person's place of business, residence, premises or other land owned
29 or possessed by the person, any firearm, or from carrying the same,
30 in the manner specified in subsection g. of this section, from any
31 place of purchase to the person's residence or place of business,
32 between the person's dwelling and place of business, between one
33 place of business or residence and another when moving, or
34 between the person's dwelling or place of business and place where
35 the firearms are repaired, for the purpose of repair. For the
36 purposes of this section, a place of business shall be deemed to be a
37 fixed location.

38 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
39 be construed to prevent:

40 (1) A member of any rifle or pistol club organized in accordance
41 with the rules prescribed by the National Board for the Promotion
42 of Rifle Practice, in going to or from a place of target practice,
43 carrying firearms necessary for target practice, provided that the
44 club has filed a copy of its charter with the superintendent and
45 annually submits a list of its members to the superintendent and
46 provided further that the firearms are carried in the manner
47 specified in subsection g. of this section;

1 (2) A person carrying a firearm or knife in the woods or fields or
2 upon the waters of this State for the purpose of hunting, target
3 practice or fishing, provided that the firearm or knife is legal and
4 appropriate for hunting or fishing purposes in this State and the
5 person has in the person's possession a valid hunting license, or,
6 with respect to fresh water fishing, a valid fishing license;

7 (3) A person transporting any firearm or knife while traveling:

8 (a) Directly to or from any place for the purpose of hunting or
9 fishing, provided the person has in the person's possession a valid
10 hunting or fishing license; or

11 (b) Directly to or from any target range, or other authorized
12 place for the purpose of practice, match, target, trap or skeet
13 shooting exhibitions, provided in all cases that during the course of
14 the travel all firearms are carried in the manner specified in
15 subsection g. of this section and the person has complied with all
16 the provisions and requirements of Title 23 of the Revised Statutes
17 and any amendments thereto and all rules and regulations
18 promulgated thereunder; or

19 (c) In the case of a firearm, directly to or from any exhibition or
20 display of firearms which is sponsored by any law enforcement
21 agency, any rifle or pistol club, or any firearms collectors club, for
22 the purpose of displaying the firearms to the public or to the
23 members of the organization or club, provided, however, that not
24 less than 30 days prior to the exhibition or display, notice of the
25 exhibition or display shall be given to the Superintendent of the
26 State Police by the sponsoring organization or club, and the sponsor
27 has complied with any reasonable safety regulations the
28 superintendent may promulgate. Any firearms transported pursuant
29 to this section shall be transported in the manner specified in
30 subsection g. of this section;

31 (4) A person from keeping or carrying about a private or
32 commercial aircraft or any boat, or from transporting to or from the
33 aircraft or boat for the purpose of installation or repair of a visual
34 distress signaling device approved by the United States Coast
35 Guard.

36 g. Any weapon being transported under paragraph (2) of
37 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
38 of this section shall be carried unloaded and contained in a closed
39 and fastened case, gunbox, securely tied package, or locked in the
40 trunk of the automobile in which it is being transported, and in the
41 course of travel shall include only deviations as are reasonably
42 necessary under the circumstances.

43 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent any employee of a public utility, as defined in R.S.48:2-
45 13, doing business in this State or any United States Postal Service
46 employee, while in the actual performance of duties which
47 specifically require regular and frequent visits to private premises,
48 from possessing, carrying or using any device which projects,

1 releases or emits any substance specified as being noninjurious to
2 canines or other animals by the Commissioner of Health and which
3 immobilizes only on a temporary basis and produces only
4 temporary physical discomfort through being vaporized or
5 otherwise dispensed in the air for the sole purpose of repelling
6 canine or other animal attacks.

7 The device shall be used solely to repel only those canine or
8 other animal attacks when the canines or other animals are not
9 restrained in a fashion sufficient to allow the employee to properly
10 perform the employee's duties.

11 Any device used pursuant to this act shall be selected from a list
12 of products, which consist of active and inert ingredients, permitted
13 by the Commissioner of Health.

14 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
15 any person who is 18 years of age or older and who has not been
16 convicted of a crime, from possession for the purpose of personal
17 self-defense of one pocket-sized device which contains and releases
18 not more than three-quarters of an ounce of chemical substance not
19 ordinarily capable of lethal use or of inflicting serious bodily injury,
20 but rather, is intended to produce temporary physical discomfort or
21 disability through being vaporized or otherwise dispensed in the air.
22 Any person in possession of any device in violation of this
23 subsection shall be deemed and adjudged to be a disorderly person,
24 and upon conviction thereof, shall be punished by a fine of not less
25 than \$100.

26 (2) Notwithstanding the provisions of paragraph (1) of this
27 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
28 health inspector or investigator operating pursuant to the provisions
29 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
30 inspector from possessing a device which is capable of releasing
31 more than three-quarters of an ounce of a chemical substance, as
32 described in paragraph (1) of this subsection, while in the actual
33 performance of the inspector's or investigator's duties, provided that
34 the device does not exceed the size of those used by law
35 enforcement.

36 j. A person shall qualify for an exemption from the provisions
37 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
38 section, if the person has satisfactorily completed a firearms
39 training course approved by the Police Training Commission.

40 The exempt person shall not possess or carry a firearm until the
41 person has satisfactorily completed a firearms training course and
42 shall annually qualify in the use of a revolver or similar weapon.
43 For purposes of this subsection, a "firearms training course" means
44 a course of instruction in the safe use, maintenance and storage of
45 firearms which is approved by the Police Training Commission.
46 The commission shall approve a firearms training course if the
47 requirements of the course are substantially equivalent to the
48 requirements for firearms training provided by police training

1 courses which are certified under section 6 of P.L.1961, c.56
2 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
3 or (6) of subsection a. of this section shall be exempt from the
4 requirements of this subsection.

5 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
6 to prevent any financial institution, or any duly authorized
7 personnel of the institution, from possessing, carrying or using for
8 the protection of money or property, any device which projects,
9 releases or emits tear gas or other substances intended to produce
10 temporary physical discomfort or temporary identification.

11 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
12 to prevent a law enforcement officer who retired in good standing,
13 including a retirement because of a disability pursuant to section 6
14 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
15 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
16 substantially similar statute governing the disability retirement of
17 federal law enforcement officers, provided the officer was a
18 regularly employed, full-time law enforcement officer for an
19 aggregate of four or more years prior to the officer's disability
20 retirement and further provided that the disability which constituted
21 the basis for the officer's retirement did not involve a certification
22 that the officer was mentally incapacitated for the performance of
23 the officer's usual law enforcement duties and any other available
24 duty in the department which the officer's employer was willing to
25 assign to the officer or does not subject that retired officer to any of
26 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
27 would disqualify the retired officer from possessing or carrying a
28 firearm, who semi-annually qualifies in the use of the handgun the
29 officer is permitted to carry in accordance with the requirements
30 and procedures established by the Attorney General pursuant to
31 subsection j. of this section and pays the actual costs associated
32 with those semi-annual qualifications, who is 75 years of age or
33 younger, and who was regularly employed as a full-time member of
34 the State Police; a full-time member of an interstate police force; a
35 full-time member of a county or municipal police department in this
36 State; a full-time member of a State law enforcement agency; a full-
37 time sheriff, undersheriff or sheriff's officer of a county of this
38 State; a full-time State or county correctional police officer; a full-
39 time State correctional police officer or county correctional police
40 officer; a full-time State or county park police officer; a full-time
41 special agent of the Division of Taxation; a full-time Human
42 Services police officer; a full-time transit police officer of the New
43 Jersey Transit Police Department; a full-time campus police officer
44 exempted pursuant to paragraph (10) of subsection c. of this
45 section; a full-time State conservation police officer exempted
46 pursuant to paragraph (4) of subsection a. of this section; a full-time
47 Palisades Interstate Park officer appointed pursuant to
48 R.S.32:14-21; a full-time Burlington County Bridge police officer

1 appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a
2 full-time housing authority police officer exempted pursuant to
3 paragraph (16) of subsection c. of this section; a full-time juvenile
4 correctional police officer exempted pursuant to paragraph (9) of
5 subsection a. of this section; a full-time parole officer exempted
6 pursuant to paragraph (13) of subsection c. of this section; a full-
7 time railway policeman exempted pursuant to paragraph (9) of
8 subsection c. of this section; a full-time county prosecutor's
9 detective or investigator; a full-time federal law enforcement
10 officer; or is a qualified retired law enforcement officer, as used in
11 the federal "Law Enforcement Officers Safety Act of 2004,"
12 Pub.L.108-277, domiciled in this State from carrying a handgun in
13 the same manner as law enforcement officers exempted under
14 paragraph (7) of subsection a. of this section. A retired law
15 enforcement officer shall be entitled to carry a handgun pursuant to
16 this subsection under the following conditions:

17 (1) The retired law enforcement officer shall make application
18 in writing to the Superintendent of State Police for approval to carry
19 a handgun every two years. A renewal application shall be
20 submitted in the same manner.

21 (2) Upon receipt of the written application of the retired law
22 enforcement officer, the superintendent shall request a verification
23 of service from the chief law enforcement officer of the
24 organization in which the retired officer was last regularly
25 employed as a full-time law enforcement officer prior to retiring.
26 The verification of service shall include:

27 (a) The name and address of the retired officer;

28 (b) The date that the retired officer was hired and the date that
29 the officer retired;

30 (c) A list of all handguns known to be registered to that officer;

31 (d) A statement that, to the reasonable knowledge of the chief
32 law enforcement officer, the retired officer is not subject to any of
33 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

34 (e) A statement that the officer retired in good standing.

35 (3) If the superintendent approves a retired officer's application
36 or reapplication to carry a handgun pursuant to the provisions of
37 this subsection, the superintendent shall notify in writing the chief
38 law enforcement officer of the municipality wherein that retired
39 officer resides. In the event the retired officer resides in a
40 municipality which has no chief law enforcement officer or law
41 enforcement agency, the superintendent shall maintain a record of
42 the approval.

43 (4) The superintendent shall issue to an approved retired officer
44 an identification card permitting the retired officer to carry a
45 handgun pursuant to this subsection. This identification card shall
46 be valid for two years from the date of issuance and shall be valid
47 throughout the State. The identification card shall not be
48 transferable to any other person. The identification card shall be

1 carried at all times on the person of the retired officer while the
2 retired officer is carrying a handgun. The retired officer shall
3 produce the identification card for review on the demand of any law
4 enforcement officer or authority.

5 (5) Any person aggrieved by the denial of the superintendent of
6 approval for a permit to carry a handgun pursuant to this subsection
7 may request a hearing in the Superior Court of New Jersey in the
8 county in which the person resides by filing a written request for a
9 hearing within 30 days of the denial. Copies of the request shall be
10 served upon the superintendent and the county prosecutor. The
11 hearing shall be held within 30 days of the filing of the request, and
12 no formal pleading or filing fee shall be required. Appeals from the
13 determination of the hearing shall be in accordance with law and the
14 rules governing the courts of this State.

15 (6) A judge of the Superior Court may revoke a retired officer's
16 privilege to carry a handgun pursuant to this subsection for good
17 cause shown on the application of any interested person. A person
18 who becomes subject to any of the disabilities set forth in
19 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
20 superintendent, the person's identification card issued under
21 paragraph (4) of this subsection to the chief law enforcement officer
22 of the municipality wherein the person resides or the
23 superintendent, and shall be permanently disqualified to carry a
24 handgun under this subsection.

25 (7) The superintendent may charge a reasonable application fee
26 to retired officers to offset any costs associated with administering
27 the application process set forth in this subsection.

28 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
29 to prevent duly authorized personnel of the New Jersey Division of
30 Fish and Wildlife, while in the actual performance of duties, from
31 possessing, transporting or using any device that projects, releases
32 or emits any substance specified as being non-injurious to wildlife
33 by the Director of the Division of Animal Health in the Department
34 of Agriculture, and which may immobilize wildlife and produces
35 only temporary physical discomfort through being vaporized or
36 otherwise dispensed in the air for the purpose of repelling bear or
37 other animal attacks or for the aversive conditioning of wildlife.

38 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
39 be construed to prevent duly authorized personnel of the New
40 Jersey Division of Fish and Wildlife, while in the actual
41 performance of duties, from possessing, transporting or using hand
42 held pistol-like devices, rifles or shotguns that launch pyrotechnic
43 missiles for the sole purpose of frightening, hazing or aversive
44 conditioning of nuisance or depredating wildlife; from possessing,
45 transporting or using rifles, pistols or similar devices for the sole
46 purpose of chemically immobilizing wild or non-domestic animals;
47 or, provided the duly authorized person complies with the
48 requirements of subsection j. of this section, from possessing,

1 transporting or using rifles or shotguns, upon completion of a Police
2 Training Commission approved training course, in order to dispatch
3 injured or dangerous animals or for non-lethal use for the purpose
4 of frightening, hazing or aversive conditioning of nuisance or
5 depredating wildlife.

6 (cf: P.L.2022, c.131, s.8)

7
8 22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to
9 read as follows:

10 4. a. In addition to any other disposition made pursuant to law,
11 a court shall order a person convicted of, indicted for or formally
12 charged with, or a juvenile charged with delinquency or adjudicated
13 delinquent for an act which if committed by an adult would
14 constitute, aggravated sexual assault or sexual assault as defined in
15 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
16 serological test for acquired immune deficiency syndrome (AIDS)
17 or infection with the human immunodeficiency virus (HIV) or any
18 other related virus identified as a probable causative agent of AIDS.
19 The court shall issue such an order only upon the request of the
20 victim and upon application of the prosecutor immediately
21 following the request. The person or juvenile shall be ordered by
22 the court to submit to such repeat or confirmatory tests as may be
23 medically necessary.

24 As used in this section, "formal charge" includes a proceeding by
25 accusation in the event that the defendant has waived the right to an
26 indictment.

27 b. A court order issued pursuant to subsection a. of this section
28 shall require testing to be performed as soon as practicable by the
29 Commissioner of the Department of Corrections pursuant to
30 authority granted to the commissioner by sections 6 and 10 of
31 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
32 care, at a health facility licensed pursuant to section 12 of P.L.1971,
33 c.136 (C.26:2H-12) or the **【Juvenile】** Youth Justice Commission
34 established pursuant to section 2 of P.L.1995, c.284
35 (C.52:17B-170). If the victim makes the request prior to or at the
36 time of indictment, or accusation if the defendant has waived the
37 right to an indictment, the court order shall require the testing be
38 performed within 48 hours. The order shall also require that the
39 results of the test be reported to the offender and to the appropriate
40 Office of Victim-Witness Advocacy.

41 c. The Office of Victim-Witness Advocacy, established
42 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
43 reimburse the Department of Corrections, Department of Health or
44 the **【Juvenile】** Youth Justice Commission for the direct costs
45 incurred by these departments for any tests ordered by a court
46 pursuant to subsection a. of this section. Reimbursement shall be
47 made following a request from the department.

1 d. In addition to any other disposition authorized, a court may
2 order an offender at the time of sentencing to reimburse the State
3 for the costs of the tests ordered by subsection a. of this section.

4 e. Upon receipt of the result of a test ordered pursuant to
5 subsection a. of this section, the Office of Victim-Witness
6 Advocacy shall provide the victim with appropriate counseling,
7 referral for counseling and if appropriate, referral for health care.
8 The office shall notify the victim or make appropriate arrangements
9 for the victim to be notified of the test result.

10 f. The result of a test ordered pursuant to subsection a. of this
11 section shall be confidential and employees of the Department of
12 Corrections, the **【Juvenile】** Youth Justice Commission, the Office
13 of Victim-Witness Advocacy, a health care provider, health care
14 facility or counseling service shall not disclose the result of a test
15 performed pursuant to this section except as authorized herein or as
16 otherwise authorized by law or court order. The provisions of this
17 section shall not be deemed to prohibit disclosure of a test result to
18 the person tested.

19 g. Persons who perform tests ordered pursuant to subsection a.
20 of this section in accordance with accepted medical standards for
21 the performance of such tests shall be immune from civil and
22 criminal liability arising from their conduct.

23 h. This section shall not be construed to preclude or limit any
24 other testing for acquired immune deficiency syndrome (AIDS) or
25 infection with the human immunodeficiency virus (HIV) or any
26 other related virus identified as a probable causative agent of AIDS
27 which is otherwise permitted by statute, court rule or common law.
28 (cf: P.L.2013, c.140, s.1)
29

30 23. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
31 as follows:

32 3. a. All fines, assessments imposed pursuant to section 2 of
33 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
34 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
35 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
36 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
37 penalties imposed pursuant to section 1 of P.L.2009, c.143
38 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
39 P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected
40 as follows:

41 (1) All fines, assessments imposed pursuant to section 2 of
42 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
43 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
44 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
45 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
46 penalties imposed pursuant to section 1 of P.L.2009, c.143
47 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
48 P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the

1 Superior Court or otherwise imposed at the county level, shall be
2 collected by the county probation division except when the fine,
3 assessment, or restitution is imposed in conjunction with a custodial
4 sentence to a State correctional facility or in conjunction with a
5 term of incarceration imposed pursuant to section 25 of P.L.1982,
6 c.77 (C.2A:4A-44) in which event the fine, assessment, or
7 restitution shall be collected by the Department of Corrections or
8 the **【Juvenile】 Youth** Justice Commission established pursuant to
9 section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
10 a State correctional institution or a juvenile serving a term of
11 incarceration imposed pursuant to section 25 of P.L.1982, c.77
12 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
13 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed
14 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty
15 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a
16 penalty imposed pursuant to section 1 of P.L.2009, c.143
17 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013,
18 c.214 (C.30:4-123.97), or restitution shall have the assessment,
19 penalty, fine, or restitution deducted from any income the inmate
20 receives as a result of labor performed at the institution or on any
21 type of work release program or, pursuant to regulations
22 promulgated by the Commissioner of the Department of Corrections
23 or the **【Juvenile】 Youth** Justice Commission, from any personal
24 account established in the institution for the benefit of the inmate.

25 (a) A payment of restitution collected by the Department of
26 Corrections pursuant to this paragraph shall be maintained by the
27 department for two years during which the department shall attempt
28 to locate the victim to whom the restitution is owed. If the
29 department has not located the victim and the victim has not come
30 forward to claim the payment within this two-year period, the
31 payment shall be transferred to the Victims of Crime Compensation
32 Office Account to be used in satisfying claims pursuant to the
33 provisions of the "Criminal Injuries Compensation Act of 1971,"
34 P.L.1971, c.317 (C.52:4B-1 et seq.).

35 (b) If the Department of Corrections has transferred a payment
36 of restitution to the Victims of Crime Compensation Office
37 pursuant to subparagraph (a) of this paragraph, the department shall
38 provide the office with the order for restitution and any other
39 information regarding the identity of the victim to whom the
40 payment is owed. The office shall be responsible for maintaining
41 this information and for distributing payments of restitution to
42 victims who can prove they are owed the payments.

43 (2) All fines, assessments imposed pursuant to section 2 of
44 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
45 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed
46 by a municipal court shall be collected by the municipal court
47 administrator except if the fine, assessments imposed pursuant to
48 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered

1 as a condition of probation in which event it shall be collected by
2 the county probation division.

3 b. Except as provided in subsection c. with respect to fines
4 imposed on appeals following convictions in municipal courts and
5 except as provided in subsection i. with respect to restitution
6 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
7 al.), all fines imposed by the Superior Court or otherwise imposed
8 at the county level, shall be paid over by the officer entitled to
9 collect the fines to:

10 (1) The county treasurer with respect to fines imposed on
11 defendants who are sentenced to and serve a custodial term,
12 including a term as a condition of probation, in the county jail,
13 workhouse, or penitentiary except where such county sentence is
14 served concurrently with a sentence to a State institution; or

15 (2) The State Treasurer with respect to all other fines.

16 c. All fines imposed by municipal courts, except a central
17 municipal court established pursuant to N.J.S.2B:12-1 on
18 defendants convicted of crimes, disorderly persons offenses, and
19 petty disorderly persons offenses, and all fines imposed following
20 conviction on appeal therefrom, and all forfeitures of bail shall be
21 paid over by the officer entitled to collect the fines to the treasury
22 of the municipality wherein the municipal court is located.

23 In the case of an intermunicipal court, fines shall be paid into the
24 municipal treasury of the municipality in which the offense was
25 committed, and costs, fees, and forfeitures of bail shall be
26 apportioned among the several municipalities to which the court's
27 jurisdiction extends according to the ratios of the municipalities'
28 contributions to the total expense of maintaining the court.

29 In the case of a central municipal court, established by a county
30 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of
31 bail shall be paid into the county treasury of the county where the
32 central municipal court is located.

33 d. All assessments imposed pursuant to section 2 of P.L.1979,
34 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
35 in that section.

36 e. All mandatory Drug Enforcement and Demand Reduction
37 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
38 and deposited as provided for in that section.

39 f. All forensic laboratory fees assessed pursuant to
40 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
41 that section.

42 g. All restitution ordered to be paid to the Victims of Crime
43 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
44 to the office for deposit in the Victims of Crime Compensation
45 Office Account.

46 h. All assessments imposed pursuant to section 11 of P.L.1993,
47 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
48 in that section.

1 i. All restitution imposed on defendants under the provisions
2 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
3 enforcement entity in extraditing the defendant from another
4 jurisdiction shall be paid over by the officer entitled to collect the
5 restitution to the law enforcement entities which participated in the
6 extradition of the defendant.

7 j. All penalties imposed pursuant to section 1 of P.L.1999,
8 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
9 in that section.

10 k. All penalties imposed pursuant to section 11 of P.L.2001,
11 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
12 that section.

13 l. All mandatory penalties imposed pursuant to section 1 of
14 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
15 provided in that section.

16 m. All mandatory Computer Crime Prevention penalties
17 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
18 shall be forwarded and deposited as provided in that section.

19 n. All mandatory Sex Offender Supervision penalties imposed
20 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
21 forwarded and deposited as provided in that section.

22 (cf: P.L.2019, c.363, s.6)

23
24 24. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
25 read as follows:

26 14. a. No person under the age of 18 years shall purchase, barter
27 or otherwise acquire a firearm and no person under the age of 21
28 years shall purchase, barter or otherwise acquire a handgun, unless
29 the person is authorized to possess the handgun in connection with
30 the performance of official duties under the provisions of
31 N.J.S.2C:39-6.

32 b. No person under the age of 18 years shall possess, carry, fire
33 or use a firearm except as provided under paragraphs (1), (2), (3)
34 and (4) of this subsection; and, unless authorized in connection with
35 the performance of official duties under the provisions of
36 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
37 carry, fire or use a handgun except under the following
38 circumstances:

39 (1) In the actual presence or under the direct supervision of his
40 father, mother or guardian, or some other person who holds a permit
41 to carry a handgun or a firearms purchaser identification card, as the
42 case may be; or

43 (2) For the purpose of military drill under the auspices of a
44 legally recognized military organization and under competent
45 supervision; or

46 (3) For the purpose of competition, target practice, instruction,
47 and training in and upon a firing range approved by the governing
48 body of the municipality in which the range is located or the

1 National Rifle Association and which is under competent
2 supervision at the time of such supervision or target practice or
3 instruction and training at any location; or

4 (4) For the purpose of hunting during the regularly designated
5 hunting season, provided that he possesses a valid hunting license
6 and has successfully completed a hunter's safety course taught by a
7 qualified instructor or conservation police officer and possesses a
8 certificate indicating the successful completion of such a course.

9 c. A person who violates this section shall be guilty of a crime
10 of the fourth degree. For purposes of this section the fact that the
11 act would not constitute a crime if committed by an adult shall not
12 be deemed to prohibit or require waiver of family court jurisdiction
13 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
14 under the "New Jersey Code of **【Juvenile】 Youth** Justice,"
15 P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60
16 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81
17 (C.2A:4A-70 et seq.).

18 (cf: P.L.2019, c.407, s.3)

19
20 25. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
21 read as follows:

22 20. Records involving abuse or neglect. When the Department
23 of Children and Families receives a report or complaint that a child
24 may be abused or neglected; when the department provides services
25 to a child; or when the department receives a request from the
26 Superior Court, Chancery Division, Family Part to investigate an
27 allegation of abuse or neglect, the department may request of any
28 and all public or private institutions, or agencies including law
29 enforcement agencies, or any private practitioners, their records
30 past and present pertaining to that child and other children under the
31 same care, custody and control. The department shall not be
32 charged a fee for the copying of the records. Records kept pursuant
33 to the "New Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982,
34 c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon
35 issuance by a court of an order on good cause shown directing these
36 records to be released to the department for the purpose of aiding in
37 evaluation to determine if the child is abused or neglected. In the
38 release of the aforementioned records, the source shall have
39 immunity from any liability, civil or criminal.

40 (cf: P.L.2006, c.47, s.51)

41
42 26. Section 9 of P.L.1947, c.179 (C.9:22-9) is amended to read
43 as follows:

44 9. Any municipal youth guidance council having an adjustment
45 committee may petition the Superior Court, Chancery Division,
46 Family Part, in its discretion, to either:

1 A. Establish a schedule for a holding of juvenile hearings in a
2 suitable location chosen by the adjustment committee within the
3 limits of the petitioning municipality; or

4 B. Appoint a referee to hear and recommend disposition of any
5 cases specifically referred to the referee by the Family Part of the
6 county and any cases coming within the provisions of the "New
7 Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982, c. 77
8 (C.2A:4A-20 et seq.) arising within the limits of the petitioning
9 municipality. It shall be the duty of the petitioning municipality to
10 see that adequate diagnostic services shall be made available to
11 such children.

12 Any case requiring the detention of a child shall be referred to
13 the Family Part for hearing.

14 Upon receipt of a petition to appoint a referee the Family Part
15 shall proceed to appoint a member of the adjustment committee, or
16 some other suitable person, as referee, in accordance with
17 N.J.S.2A:4-12. Nothing in this provision shall limit the present
18 discretionary power of the Family Part to appoint referees on their
19 own initiative or to prevent such a court from hearing cases
20 scheduled to be heard in the petitioning municipality in place of the
21 referee so appointed by it.

22 (cf: P.L.1991, c.91, s.215)

23

24 27. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read as
25 follows:

26 2. Pursuant to said compact, the Governor is hereby authorized
27 and empowered to designate an officer within the **【Juvenile】 Youth**
28 Justice Commission established pursuant to section 2 of P.L.1995,
29 c.284 (C.52:17B-170) who shall be the compact administrator and
30 who, acting jointly with like officers of other party States, shall
31 promulgate rules and regulations to carry out more effectively the
32 terms of the compact. Said compact administrator shall serve
33 subject to the pleasure of the Governor. The compact administrator
34 is hereby authorized, empowered and directed to co-operate with all
35 departments, agencies and officers of and in the government of this
36 State and its political subdivisions in facilitating the proper
37 administration of the compact or of any supplementary agreement
38 or agreements entered into by this State thereunder.

39 (cf: P.L.1995, c.280, s.23)

40

41 28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to
42 read as follows:

43 1. a. The Civil Service Commission shall effectuate the
44 following title changes in the career service:

45 (1) Correction officer recruit shall be retitled as correctional
46 police officer;

47 (2) Senior correction officer shall be retitled as senior
48 correctional police officer;

1 (3) Correction sergeant shall be retitled as correctional police
2 sergeant;

3 (4) Correction lieutenant shall be retitled as correctional police
4 lieutenant;

5 (5) Correction captain shall be retitled as correctional police
6 captain;

7 (6) Director of custody operations shall be retitled as
8 correctional police chief ;

9 (7) Correction officer apprentice shall be retitled as correctional
10 police officer apprentice; and

11 (8) Correction major shall be retitled as correctional police
12 major.

13 b. The title changes provided under this section shall apply to
14 all corrections officers employed by the New Jersey Department of
15 Corrections and the **【Juvenile】** Youth Justice Commission.

16 c. Any fees associated with the retitling pursuant to subsection
17 a. of this section shall be borne by the corrections officer whose
18 title is changed.

19 (cf: P.L.2017, c.293, s.1)

20

21 29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read
22 as follows:

23 6. a. For each State-placed child who is resident in a district
24 and in a State facility on the last school day prior to October 16 of
25 the prebudget year, and for each district-placed child who is
26 resident in a district and in a State facility on the last school day
27 prior to October 16 of the budget year, the Commissioner of
28 Education shall deduct from the State aid payable to that district an
29 amount equal to the approved per pupil cost established pursuant to
30 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
31 except that for a child in a county juvenile detention center, no
32 deduction shall be made until Fiscal Year 1999, in which year and
33 thereafter **【50%】** 50 percent of the per pupil cost shall be deducted.

34 b. If, for any district, the amount to be deducted pursuant to
35 subsection a. of this section is greater than State aid payable to the
36 district, the district shall pay to the Department of Education the
37 difference between the amount to be deducted and the State aid
38 payable to the district.

39 c. The amount deducted pursuant to subsection a. of this
40 section and the amount paid to the Department of Education
41 pursuant to subsection b. of this section shall be forwarded to the
42 Department of Human Services or the Department of Children and
43 Families, as applicable, if the facility is operated by or under
44 contract with that department, or to the Department of Corrections
45 if the facility is operated by or under contract with that department,
46 or to the **【Juvenile】** Youth Justice Commission established pursuant
47 to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
48 operated by or under contract with that commission, and shall serve

1 as payment by the district of tuition for the child. In the case of
2 county juvenile detention centers, the tuition shall be deemed to
3 supplement funds currently provided by the county for this purpose
4 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
5 In Fiscal Year 1998, a county shall not decrease its level of
6 contribution as a result of the payment of tuition pursuant to this
7 section. In Fiscal Year 1999 and thereafter, a county shall be
8 required to pay **【50%】** 50 percent of the approved per pupil costs
9 established pursuant to the provisions of section 24 of P.L.1996,
10 c.138 (C.18A:7F-24) for the purpose of implementing chapters 10
11 and 11 of Title 9 of the Revised Statutes. Amounts so deducted
12 shall be used solely for the support of educational programs and
13 shall be maintained in a separate account for that purpose. No
14 district shall be responsible for the tuition of any child admitted by
15 the State to a State facility after the last school day prior to October
16 16 of the prebudget year.

17 (cf: P.L.2006, c.47, s.81)

18
19 30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
20 read as follow:

21 8. Funds received pursuant to this act by the Department of
22 Human Services, the Department of Children and Families, the
23 Department of Corrections or the **【Juvenile】** Youth Justice
24 Commission established pursuant to section 2 of P.L.1995, c.284
25 (C.52:17B-170) shall be used only for the salaries of teachers,
26 educational administrators at the program level, child study team
27 personnel, clerical staff assigned to child study teams or to
28 educational day programs, paraprofessionals assigned to
29 educational programs in State facilities, and for diagnostic services
30 required as part of the child study team evaluations and related
31 educational services personnel whose function requires an
32 educational certificate issued by the State Department of Education,
33 and for the costs of educational materials, supplies and equipment
34 for these programs. No such funds shall be used for the renovation
35 or construction of capital facilities, for the maintenance and
36 operation of educational facilities, or for custodial, habilitation or
37 other noneducational costs.

38 There are hereby authorized to be appropriated to the
39 Departments of Human Services, Children and Families and
40 Corrections such funds as may be necessary to provide for adult,
41 post-secondary and college programs.

42 (cf: P.L.2006, c.47, s.82)

43
44 31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to
45 read as follows:

46 9. The Commissioner of Education, with the approval of the
47 State Board of Education, shall promulgate rules and regulations to
48 ensure a thorough and efficient education, consistent with the

1 provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), for the children
2 in State facilities. In the case of county juvenile detention centers,
3 the Office of Education in the **【Juvenile】 Youth** Justice
4 Commission shall develop, in consultation with the commissioner,
5 appropriate standards, to be effective for Fiscal Year 1999, for the
6 provision of a thorough and efficient education by the county for
7 facilities established under chapter 10 and chapter 11 of Title 9 of
8 the Revised Statutes.

9 The commissioner shall continually review the operation of
10 educational programs in State facilities. If he finds that the
11 operation of any of these programs does not meet the educational
12 standard required by the regulations, he shall direct that a remedial
13 plan be prepared by the education director of the facility in which
14 the program is located, together with the director of educational
15 services of the department which is operating or contracting with
16 the facility. The plan shall be submitted to the Commissioner of
17 Education for his approval. If he approves the plan, it shall be
18 implemented in a timely and effective manner. If he finds the plan
19 or its implementation to be insufficient, he may, until the
20 insufficiency is corrected, withhold and place in a special account
21 any State aid funds which otherwise would have been forwarded
22 pursuant to section 6 of P.L.1979, c.207.

23 (cf: P.L.2007, c.260, s.26)

24
25 32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
26 read as follows:

27 11. a. Any parent or guardian of a pupil in a State facility and
28 any pupil in a State facility between 18 and 20 years of age, may
29 request an administrative review on matters of educational
30 classification or educational program.

31 b. The administrative review process shall include the
32 following sequence:

33 (1) A conference with teaching staff members or child study
34 team personnel;

35 (2) A conference with the Director of Educational Services of
36 the Department of Human Services, the Department of Children and
37 Families, the Department of Corrections, or the **【Juvenile】 Youth**
38 Justice Commission, whichever is appropriate;

39 (3) A hearing by the Commissioner of Education pursuant to
40 law and regulation.

41 c. The due process rights available to children, parents and
42 guardians in the public schools on matters of educational
43 classification or educational program shall be available to children,
44 parents and guardians in State facilities.

45 d. The placement of a child in a particular State facility shall
46 not be subject to an administrative review or hearing pursuant to
47 this section.

48 (cf: P.L.2006, c.47, s.83)

1 33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
2 read as follows:

3 19. For school funding purposes, the Commissioner of
4 Education shall determine district of residence as follows:

5 a. (1) In the case of a child placed in a resource family home
6 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
7 the district of residence shall be the district in which the resource
8 family parents reside. If such a child in a resource family home is
9 subsequently placed in a State facility or by a State agency, the
10 district of residence of the child shall then be determined as if no
11 such resource family placement had occurred.

12 (2) In the case of a child placed in a resource family home on or
13 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
14 district of residence shall be the present district of residence of the
15 parent or guardian with whom the child lived prior to the most
16 recent placement in a resource family home.

17 b. The district of residence for children who are in residential
18 State facilities, or who have been placed by State agencies in group
19 homes, skill development homes, private schools or out-of-State
20 facilities, shall be the present district of residence of the parent or
21 guardian with whom the child lived prior to his most recent
22 admission to a State facility or most recent placement by a State
23 agency.

24 c. The district of residence for children whose parent or
25 guardian temporarily moves from one school district to another as
26 the result of being homeless shall be the district in which the parent
27 or guardian last resided prior to becoming homeless. For the
28 purpose of this amendatory and supplementary act, "homeless" shall
29 mean an individual who temporarily lacks a fixed, regular and
30 adequate residence.

31 d. If the district of residence cannot be determined according to
32 the criteria contained herein, if the criteria contained herein identify
33 a district of residence outside of the State, or if the child has resided
34 in a domestic violence shelter, homeless shelter, or transitional
35 living facility located outside of the district of residence for more
36 than one year, the State shall assume fiscal responsibility for the
37 tuition of the child. The tuition shall equal the approved per pupil
38 cost established pursuant to section 24 of P.L.1996, c.138
39 (C.18A:7F-24). This amount shall be appropriated in the same
40 manner as other State aid under this act. The Department of
41 Education shall pay the amount to the Department of Human
42 Services, the Department of Children and Families, the Department
43 of Corrections or the **【Juvenile】 Youth** Justice Commission
44 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
45 or, in the case of a homeless child or a child in a family resource
46 home, the Department of Education shall pay to the school district
47 in which the child is enrolled the weighted base per pupil amount
48 calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49)

1 and the appropriate security categorical aid per pupil and special
2 education categorical aid per pupil.

3 e. If the State has assumed fiscal responsibility for the tuition
4 of a child in a private educational facility approved by the
5 Department of Education to serve children who are classified as
6 needing special education services, the department shall pay to the
7 Department of Human Services, the Department of Children and
8 Families or the **【Juvenile】 Youth** Justice Commission, as
9 appropriate, the aid specified in subsection d. of this section and in
10 addition, such aid as required to make the total amount of aid equal
11 to the actual cost of the tuition.

12 (cf: P.L.2017, c.83, s.1)

13
14 34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
15 read as follows:

16 20. Beginning in the school year 1997-98, the Commissioner of
17 Education shall annually report to the Legislature, describing the
18 condition of educational programs in State facilities, the efforts of
19 the Departments of Corrections, Children and Families, and Human
20 Services and the **【Juvenile】 Youth** Justice Commission in meeting
21 the standards of a thorough and efficient education in these
22 facilities, the steps underway to correct any deficiencies in their
23 educational programs, and the progress of the educational programs
24 in New Jersey State facilities in comparison with those in the state
25 facilities of other states. At that time the commissioner shall
26 recommend to the Legislature any necessary or desirable changes or
27 modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).

28 (cf: P.L.2006, c.47, s.86)

29
30 35. Section 1 of P.L.2005, c.265 (C.18A:7C-12) is amended to
31 read as follows:

32 1. Notwithstanding any provision of law to the contrary, in the
33 case of a student enrolled in an educational program in a county
34 juvenile detention center that meets the standards for a thorough
35 and efficient education developed by the Office of Education in the
36 **【Juvenile】 Youth** Justice Commission, in consultation with the
37 Commissioner of Education, pursuant to section 9 of P.L. 1979,
38 c.207 (C.18A:7B-5), who subsequently enrolls in a public school
39 district, the district shall accept all days of attendance and courses
40 studied by the student at the county juvenile detention center and
41 apply them toward district requirements for elementary, middle, or
42 high school graduation.

43 (cf: P.L.2005, c.265, s.1)

44
45 36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
46 read as follows:

47 24. Annually by December 15, the Department of Corrections,
48 the Department of Human Services, the Department of Children and

1 Families and the **【Juvenile】 Youth** Justice Commission shall each
2 submit to the commissioner for approval, with respect to the
3 facilities under their operational or supervisional authority, a budget
4 for educational programs as set forth in section 8 of P.L.1979, c.207
5 (C.18A:7B-4) for the subsequent year, together with enrollments
6 and per pupil costs. For the purposes of calculating a per pupil cost,
7 enrollment shall be based on the number of pupils in the State
8 facility on the last school day prior to October 16 of the prebudget
9 year. In the subsequent year, pursuant to P.L.1979, c.207
10 (C.18A:7B-1 et seq.) for students resident in a district, approved per
11 pupil amounts shall be deducted from each school district's State aid
12 and remitted to the appropriate agency, except that for county
13 juvenile detention centers, no deduction shall be made until Fiscal
14 Year 1999; in that year and thereafter, **【50%】 50 percent** of
15 approved per pupil amounts shall be deducted and remitted to the
16 **【Juvenile】 Youth** Justice Commission.
17 (cf: P.L.2006, c.47, s.89)
18

19 37. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to
20 read as follows:

21 3. As used in this act and P.L.1996, c.138, unless the context
22 clearly requires a different meaning:

23 "At-risk pupils" means those resident pupils from households
24 with a household income at or below the most recent federal
25 poverty guidelines available on October 15 of the prebudget year
26 multiplied by 1.85;

27 "Base per pupil amount" means the cost per elementary pupil of
28 delivering the core curriculum content standards and extracurricular
29 and cocurricular activities necessary for a thorough and efficient
30 education;

31 "Bilingual education pupil" means a resident pupil enrolled in a
32 program of bilingual education or in an English as a second
33 language program approved by the State Board of Education;

34 "Budgeted local share" means the district's local tax levy
35 contained in the budget certified for taxation purposes;

36 "Capital outlay" means capital outlay as defined in GAAP;

37 "Combination pupil" means a resident pupil who is both an at-
38 risk pupil and a bilingual education pupil;

39 "Commissioner" means the Commissioner of Education;

40 "Concentration of at-risk pupils" shall be based on prebudget
41 year pupil data and means, for a school district or a county
42 vocational school district, the number of at-risk pupils among those
43 counted in resident enrollment, divided by resident enrollment;

44 "County special services school district" means any entity
45 established pursuant to article 8 of chapter 46 of Title 18A of the
46 New Jersey Statutes;

1 "County vocational school district" means any entity established
2 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
3 Statutes;

4 "CPI" means the increase, expressed as a decimal, in the average
5 annualized consumer price index for the New York City and
6 Philadelphia areas in the fiscal year preceding the prebudget year
7 relative to the previous fiscal year as reported by the United States
8 Department of Labor;

9 "Debt service" means payments of principal and interest upon
10 school bonds and other obligations issued to finance the purchase or
11 construction of school facilities, additions to school facilities, or the
12 reconstruction, remodeling, alteration, modernization, renovation or
13 repair of school facilities, including furnishings, equipment,
14 architect fees, and the costs of issuance of such obligations and
15 shall include payments of principal and interest upon bonds
16 heretofore issued to fund or refund such obligations, and upon
17 municipal bonds and other obligations which the commissioner
18 approves as having been issued for such purposes;

19 "District income" means the aggregate income of the residents of
20 the taxing district or taxing districts, based upon data provided by
21 the Division of Taxation in the New Jersey Department of the
22 Treasury and contained on the New Jersey State Income Tax forms
23 for the calendar year ending two years prior to the prebudget year.
24 The commissioner may supplement data contained on the State
25 Income Tax forms with data available from other State or federal
26 agencies in order to better correlate the data to that collected on the
27 federal census. With respect to regional districts and their
28 constituent districts, however, the district income as described
29 above shall be allocated among the regional and constituent districts
30 in proportion to the number of pupils resident in each of them;

31 "Equalized valuation" means the equalized valuation of the
32 taxing district or taxing districts, as certified by the Director of the
33 Division of Taxation on October 1, or subsequently revised by the
34 tax court by January 15, of the prebudget year. With respect to
35 regional districts and their constituent districts, however, the
36 equalized valuations as described above shall be allocated among
37 the regional and constituent districts in proportion to the number of
38 pupils resident in each of them. In the event that the equalized table
39 certified by the director shall be revised by the tax court after
40 January 15 of the prebudget year, the revised valuations shall be
41 used in the recomputation of aid for an individual school district
42 filing an appeal, but shall have no effect upon the calculation of the
43 property value rate, Statewide average equalized school tax rate, or
44 Statewide equalized total tax rate;

45 "Full-day preschool" means a preschool day consisting of a six-
46 hour comprehensive educational program in accordance with the
47 district's kindergarten through grade 12 school calendar;

1 "GAAP" means the generally accepted accounting principles
2 established by the Governmental Accounting Standards Board as
3 prescribed by the State board pursuant to N.J.S.18A:4-14;

4 "General special education services pupil" means a pupil
5 receiving specific services pursuant to chapter 46 of Title 18A of
6 the New Jersey Statutes;

7 "Geographic cost adjustment" means an adjustment that reflects
8 county differences in the cost of providing educational services that
9 are outside the control of the district;

10 "Household income" means income as defined in 7 CFR ss.245.2
11 and 245.6 or any subsequent superseding federal law or regulation;

12 "Net budget" means the sum of the district's general fund tax
13 levy, State aid received pursuant to the provisions of this act other
14 than preschool education aid, miscellaneous revenue estimated
15 pursuant to GAAP, and designated general fund balance;

16 "Prebudget year" means the school fiscal year preceding the year
17 in which the school budget is implemented;

18 "Nonpreschool ECPA" means the amount of early childhood
19 program aid, excluding prior year carry-forward amounts, included
20 in a district's 2007-2008 school year budget certified for taxes that
21 was allocated to grades K through 3;

22 "Report" means the Educational Adequacy Report issued by the
23 commissioner pursuant to section 4 of this act;

24 "Resident enrollment" means the number of pupils other than
25 preschool pupils, post-graduate pupils, and post-secondary
26 vocational pupils who, on the last school day prior to October 16 of
27 the current school year, are residents of the district and are enrolled
28 in: (1) the public schools of the district, excluding evening schools,
29 (2) another school district, other than a county vocational school
30 district in the same county on a full-time basis, or a State college
31 demonstration school or private school to which the district of
32 residence pays tuition, or (3) a State facility in which they are
33 placed by the district; or are residents of the district and are: (1)
34 receiving home instruction, or (2) in a shared-time vocational
35 program and are regularly attending a school in the district and a
36 county vocational school district. In addition, resident enrollment
37 shall include the number of pupils who, on the last school day prior
38 to October 16 of the prebudget year, are residents of the district and
39 in a State facility in which they were placed by the State. Pupils in
40 a shared-time vocational program shall be counted on an equated
41 full-time basis in accordance with procedures to be established by
42 the commissioner. Resident enrollment shall include regardless of
43 nonresidence, the enrolled children of teaching staff members of the
44 school district or county vocational school district who are
45 permitted, by contract or local district policy, to enroll their
46 children in the educational program of the school district or county
47 vocational school district without payment of tuition. Disabled
48 children between three and five years of age and receiving programs

1 and services pursuant to N.J.S.18A:46-6 shall be included in the
2 resident enrollment of the district;

3 "School district" means any local or regional school district
4 established pursuant to chapter 8 or chapter 13 of Title 18A of the
5 New Jersey Statutes;

6 "State facility" means a State developmental center, a State
7 Division of Youth and Family Services' residential center, a State
8 residential mental health center, a Department of Children and
9 Families Regional Day School, a State training school/secure care
10 facility, a State juvenile community program, a juvenile detention
11 center or a boot camp under the supervisory authority of the
12 **【Juvenile】 Youth** Justice Commission pursuant to P.L.1995, c.284
13 (C.52:17B-169 et seq.), or an institution operated by or under
14 contract with the Department of Corrections, Children and Families
15 or Human Services, or the **【Juvenile】 Youth** Justice Commission;

16 "Statewide equalized school tax rate" means the amount
17 calculated by dividing the general fund tax levy for all school
18 districts, which excludes county vocational school districts and
19 county special services school districts as defined pursuant to this
20 section, in the State for the prebudget year by the equalized
21 valuations certified in the year prior to the prebudget year of all
22 taxing districts in the State except taxing districts for which there
23 are not school tax levies;

24 "Tax levy growth limitation" means the permitted annual
25 increase in the adjusted tax levy for a school district as calculated
26 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
27 18A:7F-39).

28 (cf: P.L.2010, c.44, s.6)

29

30 38. N.J.S.18A:47-4 is amended to read as follows:

31 18A:47-4. Such special school shall receive, restrain, and
32 instruct dependent delinquent children, and children under the age
33 of 16 years, committed to such school by the Superior Court,
34 Chancery Division, Family Part pursuant to the "New Jersey Code
35 of **【Juvenile】 Youth** Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

36 If in the judgment of the court the best interests of a child
37 demand that the special school have the entire charge and control of
38 the child, the court may take the custody of the child from its
39 parents or guardian and give it, for an indeterminate period, to the
40 board of education having control of the special school. When in
41 the judgment of the board the conduct of the child has so improved
42 that it should be permitted to attend the regular public schools, it
43 may return the child to the custody of its parents or guardian.

44 Any child, under the age of 16 years, arrested for any cause
45 except murder or manslaughter, and pupils habitually truant or
46 incorrigible, may, by order of the Family Part be held in the school
47 until final judgment.

48 (cf: P.L.1991, c.91, s.235)

1 39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
2 read as follows:

3 2. The Legislature finds and declares that:

4 a. A qualified and stable work force in public facilities and
5 nonprofit social services agencies is essential to ensure the provision
6 of quality services to persons in need of services, including persons
7 with mental illness, developmental disabilities or other disabilities,
8 persons in need of substance use disorder treatment and juveniles
9 under the custody and care of the **【Juvenile】** Youth Justice
10 Commission;

11 b. These public facilities and social services agencies are
12 currently facing a personnel crisis, which is expected to worsen in the
13 next two decades;

14 c. The entry-level and on-going salaries offered by these public
15 facilities and social services agencies to direct care professionals are
16 not always competitive with those offered in the private for profit
17 sector, which limits the ability of these facilities and agencies to attract
18 and retain qualified direct care professionals;

19 d. Loan redemption programs can address the economic hardship
20 of direct care professionals performing critical work in low-paying
21 jobs, who in many instances are forced, because of their high loan debt
22 and low incomes, to reject or abandon employment in the public
23 sector, which is in great need of their skills and knowledge, for
24 employment that is more financially rewarding;

25 e. The departure of these skilled direct care professionals from
26 the public and nonprofit sector is, in many cases, a loss to their own
27 sense of personal fulfillment, to the consumers that they serve, and to
28 society at large; and

29 f. The establishment by this State of a loan redemption program
30 for direct care professionals employed in public facilities and nonprofit
31 agencies that contract with the Department of Human Services and the
32 **【Juvenile】** Youth Justice Commission is essential to address the need
33 for the continued provision of high-quality services by these skilled
34 and knowledgeable professionals.

35 (cf: P.L.2023, c.177, s.52)
36

37 40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to
38 read as follows:

39 3. As used in this act:

40 "Approved course of study" means: an undergraduate program
41 leading to a bachelor's degree offered by a four-year public or
42 independent institution of higher education; or a graduate program
43 leading to a master's degree, which is offered by a public or
44 independent institution of higher education, in a human services
45 discipline such as social work, psychology or counseling, or a
46 health-related profession such as occupational, physical or speech
47 therapy.

1 "Approved employment" means postgraduate, full-time
2 employment as a direct care professional in a qualified facility. The
3 term shall not include a paid student internship, paid fellowship,
4 volunteer service or employment before graduation.

5 "Authority" means the Higher Education Student Assistance
6 Authority established pursuant to N.J.S.18A:71A-3.

7 "Direct care professional" means a professional staff member at
8 a qualified facility who provides one or more of the following
9 services to eligible persons: counseling; physical, occupational,
10 recreational or speech therapy; case management; vocational
11 training; assistance with activities of daily living; medication
12 management; budgeting assistance; addiction treatment services;
13 nutrition; and other clinical services.

14 "Eligible student loan expenses" mean the cumulative total of the
15 annual student loans, covering the cost of attendance while enrolled
16 in an approved course of study. Interest paid or due on student
17 loans that a program participant has taken out for use in paying the
18 costs of attendance at an institution of higher education shall be
19 considered eligible for reimbursement under the program.

20 "Program" means the Social Services Student Loan Redemption
21 Program established pursuant to this act.

22 "Program participant" means a person who meets the
23 requirements of the program.

24 "Qualified facility" means:

25 a. a facility operated by the Department of Human Services
26 that provides direct care services to persons served by the
27 department;

28 b. a county psychiatric hospital;

29 c. a facility operated by the **【Juvenile】** Youth Justice
30 Commission;

31 d. a veterans' memorial home operated by the Department of
32 Military and Veterans' Affairs; and

33 e. a nonprofit agency in the State that contracts with the
34 Department of Human Services or the **【Juvenile】** Youth Justice
35 Commission to provide direct care services to persons served by the
36 department or commission.

37 (cf: P.L.2005, c.157, s.3)

38

39 41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to
40 read as follows:

41 4. There is established the Social Services Student Loan
42 Redemption Program within the Higher Education Student
43 Assistance Authority.

44 The purpose of the program is to address the current and
45 projected critical shortage of direct care professionals in the State
46 by providing an incentive for persons to engage in employment at
47 certain public facilities, and nonprofit social services agencies
48 under contract with the Department of Human Services or the

1 **【Juvenile】 Youth** Justice Commission, so as to ensure that State
2 residents who are in need of direct care services at these facilities
3 and agencies have sufficient, qualified professional staff in order to
4 provide the needed services.

5 The program shall provide loan redemption to finance the
6 undergraduate or graduate study of program participants in
7 exchange for full-time employment as a direct care professional at a
8 qualified facility following completion of an approved course of
9 study.

10 (cf: P.L.2005, c.157, s.4)

11

12 42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended
13 to read as follows:

14 10. The Higher Education Student Assistance Authority, in
15 consultation with the Commissioner of Human Services and the
16 executive director of the **【Juvenile】 Youth** Justice Commission,
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to
19 implement the provisions of this act, including eligibility criteria for
20 the program, procedures for determining the amount of the loan
21 redemption award, and the types of direct care professional
22 positions that qualify for the program.

23 (cf: P.L.2005, c.157, s.10)

24

25 43. Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to
26 read as follows:

27 10. a. To assist and advise in issues pertaining to prisoner
28 reentry, there is established in the Department of Corrections an
29 advisory commission to be known as the "Prisoner Reentry
30 Commission." The purpose of the commission shall be to review,
31 study, and offer solutions to problems facing prisoners re-entering
32 society, including, but not limited to determining whether:

33 (1) New Jersey should seek a federal waiver under Section 1115
34 of the Social Security Act to expand Medicaid eligibility to non-
35 disabled adults, to leverage additional federal funds in order to
36 target high risk populations;

37 (2) Health care and treatment resources for former prisoners are
38 adequate and if not, methods by which they can be improved;

39 (3) The prison population can be incorporated fully into New
40 Jersey's workforce development strategy; and

41 (4) Sources of funding intended for the same populations and
42 communities could be tapped, coordinated and leveraged
43 effectively.

44 b. In addition, the commission shall:

45 (1) Evaluate and provide recommendations for special issues
46 concerning juvenile reentry;

47 (2) Evaluate and make recommendations concerning current law
48 on juvenile waiver; and

- 1 (3) Evaluate and provide recommendations for inter-agency
2 communication, information sharing, and problem solving.
- 3 c. (1) The advisory commission shall consist of 18 members as
4 follows:
- 5 (a) The Attorney General or his designee, who shall serve ex
6 officio;
- 7 (b) The Secretary of State or his designee, who shall serve ex
8 officio;
- 9 (c) The Commissioner of Corrections or his designee, who shall
10 serve ex officio;
- 11 (d) The Commissioner of Human Services or his designee, who
12 shall serve ex officio;
- 13 (e) The Commissioner of Labor and Workforce Development or
14 his designee, who shall serve ex officio;
- 15 (f) The Commissioner of Community Affairs or his designee,
16 who shall serve ex officio;
- 17 (g) The Commissioner of Education or his designee, who shall
18 serve ex officio;
- 19 (h) Two members of the Senate, to be appointed by the
20 President of the Senate, who shall each be of different political
21 parties;
- 22 (i) Two members of the General Assembly, to be appointed by
23 the Speaker of the General Assembly, who shall each be of different
24 political parties;
- 25 (j) The Chairman of the State Parole Board or his designee,
26 who shall serve ex officio;
- 27 (k) The Executive Director of the **【Juvenile】 Youth** Justice
28 Commission or his designee, who shall serve ex officio;
- 29 (l) The Executive Director of the Housing and Mortgage
30 Finance Agency or his designee, who shall serve ex officio;
- 31 (m) The New Jersey Public Defender or his designee, who shall
32 serve ex officio;
- 33 (n) One representative from the New Jersey Institute for Social
34 Justice; and
- 35 (o) Two public members, who by experience or training have
36 expertise in issues facing former prisoners, to be appointed by the
37 Governor.
- 38 (2) The Governor shall designate one member as chairman and
39 two members as vice-chairmen of the commission from among the
40 members listed in this subsection.
- 41 (3) The public members shall be appointed for a five-year term.
42 Vacancies in the membership of the advisory commission shall be
43 filled in the same manner provided for in the original appointments.
44 The members of the advisory commission shall serve without
45 compensation but may be reimbursed for travel and other
46 miscellaneous expenses necessary to perform their duties, within
47 the limits of funds made available to the advisory commission for
48 its purposes.

1 (4) A member of the commission may be removed for good
2 cause.

3 d. The commission may meet at the call of its chair and hold
4 hearings at the times and in the places it may deem appropriate and
5 necessary to fulfill its charge. The advisory commission shall be
6 entitled to call to its assistance, and avail itself of the services of,
7 the employees of any State, county or municipal department, board,
8 bureau, commission or agency as it may require and as may be
9 available to it for its purposes.

10 e. The commission shall annually submit a report to the
11 Governor and the Legislature pursuant to section 2 of P.L.1991,
12 c.164 (C.52:14-19.1) along with any recommendations it deems
13 appropriate, including any legislative proposals it may wish to
14 make.
15 (cf: P.L.2009, c.329, s.10)

16
17 44. Section 3 of P.L.1998, c.71 (C.30:4-27.26) is amended to
18 read as follows:

19 3. As used in this act:

20 "Agency with jurisdiction" means the agency which releases
21 upon lawful order or authority a person who is serving a sentence or
22 term of confinement, or is otherwise being detained or maintained
23 in custody. This term includes the Department of Corrections or a
24 county correctional facility, the **【Juvenile】** Youth Justice
25 Commission or a county juvenile detention facility, and the
26 Department of Human Services. "Attorney General" means the
27 Attorney General or a county prosecutor to whom the Attorney
28 General has delegated authority under this act.

29 "Clinical certificate for a sexually violent predator" means a
30 form prepared by the Division of Mental Health Services in the
31 Department of Human Services and approved by the Administrative
32 Office of the Courts, that is completed by the psychiatrist or other
33 physician who has examined the person who is subject to
34 commitment within three days of presenting the person for
35 admission to a facility for treatment, and which states that the
36 person is a sexually violent predator in need of involuntary
37 commitment. The form shall also state the specific facts upon which
38 the examining physician has based that conclusion and shall be
39 certified in accordance with the Rules Governing the Courts of the
40 State of New Jersey. A clinical certificate for a sexually violent
41 predator may not be executed by an individual who is a relative by
42 blood or marriage to the person who is being examined.

43 "Likely to engage in acts of sexual violence" means the
44 propensity of a person to commit acts of sexual violence is of such
45 a degree as to pose a threat to the health and safety of others.

46 "Mental abnormality" means a mental condition that affects a
47 person's emotional, cognitive or volitional capacity in a manner that
48 predisposes that person to commit acts of sexual violence.

1 "Person" means an individual 18 years of age or older who is a
2 potential or actual subject of proceedings under this act.

3 "Psychiatrist" means a physician who has completed the training
4 requirements of the American Board of Psychiatry and Neurology.

5 "Sexually violent offense" means:

6 (a) aggravated sexual assault; sexual assault; aggravated
7 criminal sexual contact; kidnapping pursuant to subparagraph (b) of
8 paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual
9 contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3
10 if the underlying crime is sexual assault; an attempt to commit any
11 of these enumerated offenses; or a criminal offense with
12 substantially the same elements as any offense enumerated above,
13 entered or imposed under the laws of the United States, this State or
14 another state; or

15 (b) any offense for which the court makes a specific finding on
16 the record that, based on the circumstances of the case, the person's
17 offense should be considered a sexually violent offense.

18 "Sexually violent predator" means a person who has been
19 convicted, adjudicated delinquent or found not guilty by reason of
20 insanity for commission of a sexually violent offense, or has been
21 charged with a sexually violent offense but found to be incompetent
22 to stand trial, and suffers from a mental abnormality or personality
23 disorder that makes the person likely to engage in acts of sexual
24 violence if not confined in a secure facility for control, care and
25 treatment.

26 "Treatment team" means the individuals, agencies or firms which
27 provide treatment, supervision or other services at a facility
28 designated for the custody, care and treatment of sexually violent
29 predators.

30 (cf: P.L.1998, c.71, s.3)

31

32 45. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
33 read as follows:

34 4. a. In order to ensure that adult and juvenile inmates who are
35 dangerous to themselves or others because of mental illness and
36 who are "in need of involuntary commitment" within the meaning
37 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
38 violent predators" within the meaning of section 3 of P.L.1998, c.71
39 (C.30:4-27.26), are not released without appropriate supervision
40 and treatment, the board, the Commissioner of the Department of
41 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
42 Commission established pursuant to section 2 of P.L.1995, c.284
43 (C.52:17B-170) and county prosecutors shall follow the procedures
44 set forth in this section.

45 b. When an adult or juvenile inmate is scheduled for release
46 due to expiration of the inmate's maximum term, the commissioner
47 or the **【Juvenile】 Youth** Justice Commission shall notify the

1 Attorney General and the prosecutor of the county from which the
2 person was committed if:

3 (1) The adult inmate's term includes a sentence imposed for
4 conviction of aggravated sexual assault, sexual assault or
5 aggravated criminal sexual contact and the court imposing sentence
6 found that the offender's conduct was characterized by a pattern of
7 repetitive, compulsive behavior;

8 (2) The parole board or the superintendent of the facility in
9 which the inmate has been confined has advised the commissioner
10 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
11 inmate during the period of confinement, the inmate's mental
12 condition or the inmate's past history indicates that the inmate may
13 be "in need of involuntary commitment" within the meaning of
14 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

15 (3) The inmate's term includes a sentence imposed for
16 conviction of a "sexually violent offense" as defined in section 3 of
17 P.L.1998, c.71 (C.30:4-27.26).

18 c. Notice required by subsection b. shall be given no less than
19 90 days before the date on which the inmate's maximum term is
20 scheduled to expire.

21 d. When such notice is given, the board, the **【Juvenile】 Youth**
22 Justice Commission or the commissioner shall provide the Attorney
23 General and county prosecutor with all information relevant to a
24 determination of whether the inmate may be "in need of involuntary
25 commitment" or may be a "sexually violent predator", including,
26 without regard to classification as confidential pursuant to
27 regulations of the board, of the Department of Corrections or the
28 **【Juvenile】 Youth** Justice Commission, any preparole report,
29 psychological and medical records, any statement of the reasons for
30 denial of parole and, if applicable, a statement of the reasons for the
31 determination that the inmate may be "in need of involuntary
32 commitment" or may be a "sexually violent predator".

33 e. If the Attorney General or county prosecutor determines, on
34 the basis of the information provided pursuant to this section or
35 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
36 commitment" or may be a "sexually violent predator", the
37 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
38 Commission, upon request of the Attorney General or county
39 prosecutor shall:

40 (1) Permit persons qualified to execute clinical certificates
41 necessary for civil commitment to examine the inmate in the
42 institution in which he is confined; or

43 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
44 arrange for persons qualified to execute clinical certificates
45 necessary for civil commitment to examine the inmate.

46 f. In the interests of the public safety and the well-being of the
47 inmate, the Attorney General or county prosecutor may exercise

1 discretion to obtain an assessment of the inmate's condition by one
2 or more of the means set forth in subsection e. of this section.

3 g. The Attorney General or county prosecutor shall provide a
4 psychiatrist or physician assessing or examining an inmate pursuant
5 to this section with all information relevant to the inmate's need of
6 involuntary commitment, including information concerning the
7 inmate's condition, history, recent behavior and any recent act or
8 threat. Any person who assesses or examines an inmate pursuant to
9 this section shall provide the Attorney General and county
10 prosecutor with a written report detailing the person's findings and
11 conclusions.

12 h. (1) All information, documents and records concerning the
13 inmate's mental condition or classified as confidential pursuant to
14 regulations of the board, of the Department of Corrections or the
15 **【Juvenile】** Youth Justice Commission that are received or provided
16 pursuant to this section or N.J.S.2C:47-5 shall be deemed
17 confidential.

18 (2) Unless authorized or required by court order or except as
19 required in the course of judicial proceedings relating to the
20 inmate's commitment or release, disclosure of such information,
21 documents and records shall be limited to professionals evaluating
22 the inmate's condition pursuant to this section, the Attorney
23 General, county prosecutor and members of their respective staffs
24 as necessary to the performance of duties imposed pursuant to this
25 section.

26 i. Any person acting in good faith who has provided
27 information relevant to an inmate's need of involuntary commitment
28 or as to whether the inmate is a sexually violent predator or has
29 taken good faith steps to assess an inmate's need of involuntary
30 commitment or whether the inmate is a sexually violent predator is
31 immune from civil and criminal liability.

32 (cf: P.L.1998, c.71, s.17)

33

34 **【46.** Section 4 of P.L.1994, c.134 (C.30:4-82.4) is
35 amended to read as follows:

36 4. a. In order to ensure that adult and juvenile inmates who are
37 dangerous to themselves or others because of mental illness and
38 who are "in need of involuntary commitment" within the meaning
39 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
40 violent predators" within the meaning of section 3 of P.L.1998, c.71
41 (C.30:4-27.26), are not released without appropriate supervision
42 and treatment, the board, the Commissioner of the Department of
43 Corrections, the Attorney General, the **【Juvenile】** Youth Justice
44 Commission established pursuant to section 2 of P.L.1995, c.284
45 (C.52:17B-170) and county prosecutors shall follow the procedures
46 set forth in this section.

47 b. When an adult or juvenile inmate is scheduled for release
48 due to expiration of the inmate's maximum term, the commissioner

1 or the **【Juvenile】 Youth** Justice Commission shall notify the
2 Attorney General and the prosecutor of the county from which the
3 person was committed if:

4 (1) The adult inmate's term includes a sentence imposed for
5 conviction of aggravated sexual assault, sexual assault or
6 aggravated criminal sexual contact and the court imposing sentence
7 found that the offender's conduct was characterized by a pattern of
8 repetitive, compulsive behavior;

9 (2) The parole board or the superintendent of the facility in
10 which the inmate has been confined has advised the commissioner
11 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
12 inmate during the period of confinement, the inmate's mental
13 condition or the inmate's past history indicates that the inmate may
14 be "in need of involuntary commitment" within the meaning of
15 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

16 (3) The inmate's term includes a sentence imposed for
17 conviction of a "sexually violent offense" as defined in section 3 of
18 P.L.1998, c.71 (C.30:4-27.26).

19 c. Notice required by subsection b. shall be given no less than
20 90 days before the date on which the inmate's maximum term is
21 scheduled to expire.

22 d. When such notice is given, the board, the **【Juvenile】 Youth**
23 Justice Commission or the commissioner shall provide the Attorney
24 General and county prosecutor with all information relevant to a
25 determination of whether the inmate may be "in need of involuntary
26 commitment" or may be a "sexually violent predator", including,
27 without regard to classification as confidential pursuant to
28 regulations of the board, of the Department of Corrections or the
29 **【Juvenile】 Youth** Justice Commission, any preparole report,
30 psychological and medical records, any statement of the reasons for
31 denial of parole and, if applicable, a statement of the reasons for the
32 determination that the inmate may be "in need of involuntary
33 commitment" or may be a "sexually violent predator".

34 e. If the Attorney General or county prosecutor determines, on
35 the basis of the information provided pursuant to this section or
36 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
37 commitment" or may be a "sexually violent predator", the
38 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
39 Commission, upon request of the Attorney General or county
40 prosecutor shall:

41 (1) Permit persons qualified to execute clinical certificates
42 necessary for civil commitment to examine the inmate in the
43 institution in which he is confined; or

44 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
45 arrange for persons qualified to execute clinical certificates
46 necessary for civil commitment to examine the inmate.

1 f. In the interests of the public safety and the well-being of the
2 inmate, the Attorney General or county prosecutor may exercise
3 discretion to obtain an assessment of the inmate's condition by one
4 or more of the means set forth in subsection e. of this section.

5 g. The Attorney General or county prosecutor shall provide a
6 psychiatrist or physician assessing or examining an inmate pursuant
7 to this section with all information relevant to the inmate's need of
8 involuntary commitment, including information concerning the
9 inmate's condition, history, recent behavior and any recent act or
10 threat. Any person who assesses or examines an inmate pursuant to
11 this section shall provide the Attorney General and county
12 prosecutor with a written report detailing the person's findings and
13 conclusions.

14 h. (1) All information, documents and records concerning the
15 inmate's mental condition or classified as confidential pursuant to
16 regulations of the board, of the Department of Corrections or the
17 **【Juvenile】 Youth** Justice Commission that are received or provided
18 pursuant to this section or N.J.S.2C:47-5 shall be deemed
19 confidential.

20 (2) Unless authorized or required by court order or except as
21 required in the course of judicial proceedings relating to the
22 inmate's commitment or release, disclosure of such information,
23 documents and records shall be limited to professionals evaluating
24 the inmate's condition pursuant to this section, the Attorney
25 General, county prosecutor and members of their respective staffs
26 as necessary to the performance of duties imposed pursuant to this
27 section.

28 i. Any person acting in good faith who has provided
29 information relevant to an inmate's need of involuntary commitment
30 or as to whether the inmate is a sexually violent predator or has
31 taken good faith steps to assess an inmate's need of involuntary
32 commitment or whether the inmate is a sexually violent predator is
33 immune from civil and criminal liability.

34 (cf: P.L.1998, c.71, s.17)】
35

36 **【47.】 46.** Section 3 of P.L.2009, c.329 (C.30:4-91.15) is
37 amended to read as follows:

38 3. a. The Commissioner of Corrections, in conjunction with the
39 **【Juvenile】 Youth** Justice Commission and the State Parole Board,
40 shall establish a program to record and analyze the recidivism of all
41 inmates and juveniles adjudicated delinquent who are released from
42 a State correctional facility or a training school for juveniles,
43 whether on parole or upon the completion of their maximum
44 sentences. The purpose of this program shall be to assist in
45 measuring the effectiveness of the State's reentry initiatives and
46 programs.

47 b. The program shall record the arrests for all offenses
48 committed by releasees within three years following their release

1 and any convictions resulting from the arrests. These data shall be
2 analyzed to determine whether the rates and nature of rearrests and
3 convictions differ according to the criminal histories and personal
4 characteristics of releasees, the treatment they received while
5 confined, length of sentence, conditions of parole, participation and
6 involvement in reentry initiatives and programs, and such other
7 factors as may be relevant to the purposes of this section, including,
8 but not limited to, race, gender, ethnicity, and age.

9 c. The commissioner shall prepare and disseminate semi-
10 annual reports summarizing the recidivism rates, patterns, and other
11 findings and analyses resultant of the information gathered pursuant
12 to this section. These reports shall include summaries of the
13 treatment received by the releasees and any participation and
14 involvement in reentry initiatives by the releasees, and shall make
15 recommendations concerning the effectiveness of the treatment
16 programs and reentry initiatives. These reports shall be available to
17 the general public and shall not contain any personally identifying
18 information. To facilitate the accessibility of these reports to the
19 general public, the commissioner shall, to the greatest extent
20 possible, utilize the Internet.

21 d. The commissioner shall annually prepare and transmit to the
22 Governor and the Legislature, pursuant to section 2 of P.L.1991,
23 c.164 (C.52:14-19.1), a summary of the recommendations set forth
24 in the reports prepared pursuant to subsection c. of this section,
25 along with any recommendations the department, **【Juvenile】 Youth**
26 Justice Commission or the State Parole Board may have for
27 legislation to improve the effectiveness of the State's reentry
28 initiatives and programs.

29 (cf: P.L.2015, c.144, s.1)

30
31 **【48.】 47.** Section 1 of P.L.1979, c.441 (C.30:4-123.45) is
32 amended to read as follows:

33 1. a. This act shall be known and may be cited as the "Parole Act
34 of 1979."

35 b. In this act, unless a different meaning is plainly required:

36 (1) "Adult inmate" means any person sentenced as an adult to a
37 term of incarceration.

38 (2) "Juvenile inmate" means any person under commitment as a
39 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
40 (C.2A:4A-44).

41 (3) "Parole release date" means that date certified by a member
42 of the board for release of an inmate after a review of the inmate's
43 case pursuant to section 11, 13 or 14 of this act.

44 (4) "Primary parole eligibility date" means that date established
45 for parole eligibility for adult inmates pursuant to section 7 or 20 of
46 this act.

47 (5) "Public notice" shall consist of lists including names of all
48 inmates being considered for parole, the county from which the

1 inmates were committed and the crimes for which the inmates were
2 incarcerated. At least 30 days prior to parole consideration the lists
3 shall be forwarded to the office of the public defender of each
4 county or the private attorney of record for the inmates, the
5 prosecutor's office of each county, the sentencing court, the office
6 of the Attorney General, any other criminal justice agencies whose
7 information and comment may be relevant, and news organizations.

8 (6) Removal for "cause" means substantial cause that is plainly
9 sufficient under the law and sound public policy touching upon
10 qualifications appropriate to a member of the parole board or the
11 administration of the board such that the public interest precludes
12 the member's continuance in office. Cause includes, but is not
13 limited to, misconduct in office, incapacity, inefficiency,
14 nonfeasance, and violations of the Parole Board's Code of Ethics.

15 (7) "Commission" means the **【Juvenile】 Youth** Justice
16 Commission established pursuant to section 2 of P.L.1995, c.284
17 (C.52:17B-170).

18 (8) "Parole officer" means, with respect to an adult inmate, an
19 officer assigned by the Chairman of the State Parole Board or the
20 chairman's designee and, with respect to a juvenile inmate, a person
21 assigned by the commission.

22 (cf: P.L.2019, c.364, s.7)

23
24 **【49.】 48.** Section 5 of P.L.2020, c.111 (C.30:4-123.103) is
25 amended to read as follows:

26 5. a. An inmate who is released from the custody of the
27 Commissioner of Corrections or a juvenile who is released from the
28 custody of the **【Juvenile】 Youth** Justice Commission following an
29 award of public health emergency credits pursuant to section 1 of
30 P.L.2020, c.111 (C.30:4-123.100), from the date of release until the
31 date the inmate or juvenile, as the case may be, was scheduled to be
32 released prior to the award of public health emergency credits, shall
33 be prohibited from purposely or knowingly making contact with any
34 victim of the crime for which the inmate or juvenile was serving a
35 sentence.

36 For purposes of this subsection, making contact with a victim
37 shall include contact made personally by the inmate or juvenile, as
38 the case may be, or through an agent, and shall include but not be
39 limited to: personal, written, electronic, or telephone contact or
40 communication; or entering the residence, property, school, or place
41 of employment of the victim.

42 b. A violation of subsection a. of this section shall be a crime
43 of the fourth degree.

44 c. (1) A petition may be filed with the court to dissolve the
45 prohibition established pursuant to the provisions of this section
46 prohibiting an inmate or juvenile, as the case may be, from making
47 contact with the victim in accordance with procedures established
48 by the court.

1 (2) The Director of the Administrative Office of the Courts shall
2 provide the Department of Corrections, **【Juvenile】 Youth** Justice
3 Commission, and Attorney General with information concerning the
4 procedures established by the court for filing a petition to dissolve
5 the prohibition established pursuant to this section prohibiting an
6 inmate or juvenile, as the case may be, from making contact with
7 any victim of the crime for which the inmate or juvenile was
8 serving a sentence.

9 (cf: P.L.2020, c.111, s.5)

10
11 **【50.】 49.** Section 12 of 1970, c.300 (C.30:4-157.2) is amended
12 to read as follows:

13 12. The warrant of commitment to the custody of the **【Juvenile】**
14 **Youth** Justice Commission established pursuant to section 2 of
15 P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the
16 parents or guardians if they can be ascertained and the juvenile's
17 place of residence. The court shall order transmitted to the
18 commission, by the officer serving the order of commitment a copy
19 of the complaint, a copy of any probation reports, pre-disposition
20 reports, education records, county detention center records, or other
21 records which the county may have concerning the past
22 delinquencies of the juvenile and other information concerning any
23 mental or physical condition which the court deems to be of
24 importance in the rehabilitation of the juvenile or the maintenance
25 of discipline, order and safety in the facility or the operation of the
26 facility or its programs. Such records shall be used for the
27 information and guidance of the facility and the commission but
28 shall not be public records. Such warrants and records shall be
29 forwarded to the commission on, or prior to, the date of the
30 juvenile's admission into the facility.

31 (cf: P.L.1995, c.280, s.49)

32
33 **【51.】 50.** Section 1 of P.L.1939, c.301 (C.30:4-157.4) is
34 amended to read as follows:

35 30:4-157.4. Whenever a juvenile shall be committed to the
36 custody of the **【Juvenile】 Youth** Justice Commission established
37 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be
38 the duty of the court, at the time of the examination, to make
39 inquiry as to the ability of the parent or guardian to pay the
40 expenses of the commitment proceedings and the board of the
41 juvenile, and it shall endorse on the warrant of commitment a
42 statement of its finding in that regard.

43 Payment by the parent or guardian of these costs shall be made to
44 the probation division or county adjuster, whichever the court shall
45 designate; provided, however, that upon collection thereof the costs
46 of the commitment proceedings shall be paid to the county
47 treasurer, and any amount received representing maintenance shall

1 be forwarded to the State Treasurer. In the event of failure of the
2 parent or guardian to pay the amount ordered by the court then the
3 probation division or county adjuster, as the case may be, shall
4 bring the matter before the court for such further order as shall
5 appear proper therein to compel payment.

6 (cf: P.L.1995, c.280, s.50)

7
8 **【52.】 51.** Section 16 of P.L.1970, c.300 (C.30:4-157.7) is
9 amended to read as follows:

10 30:4-157.7. No juvenile in custody of the **【Juvenile】 Youth**
11 Justice Commission established pursuant to section 2 of P.L.1995,
12 c.284 (C.52:17B-170) shall be indentured or bound out to service.

13 (cf: P.L.1995, c.280, s.52)

14
15 **【53.】 52.** Section 11 of P.L.2017, c.176 (C.30:7E-7) is
16 amended to read as follows:

17 11. a. Notwithstanding the provisions of any other law or
18 regulation to the contrary, any contract between a health care
19 provider and the New Jersey Department of Corrections, the
20 **【Juvenile】 Youth** Justice Commission, the State Parole Board, or
21 any other State or local entity, which contract provides health care
22 services to the State's inmate population, shall not contain any
23 provision that discriminates, and the State or local entity
24 contracting for services shall ensure there is no discrimination, on
25 the basis of a person's gender identity or expression or on the basis
26 that the person is a transgender person.

27 b. The discrimination prohibited by this section shall include:

28 (1) denying, cancelling, limiting or refusing to issue or renew a
29 contract on the basis of a covered person's or prospective covered
30 person's gender identity or expression, or for the reason that the
31 covered person or prospective covered person is a transgender
32 person;

33 (2) demanding or requiring a payment or premium that is based
34 in whole or in part on a covered person's or prospective covered
35 person's gender identity or expression, or for the reason that the
36 covered person or prospective covered person is a transgender
37 person;

38 (3) designating a covered person's or prospective covered
39 person's gender identity or expression, or the fact that a covered
40 person or prospective covered person is a transgender person, as a
41 preexisting condition for which coverage will be denied or limited;
42 or

43 (4) denying or limiting coverage, or denying a claim, for
44 services including but not limited to the following, due to a covered
45 person's gender identity or expression or for the reason that the
46 covered person is a transgender person:

47 (a) health care services related to gender transition if coverage
48 is available for those services under the contract when the services

1 are not related to gender transition, including but not limited to
2 hormone therapy, hysterectomy, mastectomy, and vocal training; or

3 (b) health care services that are ordinarily or exclusively
4 available to individuals of one sex when the denial or limitation is
5 due only to the fact that the covered person is enrolled as belonging
6 to the other sex or has undergone, or is in the process of
7 undergoing, gender transition.

8 c. For the purposes of this section:

9 "Gender expression" means a person's gender-related appearance
10 and behavior, whether or not stereotypically associated with the
11 person's assigned sex at birth.

12 "Gender identity" means a person's internal sense of their own
13 gender, regardless of the sex the person was assigned at birth.

14 "Gender transition" means the process of changing a person's
15 outward appearance, including physical sex characteristics, to
16 accord with the person's actual gender identity.

17 "Transgender person" means a person who identifies as a gender
18 different from the sex assigned to the person at birth.

19 d. Nothing in this section shall preclude a State or local entity
20 contracting for services pursuant to this section from performing
21 utilization review, including periodic review of the medical
22 necessity of a particular service.

23 (cf: P.L.2017, c.176, s.11)

24
25 **【54.】** 53. Section 3 of P.L.1997, c.81 (C.30:8-63) is amended to
26 read as follows:

27 3. As used in this act:

28 "Commission" means the **【Juvenile】** Youth Justice Commission
29 established pursuant to section 2 of P.L.1995, c.284
30 (C.52:17B-170).

31 "Juvenile offender" means a person under the age of 18 who has
32 been adjudicated delinquent for an act which, if committed by an
33 adult, would constitute a crime of the third or fourth degree,
34 excluding an adjudication for any act which would constitute a
35 crime under chapter 14 of Title 2C of the New Jersey Statutes.

36 (cf: P.L.1997, c.81, s.3)

37
38 **【55.】** 54. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended
39 to read as follows:

40 4. There is established in the Department of Children and
41 Families the New Jersey Youth Suicide Prevention Advisory
42 Council.

43 a. The purpose of the council shall be to: examine existing
44 needs and services and make recommendations to the division for
45 youth suicide reporting, prevention and intervention; advise the
46 division on the content of informational materials to be made
47 available to persons who report attempted or completed suicides;

1 and advise the division in the development of regulations required
2 pursuant to this act.

3 b. The council shall consist of 18 members as follows:

4 (1) the Commissioners of Human Services, Children and
5 Families, Health and Senior Services, and Education, the executive
6 director of the **【Juvenile】 Youth** Justice Commission established
7 pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the
8 chairman of the Community Mental Health Citizens Advisory
9 Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.),
10 or their designees, who shall serve ex officio;

11 (2) six public members appointed by the Governor, as follows:
12 one person who is a current member of a county mental health
13 advisory board, one person with personal or family experience with
14 suicide, one person who is a current or retired primary or secondary
15 school teacher, one person who is a current or former member of a
16 local board of education, one psychiatrist and one person with
17 professional experience in the collection and reporting of social
18 science data;

19 (3) three public members appointed by the President of the
20 Senate, no more than two of whom are members of the same
21 political party, one of whom has volunteer or paid experience in the
22 provision of services to survivors of suicide or youth at risk of
23 attempting suicide, one of whom is an alcohol and drug counselor,
24 and one of whom is a representative of the New Jersey Traumatic
25 Loss Coalition; and

26 (4) three public members appointed by the Speaker of the
27 General Assembly, no more than two of whom are members of the
28 same political party, one of whom has knowledge of and interest in
29 the prevention of youth suicide and the provision of education about
30 suicide to high-risk populations, including religious, racial, ethnic
31 or sexual minorities, one of whom is a pediatrician, and one of
32 whom is a school-based counselor.

33 c. The public members shall be appointed no later than 60 days
34 after the date of enactment of this act.

35 d. The public members shall serve for a term of five years; but,
36 of the members first appointed, three shall serve for a term of two
37 years, three for a term of three years, three for a term of four years
38 and three for a term of five years. Members are eligible for
39 reappointment upon the expiration of their terms. Vacancies in the
40 membership of the council shall be filled in the same manner
41 provided for the original appointments.

42 e. The council shall organize as soon as practicable following
43 the appointment of its members and shall select a chairperson and
44 vice-chairperson from among the members. The chairperson shall
45 appoint a secretary who need not be a member of the council.

46 f. The public members shall serve without compensation, but
47 shall be reimbursed for necessary expenses incurred in the

1 performance of their duties and within the limits of funds available
2 to the council.

3 g. The council shall be entitled to call to its assistance and avail
4 itself of the services of the employees of any State, county or
5 municipal department, board, bureau, commission or agency as it
6 may require and as may be available to it for its purposes.

7 h. The Department of Children and Families shall provide staff
8 support to the council.

9 (cf: P.L.2006, c.47, s.175)

10

11 **[56.] 55.** Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended
12 to read as follows:

13 9. The commission shall:

14 a. Issue the New Jersey Unified Workforce Investment Plan
15 pursuant to the provisions of the Workforce Investment Act of
16 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
17 P.L.1989, c.293 (C.34:15C-7);

18 b. Establish performance standards for workforce investment
19 programs pursuant to the Workforce Investment Act of 1998,
20 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
21 P.L.1989, c.293 (C.34:15C-8);

22 c. Act to ensure the full participation of Workforce Investment
23 Boards in the planning and supervision of local workforce
24 investment systems. The commission shall be responsible to
25 oversee and develop appropriate standards to ensure Workforce
26 Investment Board compliance with State and federal law, the State
27 plan, and other relevant requirements regarding membership,
28 staffing, meetings, and functions;

29 d. Foster and coordinate initiatives of the Department of
30 Education and Commission on Higher Education to enhance the
31 contributions of public schools and institutions of higher education
32 to the implementation of the State workforce investment policy;

33 e. Examine federal and State laws and regulations to assess
34 whether those laws and regulations present barriers to achieving any
35 of the goals of this act. The commission shall, from time to time as
36 it deems appropriate, issue to the Governor and the Legislature
37 reports on its findings, including recommendations for changes in
38 State or federal laws or regulations concerning workforce
39 investment programs or services, including, when appropriate,
40 recommendations to merge other State advisory structures and
41 functions into the commission;

42 f. Perform the duties assigned to a State Workforce Investment
43 Board pursuant to subsection (d) of section 111 of the Workforce
44 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

45 g. Have the authority to enter into agreements with the head of
46 each State department or commission which administers or funds
47 education, employment or training programs, including, but not
48 limited to, the Departments of Labor and Workforce Development,

1 Community Affairs, Education, and Human Services and the
2 Commission on Higher Education, the New Jersey Economic
3 Development Authority, and the **【Juvenile】** Youth Justice
4 Commission, which agreements are for the purpose of assigning
5 planning, policy guidance and oversight functions to each
6 Workforce Investment Board with respect to any workforce
7 investment program funded or administered by the State department
8 or commission within the Workforce Investment Board's respective
9 labor market area or local area, as the case may be; and

10 h. Establish guidelines to be used by the Workforce Investment
11 Boards in performing the planning, policy guidance, and oversight
12 functions assigned to the boards under any agreement reached by
13 the commission with a department or commission pursuant to
14 subsection g. of this section. The commission shall approve all
15 local Workforce Investment Board plans that meet the criteria
16 established by the commission for the establishment of One-Stop
17 systems. The Department of Labor and Workforce Development
18 shall approve the operational portion of the plans for programs
19 administered by the department.

20 The commission shall have access to all files and records of
21 other State agencies and may require any officer or employee
22 therein to provide such information as it may deem necessary in the
23 performance of its functions.

24 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
25 construed as affecting the authority of the State Treasurer to review
26 and approve training programs for State employees pursuant to
27 N.J.S.11A:6-25.

28 (cf: P.L.2008, c.29, s.91)

29
30 **【57.】** 56. Section 1 of P.L.2001, c.446 (C.34:15F-12) is
31 amended to read as follows:

32 1. a. There is established in the Department of Labor and
33 Workforce Development a Youth Employment and After School
34 Incentive Pilot Program which shall be administered by the
35 Commissioner of Labor and Workforce Development, pursuant to
36 the provisions of P.L.2001, c.446 (C.34:15F-12 et seq.). The
37 program shall provide for employment opportunities for
38 disadvantaged youth with private and nonprofit employers. The
39 purpose of the program shall be to enable disadvantaged youth to
40 acquire job knowledge and skills and an understanding of the
41 linkage between the skills, behaviors, and attitudes necessary to
42 function as an adult in the workplace.

43 As used in P.L.2001, c.446 (C.34:15F-12 et seq.),
44 "disadvantaged youth" means public and nonpublic school students
45 as well as youth who are not students who reside in municipalities
46 where both the rates of unemployment and violent crime
47 significantly exceed the Statewide rates of unemployment and
48 violent crime by percentages which shall be designated by the

1 commissioner. The term shall include youth in these municipalities
2 who are participating in a program of aftercare following their
3 release from juvenile detention or community facilities.

4 b. There is established in, but not of, the Department of Labor
5 and Workforce Development the Disadvantaged Youth Employment
6 Opportunities Council. Notwithstanding the allocation of the
7 council to the Department of Labor and Workforce Development,
8 the council shall directly report to the Chairperson of the State
9 Employment and Training Commission established by section 5 of
10 P.L.1989, c.293 (C.34:15C-2). The council shall consist of 18
11 members: the Commissioner of Labor and Workforce Development,
12 the Commissioner of Education, the Executive Director of the New
13 Jersey Commission on Higher Education, the Chief Executive
14 Officer and Secretary of the New Jersey Commerce, Economic
15 Growth and Tourism Commission, the Secretary of State and the
16 Executive Director of the **【Juvenile】** Youth Justice Commission, or
17 their designees, who shall serve ex officio and as nonvoting
18 members; and 12 public members appointed by the Governor, the
19 President of the Senate and the Speaker of the General Assembly.
20 The Governor shall appoint two religious leaders and two
21 representatives of education organizations. The President of the
22 Senate and the Speaker of the Assembly shall each appoint a leader
23 of the business community, a labor leader, a representative of a
24 county vocational-technical school, and a person representing
25 organizations that have expertise serving the needs of
26 disadvantaged youth. The public members shall serve for terms of
27 three years, may be reappointed and may serve until a successor has
28 been appointed. Of the public members first appointed, six shall be
29 appointed for terms of three years, and six shall be appointed for
30 terms of two years. A vacancy in the membership, occurring other
31 than by expiration of a term, shall be filled in the same manner as
32 the original appointment, but for the unexpired term only. The
33 members shall serve without compensation, but the council may,
34 within the limits of funds appropriated or otherwise made available
35 to it, reimburse members for actual expenses necessarily incurred in
36 the discharge of their official duties.

37 The council shall organize as soon as its members are appointed
38 and shall select a chairman and vice-chairman from among its
39 members and may select a secretary, who need not be a member of
40 the council. The council shall meet monthly, and at such other
41 times as may be necessary.

42 The council may employ, prescribe the duties and fix and pay the
43 compensation of such persons it may deem necessary to carry out
44 the duties of the council within the limits of available
45 appropriations.

46 It shall be the duty of the council to:

47 (1) Develop a master plan to increase employment opportunities
48 for disadvantaged youth;

1 (2) Enlist the commitment of the State's business leadership to
2 provide employment opportunities for disadvantaged youth;

3 (3) Enlist the support of the State's key unions which operate
4 apprenticeship and similar programs;

5 (4) Develop proposals for innovative efforts to assist
6 economically disadvantaged youth to enroll in and successfully
7 complete employment programs;

8 (5) Involve all sectors of the community, including high level
9 representatives of business, youth-serving agencies, foundations,
10 local school systems, the communications media, and the religious
11 community in an effort to promote and coordinate employment
12 opportunities for disadvantaged youth; and

13 (6) In conjunction with the Department of Labor and Workforce
14 Development and the Commerce, Economic Growth and Tourism
15 Commission, seek to identify and maximize any available federal
16 funding for the purpose of enhancing employment opportunities
17 provided under P.L.2001, c.446 (C.34:15F-12 et seq.).

18 The council shall be entitled to call to its assistance and avail
19 itself of the services of such employees of any State, county or
20 municipal department, board, bureau, commission, or agency as it
21 may require and as may be available to it for these purposes.

22 The Commissioner of Labor and Workforce Development, in
23 consultation with the State Employment and Training Commission
24 and the council, may promulgate rules and regulations necessary to
25 effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).

26 (cf: P.L.2007, c.189, s.1)

27

28 **[58.] 57.** Section 2 P.L.2001, c.446 (C.34:15F-13) is amended
29 to read as follows:

30 2. a. In cooperation with the Disadvantaged Youth Employment
31 Opportunities Council established in section 1 of P.L.2001, c.446
32 (C.34:15F-12), the Commissioner of Labor and Workforce
33 Development, in consultation with the State Employment and
34 Training Commission shall develop and administer the employment
35 program established under this act. The commissioner shall, to the
36 greatest extent feasible, attempt to achieve a balance of enrolled
37 disadvantaged youth from the northern, central, and southern parts
38 of the State.

39 b. The Commissioner of Labor and Workforce Development, in
40 consultation with the State Employment and Training Commission,
41 the Department of Education, the **[Juvenile]** Youth Justice
42 Commission, and the council, shall develop procedures relating to
43 the program referral process; establish the selection criteria for
44 participants which shall include the identification of local
45 disadvantaged youths assessed by local law enforcement and
46 juvenile corrections authorities as being at risk of gang membership
47 or involvement or reinvolvement in the criminal justice system and
48 students who are not meeting minimal district standards of behavior

1 and academic achievement; provide a listing of employers who have
2 agreed to participate in the program; and establish the process
3 which will be utilized for matching disadvantaged youth to
4 employment opportunities that will enhance the self-esteem and
5 assimilation of life skills necessary for productive functioning in the
6 school setting and society.

7 (cf: P.L.2007, c.189, s.2)

8
9 **【59.】** 58. Section 1 of P.L.2009, c.16 (C.40A:14-200) is
10 amended to read as follows:

11 1. As used in this act:

12 "Law enforcement agency" or "agency" means any public
13 agency, other than the Department of Law and Public Safety, but
14 not including the **【Juvenile】** Youth Justice Commission, any police
15 force, department, or division within the State, or any county or
16 municipality thereof, which is empowered by statute to act for the
17 detection, investigation, arrest, conviction, detention, or
18 rehabilitation of persons violating the criminal laws of this State.

19 "Law enforcement officer" or "officer" means any person who is
20 employed as a permanent full-time member of any State, county, or
21 municipal law enforcement agency, department, or division of those
22 governments who is statutorily empowered to act for the detection,
23 investigation, arrest, conviction, detention, or rehabilitation of
24 persons violating the criminal laws of this State and statutorily
25 required to successfully complete a training course approved by, or
26 certified as being substantially equivalent to such an approved
27 course, by the Police Training Commission pursuant to P.L.1961,
28 c.56 (C.52:17B-66 et seq.).

29 "Paid firefighter" or "firefighter" means any full-time paid
30 firefighter employed by a public fire department.

31 "Public fire department" or "department" means any department
32 of a municipality, county, fire district or the State or any agency
33 thereof having employees engaged in firefighting provided that such
34 firefighting employees are included in a negotiating unit exclusively
35 comprised of firefighting employees.

36 (cf: P.L.2009, c.16, s.1)

37
38 **【60.】** 59. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is
39 amended to read as follow:

40 19. a. The Victims of Crime Compensation Agency, after
41 consultation with the Attorney General, the Department of
42 Corrections, and the Administrative Office of the Courts, on behalf
43 of the county probation divisions and the municipal court clerks,
44 shall continue to develop the existing uniform system for recording
45 all information necessary to ensure proper identification, tracking,
46 collection and disposition of moneys owed for:

47 (1) assessments imposed pursuant to section 2 of P.L.1979,
48 c.396 (C.2C:43-3.1);

1 (2) fines and restitutions imposed in accordance with provisions
2 of Title 2C of the New Jersey Statutes;

3 (3) fees imposed pursuant to N.J.S.2C:35-20;

4 (4) penalties imposed pursuant to N.J.S.2C:35-15.

5 b. The Victims of Crime Compensation Agency shall use the
6 moneys deposited in the Criminal Disposition and Revenue
7 Collection Fund to defray the costs incurred by the agency in
8 developing, implementing, operating and improving the agency's
9 component of the uniform system for tracking and collecting
10 revenues described in subsection a. of this section.

11 c. The **【Juvenile】** Youth Justice Commission established
12 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the
13 Department of Corrections, and the Administrative Office of the
14 Courts, on behalf of the county probation divisions and the
15 municipal court clerks, shall file such reports with the Victims of
16 Crime Compensation Agency as required for the operation of the
17 uniform system described in subsection a. of this section.

18 d. The Victims of Crime Compensation Agency shall report
19 annually to the Governor, the Attorney General, the Administrative
20 Director of the Administrative Office of the Courts, the
21 Commissioner of the Department of Corrections, the **【Juvenile】**
22 Youth Justice Commission and the Legislature on the development,
23 implementation, improvement and effectiveness of the uniform
24 system and on moneys received, deposited and identified as
25 receivable.

26 (cf: P.L.2007, c.95, s.10)

27
28 **【61.】** 60. Section 1 of P.L.2019, c.115 (C.52:16A-26.10) is
29 amended to read as follows:

30 1. a. The New Jersey State Council on the Arts shall publish on
31 its website and disseminate to any organization in this State that
32 expresses to the council an intent to develop or expand an arts
33 program for youth at risk of juvenile delinquency a guide
34 containing best practices for such programs. Under the best
35 practices guidelines, programs should:

36 (1) recognize that art is a vehicle that can be used to engage
37 youth in activities that will increase their self-esteem;

38 (2) provide for collaborative effort among the artist, social
39 service provider, teacher, agency staff, youth, and family, as
40 appropriate, in delivery of the program;

41 (3) recognize and involve the families of the youth and the
42 communities in which the youth live;

43 (4) include age-appropriate curriculum;

44 (5) emphasize dynamic teaching tactics, such as hands-on
45 learning, apprentice relationships, and the use of technology;

46 (6) to the extent possible, culminate in a public performance or
47 exhibition with a focus on building participants' self-esteem through
48 public recognition;

1 (7) during the planning stage, address program goals, site
2 selection, population, the development of relationships among team
3 members, the methods for youth involvement in planning,
4 curriculum design, transportation, safety, incentives, behavioral
5 requirements, program growth, the balance between arts program
6 and other program objectives, the balance between process and
7 product, student recognition of achievements, and the involvement
8 of families, communities, and volunteers;

9 (8) incorporate an evaluation system early into the program;

10 (9) train teams, collaboratively, that work with youth in team
11 building, communication skills, and organizational skills;

12 (10) train teams in effective methods for working with youth
13 from special populations, including in behavior management,
14 adolescent psychology, and familiarization with the juvenile justice
15 system;

16 (11) train teams in designing a curriculum or involving a trained
17 curriculum specialist;

18 (12) adopt training that is practical, addresses issues identified
19 by team members, incorporates advice from a variety of trainers
20 with expertise in relevant issue areas, provides opportunities for
21 team members to share in successes and failures and engage in peer
22 training, and integrates specialized training into ongoing training
23 sessions whenever possible;

24 (13) require program staff to clearly define program goals and
25 intended outcomes in evaluating an arts program, and to monitor
26 and document program implementation and the service-delivery
27 process;

28 (14) utilize "process evaluations," which examine program
29 implementation and service delivery, to describe and refine a
30 program, measuring the impact on youth and identifying ways to
31 improve a program;

32 (15) employ journals, portfolios, surveys, and artist observations
33 as evaluation measures to determine the effects of arts programs on
34 at-risk youth, incorporating those measures into program activities
35 when possible;

36 (16) document program-specific factors, such as staff ratios,
37 hours of contact, and duration of contact, in process evaluations;

38 (17) account for the impact of individual, family, and
39 community factors on program effectiveness; and

40 (18) incorporate activities that recognize individual efforts and
41 provide opportunities for youth to learn new skills, which activities
42 are designed to reduce the influence of risk factors associated with
43 adolescent problem behaviors, such as low neighborhood
44 attachment, lack of commitment to school, alienation and
45 rebelliousness, and friends who engage in problem behavior.

46 The council shall make periodic revisions to the guide as
47 necessary.

1 b. The council shall provide technical and consultative
2 assistance to any State agency or local government unit requesting
3 such assistance to implement a program adopting the elements
4 listed in subsection a. of this section. The council shall, upon
5 completion or revision, deliver, by electronic or other means, the
6 guide to the **【Juvenile】 Youth** Justice Commission and the Division
7 of Child Protection and Permanency in the Department of Children
8 and Families.

9 As used in this subsection, "State agency" means any agency in
10 the Executive branch of State government, including, but not
11 limited to, any department, board, bureau, commission, division,
12 office, council, or instrumentality thereof, or independent agency,
13 public authority or public benefit corporation, and any State college
14 or public institution of higher education. "Local government unit"
15 means a county, municipality, board of education, or county college
16 as defined in section 2 of P.L.1982, c.189 (C.18A:64A-25.2).
17 (cf: P.L.2019, c.115, s.1)

18
19 **【62.】 61.** Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended
20 to read as follows:

21 2. As used in this act:

22 "Applicant" means an individual who applies to the Police
23 Training Commission to become licensed as a law enforcement
24 officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

25 "Approved school" shall mean a school approved and authorized
26 by the Police Training Commission to give police training courses
27 or a training course for State and county correctional police officers
28 and juvenile detention officers as prescribed in this act.

29 "Commission" shall mean the Police Training Commission or
30 officers or employees thereof acting on its behalf.

31 "County" shall mean any county which within its jurisdiction has
32 or shall have a law enforcement unit as defined in this act.

33 "Discipline subject to appeal" means a removal, disciplinary
34 demotion, suspension, or fine of more than five days, or fewer
35 where the aggregate number of days the employee was suspended
36 or fined in any one calendar year is 15 or more days, or where the
37 employee received more than three suspensions or fines of five days
38 or fewer in one calendar year.

39 "Law enforcement officer" means any person who is employed
40 as a sworn member of any State, county, or municipal law
41 enforcement agency, department, division, or instrumentality of
42 those governments who is statutorily empowered to act for the
43 detection, investigation, arrest, conviction, detention, or
44 rehabilitation of persons violating the criminal laws of the State.
45 This term shall include, but is not limited to, sworn members of the
46 New Jersey State Police, the Division of Criminal Justice, and the
47 **【Juvenile】 Youth** Justice Commission; State correctional police
48 officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4);

1 county correctional police officers pursuant to N.J.S.2A:154-3;
2 State Parole officers pursuant to section 1 of P.L.1968, c.427
3 (C.2A:154-4); special law enforcement officers of all classes
4 pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law
5 enforcement officers appointed pursuant to section 25 of P.L.2017,
6 c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4);
7 transit police officers appointed by New Jersey Transit pursuant to
8 section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police
9 officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
10 seq.).

11 "Law enforcement unit" shall mean any State, county or
12 municipal law enforcement agency, department, division, or
13 instrumentality of such government that is statutorily empowered to
14 act for the detection, investigation, arrest, conviction, detention, or
15 rehabilitation of persons violating the criminal laws of the State,
16 and shall include all agencies that employ law enforcement officers
17 as defined in this section.

18 "Licensing committee" means the committee established by the
19 Police Training Commission to perform duties with respect to law
20 enforcement officer licensing as set forth in subsection c. of section
21 9 of P.L.2022, c.65 (C.52:17B-71a).

22 "Municipality" shall mean a city of any class, township, borough,
23 village, or any other type of municipality in this State which, within
24 its jurisdiction, has or shall have a law enforcement unit as defined
25 in this act.

26 "National Decertification Index" shall mean the national registry
27 of law enforcement officer decertification or license revocations
28 maintained by the International Association of Directors of Law
29 Enforcement Standards and Training, or a successor database.

30 "Permanent appointment" shall mean an appointment having
31 permanent status as a law enforcement officer in a law enforcement
32 unit as prescribed by Title 11A of the New Jersey Statutes, Civil
33 Service Commission Rules and Regulations, or of any other law of
34 this State, municipal ordinance, or rules and regulations adopted
35 thereunder.

36 "Police training course" means a training course approved by the
37 Police Training Commission and conducted at an approved school.

38 "Probationary law enforcement license" means a license issued
39 by the Police Training Commission to a person appointed by a law
40 enforcement unit on a probationary or temporary basis which
41 authorizes the person to perform the functions of a permanent law
42 enforcement officer during the person's probationary or temporary
43 appointment term.

44 "Sustained finding" shall mean a determination by an employing
45 law enforcement unit that a law enforcement officer violated a law;
46 regulation; directive, guideline, policy, or procedure issued by the
47 Attorney General or County Prosecutor; agency protocol; standing

1 operating procedure; rule; or training.
2 (cf: P.L.2022, c.65, s.2)

3

4 **【63.】 62.** Section 1 of P.L.1995, c.284 (C.52:17B-169) is
5 amended to read as follows:

6 1. The Legislature finds and declares:

7 a. The public safety requires reform of the juvenile justice
8 system;

9 b. Juvenile arrests for murder, robbery, aggravated sexual
10 assault, sexual assault and aggravated assault have increased 38
11 percent between 1988 and 1993 and New Jersey ranks near the top
12 nationally in the number of juvenile arrests for serious violent
13 crimes;

14 c. Juvenile crime has become a leading cause of injury and
15 death among young people;

16 d. Currently, preventive, deterrent and rehabilitative services
17 and sanctions for juveniles are the responsibility of no less than
18 three State departments: The Department of Law and Public Safety
19 deals with county prosecutors and local police and implements
20 prevention programs; the Department of Corrections operates the
21 New Jersey Training School for Boys and the Juvenile Medium
22 Security Facility, and its Bureau of Parole supervises juvenile
23 parolees; and the Department of Human Services operates
24 residential and day programs in facilities for juveniles adjudicated
25 delinquent;

26 e. The division of responsibility for the juvenile justice
27 population and the limitations on resources available to meet ever-
28 increasing demands for services provided by the Departments of
29 Human Services and Corrections have prevented the departments
30 from maximizing efforts to meet the special needs of the juvenile
31 justice population;

32 f. The juvenile justice system lacks services and sanctions
33 short of incarceration, particularly in urban areas and for that
34 reason, many juveniles are not held accountable until they have
35 committed a series of increasingly serious criminal acts;

36 g. The special needs of juveniles can be addressed through
37 services and sanctions provided at the county and local level;

38 h. The need to protect the public from criminal acts by juvenile
39 offenders requires a comprehensive program and concerted action
40 of governmental agencies and private organizations at the State,
41 county and local level that permit effective response and avoid
42 waste of scarce resources;

43 i. (1) The comprehensive program should provide a range of
44 services and sanctions for juveniles sufficient to protect the public
45 through prevention; early intervention; and a range of meaningful
46 sanctions that ensure accountability, provide training, education,
47 treatment and, when necessary, confinement followed by

1 community supervision that is adequate to protect the public and
2 promote successful reintegration into the community;

3 (2) Consistent with the need to protect the public, services and
4 sanctions for juveniles shall provide balanced attention to the
5 protection of the community, the imposition of accountability for
6 offenses committed, fostering interaction and dialogue between the
7 offender, victim and community and the development of
8 competencies to enable juvenile offenders to become responsible
9 and productive members of the community.

10 j. The most efficient and effective use of available resources
11 requires fixing responsibility for the comprehensive program in a
12 single State agency and providing incentives to encourage the
13 development and provision of appropriate services and sanctions at
14 the county and local level; and

15 k. It is, therefore, necessary to establish a **【Juvenile】 Youth**
16 Justice Commission responsible for operating State services and
17 sanctions for juveniles involved in the juvenile justice system and
18 responsible for developing a Statewide plan for effective provision
19 of juvenile justice services and sanctions at the State, county and
20 local level; to establish a State/Community Partnership Grant
21 Program through which the State will provide incentives to county
22 and local governments to encourage the provision of services and
23 sanctions for juveniles adjudicated or charged as delinquent and
24 programs for the prevention of juvenile delinquency, and to
25 establish county youth services commissions responsible for
26 planning and implementing the Partnership at the local level.

27 (cf: P.L.2001, c.408, s.7.)

28
29 **【64.】 63.** Section 2 of P.L.1995, c.284 (C.52:17B-170) is
30 amended to read as follows:

31 2. a. A **【Juvenile】 Youth** Justice Commission is established in,
32 but not of, the Department of Law and Public Safety. The
33 commission is allocated to the Department of Law and Public
34 Safety for the purpose of complying with Article V, Section IV,
35 paragraph 1 of the New Jersey Constitution. The Attorney General
36 shall be the request officer for the commission within the meaning
37 of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall
38 exercise that authority and other administrative functions, powers
39 and duties consistent with the provisions of this act.

40 b. The commission shall consist of an executive director, an
41 executive board, an advisory council and such facilities, officers,
42 employees and organizational units as provided herein or as
43 otherwise necessary to performance of the commission's duties and
44 responsibilities.

45 c. The executive director shall be appointed by the Governor
46 with the advice and consent of the Senate and shall serve at the
47 pleasure of the Governor during the Governor's term of office and
48 until a successor is appointed and qualified.

1 d. The executive board shall consist of the following members:
2 The Attorney General, who shall serve as chair of the executive
3 board; the Commissioner of Corrections and the Commissioner of
4 Children and Families, who shall serve as vice-chairs of the
5 executive board; the Commissioner of Education; the chair of the
6 **【Juvenile】 Youth** Justice Commission advisory council, established
7 pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two
8 members who serve as chairs of a county youth services
9 commission, established pursuant to P.L.1995, c.282
10 (C.52:17B-180), to be appointed by the Governor to serve at the
11 Governor's pleasure. The Administrative Director of the
12 Administrative Office of the Courts is invited to participate on the
13 executive board, subject to the approval of the Supreme Court. A
14 member of the executive board may name a designee who shall
15 have the authority to act for the member. Members of the executive
16 board shall serve without compensation for their services to the
17 commission. The executive board shall meet at least quarterly and
18 at such other times as designated by the chair. Except with respect
19 to matters concerning distribution of funds to counties, four
20 members of the executive board shall constitute a quorum to
21 transact business of the executive board and action of the executive
22 board shall require an affirmative vote of four members. A member
23 of the executive board who is also a member of a county youth
24 services commission shall not participate in matters concerning
25 distribution of funds to counties; in these matters, three members of
26 the executive board shall constitute a quorum to transact business
27 and an action of the executive board shall require an affirmative
28 vote of three members.

29 e. The commission shall have the following powers, duties and
30 responsibilities:

31 (1) To specify qualifications for and to employ, within the limits
32 of available appropriations and subject to the provisions of
33 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
34 Jersey Statutes, such staff as are necessary to accomplish the work
35 of the commission or as are needed for the proper performance of
36 the functions and duties of the commission, including but not
37 limited to:

38 (a) The number of deputy directors, assistant directors,
39 superintendents, assistant superintendents and other assistants who
40 shall be in the unclassified service and shall be deemed confidential
41 employees for the purposes of the "New Jersey Employer-Employee
42 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

43 (b) Juvenile corrections officers;

44 (2) To utilize such staff of the Department of Law and Public
45 Safety as the Attorney General, within the limits of available
46 appropriations, may make available to the commission;

47 (3) To organize the work of the commission in appropriate
48 bureaus and other organization units;

1 (4) To enter into contracts and agreements with State, county
2 and municipal governmental agencies and with private entities for
3 the purpose of providing services and sanctions for juveniles
4 adjudicated or charged as delinquent and programs for prevention
5 of juvenile delinquency;

6 (5) To contract for the services of professional and technical
7 personnel and consultants as necessary to fulfill the statutory
8 responsibilities of the commission;

9 (6) To establish minimum standards for the care, treatment,
10 government and discipline of juveniles confined pending, or as a
11 result of, an adjudication of delinquency;

12 (7) To assume the custody and care of all juveniles committed
13 by court order, law, classification, regulation or contract to the
14 custody of the commission or transferred to the custody of the
15 commission pursuant to section 8 of P.L.1995, c.284
16 (C.52:17B-176);

17 (8) To manage and operate all State secure juvenile facilities
18 which shall include the New Jersey Training School for Boys
19 created pursuant to R.S.30:1-7 and transferred to the Commissioner
20 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
21 and the Juvenile Medium Security Facility created pursuant to
22 R.S.30:1-7 and both transferred to the commission pursuant to
23 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
24 other secure juvenile facility established by the commission in the
25 future;

26 (9) To manage and operate all State juvenile facilities or
27 juvenile programs for juveniles adjudicated delinquent which shall
28 include facilities and programs transferred to the commission
29 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
30 established or contracted for in the future by the commission;

31 (10) To prepare a State **【Juvenile】** Youth Justice Master Plan
32 every third year which identifies facilities, sanctions and services
33 available for juveniles adjudicated or charged as delinquent and
34 juvenile delinquency prevention programs and which identifies
35 additional needs based upon the extent and nature of juvenile
36 delinquency and the adequacy and effectiveness of available
37 facilities, services, sanctions and programs;

38 (11) To approve plans for each county submitted by the county
39 youth services commission pursuant to P.L.1995, c.282
40 (C.52:17B-180);

41 (12) To administer the State/Community Partnership Grant
42 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

43 (13) To accept from any governmental department or agency,
44 public or private body or any other source, grants or contributions
45 to be used in exercising its power, and in meeting its duties and
46 responsibilities;

47 (14) To formulate and adopt standards and rules for the efficient
48 conduct of the work of the commission, the facilities, services,

1 sanctions and programs within its jurisdiction, and its officers and
2 employees;

3 (15) To provide for the development of the facilities, services,
4 sanctions and programs within its jurisdiction and to promote the
5 integration of State, county and local facilities, sanctions, services
6 and programs, including probation and parole;

7 (16) To institute, or cause to be instituted, such legal
8 proceedings or processes as may be necessary to enforce properly
9 and give effect to any of its powers or duties including the authority
10 to compel by subpoena, subject to the sanction for contempt of
11 subpoena issued by a court, attendance and production of records;

12 (17) To provide for the timely and efficient collection and
13 analysis of data regarding the juvenile justice system to insure the
14 continuing review and evaluation of services, policies and
15 procedures;

16 (18) To receive and classify juveniles committed to the custody
17 of the commission;

18 (19) To determine whether an incarcerated juvenile is eligible
19 for parole and to supervise compliance with conditions of parole;

20 (20) To establish appropriate dispositions of juveniles for whom
21 parole has been revoked;

22 (21) To perform such other functions as may be prescribed by
23 law; and

24 (22) To promulgate, pursuant to the "Administrative Procedure
25 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
26 necessary to implement and effectuate the purposes of this act.

27 f. Whenever the term "Juvenile Justice Commission" occurs or
28 any reference is made thereto in any law, contract or document, the
29 same shall be deemed to mean or refer to the "Youth Justice
30 Commission" established and designated therein.

31 (cf: P.L.2019, c.363, s.17)

32

33 **[65.] 64.** Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is
34 amended to read as follows:

35 1. The **[Juvenile]** Youth Justice Commission shall establish
36 standards for suicide and mental health screening in county juvenile
37 detention facilities in accordance with the provisions of this act.
38 The standards shall require that each county detention facility
39 develop written policies concerning mental health screening,
40 suicide screening, suicide prevention protocols and other mental
41 and emotional health-related issues and that each county juvenile
42 detention facility make psychological or psychiatric services
43 available to juveniles as needed.

44 (cf: P.L.2007, c.315, s.1)

45

46 **[66.] 65.** Section 2 of P.L.2007, c.315 (C.52:17B-171.2) is
47 amended to read as follows:

1 2. a. Upon admission to a county juvenile detention facility, a
2 juvenile shall be screened for risk of suicide in accordance with the
3 facility's suicide prevention protocols and written policies required
4 by section 1 of this act. The suicide risk screening shall include,
5 but not be limited to, the use of a standardized suicide risk
6 questionnaire designated and made available by the **【Juvenile】**
7 Youth Justice Commission. The findings shall be recorded and
8 brought to the attention of the appropriate medical or mental health
9 staff as soon as possible.

10 b. If a juvenile shows evidence of suicide risk, the facility's
11 suicide prevention protocols shall be immediately implemented.
12 The policies shall include an increased level of supervision of a
13 juvenile showing evidence of suicide risk until appropriate mental
14 health services can be obtained. The facility administrator, or the
15 administrator's designee, shall be immediately notified if a juvenile:

16 (1) is suspected of being at risk of attempting suicide or in
17 emotional distress;

18 (2) has made a suicidal gesture or attempt; or

19 (3) scores in a suicide caution or warning range in a screening.

20 c. Every suicide gesture or attempt shall be reported to the
21 **【Juvenile】** Youth Justice Commission.

22 (cf: P.L.2007, c.315, s.2)

23
24 **【67.】** 66. Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is
25 amended to read as follows:

26 3. Between 24 and 48 hours following admission to a county
27 juvenile detention facility, a juvenile shall undergo mental health
28 screening using a mental health screening tool designated by the
29 **【Juvenile】** Youth Justice Commission and in accordance with the
30 facility's written policies required by section 1 of this act. If the
31 screening tool indicates that a referral for additional screening or
32 mental health services is appropriate, that referral shall occur as
33 soon as possible. If the screening indicates a warning or caution,
34 the juvenile shall be placed on, and remain under, increased
35 supervision until it is determined by a mental health clinician that a
36 heightened level of supervision is no longer needed to ensure the
37 safety of the juvenile.

38 (cf: P.L.2007, c.315, s.3)

39
40 **【68.】** 67. Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is
41 amended to read as follows:

42 6. No person shall perform a suicide risk screening pursuant to
43 section 2 of this act or a mental health screening pursuant to section
44 3 of this act unless that person has been certified by the **【Juvenile】**
45 Youth Justice Commission as qualified to perform such screening.

46 (cf: P.L.2007, c.315, s.6)

1 **【69.】 68.** Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is
2 amended to read as follows:

3 7. The **【Juvenile】 Youth** Justice Commission, in conjunction
4 with the Department of Children and Families, shall establish and
5 maintain a confidential Statewide database of the suicide risk
6 screenings required by section 2 of this act and the mental health
7 screenings required by section 3 of this act to be used exclusively
8 by persons performing suicide risk and mental health screenings.
9 (cf: P.L.2007, c.315, s.7)

10
11 **【70.】 69.** Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is
12 amended to read as follows:

13 8. a. The **【Juvenile】 Youth** Justice Commission shall monitor
14 the number of suicides that occur at each county juvenile detention
15 facility.

16 b. Upon an initial suicide at a facility, the commission shall
17 conduct an evaluation of the facility's compliance with the
18 provisions of this act, an accountability assessment and an action
19 report.

20 c. If a second suicide occurs within seven years of the initial
21 suicide, the **【Juvenile】 Youth** Justice Commission shall, within 30
22 days, and with the approval of the Attorney General, evaluate the
23 facility for compliance with the provisions of this act. A facility
24 shall not admit additional juveniles until the Attorney General has
25 certified that the facility is in compliance with the provisions of this
26 act.

27 d. If a third or subsequent suicide occurs within seven years of
28 an initial suicide, the facility shall be immediately closed and shall
29 not reopen until the Governor determines that it shall reopen. A
30 task force comprised of the following seven members shall assist
31 the Governor in making this determination: the Executive Director
32 of the **【Juvenile】 Youth** Justice Commission, or a designee; the
33 Attorney General, or a designee; the Child Advocate, or a designee;
34 the Commissioner of Children and Families, or a designee; one
35 public member; a director of a county juvenile detention facility,
36 but not of the county facility being evaluated; and a member of the
37 board of chosen freeholders of the county within which the facility
38 being evaluated is located.

39 (cf: P.L.2007, c.315, s.8)

40
41 **【71.】 70.** Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is
42 amended to read as follows:

43 9. The **【Juvenile】 Youth** Justice Commission shall include the
44 following information on the commission's website:

45 a. All reports monitoring the operations of county juvenile
46 detention centers, including, but not limited to, any corrective

1 actions taken against or penalties imposed on a center, if applicable;
2 and

3 b. The rated census capacity and the average monthly
4 population for each county juvenile detention center.

5 (cf: P.L.2007, c.315, s.9)

6

7 **【72.】 71.** Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is
8 amended to read as follows:

9 10. The **【Juvenile】 Youth** Justice Commission shall, in
10 conjunction with the Police Training Commission and mental health
11 experts, develop a training curriculum for juvenile detention
12 officers and youth workers focusing on the mental health needs of
13 the juvenile detention population.

14 (cf: P.L.2007, c.315, s.10)

15

16 **【73.】 72.** Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is
17 amended to read as follows:

18 11. The **【Juvenile】 Youth** Justice Commission, in conjunction
19 with the Department of Children and Families, shall annually
20 submit to the Governor and the Legislature, for seven years
21 following the effective date of this act, a report detailing:

22 a. the number of suicides and suicide attempts at each county
23 juvenile detention facility;

24 b. the number of suicide and mental health screenings that have
25 been conducted at each facility and the number of juveniles whose
26 screenings have indicated a warning or caution;

27 c. the number of juveniles who have been referred for
28 additional screening or evaluation; and

29 d. a summary of the diagnoses for juveniles who have received
30 treatment.

31 (cf: P.L.2007, c.315, s.11)

32

33 **【74.】 73.** Section 12 of P.L.2007, c.315 (C.52:17B-171.11) is
34 amended to read as follows:

35 12. The **【Juvenile】 Youth** Justice Commission, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.) shall adopt rules and regulations necessary to implement the
38 provisions of this act, which may include:

39 a. penalties for continued violations of the manual of standards
40 applicable to county detention centers; and

41 b. a graduated system of intermediate fines and penalties for
42 violations of the provisions of the act.

43 (cf: P.L.2007, c.315, s.12)

44

45 **【75.】 74.** Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is
46 amended to read as follows:

1 8. The **【Juvenile】** Youth Justice Commission shall ensure that
2 prior to the scheduled date of release of a juvenile from a detention
3 facility or a facility in which the juvenile was incarcerated, the
4 appropriate staff at the facility notify the applicable county welfare
5 agency to process the reinstatement of the juvenile in the Medicaid
6 program if the juvenile was enrolled in Medicaid prior to detention
7 or incarceration and continues to meet eligibility requirements for
8 the program.

9 As used in this act, "Medicaid" means the Medicaid program
10 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
11 (cf: P.L.2009, c.329, s.8)

12
13 **【76.】 75.** Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is
14 amended to read as follows:

15 5. a. A juvenile detained in, or sentenced to, a State juvenile
16 correctional facility or county juvenile detention center shall not be
17 subject to room restriction unless the juvenile poses an immediate
18 and substantial risk of harm to others or to the security of the
19 facility, and all other less-restrictive options have been exhausted.

20 b. A juvenile may be subject to room restriction only for the
21 minimum time required to address the safety risk and for a period
22 that does not compromise the mental and physical health of the
23 juvenile, but in no case shall a juvenile be held in room restriction
24 for more than eight consecutive waking hours without being
25 released for at least two hours for recreation and exercise.

26 c. A juvenile who is 15 years of age or younger shall not be
27 subject to room restriction for more than two consecutive days. A
28 juvenile who is 16 years of age or older but younger than 18 years
29 of age shall not be subject to room restriction for more than three
30 consecutive days. A juvenile who is 18 years of age or older shall
31 not be subject to room restriction for more than five consecutive
32 days. A juvenile shall not be subject to room restriction for more
33 than 10 total days in a calendar month.

34 d. Juveniles subject to room restriction shall continue to
35 receive health, mental health, and educational services.

36 e. Each State correctional facility or county juvenile detention
37 facility shall document, in aggregate, the use of room restriction,
38 including the dates and duration of each occurrence, the reason for
39 placement in room restriction, and the race, age, and gender of the
40 juvenile placed in room restriction. If any health or mental health
41 clinical evaluations were performed, it shall be affirmatively
42 certified that the results of those evaluations were considered in any
43 decision to place the juvenile in room restriction or to continue
44 room restriction.

45 The aggregate data compiled pursuant to this subsection shall be:

46 (1) made available for public inspection pursuant to P.L.1963,
47 c.73 (C.47:1A-1 et seq.), commonly known as the open public
48 records act; and

1 (2) published on the official Internet website of the **【Juvenile】**
2 Youth Justice Commission.

3 f. This section shall not prohibit the use of single-person
4 rooms or cells for the housing of juveniles in State correctional or
5 county juvenile detention centers.

6 g. This section does not apply to juveniles in court holding
7 facilities or adult facilities.

8 h. Nothing in this section shall be construed to conflict with
9 any law providing greater or additional protections to juveniles.

10 i. For the purposes of this section, "room restriction" shall
11 mean the placement of a juvenile in a State juvenile correctional
12 facility or county juvenile detention center in a locked room or cell,
13 alone or with one other person, for 22 to 24 hours per day. Room
14 restriction shall not include confinement of a juvenile in a single-
15 person room or cell for brief periods of locked-room confinement
16 necessary for institutional operations, including, but not limited to,
17 shift changes, showering, and unit movements.

18 (cf: P.L.2015, c.89, s.5)

19
20 **【77.】 76.** Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is
21 amended to read as follows:

22 18. a. The **【Juvenile】** Youth Justice Commission shall establish
23 a program to collect, record, and analyze data regarding juveniles
24 who were sentenced to a term of incarceration. In furtherance of
25 this program, the commission shall collect the following data:

26 (1) the offense for which the juvenile was incarcerated; the term
27 of incarceration imposed on the juvenile, including a term of
28 incarceration imposed for a violation of parole; the age, gender,
29 race, and ethnicity of the juvenile; the county where the juvenile
30 was adjudicated delinquent; the classification of the juvenile; and
31 whether the juvenile was sentenced to an extended term of
32 incarceration;

33 (2) aggregate data of incidents of violence, suicide, suicide
34 attempts, hospitalizations, and any form of segregation or isolation
35 of a juvenile for all facilities where juveniles are placed; and

36 (3) the amount of time remaining on each sentence of
37 incarceration imposed on a juvenile whose parole was revoked;
38 whether the violation that was the basis for the revocation was
39 technical or based upon a new offense; the age, gender, race, and
40 ethnicity of the juvenile; and the county where the juvenile's parole
41 was revoked by the court.

42 b. The commission shall prepare and publish on its Internet
43 website biennial reports summarizing the aggregated data collected,
44 recorded, and analyzed pursuant to subsection a. of this section.

45 c. The commission shall publish on its Internet website the
46 criteria that are used to determine whether a juvenile is granted
47 parole. The commission also shall provide this information to every

1 juvenile who is sentenced to a term of incarceration.
2 (cf: P.L.2019, c.363, s.18)

3

4 **【78.】 77.** Section 4 of P.L.1995, c.284 (C.52:17B-172) is
5 amended to read as follows:

6 4. a. The advisory council to the **【Juvenile】 Youth** Justice
7 Commission shall consist of the following members:

8 (1) The Commissioner of the Department of Labor and
9 Workforce Development, the Commissioner of the Department of
10 Health **【and Senior Services】**, the Commissioner of the Department
11 of Community Affairs, the Chairperson of the Civil Service
12 Commission, the Public Defender and a county prosecutor selected
13 by and serving at the pleasure of the Governor or a person
14 designated by one of the forenamed officers to serve in that officer's
15 place;

16 (2) Nine members who shall be selected for their knowledge,
17 competence, experience or interest in the juvenile justice system.
18 Appointments shall be made as follows: three by the President of
19 the Senate, no more than two of whom shall be of the same political
20 party; three by the Speaker of the General Assembly, no more than
21 two of whom shall be of the same political party and three by the
22 Governor, no more than two of whom shall be of the same political
23 party.

24 b. The term of office of each public member of the advisory
25 council shall be three years; except that of the first members
26 appointed, one appointed by the Governor, one by the President of
27 the Senate and one by the Speaker of the General Assembly shall be
28 appointed for a term of one year, one appointed by the Governor,
29 one by the President of the Senate and one by the Speaker of the
30 General Assembly shall be appointed for a term of two years and
31 the remaining three members shall be appointed for a term of three
32 years. Each member shall serve until a successor has been
33 appointed and qualified, and vacancies shall be filled in the same
34 manner as the original appointments for the remainder of the
35 unexpired term. A member is eligible for reappointment to the
36 council.

37 c. The Governor shall appoint the chair of the advisory council
38 from among the members of the council. The chair shall serve at
39 the pleasure of the Governor during the Governor's term of office
40 and until the appointment and qualification of the chair's successor.
41 The members of the council shall elect a vice-chair from among the
42 members of the council.

43 d. The members of the council shall receive no compensation
44 for their services.

45 (cf: P.L.2008, c.29, s.110)

46

47 **【79.】 78.** Section 6 of P.L.1995, c.284 (C.52:17B-174) is
48 amended to read as follows:

1 6. a. The **【Juvenile】** Youth Justice Commission shall employ,
2 within the limits of available funds, juvenile corrections officers to
3 staff each State secure juvenile facility and to provide security for
4 other State juvenile facilities and programs including parole
5 programs as deemed appropriate and to perform all other duties
6 related to enforcement of confinement and conditions of release
7 including execution of warrants and legal process. Juvenile
8 corrections officers shall be in the competitive division of the career
9 service established pursuant to N.J.S.11A:3-2, "policemen" within
10 the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and
11 members of the Police and Firemen's Retirement System of New
12 Jersey established pursuant to section 2 of P.L.1944, c.255
13 (C.43:16A-2), and shall be "employees" within the meaning of
14 section 3 of P.L.1941, c.100 (C.34:13A-3).

15 b. Except as provided in subsection c. of this section, no person
16 shall be appointed as a juvenile corrections officer unless that
17 person:

18 (1) Is a citizen of the United States;

19 (2) Is able to read, write and speak the English language well
20 and intelligently;

21 (3) Has a high school diploma or its equivalent;

22 (4) Is sound in body and of good health;

23 (5) Is of good moral character;

24 (6) Has not been convicted of any offense which would make
25 the person unfit to perform the duties of a juvenile corrections
26 officer;

27 (7) Has successfully completed the training course approved by
28 the Police Training Commission and required by section 5 of
29 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
30 provisions of that section; and

31 (8) Meets such other qualifications, including education and
32 training, as may be specified by the commission in consultation
33 with the Civil Service Commission.

34 c. (1) Pending appointment of a full complement of juvenile
35 corrections officers who meet the requirements of subsection b. of
36 this section, the commission and the Commissioner of Corrections
37 shall arrange through agreement for the assignment of corrections
38 officers necessary to fill the positions transferred pursuant to
39 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
40 assigned to the commission pursuant to such an agreement shall be
41 under the supervision of the commission during the period of
42 assignment as provided by the agreement between the commission
43 and the Commissioner of Corrections. The primary concerns of all
44 agreements governing assignment and supervision shall be public
45 safety and safety within the facilities and programs. No officer
46 assigned pursuant to such an agreement shall, by virtue of such
47 assignment, be considered an employee of the commission or lose
48 or suffer any diminution of any right, power, privilege or benefit to

1 which the employee would otherwise be entitled pursuant to the
2 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
3 Revised Statutes, or Title 43 of the Revised Statutes, including any
4 rights, powers, privileges or benefits as to salary, seniority,
5 promotion, re-employment, retirement, pension or representation
6 for purposes of collective bargaining;

7 (2) Notwithstanding the provisions of subsection b. of this
8 section, a corrections officer assigned to the commission pursuant
9 to this section shall not be considered ineligible for the position of
10 juvenile corrections officer solely because the officer does not meet
11 any educational or training requirement the commission may
12 establish and may be appointed as a juvenile corrections officer if
13 the officer applies for such position within 18 months of the
14 effective date of this act. A juvenile corrections officer appointed
15 pursuant to this subsection shall not be deprived of any right or
16 protection provided by Title 11A of the New Jersey Statutes or any
17 pension or retirement system and, notwithstanding any law or
18 regulation to the contrary, shall be eligible to compete for vacant
19 positions within the Department of Corrections with full credit for
20 experience, service and rank earned as an employee of the
21 Department of Corrections and such credit for experience, service
22 and rank earned as an employee of the commission as the
23 Commissioner of Corrections, after consultation with the Civil
24 Service Commission, deems appropriate.

25 d. Each juvenile corrections officer shall by virtue of such
26 employment and in addition to any other power or authority, be
27 empowered to act as an officer for the detection, apprehension,
28 arrest and adjudication of offenders against the law and, subject to
29 regulations promulgated by the commission and conditions set forth
30 in N.J.S.2C:39-6, shall have the authority to possess and carry a
31 firearm.

32 (cf: P.L.2008, c.29, s.111)

33
34 **【80.】** 79. Section 8 of P.L.1995, c.284 (C.52:17B-176) is
35 amended to read as follows:

36 8. a. The following are transferred to the **【Juvenile】** Youth
37 Justice Commission:

38 (1) The custody and care of any juvenile adjudicated delinquent
39 and committed or classified to the custody of the Department of
40 Corrections or committed or classified to the custody or care of the
41 Division of Juvenile Services of the Department of Human
42 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as
43 modified by Reorganization Plan No. 001-1993, P.L.1993, c.283,
44 and Executive Order No. 93 of 1993, or serving a term of
45 incarceration in a county detention facility pursuant to section 1 of
46 P.L.1992, c.211 (C.2A:4A-44.1);

47 (2) The New Jersey Training School for Boys created pursuant
48 to R.S.30:1-7 and transferred to the Commissioner of Corrections

- 1 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile
2 Medium Security Facility created pursuant to R.S.30:1-7;
- 3 (3) All residential and day care facilities and programs
4 established pursuant to the powers delegated to the Division of
5 Juvenile Services, Department of Corrections, by the Commissioner
6 of the Department of Corrections pursuant to his powers contained
7 in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth
8 committed to participate therein by court order, law, classification,
9 regulation or contract which were subsequently transferred to the
10 Division of Juvenile Services, Department of Human Services by
11 Reorganization Plan No. 001-1993;
- 12 (4) All furnishings and equipment presently located in the
13 institutions and programs of the Division of Juvenile Services and
14 in the institutions and programs of the Department of Corrections
15 transferred to the commission pursuant to subsections b. and c. of
16 this section, and, except as provided in section 6 of P.L.1995, c.284
17 (C.52:17B-174), all staff assigned to those institutions and
18 programs, including administrative and support staff;
- 19 (5) All operating and capital funding demarcated for the
20 institutions and programs set forth in this section, including funding
21 from bonds and funding for administrative costs associated with the
22 institutions and programs;
- 23 (6) All functions, powers, duties and authority of the
24 Commissioner of Corrections, including any transferred to the
25 Commissioner of Human Services pursuant to Reorganization Plan
26 No. 001-1993, with respect to all juvenile detention facilities
27 throughout the State pursuant to section 18 of P.L.1982, c.77
28 (C.2A:4A-37);
- 29 (7) The powers, duties and responsibilities of the Commissioner
30 of Corrections for establishing standards and monitoring of juvenile
31 detention facilities pursuant to section 18 of P.L.1982, c.77
32 (C.2A:4A-37), transferred to the Commissioner of Human Services
33 by Reorganization Plan No. 001-1993;
- 34 (8) All existing written agreements made between county
35 governments and the Department of Corrections or the Department
36 of Human Services concerning juvenile detention centers are hereby
37 modified to transfer the responsibilities, duties and obligations
38 specified in these agreements between the county governments and
39 the commission;
- 40 (9) The Juvenile Detention Monitoring Unit, Department of
41 Corrections, established pursuant to the powers of the
42 Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-
43 1 et seq.), to fulfill the obligations of the Department of Corrections
44 in monitoring juvenile detention centers throughout the State
45 pursuant to the Federal "Juvenile Justice and Delinquency
46 Prevention Act of 1974," as amended, and pursuant to section 18 of
47 P.L.1982, c.77 (C.2A:4A-37), which was transferred to the

1 Department of Human Services by Reorganization Plan No. 001-
2 1993, along with its staff, powers, duties and responsibilities;

3 (10) The legal custody and supervision of each juvenile parolee;
4 the functions, powers, duties and authority of the State Parole Board
5 established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.),
6 regarding juvenile offenders are continued, but the State Parole
7 Board shall file all of its reports and recommendations regarding
8 juveniles with the commission;

9 (11) All funding, programs and positions created or dedicated to
10 provide juvenile parole services by the Bureau of Parole within the
11 Department of Corrections in accordance with an agreement
12 between the Executive Director of the commission and the
13 Commissioner of Corrections in consultation with the State Parole
14 Board when an orderly transfer of the function has been completed
15 including appropriate changes in the reporting requirements,
16 funding, positions, and administrative housing and support;

17 (12) The powers, duties, and responsibilities of the Office of
18 Education created and established in the Departments of
19 Corrections and Human Services pursuant to the "State Facilities
20 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
21 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
22 offenders whose custody is transferred to the commission pursuant
23 to this act is transferred to the Office of Education established in the
24 commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-
25 178) along with staff, existing and future moneys and other
26 educational resources demarcated for juveniles whose custody is
27 transferred pursuant to this act, including funds collected pursuant
28 to the authority granted in the "State Facilities Education Act of
29 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State
30 educational grants and contract funds received for the benefit of
31 juvenile offenders whose custody is transferred pursuant to this act;

32 (13) The powers, duties, and responsibilities of the Bureau of
33 Juvenile Justice, including the Juvenile Justice and Delinquency
34 Prevention Unit, in the Division of Criminal Justice, Department of
35 Law and Public Safety established pursuant to section 4 of
36 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
37 and responsibilities; and

38 (14) All funding appropriated to the Department of Human
39 Services and demarcated for distribution by the department for
40 youth services commission funding.

41 b. Whenever in any law, rule, regulation, order, contract, lease,
42 document, judicial or administrative proceeding or otherwise,
43 reference is made to the Commissioner of the Department of
44 Corrections regarding a juvenile or juvenile offender as defined in
45 P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of
46 Juvenile Services transferred from the Department of Corrections to
47 the Department of Human Services by Reorganization Plan No.001-

1 1993 the same shall mean and refer to the commission.
2 (cf: P.L.1995, c.284, s.8)

3

4 **【81.】 80.** Section 10 of P.L.1995, c.284 (C.52:17B-178) is
5 amended to read as follows:

6 10. There is hereby created and established in the **【Juvenile】**
7 Youth Justice Commission an Office of Education to be headed by a
8 Director of Educational Services who shall supervise the
9 educational programs in all juvenile facilities operated by the
10 **【Juvenile】** Youth Justice Commission and shall approve, except as
11 provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all
12 personnel to be hired for such programs.

13 The director shall hold the appropriate certificate issued by the
14 State Board of Examiners and shall be qualified by training and
15 experience for his position and shall be appointed by the executive
16 director with the approval of the executive board. The director shall
17 serve at the pleasure of the executive board.

18 The director shall establish primary, secondary, and vocational
19 programs which meet the educational needs of school age persons
20 for whom the commission is responsible. Appropriate credit and
21 certification shall be given for the successful completion of such
22 programs.

23 (cf: P.L.1995, c.284, s.10)

24

25 **【82.】 81.** Section 1 of P.L.1995, c.283 (C.52:17B-179) is
26 amended to read as follows:

27 1. a. A State/Community Partnership Grant Program is
28 established within the **【Juvenile】** Youth Justice Commission
29 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
30 to support, through grants allocated to county youth services
31 commissions established pursuant to P.L.1995, c.282 (C.52:17B-
32 180), facilities, sanctions and services for juveniles adjudicated or
33 charged as delinquent and programs for prevention of juvenile
34 delinquency. This program is established in order to:

35 (1) Encourage development of sanctions and services for
36 juveniles adjudicated and charged as delinquent and programs for
37 prevention of juvenile delinquency that protect the public, ensure
38 accountability and foster rehabilitation;

39 (2) Increase the range of sanctions for juveniles adjudicated
40 delinquent;

41 (3) Reduce overcrowding in State juvenile institutions and other
42 facilities to ensure adequate bedspace for serious, violent and
43 repetitive offenders;

44 (4) Reduce overcrowding in county detention facilities;

45 (5) Provide greater access to community-based sanctions and
46 services for minority and female offenders;

- 1 (6) Expand programs designed to prevent juvenile delinquency;
2 and
3 (7) Promote public safety by reducing recidivism.
4 b. The **【Juvenile】 Youth** Justice Commission shall administer
5 the State/Community Partnership Grant Program and shall:
6 (1) Establish criteria and procedures for grant applications and
7 disbursement by regulation;
8 (2) Determine how best to allocate Partnership funds;
9 (3) Set standards and procedures for eligibility, operation,
10 supervision and evaluation;
11 (4) Advise and assist county youth services commissions in
12 preparation of county plans and grant applications;
13 (5) Award grants;
14 (6) Set standards for and determine eligibility for continued
15 Partnership funding;
16 (7) Collect and provide information about community-based
17 services and sanctions; and
18 (8) Monitor and evaluate implementation of county plans and
19 the provision of services, sanctions and programs provided pursuant
20 to this act.
21 (cf: P.L.1995, c.283, s.1)
22

23 **【83.】 82.** Section 1 of P.L.1995, c.282 (C.52:17B-180) is
24 amended to read as follows:

25 1. a. In order to qualify for award of State/Community
26 Partnership Grant funds established pursuant to P.L.1995, c.283
27 (C.52:17B-179) a county shall:

28 (1) Establish a county youth services commission in accordance
29 with regulations promulgated by the **【Juvenile】 Youth** Justice
30 Commission established pursuant to section 2 of P.L.1995, c.284
31 (C.52:17B-170);

32 (2) Submit and obtain **【Juvenile】 Youth** Justice Commission
33 approval of a triennial comprehensive plan for services and
34 sanctions for juveniles adjudicated or charged as delinquent and
35 programs for the prevention of juvenile delinquency which:

36 (a) are designed to promote the goals of P.L.1995, c.283
37 (C.52:17B-179);

38 (b) provide recommendations for funding of programs, sanctions
39 and services that enhance and expand the range of sanctions and
40 services for juveniles adjudicated or charged as delinquent and
41 programs designed to prevent delinquency;

42 (c) make services available in geographical locations within the
43 county where juveniles in need reside; and

44 (d) provide for distribution of State/Community Partnership
45 Grant funds by the county in accordance with contracts or
46 agreements executed by the appropriate county officials in
47 accordance with applicable law.

- 1 b. The **【Juvenile】 Youth** Justice Commission shall establish by
2 regulation:
- 3 (1) Specific guidelines as to membership of a county youth
4 services commission;
- 5 (2) Specific requirements for the administration of the
6 State/Community Partnership Grant funds awarded by the county.
- 7 c. Notwithstanding the provisions of subsection a. of this
8 section, the county governing body may elect, upon annual written
9 request approved by the executive director, to designate a
10 commission, council or agency to assume the responsibilities of a
11 county youth services commission in that county. Approval of such
12 a request shall be contingent upon the governing body
13 demonstrating that the membership of the designated entity is
14 sufficiently representative of persons and agencies interested in the
15 juvenile justice system to permit the entity to perform the duties and
16 responsibilities of a county youth services commission, that the
17 members of the designated entity are otherwise qualified to perform
18 the duties and responsibilities of members of a county youth
19 services commission, and that the designated entity has the
20 authority and responsibility to carry out the duties and
21 responsibilities of a county youth services commission.
- 22 d. A county youth services commission shall:
- 23 (1) Recommend to the governing body of the county the
24 approval or disapproval of contracts with local government or
25 private agencies that desire participation in the State/Community
26 Partnership Grant Program;
- 27 (2) Monitor the operations of programs receiving
28 State/Community Partnership Grant funds with reference to
29 compliance with standards, policies and rules established by the
30 **【Juvenile】 Youth** Justice Commission;
- 31 (3) Monitor and evaluate the impact of the programs receiving
32 State/Community Partnership Grant funds, including the nature of
33 the offender or at risk populations served by the funded programs,
34 and prepare a written report with relevant documentation, on an
35 annual basis, to be submitted to the **【Juvenile】 Youth** Justice
36 Commission as part of the commission's triennial plan and annual
37 update; and
- 38 (4) Perform such other duties as may be established by the
39 **【Juvenile】 Youth** Justice Commission to achieve the purposes of
40 P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the
41 **【Juvenile】 Youth** Justice Commission and P.L.1995, c.283
42 (C.52:17B-179) which creates the State/Community Partnership
43 Grant Program.
- 44 e. No county may use funds received pursuant to this section to
45 supplant or replace existing funds or other resources from federal,
46 State or county government for existing juvenile justice-related
47 programs or for purposes of capital construction or renovation.

1 f. If a county elects not to participate in the State/Community
2 Partnership Grant Program, the commission is authorized to allocate
3 and expend that county's share of Partnership funding in a manner
4 consistent with the commission's Juvenile Justice Master Plan.
5 (cf: P.L.2005, c.164, s.2)
6

7 **【84.】 83.** Section 3 of P.L.1995, c.330 (C.52:17B-183) is
8 amended to read as follows:

9 3. As used in this act:

10 a. "Commission" means the **【Juvenile】 Youth** Justice
11 Commission in, but not of, the Department of Law and Public
12 Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et
13 seq.).

14 b. "Commissioner" means the Commissioner of the Department
15 of Corrections.

16 c. "Juvenile offender" means a person at least 14 years old at the
17 time of disposition who has been adjudicated delinquent for an act
18 which, if committed by an adult, would constitute a crime,
19 excluding an adjudication for any act which would constitute a
20 crime of the first degree or a crime under chapter 14 of Title 2C of
21 the New Jersey Statutes.

22 d. "Youthful offender" means a person between 18 and 30 years
23 of age who has been convicted of a crime, excluding any person
24 convicted of:

25 (1) a crime of the first degree;

26 (2) a crime under chapter 14 of Title 2C of the New Jersey
27 Statutes;

28 (3) a crime which requires the imposition of a mandatory term
29 of imprisonment without eligibility for parole, unless the person has
30 less than one year of the mandatory portion of the sentence
31 remaining; or

32 (4) a crime of the second degree under any of the following:
33 N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1,
34 N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the
35 purpose of using it unlawfully against the person of another.

36 (cf: P.L.1997, c.55, s.1)
37

38 **【85.】 84.** Section 45 of P.L.1996, c.62 (C.55:19-60) is amended
39 to read as follows:

40 45. a. There is established in, but not of, the Department of
41 Community Affairs an Urban Coordinating Council.

42 b. The Urban Coordinating Council shall be comprised of the
43 Governor, the chief officer of each department of the executive
44 branch, and the executive directors of the New Jersey
45 Redevelopment Authority, the New Jersey Economic Development
46 Authority, the Casino Reinvestment Development Authority, the
47 State Planning Commission, the New Jersey Housing and Mortgage
48 Finance Agency, the **【Juvenile】 Youth** Justice Commission and the

1 Commission on Higher Education. The council shall be chaired by
2 the Governor. Members of the council may be represented on the
3 council by their designees.

4 (cf: P.L.1996, c.62, s.45)

5

6 **【86.】** 85. This act shall take effect immediately.

ASSEMBLY PUBLIC SAFETY AND PREPAREDNESS
COMMITTEE

STATEMENT TO

SENATE, No. 2423

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2024

The Assembly Public Safety and Preparedness Committee reports favorably Senate Bill No. 2423.

As reported by the committee, this bill renames the Juvenile Justice Commission as the Youth Justice Commission. The bill also updates statutory references from the “New Jersey Code of Juvenile Justice” to the “New Jersey Code of Youth Justice.”

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2423

STATE OF NEW JERSEY

DATED: MARCH 7, 2024

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2423.

As reported by the committee, this bill renames the Juvenile Justice Commission as the Youth Justice Commission. The bill also updates statutory references from the “New Jersey Code of Juvenile Justice” to the “New Jersey Code of Youth Justice.”

This bill was pre-filed for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY, No. 3678

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 12, 2024

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblywomen McCoy and Murphy

SYNOPSIS

Renames Juvenile Justice Commission as Youth Justice Commission.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2024)

1 **AN ACT** renaming the Juvenile Justice Commission and amending
2 the various parts of the statutory law.

3

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

6

7 1. Section 1 of P.L.1982, c.77 (C.2A:4A-20) is amended to
8 read as follows:

9 1. This act shall be known and may be cited as the "New
10 Jersey Code of **【Juvenile】** Youth Justice."
11 (cf: P.L.1982, c.77, s.1)

12

13 2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to
14 read as follows:

15 3. General definitions. As used in this act:

16 a. "Juvenile" means an individual who is under the age of 18
17 years.

18 b. "Adult" means an individual 18 years of age or older.

19 c. "Detention" means the temporary care of juveniles in
20 physically restricting facilities pending court disposition.

21 d. "Shelter care" means the temporary care of juveniles in
22 facilities without physical restriction pending court disposition.

23 e. "Commit" means to transfer legal custody to an institution.

24 f. "Guardian" means a person, other than a parent, to whom
25 legal custody of the child has been given by court order or who is
26 acting in the place of the parent or is responsible for the care and
27 welfare of the juvenile.

28 g. "Juvenile-family crisis" means behavior, conduct or a
29 condition of a juvenile, parent or guardian or other family member
30 which presents or results in (1) a serious threat to the well-being
31 and physical safety of a juvenile, or (2) a serious conflict between a
32 parent or guardian and a juvenile regarding rules of conduct which
33 has been manifested by repeated disregard for lawful parental
34 authority by a juvenile or misuse of lawful parental authority by a
35 parent or guardian, or (3) unauthorized absence by a juvenile for
36 more than 24 hours from his home, or (4) a pattern of repeated
37 unauthorized absences from school by a juvenile subject to the
38 compulsory education provision of Title 18A of the New Jersey
39 Statutes, or (5) an act which if committed by an adult would
40 constitute prostitution in violation of N.J.S.2C:34-1 or any offense
41 which the juvenile alleges is related to the juvenile being a victim
42 of human trafficking.

43 h. "Repetitive disorderly persons offense" means the second or
44 more disorderly persons offense committed by a juvenile on at least
45 two separate occasions and at different times.

**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 i. "Court" means the Superior Court, Chancery Division,
2 Family Part unless a different meaning is plainly required.

3 j. "Commission" means the **【Juvenile】 Youth** Justice
4 Commission established pursuant to section 2 of P.L.1995, c.284
5 (C.52:17B-170).
6 (cf: P.L.2011, c.195, s.2)
7

8 3. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to
9 read as follows:

10 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
11 delinquency case by the Superior Court, Chancery Division, Family
12 Part to an appropriate court and prosecuting authority without the
13 consent of the juvenile shall file a motion within 60 days after the
14 receipt of the complaint, which time may be extended for good
15 cause shown. The motion shall be accompanied by a written
16 statement of reasons clearly setting forth the facts used in assessing
17 all factors contained in paragraph (3) of subsection c. of this
18 section, together with an explanation as to how evaluation of those
19 facts support waiver for each particular juvenile.

20 b. At a hearing, the court shall receive the evidence offered by
21 the State and by the juvenile. The State shall provide proof to
22 satisfy the requirements set forth in paragraphs (1) and (2) of
23 subsection c. of this section. The court also shall review whether the
24 State considered the factors set forth in paragraph (3) of subsection
25 c. of this section.

26 c. Except as provided in paragraph (3) of this subsection, the
27 court shall waive jurisdiction of a juvenile delinquency case without
28 the juvenile's consent and shall refer the case to the appropriate
29 court and prosecuting authority having jurisdiction if:

30 (1) The juvenile was 15 years of age or older at the time of the
31 alleged delinquent act; and

32 (2) There is probable cause to believe that the juvenile
33 committed a delinquent act which if committed by an adult would
34 constitute:

35 (a) criminal homicide, other than death by auto;

36 (b) strict liability for drug-induced deaths;

37 (c) first degree robbery;

38 (d) carjacking;

39 (e) aggravated sexual assault;

40 (f) sexual assault;

41 (g) second degree aggravated assault;

42 (h) kidnapping;

43 (i) aggravated arson;

44 (j) possession of a firearm with a purpose to use it unlawfully
45 against the person of another under subsection a. of N.J.S.2C:39-4,
46 or possession of a firearm while committing or attempting to
47 commit, including the immediate flight therefrom, aggravated
48 assault, aggravated criminal sexual contact, burglary, or escape;

- 1 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics
2 Trafficking Network);
- 3 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
4 CDS Production Facility);
- 5 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
6 (Weapons Possession while Committing certain CDS Offenses);
- 7 (n) an attempt or conspiracy to commit any of the crimes
8 enumerated in subparagraphs (a) through (m) of this paragraph; or
- 9 (o) a crime committed at a time when the juvenile previously
10 had been sentenced and confined in an adult correctional facility.
- 11 (3) The court may deny a motion by the prosecutor to waive
12 jurisdiction of a juvenile delinquency case if it is clearly convinced
13 that the prosecutor abused his discretion in considering the
14 following factors in deciding whether to seek a waiver:
- 15 (a) The nature and circumstances of the offense charged;
- 16 (b) Whether the offense was against a person or property,
17 allocating more weight for crimes against the person;
- 18 (c) Degree of the juvenile's culpability;
- 19 (d) Age and maturity of the juvenile;
- 20 (e) Any classification that the juvenile is eligible for special
21 education to the extent this information is provided to the
22 prosecution by the juvenile or by the court;
- 23 (f) Degree of criminal sophistication exhibited by the juvenile;
- 24 (g) Nature and extent of any prior history of delinquency of the
25 juvenile and dispositions imposed for those adjudications;
- 26 (h) If the juvenile previously served a custodial disposition in a
27 State juvenile facility operated by the **【Juvenile】 Youth** Justice
28 Commission, and the response of the juvenile to the programs
29 provided at the facility to the extent this information is provided to
30 the prosecution by the **【Juvenile】 Youth** Justice Commission;
- 31 (i) Current or prior involvement of the juvenile with child
32 welfare agencies;
- 33 (j) Evidence of mental health concerns, substance abuse, or
34 emotional instability of the juvenile to the extent this information is
35 provided to the prosecution by the juvenile or by the court; and
- 36 (k) If there is an identifiable victim, the input of the victim or
37 victim's family.
- 38 The Attorney General may develop for dissemination to the
39 county prosecutors those guidelines or directives deemed necessary
40 or appropriate to ensure the uniform application of this section
41 throughout the State.
- 42 d. An order waiving jurisdiction over a case and referring the
43 case to the appropriate court and prosecuting authority shall specify
44 the alleged act upon which the referral is based and all other
45 delinquent acts charged against the juvenile arising out of or related
46 to the same transaction.
- 47 e. Testimony of a juvenile at a hearing to determine referral
48 under this section shall not be admissible for any purpose in any

1 subsequent hearing to determine delinquency or guilt of any
2 offense.

3 f. Upon waiver of jurisdiction and referral to the appropriate
4 court and prosecuting authority having jurisdiction:

5 (1) The case shall proceed as if it originated in that court and
6 shall be subject to the sentencing provisions available to that court;
7 provided, however, upon conviction for any offense which is
8 subject to waiver pursuant to paragraph (2) of subsection c. of this
9 section, there shall be a presumption that the juvenile shall serve
10 any custodial sentence imposed in a State juvenile facility operated
11 by the **【Juvenile】 Youth** Justice Commission until the juvenile
12 reaches the age of 21, except that:

13 (a) a juvenile who has not reached the age of 21 may, in the
14 discretion of the **【Juvenile】 Youth** Justice Commission, be
15 transferred to the Department of Corrections in accordance with the
16 plan established pursuant to subsection e. of section 7 of P.L.1995,
17 c.284 (C.52:17B-175) and regulations adopted pursuant to that
18 section; and

19 (b) a juvenile who has reached or exceeds the age of 21 may
20 continue to serve a sentence in a State juvenile facility operated by
21 the **【Juvenile】 Youth** Justice Commission in the discretion of the
22 **【Juvenile】 Youth** Justice Commission and if the juvenile so
23 consents; otherwise the juvenile shall serve the remainder of the
24 custodial sentence in a State correctional facility;

25 (2) If a juvenile is not convicted of an offense set forth in
26 paragraph (2) of subsection c. of this section, a conviction for any
27 other offense shall be deemed a juvenile adjudication and be
28 remanded to the Superior Court, Chancery Division, Family Part for
29 disposition, in accordance with the dispositional options available
30 to that court and all records related to the act of delinquency shall
31 be subject to the provisions of section 1 of P.L.1982, c.79
32 (C.2A:4A-60);

33 (3) With the consent of the defense and the prosecutor, at any
34 point in the proceedings subsequent to the decision ordering waiver
35 the court may remand to the Superior Court, Chancery Division,
36 Family Part if it appears that:

37 (a) the interests of the public and the best interests of the
38 juvenile require access to programs or procedures uniquely
39 available to that court; and

40 (b) the interests of the public are no longer served by waiver.

41 g. (1) The **【Juvenile】 Youth** Justice Commission, in consultation
42 with the Attorney General, shall establish a program to collect,
43 record, and analyze data regarding waiver of jurisdiction of a
44 juvenile delinquency case by the Superior Court, Chancery
45 Division, Family Part to an appropriate court and prosecuting
46 authority. In furtherance of this program, the **【Juvenile】 Youth**
47 Justice Commission shall, in cooperation with the Administrative

1 Office of the Courts, Attorney General, and county prosecutors,
2 collect data related to the decision to seek waiver of jurisdiction of
3 a juvenile delinquency case, which shall include but not be limited
4 to data concerning:

5 (a) youth demographics, including age, gender, race, and
6 ethnicity;

7 (b) case characteristics, including the degree of the offense
8 waived, the degree of the offense convicted, and the final court
9 resolution;

10 (c) case processing times; and

11 (d) waiver rates by race and ethnicity.

12 (2) The commission shall prepare and publish on its Internet
13 website biennial reports summarizing the data collected, recorded,
14 and analyzed pursuant to paragraph (1) of this subsection.

15 (3) The commission shall, pursuant to section 2 of P.L. 1991,
16 c.164 (C.52:14-19.1), biennially prepare and transmit to the
17 Governor and the Legislature the reports required in paragraph (2)
18 of this subsection, along with any recommendations the commission
19 may have for legislation concerning waiver of jurisdiction of
20 juvenile delinquency cases.

21 (cf: P.L.2015, c.89, s.1)

22

23 4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
24 read as follows:

25 18. Place of detention or shelter. a. The **【Juvenile】 Youth**
26 Justice Commission established pursuant to section 2 of P.L.1995,
27 c.284 (C.52:17B-170) shall specify the place where a juvenile may
28 be detained; and the Department of Children and Families shall
29 specify where a juvenile may be placed in shelter.

30 b. No juvenile shall be placed in detention or shelter care in
31 any place other than that specified by the **【Juvenile】 Youth** Justice
32 Commission or Department of Children and Families as provided
33 in subsection a.

34 c. A juvenile being held for a charge under this act or for a
35 violation of or contempt in connection with a violation of Title 39
36 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
37 or N.J.S.2C:33-13, including a juvenile who has reached the age of
38 18 years after being charged, shall not be placed in any prison, jail
39 or lockup nor detained in any police station, except that if no other
40 facility is reasonably available a juvenile may be held in a police
41 station in a place other than one designed for the detention of
42 prisoners and apart from any adult charged with or convicted of a
43 crime for a brief period if such holding is necessary to allow release
44 to his parent, guardian, other suitable person, or approved facility.
45 No juvenile shall be placed in a detention facility which has reached
46 its maximum population capacity, as designated by the **【Juvenile】**
47 Youth Justice Commission.

1 d. No juvenile charged with delinquency shall be transferred to
2 an adult county jail solely by reason of having reached age 18. The
3 following standards shall apply to any juvenile who has been placed
4 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
5 and who violates the conditions of that probation after reaching the
6 age of 18; who has been placed on parole pursuant to the provisions
7 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.)
8 and who violates the conditions of that parole after reaching the age
9 of 18; or who is arrested after reaching the age of 18 on a warrant
10 emanating from the commission of an act of juvenile delinquency:

11 (1) In the case of a person 18 years of age but less than 20 years
12 of age, the court, upon application by any interested party, shall
13 determine the place of detention, taking into consideration the age
14 and maturity of the person, whether the placement of the person in a
15 juvenile detention facility would present a risk to the safety of
16 juveniles residing at the facility, the likelihood that the person
17 would influence in a negative manner juveniles incarcerated at the
18 facility, whether the facility has sufficient space available for
19 juveniles and any other factor the court deems appropriate. Upon
20 application at any time by the juvenile detention facility
21 administrator or any other interested party, the court may order that
22 the person be relocated to the county jail. The denial of an
23 application shall not preclude subsequent applications based on a
24 change in circumstances or information that was not previously
25 made available to the court. The determination of the place of
26 detention shall be made in a summary manner;

27 (2) In the case of a person 20 years of age or older, the person
28 shall be incarcerated in the county jail unless good cause is shown.

29 e. (1) The **【Juvenile】** Youth Justice Commission and the
30 Department of Children and Families shall promulgate such rules
31 and regulations from time to time as deemed necessary to establish
32 minimum physical facility and program standards for juvenile
33 detention facilities or shelters under their respective supervision.

34 (2) The **【Juvenile】** Youth Justice Commission and the
35 Department of Children and Families, in consultation with the
36 appropriate county administrator of the county facility or shelter,
37 shall assign a maximum population capacity for each juvenile
38 detention facility or shelter based on minimum standards for these
39 facilities.

40 f. (1) Where either the **【Juvenile】** Youth Justice Commission or
41 the Department of Children and Families determines that a juvenile
42 detention facility or shelter under its control or authority is
43 regularly over the maximum population capacity or is in willful and
44 continuous disregard of the minimum standards for these facilities
45 or shelters, the commission or department may restrict new
46 admissions to the facility or shelter.

47 (2) Upon making such determination, the commission or
48 department shall notify the governing body of the appropriate

1 county of its decision to impose such a restriction, which
2 notification shall include a written statement specifying the reasons
3 therefor and corrections to be made. If the commission or
4 department shall determine that no appropriate action has been
5 initiated by the administrator of the facility or shelter within 60
6 days following such notification to correct the violations specified
7 in the notification, it shall order that such juvenile detention facility
8 or shelter shall immediately cease to admit juveniles. The county
9 shall be entitled to a hearing where such a restriction is imposed by
10 the commission or department.

11 (3) Any juvenile detention facility or shelter so restricted shall
12 continue under such order until such time as the commission or
13 department determines that the violation specified in the notice has
14 been corrected or that the facility or shelter has initiated actions
15 which will ensure the correction of said violations.

16 (4) Upon the issuance of an order to cease admissions to a
17 juvenile detention facility or shelter, the commission or department
18 shall determine whether other juvenile detention facilities or
19 shelters have adequate room for admitting juveniles and shall assign
20 the juveniles to the facilities or shelters on the basis of available
21 space; provided that the department shall not assign the juvenile to
22 a facility or shelter where such facility or shelter is at the maximum
23 population. A juvenile detention facility or shelter ordered to
24 accept a juvenile shall do so within five days following the receipt
25 of an order to accept admission of such juvenile.

26 (5) A juvenile detention facility or shelter restricted by an order
27 to cease admissions shall assume responsibility for the
28 transportation of a juvenile sent to another juvenile detention
29 facility or shelter so long as the order shall remain in effect.

30 (6) A facility or shelter receiving juveniles pursuant to
31 paragraph (4) of this subsection shall receive from the sending
32 county a reasonable and appropriate per diem allowance for each
33 juvenile sent to the facility, such allowance to be used for the
34 custody, care, maintenance, and any other services normally
35 provided by the county to juveniles in the facility or shelter and
36 which reflects all county expenditures in maintaining such juvenile,
37 including a proportionate share of all buildings and grounds costs,
38 personnel costs, including fringe benefits, administrative costs and
39 all other direct and indirect costs.

40 (7) The governing body of a county whose juvenile detention
41 facility or shelter has been prohibited from accepting new
42 admissions, and whose juveniles have been assigned to other
43 juvenile detention facilities or shelters, shall appropriate an amount
44 to pay the county receiving such juveniles for all expenses incurred
45 pursuant to paragraph (6) of this subsection.

46 (cf: P.L.2006, c.47, s.16)

1 5. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
2 read as follows:

3 23. Predispositional evaluation. a. Before making a disposition,
4 the court may refer the juvenile to an appropriate individual, agency
5 or institution for examination and evaluation.

6 b. In arriving at a disposition, the court may also consult with
7 such individuals and agencies as may be appropriate to the
8 juvenile's situation, including the county probation division, the
9 Department of Children and Families, the **【Juvenile】 Youth** Justice
10 Commission established pursuant to section 2 of P.L.1995, c.284
11 (C.52:17B-170), the county youth services commission, school
12 personnel, clergy, law enforcement authorities, family members and
13 other interested and knowledgeable parties. In so doing, the court
14 may convene a predispositional conference to discuss and
15 recommend disposition.

16 c. (1) The predisposition report ordered pursuant to the Rules of
17 Court may include a statement by the victim of the offense for
18 which the juvenile has been adjudicated delinquent or by the nearest
19 relative of a homicide victim. The statement may include the nature
20 and extent of any physical harm or psychological or emotional harm
21 or trauma suffered by the victim, the extent of any loss to include
22 loss of earnings or ability to work suffered by the victim and the
23 effect of the crime upon the victim's family. The probation division
24 shall notify the victim or nearest relative of a homicide victim of his
25 right to make a statement for inclusion in the predisposition report
26 if the victim or relative so desires. Any statement shall be made
27 within 20 days of notification by the probation division. The report
28 shall further include information on the financial resources of the
29 juvenile. This information shall be made available on request to the
30 Victims of Crime Compensation **【Board】 Office** established
31 pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any
32 officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to
33 collect payment of an assessment, restitution or fine.

34 (2) Any predisposition report prepared pursuant to this section
35 shall include:

36 (a) an analysis of the circumstances attending the commission of
37 the act;

38 (b) the impact of the offense on the community;

39 (c) the offender's history of delinquency or criminality;

40 (d) the offender's family situation;

41 (e) the offender's financial resources;

42 (f) the financial resources of the juvenile's parent or guardian;

43 (g) the information concerning the parent or guardian's exercise
44 of supervision and control relevant to commission of the act; and

45 (h) in any case where the juvenile is charged with an act which
46 if committed by an adult would constitute prostitution in violation
47 of N.J.S.2C:34-1 or any offense which the juvenile alleges is related
48 to the juvenile being a victim of human trafficking, the

1 predisposition report may include any information relevant to the
2 commission of the act.

3 Information concerning financial resources included in the report
4 shall be made available to any officer authorized to collect payment
5 on any assessment, restitution or fine.

6 (cf: P.L.2011, c.195, s.3)

7

8 6. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
9 read as follows:

10 24. Disposition of delinquency cases. a. In determining the
11 appropriate disposition for a juvenile adjudicated delinquent the
12 court shall weigh the following factors:

13 (1) The nature and circumstances of the offense;

14 (2) The degree of injury to persons or damage to property
15 caused by the juvenile's offense;

16 (3) The juvenile's age, previous record, prior social service
17 received, and out-of-home placement history;

18 (4) Whether the disposition supports family strength,
19 responsibility, and unity and the well-being and physical safety of
20 the juvenile;

21 (5) Whether the disposition provides for reasonable
22 participation by the child's parent, guardian, or custodian, provided,
23 however, that the failure of a parent or parents to cooperate in the
24 disposition shall not be weighed against the juvenile in arriving at
25 an appropriate disposition;

26 (6) Whether the disposition recognizes and treats the unique
27 physical, psychological, and social characteristics and needs of the
28 child;

29 (7) Whether the disposition contributes to the developmental
30 needs of the child, including the academic and social needs of the
31 child where the child has intellectual disabilities or learning
32 disabilities;

33 (8) Any other circumstances related to the offense and the
34 juvenile's social history as deemed appropriate by the court;

35 (9) The impact of the offense on the victim or victims;

36 (10) The impact of the offense on the community; and

37 (11) The threat to the safety of the public or any individual posed
38 by the child.

39 b. If a juvenile is adjudged delinquent, and except to the extent
40 that an additional specific disposition is required pursuant to this
41 section, the court, in accordance with subsection i. of section 2 of
42 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to
43 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order
44 any one or more of the following dispositions:

45 (1) Adjourn formal entry of disposition of the case for a period
46 not to exceed 12 months for the purpose of determining whether the
47 juvenile makes a satisfactory adjustment, and if during the period of

1 continuance the juvenile makes such an adjustment, dismiss the
2 complaint;

3 (2) Release the juvenile to the supervision of the juvenile's
4 parent or guardian;

5 (3) Place the juvenile on probation to the chief probation officer
6 of the county or to any other suitable person who agrees to accept
7 the duty of probation supervision for a period not to exceed three
8 years upon such written conditions as the court deems will aid
9 rehabilitation of the juvenile;

10 (4) Transfer custody of the juvenile to any relative or other
11 person determined by the court to be qualified to care for the
12 juvenile;

13 (5) Place the juvenile under the care and responsibility of the
14 Department of Children and Families so that the commissioner may
15 designate a division or organizational unit in the department
16 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
17 providing services in or out of the home. Within 14 days, unless for
18 good cause shown, but not later than 30 days, the Department of
19 Children and Families shall submit to the court a service plan,
20 which shall be presumed valid, detailing the specifics of any
21 disposition order. The plan shall be developed within the limits of
22 fiscal and other resources available to the department. If the court
23 determines that the service plan is inappropriate, given existing
24 resources, the department may request a hearing on that
25 determination;

26 (6) Place the juvenile under the care and custody of the
27 Commissioner of Children and Families for the purpose of
28 receiving the services of the Division of Children's System of Care
29 of that department, provided that the juvenile has been determined
30 to be eligible for those services under P.L.1965, c.59, s.16
31 (C.30:4-25.4);

32 (7) Commit the juvenile, pursuant to applicable laws and the
33 Rules of Court governing civil commitment, to the Department of
34 Children and Families under the responsibility of the Division of
35 Children's System of Care for the purpose of placement in a suitable
36 public or private hospital or other residential facility for the
37 treatment of persons who are mentally ill, on the ground that the
38 juvenile is in need of involuntary commitment;

39 (8) (Deleted by amendment, P.L.2019, c.363)

40 (9) Order the juvenile to make restitution to a person or entity
41 who has suffered loss resulting from personal injuries or damage to
42 property as a result of the offense for which the juvenile has been
43 adjudicated delinquent. The court may determine the reasonable
44 amount, terms, and conditions of restitution. If the juvenile
45 participated in the offense with other persons, the participants shall
46 be jointly and severally responsible for the payment of restitution.
47 The court shall not require a juvenile to make full or partial
48 restitution if the juvenile reasonably satisfies the court that the

1 juvenile does not have the means to make restitution and could not
2 reasonably acquire the means to pay restitution;

3 (10) Order that the juvenile perform community services under
4 the supervision of a probation division or other agency or individual
5 deemed appropriate by the court. Such services shall be
6 compulsory and reasonable in terms of nature and duration. Such
7 services may be performed without compensation, provided that any
8 money earned by the juvenile from the performance of community
9 services may be applied towards any payment of restitution or fine
10 which the court has ordered the juvenile to pay;

11 (11) Order that the juvenile participate in work programs which
12 are designed to provide job skills and specific employment training
13 to enhance the employability of job participants. Such programs
14 may be without compensation, provided that any money earned by
15 the juvenile from participation in a work program may be applied
16 towards any payment of restitution or fine which the court has
17 ordered the juvenile to pay;

18 (12) Order that the juvenile participate in programs emphasizing
19 self-reliance, such as intensive outdoor programs teaching survival
20 skills, including but not limited to camping, hiking, and other
21 appropriate activities;

22 (13) Order that the juvenile participate in a program of academic
23 or vocational education or counseling, such as a youth service
24 bureau, requiring attendance at sessions designed to afford access to
25 opportunities for normal growth and development. This may
26 require attendance after school, evenings, and weekends;

27 (14) Place the juvenile in a suitable residential or nonresidential
28 program for the treatment of alcohol or narcotic abuse, provided
29 that the juvenile has been determined to be in need of such services;

30 (15) Order the parent or guardian of the juvenile to participate in
31 appropriate programs or services when the court has found either
32 that such person's omission or conduct was a significant
33 contributing factor towards the commission of the delinquent act,
34 or, under its authority to enforce litigant's rights, that such person's
35 omission or conduct has been a significant contributing factor
36 towards the ineffective implementation of a court order previously
37 entered in relation to the juvenile;

38 (16) (a) Place the juvenile in a nonresidential program operated
39 by a public or private agency, providing intensive services to
40 juveniles for specified hours, which may include education,
41 counseling to the juvenile and the juvenile's family if appropriate,
42 vocational training, employment counseling, work, or other
43 services;

44 (b) Place the juvenile under the custody of the **【Juvenile】 Youth**
45 Justice Commission established pursuant to section 2 of P.L.1995,
46 c.284 (C.52:17B-170) for placement with any private group home
47 or private residential facility with which the commission has
48 entered into a purchase of service contract;

1 (17) Instead of or in addition to any disposition made according
2 to this section, the court may postpone, suspend, or revoke for a
3 period not to exceed two years the driver's license, registration
4 certificate, or both of any juvenile who used a motor vehicle in the
5 course of committing an act for which the juvenile was adjudicated
6 delinquent. In imposing this disposition and in deciding the duration
7 of the postponement, suspension, or revocation, the court shall
8 consider the circumstances of the act for which the juvenile was
9 adjudicated delinquent and the potential effect of the loss of driving
10 privileges on the juvenile's ability to be rehabilitated. Any
11 postponement, suspension, or revocation shall be imposed
12 consecutively with any custodial commitment;

13 (18) Order that the juvenile satisfy any other conditions
14 reasonably related to the rehabilitation of the juvenile;

15 (19) Order a parent or guardian who has failed or neglected to
16 exercise reasonable supervision or control of a juvenile who has
17 been adjudicated delinquent to make restitution to any person or
18 entity who has suffered a loss as a result of that offense. The court
19 may determine the reasonable amount, terms, and conditions of
20 restitution; or

21 (20) Place the juvenile, if eligible, in an appropriate juvenile
22 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
23 et al.).

24 c. (1) If the county in which the juvenile has been adjudicated
25 delinquent has a juvenile detention facility meeting the physical and
26 program standards established pursuant to this subsection by the
27 **【Juvenile】 Youth** Justice Commission, the court may, in addition to
28 any of the dispositions not involving placement out of the home
29 enumerated in this section, incarcerate the juvenile in the youth
30 detention facility in that county for a term not to exceed 60
31 consecutive days. The decision by the court to incarcerate a
32 juvenile shall be made in accordance with subsection i. of section 2
33 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
34 their own juvenile detention facilities may contract for the use of
35 approved commitment programs with counties with which they
36 have established agreements for the use of pre-disposition juvenile
37 detention facilities. The **【Juvenile】 Youth** Justice Commission
38 shall promulgate such rules and regulations from time to time as
39 deemed necessary to establish minimum physical facility and
40 program standards for the use of juvenile detention facilities
41 pursuant to this subsection.

42 (2) A juvenile shall not be incarcerated in any county detention
43 facility unless the county has entered into an agreement with the
44 **【Juvenile】 Youth** Justice Commission concerning the use of the
45 facility for sentenced juveniles. Upon agreement with the county,
46 the **【Juvenile】 Youth** Justice Commission shall certify detention
47 facilities which may receive juveniles sentenced pursuant to this
48 subsection and shall specify the capacity of the facility that may be

1 made available to receive such juveniles; provided, however, that in
2 no event shall the number of juveniles incarcerated pursuant to this
3 subsection exceed **【50%】** 50 percent of the maximum capacity of
4 the facility.

5 (3) The court may fix a term of incarceration under this
6 subsection that is in accordance with subsection i. of section 2 of
7 P.L.1982, c.77 (C.2A:4A-21) and:

8 (a) The act for which the juvenile was adjudicated delinquent, if
9 committed by an adult, would have constituted a crime or repetitive
10 disorderly persons offense;

11 (b) Incarceration of the juvenile is consistent with the goals of
12 public safety, accountability, and rehabilitation and the court is
13 clearly convinced that the aggravating factors substantially
14 outweigh the mitigating factors as set forth in section 25 of
15 P.L.1982, c.77 (C.2A:4A-44); and

16 (c) The detention facility has been certified for admission of
17 adjudicated juveniles pursuant to paragraph (2).

18 (4) If as a result of incarceration of adjudicated juveniles
19 pursuant to this subsection, a county is required to transport a
20 predisposition juvenile to a juvenile detention facility in another
21 county, the costs of such transportation shall be borne by the
22 **【Juvenile】** Youth Justice Commission.

23 d. Whenever the court imposes a disposition upon an
24 adjudicated delinquent which requires the juvenile to perform a
25 community service, restitution, or to participate in any other
26 program provided for in this section other than subsection c., the
27 duration of the juvenile's mandatory participation in such
28 alternative programs shall extend for a period consistent with the
29 program goal for the juvenile and shall in no event exceed one year
30 beyond the maximum duration permissible for the delinquent if the
31 juvenile had been committed to a term of incarceration.

32 e. In addition to any disposition the court may impose pursuant
33 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
34 following orders shall be included in dispositions of the
35 adjudications set forth below:

36 (1) An order to perform community service pursuant to
37 paragraph (10) of subsection b. of this section for a period of at
38 least 60 days, if the juvenile has been adjudicated delinquent for an
39 act which, if committed by an adult, would constitute the crime of
40 theft of a motor vehicle, or the crime of unlawful taking of a motor
41 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
42 degree crime of eluding in violation of subsection b. of
43 N.J.S.2C:29-2; and

44 (2) (Deleted by amendment, P.L.2019, c.363)

45 (3) An order to perform community service pursuant to
46 paragraph (10) of subsection b. of this section for a period of at
47 least 30 days, if the juvenile has been adjudicated delinquent for an
48 act which, if committed by an adult, would constitute the fourth

1 degree crime of unlawful taking of a motor vehicle in violation of
2 subsection b. of N.J.S.2C:20-10.

3 (4) (Deleted by amendment, P.L.2019, c.363)

4 f. (1) (Deleted by amendment, P.L.2019, c.363)

5 (2) (Deleted by amendment, P.L.2019, c.363)

6 (3) (Deleted by amendment, P.L.2019, c.363)

7 g. Whenever the court imposes a disposition upon an
8 adjudicated delinquent which requires the juvenile to perform a
9 community service, restitution, or to participate in any other
10 program provided for in this section, the order shall include
11 provisions which provide balanced attention to the protection of the
12 community, accountability for offenses committed, fostering
13 interaction and dialogue between the offender, victim, and
14 community and the development of competencies to enable the
15 child to become a responsible and productive member of the
16 community.

17 (cf: P.L.2021, c.342, s.1)

18

19 7. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
20 read as follows:

21 8. a. In addition to any other disposition made pursuant to law, a
22 court shall order a juvenile charged with delinquency or adjudicated
23 delinquent for an act which, if committed by an adult would
24 constitute a crime, a disorderly persons offense or a petty disorderly
25 persons offense, to submit to an approved serological test for
26 acquired immune deficiency syndrome (AIDS) or infection with the
27 human immunodeficiency virus (HIV) or any other related virus
28 identified as a probable causative agent of AIDS if:

29 (1) in the course of the commission of the act, including the
30 immediate flight thereafter or during any investigation or arrest
31 related to that act, a law enforcement officer, the victim or other
32 person suffered a prick from a hypodermic needle, provided there is
33 probable cause to believe that the juvenile is an intravenous user of
34 controlled dangerous substances; or

35 (2) in the course of the commission of the act, including the
36 immediate flight thereafter or during any investigation or arrest
37 related to that act, a law enforcement officer, the victim or other
38 person had contact with the juvenile which involved or was likely to
39 involve the transmission of bodily fluids.

40 The court may order a juvenile to submit to an approved
41 serological test for AIDS or infection with the HIV or any other
42 related virus identified as a probable causative agent of AIDS if in
43 the course of the performance of any other law enforcement duties,
44 a law enforcement officer suffers a prick from a hypodermic needle,
45 provided that there is probable cause to believe that the defendant is
46 an intravenous user of controlled dangerous substances, or had
47 contact with the defendant which involved or was likely to involve
48 the transmission of bodily fluids. The court shall issue such an

1 order only upon the request of the law enforcement officer, victim
2 of the offense or other affected person made at the time of
3 indictment, charge or conviction. If a county prosecutor declines to
4 make such an application within 72 hours of being requested to do
5 so by the law enforcement officer, the law enforcement officer may
6 appeal to the Division of Criminal Justice in the Department of Law
7 and Public Safety for that officer to bring the application. The
8 juvenile shall be ordered by the court to submit to such repeat or
9 confirmatory tests as may be medically necessary.

10 b. A court order issued pursuant to subsection a. of this section
11 shall require testing to be performed as soon as practicable by the
12 Executive Director of the **【Juvenile】** Youth Justice Commission
13 pursuant to authority granted to the executive director by sections 6
14 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider
15 of health care or at a health care facility licensed pursuant to section
16 12 of P.L.1971, c.136 (C.26:2H-12). The order shall also require
17 that the results of the test be reported to the offender, the
18 appropriate Office of Victim-Witness Advocacy if a victim of an
19 offense is tested, and the affected law enforcement officer. Upon
20 receipt of the result of a test ordered pursuant to subsection a. of
21 this section, the Office of Victim-Witness Advocacy shall provide
22 the victim with appropriate counseling, referral for counseling and
23 if appropriate, referral for health care. The office shall notify the
24 victim or make appropriate arrangements for the victim to be
25 notified of the test result.

26 c. (Deleted by amendment, P.L.2021, c.342)

27 d. The result of a test ordered pursuant to subsection a. of this
28 section shall be confidential and health care providers and
29 employees of the **【Juvenile】** Youth Justice Commission, the Office
30 of Victim-Witness Advocacy, a health care facility or counseling
31 service shall not disclose the result of a test performed pursuant to
32 this section except as authorized herein or as otherwise authorized
33 by law or court order. The provisions of this section shall not be
34 deemed to prohibit disclosure of a test result to the person tested.

35 e. Persons who perform tests ordered pursuant to subsection a.
36 of this section in accordance with accepted medical standards for
37 the performance of such tests shall be immune from civil and
38 criminal liability arising from their conduct.

39 f. This section shall not be construed to preclude or limit any
40 other testing for AIDS or infection with the HIV or any other
41 related virus identified as a probable causative agent of AIDS which
42 is otherwise permitted by statute, court rule or common law.

43 (cf: P.L.2021, c.342, s.2)

44
45 8. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to
46 read as follows:

47 25. Incarceration--Aggravating and mitigating factors

1 a. (1) In determining whether incarceration is an appropriate
2 disposition and in addition to the considerations set forth in
3 subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court
4 shall consider the following aggravating circumstances:

5 (a) The fact that the nature and circumstances of the act, and the
6 role of the juvenile therein, was committed in an especially heinous,
7 cruel, or depraved manner;

8 (b) The fact that there was grave and serious harm inflicted on
9 the victim and that based upon the juvenile's age or mental capacity
10 the juvenile knew or reasonably should have known that the victim
11 was particularly vulnerable or incapable of resistance due to
12 advanced age, disability, ill-health, or extreme youth, or was for any
13 other reason substantially incapable;

14 (c) The character and attitude of the juvenile indicate that the
15 juvenile is likely to commit another delinquent or criminal act;

16 (d) The juvenile's prior record and the seriousness of any acts
17 for which the juvenile has been adjudicated delinquent;

18 (e) The fact that the juvenile committed the act pursuant to an
19 agreement that the juvenile either pay or be paid for the commission
20 of the act and that the pecuniary incentive was beyond that inherent
21 in the act itself;

22 (f) The fact that the juvenile committed the act against a
23 policeman or other law enforcement officer, correctional employee
24 or fireman, acting in the performance of his duties while in uniform
25 or exhibiting evidence of his authority, or the juvenile committed
26 the act because of the status of the victim as a public servant;

27 (g) The need for deterring the juvenile and others from violating
28 the law;

29 (h) The fact that the juvenile knowingly conspired with others as
30 an organizer, supervisor, or manager to commit continuing criminal
31 activity in concert with two or more persons and the circumstances
32 of the crime show that he has knowingly devoted himself to
33 criminal activity as part of an ongoing business activity;

34 (i) The fact that the juvenile on two separate occasions was
35 adjudged a delinquent on the basis of acts which if committed by an
36 adult would constitute crimes;

37 (j) The impact of the offense on the victim or victims;

38 (k) The impact of the offense on the community; and

39 (l) The threat to the safety of the public or any individual posed
40 by the child.

41 (2) In determining whether incarceration is an appropriate
42 disposition the court shall consider the following mitigating
43 circumstances:

44 (a) The child is under the age of 14;

45 (b) The juvenile's conduct neither caused nor threatened serious
46 harm;

47 (c) The juvenile did not contemplate that the juvenile's conduct
48 would cause or threaten serious harm;

- 1 (d) The juvenile acted under a strong provocation;
- 2 (e) There were substantial grounds tending to excuse or justify
- 3 the juvenile's conduct, though failing to establish a defense;
- 4 (f) The victim of the juvenile's conduct induced or facilitated its
- 5 commission;
- 6 (g) The juvenile has compensated or will compensate the victim
- 7 for the damage or injury that the victim has sustained, or will
- 8 participate in a program of community service;
- 9 (h) The juvenile has no history of prior delinquency or criminal
- 10 activity or has led a law-abiding life for a substantial period of time
- 11 before the commission of the present act;
- 12 (i) The juvenile's conduct was the result of circumstances
- 13 unlikely to recur;
- 14 (j) The character and attitude of the juvenile indicate that the
- 15 juvenile is unlikely to commit another delinquent or criminal act;
- 16 (k) The juvenile is particularly likely to respond affirmatively to
- 17 noncustodial treatment;
- 18 (l) The separation of the juvenile from the juvenile's family by
- 19 incarceration of the juvenile would entail excessive hardship to the
- 20 juvenile or the juvenile's family;
- 21 (m) The willingness of the juvenile to cooperate with law
- 22 enforcement authorities;
- 23 (n) The conduct of the juvenile was substantially influenced by
- 24 another person more mature than the juvenile.
- 25 b. (1) There shall be a presumption of nonincarceration for any
- 26 crime or offense of the fourth degree or less committed by a
- 27 juvenile who has not previously been adjudicated delinquent or
- 28 convicted of a crime or offense.
- 29 (2) Where incarceration is imposed, the court and a panel
- 30 comprised of at least two members of the **【Juvenile】 Youth** Justice
- 31 Commission designated by the executive director and a member of
- 32 the State Parole Board designated by the chairman shall consider
- 33 the juvenile's eligibility for release pursuant to the provisions of
- 34 subsection d. of this section.
- 35 c. The following juveniles shall not be committed to a State
- 36 juvenile facility:
- 37 (1) Juveniles age 11 or under unless adjudicated delinquent for
- 38 the crime of arson or a crime which, if committed by an adult,
- 39 would be a crime of the first or second degree; and
- 40 (2) Juveniles who are developmentally disabled as defined in
- 41 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82
- 42 (C.30:6D-3).
- 43 d. (1) When the court determines that, based on the consideration
- 44 of all the factors set forth in subsection a., the juvenile shall be
- 45 incarcerated, unless it orders the incarceration pursuant to
- 46 subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall
- 47 state on the record the reasons for imposing incarceration, including
- 48 any findings with regard to these factors, and commit the juvenile to

1 the custody of the **【Juvenile】** Youth Justice Commission which
2 shall provide for the juvenile's placement in a suitable juvenile
3 facility pursuant to the conditions set forth in this subsection and
4 for terms not to exceed the maximum terms as provided herein for
5 what would constitute the following crimes if committed by an
6 adult:

7	(a) Murder under 2C:11-3a(1) or (2)	20 years
8	(b) Murder under 2C:11-3a(3)	10 years
9	(c) Crime of the first degree, except murder	4 years
10	(d) Crime of the second degree	3 years
11	(e) Crime of the third degree	2 years
12	(f) Crime of the fourth degree	1 year
13	(g) Disorderly persons offense	6 months

14 (2) The period of confinement shall continue until the panel
15 established pursuant to subsection b. of this section determines that
16 the person is eligible for early release on parole or until expiration
17 of the term of confinement, whichever shall occur first; except that
18 in no case shall the period of confinement and parole exceed the
19 maximum provided by law for the offense. A juvenile shall be
20 granted early release on parole when it appears that the juvenile has
21 made substantial progress toward positive behavioral adjustment
22 and rehabilitative goals articulated by the panel established pursuant
23 to subsection b. of this section to the juvenile. However, if a
24 juvenile is approved for parole by the panel established pursuant to
25 subsection b. of this section prior to serving one-third of any term
26 imposed for any crime of the first, second, or third degree,
27 including any extended term imposed pursuant to paragraph (3) or
28 (4) of this subsection, or one-fourth of any term imposed for any
29 other crime the granting of parole shall be subject to approval of the
30 sentencing court. Prior to approving parole, the court shall give the
31 prosecuting attorney notice and an opportunity to be heard. If the
32 court denies the parole of a juvenile pursuant to this paragraph it
33 shall state its reasons in writing and notify the panel established
34 pursuant to subsection b. of this section, the juvenile, and the
35 juvenile's attorney. The court shall have 30 days from the date of
36 notice of the pending parole to exercise the power granted under
37 this paragraph. If the court does not respond within that time
38 period, the parole will be deemed approved.

39 The panel established pursuant to subsection b. of this section
40 shall determine at the time of release the conditions of parole,
41 which shall be appropriately tailored to the needs of each juvenile.
42 Any conditions imposed at the time of release or modified
43 thereafter as a graduated intervention in lieu of initiating parole
44 revocation proceedings shall constitute the least restrictive
45 alternatives necessary to promote the successful return of the
46 juvenile to the community. The juvenile shall not be required to
47 enter or complete a residential community release program,
48 residential treatment program, or other out-of-home placement as a

1 condition of parole unless it is determined that the condition is
2 necessary to protect the safety of the juvenile.

3 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
4 seq.) who is released on parole prior to the expiration of the
5 juvenile's maximum term may be retained under parole supervision
6 for a period not exceeding the unserved portion of the term. The
7 panel established pursuant to subsection b. of this section, the
8 juvenile, the juvenile's attorney, the juvenile's parent or guardian or,
9 with leave of the court any other interested party, may make a
10 motion to the court, with notice to the prosecuting attorney, for the
11 return of the juvenile from a juvenile facility prior to the juvenile's
12 parole and provide for an alternative disposition which would not
13 exceed the duration of the original time to be served in the facility.

14 (3) Upon application by the prosecutor, the court may sentence a
15 juvenile who has been convicted of a crime of the first, second, or
16 third degree if committed by an adult, to an extended term of
17 incarceration beyond the maximum set forth in paragraph (1) of this
18 subsection, if it finds that the juvenile was previously adjudged
19 delinquent on at least two separate occasions, for offenses which, if
20 committed by an adult, would constitute a crime of the first or
21 second degree. The extended term shall not exceed five additional
22 years for an act which would constitute murder and shall not exceed
23 three additional years for all other crimes of the first degree and
24 shall not exceed two additional years for a crime of the second
25 degree, if committed by an adult, and one additional year for a
26 crime of the third degree, if committed by an adult.

27 (4) Upon application by the prosecutor, when a juvenile is
28 before the court at one time for disposition of three or more
29 unrelated offenses which, if committed by an adult, would
30 constitute crimes of the first, second or third degree and which are
31 not part of the same transaction, the court may sentence the juvenile
32 to an extended term of incarceration not to exceed the maximum of
33 the permissible term for the most serious offense for which the
34 juvenile has been adjudicated plus two additional years.

35 (5) The panel established pursuant to subsection b. of this
36 section may impose a term of post-incarceration supervision
37 following the juvenile's release from custody only if it is deemed
38 necessary to effectuate the juvenile's rehabilitation and reintegration
39 into society. Post-incarceration supervision shall not exceed six
40 months, except the term may be extended for an additional six
41 months if the panel established pursuant to subsection b. of this
42 section deems continuation of the post-incarceration supervision
43 necessary to effectuate the juvenile's rehabilitation and reintegration
44 into society. Post-incarceration supervision shall not exceed one
45 year. Post-incarceration supervision shall not be imposed on any
46 juvenile who has completed a period of parole supervision of six
47 months or more. The term of post-incarceration supervision shall
48 commence on the date of the expiration of the juvenile's maximum

1 sentence. During the term of post-incarceration supervision the
2 juvenile shall remain in the community and in the legal custody of
3 the commission. The juvenile shall not be required to enter or
4 complete a residential community release program, residential
5 treatment program, or other out-of-home placement as a condition
6 of post-incarceration supervision. A term of post-incarceration
7 supervision imposed pursuant to this paragraph may be terminated
8 by the panel established pursuant to subsection b. of this section or
9 court if the juvenile has made a satisfactory adjustment in the
10 community while under supervision and if continued supervision is
11 not required.

12 (6) The commission shall review the case of each juvenile
13 sentenced to a term of commitment with the commission at least
14 every three months and submit a status report to the court, the
15 prosecutor, and the counsel for the juvenile. The commission's
16 review and status report shall include, but not be limited to:

17 (a) information on the treatment, care, and custody of the
18 juvenile;

19 (b) whether the juvenile is receiving the mental health,
20 substance abuse, educational, and other rehabilitative services
21 necessary to promote the juvenile's successful reintegration into the
22 community;

23 (c) any incidents of violence involving the juvenile; and

24 (d) the juvenile's eligibility for parole.

25 Counsel for the juvenile shall have the opportunity to respond to
26 the report required pursuant to this paragraph.

27 The commission shall continue to submit quarterly reports to the
28 court until the juvenile is paroled or released at the expiration of the
29 term of incarceration and shall resume the quarterly reviews if the
30 juvenile is returned to the custody of the commission. The court
31 may conduct a hearing at any time to determine whether
32 commitment with the commission continues to be appropriate
33 pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and section
34 25 of P.L.1982, c.77 (C.2A:4A-44), and may release the juvenile or
35 otherwise modify the dispositional order. Nothing in this paragraph
36 shall abrogate the court's retention of jurisdiction pursuant to
37 section 26 of P.L.1982, c.77 (C.2A:4A-45).

38 e. If the panel established pursuant to subsection b. of this
39 section determines there is probable cause to believe that the
40 juvenile has seriously or persistently violated the terms and
41 conditions of parole, the commission shall conduct a hearing to
42 determine if the juvenile's parole should be revoked. The juvenile
43 shall be represented by counsel at the hearing. The hearing shall be
44 conducted by a hearing officer who is licensed as an attorney-at-law
45 in this State. The juvenile shall not be incarcerated prior to the
46 hearing unless the panel established pursuant to subsection b. of this
47 section determines by objective and credible evidence that the
48 juvenile poses an immediate and substantial danger to public safety.

1 If the juvenile is incarcerated prior to the hearing, the hearing shall
2 be held within 72 hours of the juvenile's return to custody and a
3 written decision made and transmitted to the juvenile and the
4 juvenile's counsel within 48 hours of the hearing. Upon request of
5 counsel for the juvenile, the hearing officer shall adjourn the
6 hearing for not more than 72 hours. Subsequent adjournments may
7 be granted upon request of the juvenile and good cause shown.

8 The panel established pursuant to subsection b. of this section
9 shall not revoke the parole of a juvenile unless the hearing officer
10 determines, by clear and convincing evidence, that:

11 (1) the juvenile has seriously or persistently violated the
12 conditions of parole;

13 (2) the juvenile poses a substantial danger to public safety and
14 no form of community-based supervision would alleviate that
15 danger; and

16 (3) revocation is consistent with the provisions of section 2 of
17 P.L.1982, c.77 (C.2A:4A-21).

18 The procedures and standards set forth in sections 15 through 21
19 of P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall
20 apply to juvenile parole revocation hearings, unless the procedures
21 and standards conflict with those set forth in this subsection.

22 Notwithstanding a determination that the juvenile violated a
23 condition of parole, the panel established pursuant to subsection b.
24 of this section may modify those conditions.

25 f. The panel established pursuant to subsection b. of this
26 section may relieve a juvenile of any parole conditions, and may
27 permit a parolee to reside outside the State pursuant to the
28 provisions of the Interstate Compact on Juveniles, P.L.1955, c.55
29 (C.9:23-1 to 9:23-4), and after providing notice to the Attorney
30 General, may consent to the supervision of a parolee by the federal
31 government pursuant to the federal Witness Security Reform Act,
32 Pub.L.98-473 (18 U.S.C. s.3521 et seq.). The panel established
33 pursuant to subsection b. of this section may revoke permission,
34 except in the case of a juvenile under the Witness Security Reform
35 Act, or reinstate relieved parole conditions for any period of time
36 during which a juvenile is under its jurisdiction.

37 g. The commission shall promulgate rules and regulations
38 governing the commission's duties and responsibilities concerning
39 parole eligibility, supervision, and revocation.

40 h. The member of the State Parole Board who is designated by
41 the chairman to be on the panel established pursuant to subsection
42 b. of this section shall have experience in juvenile justice or have
43 successfully completed a juvenile justice training program to be
44 established by the chairman. The training program shall be
45 comprised of seven hours of instruction including, but not limited
46 to: emerging scientific knowledge concerning adolescent
47 development, particularly adolescent brain function and how
48 adolescent development relates to incarcerated youth, the influence

1 of peer relationships among adolescents and peer contagion effects,
2 and the effects of juvenile crime on victims.

3 i. Any decision concerning parole made by the panel
4 established pursuant to subsection b. of this section shall be
5 unanimous.

6 (cf: P.L.2019, c.363, s.3)

7

8 9. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to
9 read as follows:

10 1. The **【Juvenile】 Youth** Justice Commission established
11 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) may enter
12 into an agreement with any county concerning the use of that
13 county's juvenile detention facility for the housing of juveniles the
14 court has placed under the custody of the commission for placement
15 in State correctional facilities only if the county's juvenile detention
16 facility is not over its maximum rated capacity.

17 Unless the contract otherwise provides or the commission so
18 directs in order to provide for the secure and orderly operation of
19 the facility, a juvenile placed in a county detention facility pursuant
20 to the provisions of this act shall not be segregated from the
21 juveniles otherwise placed in the county detention facility or
22 excluded from any program or activity offered in that facility.

23 Any contract entered into pursuant to this section shall ensure
24 that educational, vocational, mental health, health and rehabilitative
25 services are provided to the juveniles and that these services are, at
26 minimum, equivalent to those provided to adjudicated juveniles in
27 State-operated facilities.

28 (cf: P.L.1995, c.280, s.12)

29

30 10. Section 2 of P.L.2020, c.111 (C.2A:4A-44.2) is amended to
31 read as follows:

32 2. a. Except as provided in subsection b. of this section, the
33 award of public health emergency credits pursuant to section 1 of
34 P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile
35 serving a sentence in a State correctional facility operated by the
36 **【Juvenile】 Youth** Justice Commission who due to the expiration of
37 the juvenile's term of commitment is scheduled to be released from
38 custody within 365 days .

39 b. Public health emergency credits shall not be awarded to any
40 juvenile serving a sentence in a State correctional facility operated
41 by the **【Juvenile】 Youth** Justice Commission for:

42 (1) murder pursuant to N.J.S.2C:11-3;

43 (2) aggravated sexual assault pursuant to subsection a. of
44 N.J.S.2C:14-2; or

45 (3) any offense enumerated in N.J.S.2C:47-1 and who is deemed
46 a repetitive, compulsive sex offender.

47 c. A juvenile who was serving a sentence in a State
48 correctional facility operated by the **【Juvenile】 Youth** Justice

1 Commission during the Public Health Emergency and State of
2 Emergency declared by the Governor in Executive Order 103 of
3 2020 concerning the coronavirus disease 2019 pandemic shall
4 receive public health emergency credits in accordance with section
5 1 of P.L.2020, c.111 (C.30:4-123.100).

6 d. A juvenile scheduled to be released from the custody of the
7 **【Juvenile】 Youth** Justice Commission following an award of public
8 health emergency credits pursuant to section 1 of P.L.2020, c.111
9 (C.30:4-123.100) shall be released on the scheduled release date
10 based on the award of public health emergency credits.

11 e. (1) Notwithstanding the provisions of subsection d. of this
12 section, a juvenile scheduled to be released from the custody of the
13 **【Juvenile】 Youth** Justice Commission following an award of public
14 health emergency credits pursuant to section 1 of P.L.2020, c.111
15 (C.30:4-123.100) whose scheduled release date is less than 45 days
16 after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.)
17 shall be released within 45 days after the effective date, in order to
18 allow the **【Juvenile】 Youth** Justice Commission to devise and
19 implement a release plan for the juvenile and arrange for services to
20 be provided to the juvenile upon release.

21 (2) A juvenile who is released from custody following an award
22 of public health emergency credits pursuant to this section shall be
23 prohibited from making contact with a victim as set forth in section
24 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall
25 remain in force until the time that the juvenile was scheduled to be
26 released prior to the award of public health emergency credits .

27 f. Prior to releasing a juvenile from the custody of the
28 **【Juvenile】 Youth** Justice Commission following an award of public
29 health emergency credits pursuant to section 1 of P.L.2020, c.111
30 (C.30:4-123.100), the Executive Director of the **【Juvenile】 Youth**
31 Justice Commission shall:

32 (1) notify the juvenile in writing of the prohibition against
33 making contact with any victim of the crime for which the juvenile
34 was serving a sentence pursuant to section 5 of P.L.2020, c.111
35 (C.30:4-123.103);

36 (2) notify the juvenile that a violation of the prohibition against
37 contact with the victim is a crime of the fourth degree; and

38 (3) require the juvenile to acknowledge in writing the receipt of
39 the notifications provided pursuant to this subsection .

40 (cf: P.L.2020, c.111, s.2)

41
42 11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to
43 read as follows:

44 6. a. The Executive Director of the **【Juvenile】 Youth** Justice
45 Commission shall immediately identify any juvenile who is
46 scheduled to be released from the custody of the **【Juvenile】 Youth**
47 Justice Commission within 365 days as a result of the award of

1 public health emergency credits pursuant to section 1 of P.L.2020,
2 c.111 (C.30:4-123.100).

3 b. Notwithstanding any provisions of law to the contrary, the
4 Executive Director of the **【Juvenile】 Youth** Justice Commission
5 shall provide notice to the prosecutor of the county in which the
6 juvenile was adjudicated delinquent or the Attorney General if the
7 matter was prosecuted by the Attorney General. The notice shall
8 include:

9 (1) the name of any juvenile who, due to the expiration of the
10 juvenile's term of commitment, is scheduled to be released from the
11 custody of the **【Juvenile】 Youth** Justice Commission within 365
12 days as a result of the award of public health emergency credits;

13 (2) the date on which the juvenile is scheduled to be released
14 from custody based on the award of public health emergency
15 credits; and

16 (3) the date on which the juvenile was scheduled to be released
17 from custody prior to the award of public health emergency credits.

18 c. The Executive Director of the **【Juvenile】 Youth** Justice
19 Commission shall make available to the public on the Internet
20 website of the **【Juvenile】 Youth** Justice Commission, in both
21 English and Spanish, information concerning:

22 (1) the procedures for filing an application for a restraining
23 order pursuant to the "Prevention of Domestic Violence Act of
24 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

25 (2) resources for victims of domestic violence; and

26 (3) procedures for filing with the court a petition to dissolve the
27 prohibition established pursuant to section 5 of P.L.2020, c.111
28 (C.30:4-123.103) prohibiting a juvenile from making contact with
29 any victim of the crime for which the juvenile was serving a
30 sentence.

31 (cf: P.L.2020, c.111, s.6)

32

33 12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to
34 read as follows:

35 7. Notwithstanding the provisions of any law to the contrary,
36 upon receipt of notice from the Executive Director of the
37 **【Juvenile】 Youth** Justice Commission that a juvenile is scheduled
38 to be released from the custody of the **【Juvenile】 Youth** Justice
39 Commission within 365 days based on the award of public health
40 emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-
41 123.100), the prosecutor or Attorney General, prior to the juvenile's
42 scheduled release date, may:

43 a. use any reasonable means available to notify any identifiable
44 victim of the crime for which the juvenile is serving a sentence in a
45 State correctional facility operated by the **【Juvenile】 Youth** Justice
46 Commission of the juvenile's scheduled release date;

- 1 b. notify the identifiable victim that the law prohibits the
- 2 juvenile from having any contact with the victim unless a petition is
- 3 filed with the court to dissolve the prohibition in accordance with
- 4 the procedures established by the court;
- 5 c. notify the victim of the duration of the prohibition against
- 6 the juvenile having contact with the victim;
- 7 d. notify the victim of the penalties imposed for the juvenile's
- 8 violation of the prohibition against contact;
- 9 e. provide information to the victim concerning how a petition
- 10 may be filed with the court to dissolve the prohibition against the
- 11 juvenile having contact with the victim; and
- 12 f. provide information to the victim concerning the procedures
- 13 for filing an application for a restraining order pursuant to the
- 14 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
- 15 (C.2C:25-17 et seq.), and resources for victims of domestic
- 16 violence.

17 (cf: P.L.2020, c.111, s.7)

18

19 13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
20 read as follows:

- 21 1. Disclosure of juvenile information; penalties for disclosure.
- 22 a. Social, medical, psychological, legal and other records of the
- 23 court and probation division, and records of law enforcement
- 24 agencies, pertaining to juveniles charged as a delinquent or found to
- 25 be part of a juvenile-family crisis, shall be strictly safeguarded from
- 26 public inspection. Such records shall be made available only to:
- 27 (1) Any court or probation division;
- 28 (2) The Attorney General or county prosecutor;
- 29 (3) The parents or guardian and to the attorney of the juvenile;
- 30 (4) The Department of Human Services or Department of
- 31 Children and Families, if providing care or custody of the juvenile;
- 32 (5) Any institution or facility to which the juvenile is currently
- 33 committed or in which the juvenile is placed;
- 34 (6) Any person or agency interested in a case or in the work of
- 35 the agency keeping the records, by order of the court for good cause
- 36 shown, except that information concerning adjudications of
- 37 delinquency, records of custodial confinement, payments owed on
- 38 assessments imposed pursuant to section 2 of P.L.1979, c.396
- 39 (C.2C:43-3.1) or restitution ordered following conviction of a crime
- 40 or adjudication of delinquency, and the juvenile's financial
- 41 resources, shall be made available upon request to the Victims of
- 42 Crime Compensation Agency established pursuant to section 2 of
- 43 P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information
- 44 and records confidential;
- 45 (7) The **【Juvenile】** Youth Justice Commission established
- 46 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

1 (8) Law enforcement agencies for the purpose of reviewing
2 applications for a permit to purchase a handgun or firearms
3 purchaser identification card;

4 (9) Any potential party in a subsequent civil action for damages
5 related to an act of delinquency committed by a juvenile, including
6 the victim or a member of the victim's immediate family, regardless
7 of whether the action has been filed against the juvenile; provided,
8 however, that records available under this paragraph shall be
9 limited to official court documents, such as complaints, pleadings
10 and orders, and that such records may be disclosed by the recipient
11 only in connection with asserting legal claims or obtaining
12 indemnification on behalf of the victim or the victim's family and
13 otherwise shall be safeguarded from disclosure to other members of
14 the public. Any potential party in a civil action related to the
15 juvenile offense may file a motion with the civil trial judge seeking
16 to have the juvenile's social, medical or psychological records
17 admitted into evidence in a civil proceeding for damages;

18 (10) Any potential party in a subsequent civil action for damages
19 related to an act of delinquency committed by a juvenile, including
20 the victim or a member of the victim's immediate family, regardless
21 of whether the action has been filed against the juvenile; provided,
22 however, that records available under this paragraph shall be
23 limited to police or investigation reports concerning acts of
24 delinquency, which shall be disclosed by a law enforcement agency
25 only with the approval of the County Prosecutor's Office or the
26 Division of Criminal Justice. Prior to disclosure, all personal
27 information regarding all individuals, other than the requesting
28 party and the arresting or investigating officer, shall be redacted.
29 Such records may be disclosed by the recipient only in connection
30 with asserting legal claims or obtaining indemnification on behalf
31 of the victim or the victim's family, and otherwise shall be
32 safeguarded from disclosure to other members of the public;

33 (11) The Office of the Child Advocate established pursuant to
34 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
35 information received by the child advocate pursuant to this
36 paragraph shall be in accordance with the provisions of section 76
37 of P.L.2005, c.155 (C.52:27EE-76);

38 (12) Law enforcement agencies with respect to information
39 available on the juvenile central registry maintained by the courts
40 pursuant to subsection g. of this section, including, but not limited
41 to: records of official court documents, such as complaints,
42 pleadings and orders for the purpose of obtaining juvenile arrest
43 information; juvenile disposition information; juvenile pretrial
44 information; and information concerning the probation status of a
45 juvenile; and

46 (13) A Court Appointed Special Advocate as defined in section 1
47 of P.L.2009, c.217 (C.2A:4A-92).

1 b. Records of law enforcement agencies may be disclosed for
2 law enforcement purposes, or for the purpose of reviewing
3 applications for a permit to purchase a handgun or a firearms
4 purchaser identification card to any law enforcement agency of this
5 State, another state or the United States, and the identity of a
6 juvenile under warrant for arrest for commission of an act that
7 would constitute a crime if committed by an adult may be disclosed
8 to the public when necessary to execution of the warrant.

9 c. At the time of charge, adjudication or disposition,
10 information as to the identity of a juvenile charged with an offense,
11 the offense charged, the adjudication and disposition shall, upon
12 request, be disclosed to:

13 (1) The victim or a member of the victim's immediate family;

14 (2) (Deleted by amendment, P.L.2005, c.165).

15 (3) On a confidential basis, the principal of the school where the
16 juvenile is enrolled for use by the principal and such members of
17 the staff and faculty of the school as the principal deems
18 appropriate for maintaining order, safety or discipline in the school
19 or to planning programs relevant to the juvenile's educational and
20 social development, provided that no record of such information
21 shall be maintained except as authorized by regulation of the
22 Department of Education; or

23 (4) A party in a subsequent legal proceeding involving the
24 juvenile, upon approval by the court.

25 d. A law enforcement or prosecuting agency shall, at the time
26 of a charge, adjudication or disposition, send written notice to the
27 principal of the school where the juvenile is enrolled of the identity
28 of the juvenile charged, the offense charged, the adjudication and
29 the disposition if:

30 (1) The offense occurred on school property or a school bus,
31 occurred at a school-sponsored function or was committed against
32 an employee or official of the school; or

33 (2) The juvenile was taken into custody as a result of
34 information or evidence provided by school officials; or

35 (3) The offense, if committed by an adult, would constitute a
36 crime, and the offense:

37 (a) resulted in death or serious bodily injury or involved an
38 attempt or conspiracy to cause death or serious bodily injury; or

39 (b) involved the unlawful use or possession of a firearm or other
40 weapon; or

41 (c) involved the unlawful manufacture, distribution or
42 possession with intent to distribute a controlled dangerous
43 substance or controlled substance analog; or

44 (d) was committed by a juvenile who acted with a purpose to
45 intimidate an individual or group of individuals because of race,
46 color, religion, sexual orientation or ethnicity; or

47 (e) would be a crime of the first, second, or third degree.

1 Information provided to the principal pursuant to this subsection
2 shall be maintained by the school and shall be treated as
3 confidential but may be made available to such members of the staff
4 and faculty of the school as the principal deems appropriate for
5 maintaining order, safety or discipline in the school or for planning
6 programs relevant to a juvenile's educational and social
7 development.

8 e. Nothing in this section prohibits a law enforcement or
9 prosecuting agency from providing the principal of a school with
10 information identifying one or more juveniles who are under
11 investigation or have been taken into custody for commission of any
12 act that would constitute an offense if committed by an adult when
13 the law enforcement or prosecuting agency determines that the
14 information may be useful to the principal in maintaining order,
15 safety or discipline in the school or in planning programs relevant
16 to the juvenile's educational and social development. Information
17 provided to the principal pursuant to this subsection shall be treated
18 as confidential but may be made available to such members of the
19 staff and faculty of the school as the principal deems appropriate for
20 maintaining order, safety or discipline in the school or for planning
21 programs relevant to the juvenile's educational and social
22 development. No information provided pursuant to this section
23 shall be maintained.

24 f. Information as to the identity of a juvenile adjudicated
25 delinquent, the offense, the adjudication and the disposition shall be
26 disclosed to the public where the offense for which the juvenile has
27 been adjudicated delinquent if committed by an adult, would
28 constitute a crime of the first, second or third degree, or aggravated
29 assault, destruction or damage to property to an extent of more than
30 \$500.00, unless upon application at the time of disposition the
31 juvenile demonstrates a substantial likelihood that specific and
32 extraordinary harm would result from such disclosure in the specific
33 case. Where the court finds that disclosure would be harmful to the
34 juvenile, the reasons therefor shall be stated on the record.

35 g. (1) Nothing in this section shall prohibit the establishment
36 and maintaining of a central registry of the records of law
37 enforcement agencies relating to juveniles for the purpose of
38 exchange between State and local law enforcement agencies and
39 prosecutors of this State, another state, or the United States. These
40 records of law enforcement agencies shall be available on a 24-hour
41 basis.

42 (2) Certain information and records relating to juveniles in the
43 central registry maintained by the courts, as prescribed in paragraph
44 (12) of subsection a. of this section, shall be available to State and
45 local law enforcement agencies and prosecutors on a 24-hour basis.

46 h. Whoever, except as provided by law, knowingly discloses,
47 publishes, receives, or makes use of or knowingly permits the
48 unauthorized use of information concerning a particular juvenile

1 derived from records listed in subsection a. or acquired in the
2 course of court proceedings, probation, or police duties, shall, upon
3 conviction thereof, be guilty of a disorderly persons offense.

4 i. Juvenile delinquency proceedings.

5 (1) Except as provided in paragraph (2) of this subsection, the
6 court may, upon application by the juvenile or his parent or
7 guardian, the prosecutor or any other interested party, including the
8 victim or complainant or members of the news media, permit public
9 attendance during any court proceeding at a delinquency case,
10 where it determines that a substantial likelihood that specific harm
11 to the juvenile would not result. The court shall have the authority
12 to limit and control attendance in any manner and to the extent it
13 deems appropriate;

14 (2) The court or, in cases where the county prosecutor has
15 entered an appearance, the county prosecutor shall notify the victim
16 or a member of the victim's immediate family of any court
17 proceeding involving the juvenile and the court shall permit the
18 attendance of the victim or family member at the proceeding except
19 when, prior to completing testimony as a witness, the victim or
20 family member is properly sequestered in accordance with the law
21 or the Rules Governing the Courts of the State of New Jersey or
22 when the juvenile or the juvenile's family member shows, by clear
23 and convincing evidence, that such attendance would result in a
24 substantial likelihood that specific harm to the juvenile would result
25 from the attendance of the victim or a family member at a
26 proceeding or any portion of a proceeding and that such harm
27 substantially outweighs the interest of the victim or family member
28 to attend that portion of the proceeding;

29 (3) The court shall permit a victim, or a family member of a
30 victim to make a statement prior to ordering a disposition in any
31 delinquency proceeding involving an offense that would constitute a
32 crime if committed by an adult.

33 j. The Department of Education, in consultation with the
34 Attorney General, shall adopt, pursuant to the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
36 regulations concerning the creation, maintenance and disclosure of
37 pupil records including information acquired pursuant to this
38 section.

39 (cf: P.L.2009, c.217, s.2)

40
41 14. N.J.S.2C:4-11 is amended to read as follows:

42 2C:4-11. a. A person shall not be tried for or convicted of an
43 offense if:

44 (1) At the time of the conduct charged to constitute the offense
45 he was less than 14 years of age, in which case the family court
46 shall have exclusive jurisdiction unless pursuant to section 8 of the
47 "New Jersey Code of **【Juvenile】** Youth Justice" the juvenile has
48 demanded indictment and trial by jury; or

1 (2) At the time of the conduct charged to constitute the offense
2 he was 14, 15, 16 or 17 years of age, unless:

3 (a) The family court has no jurisdiction over him;

4 (b) The family court has, pursuant to section 7 of the "New
5 Jersey Code of **【Juvenile】 Youth** Justice," entered an order waiving
6 jurisdiction and referring the case to the county prosecutor for the
7 institution of criminal proceedings against him;

8 (c) The juvenile has, pursuant to section 8 of the "New Jersey
9 Code of **【Juvenile】 Youth** Justice," demanded indictment and trial
10 by jury.

11 b. No court shall have jurisdiction to try and convict a person
12 of an offense if criminal proceedings against him are barred by
13 subsection a. of this section. When it appears that a person charged
14 with the commission of an offense may be of such an age that
15 proceedings may be barred under subsection a. of this section, the
16 court shall hold a hearing thereon, and the burden shall be on such
17 person to establish to the satisfaction of the court that the
18 proceeding is barred upon such grounds. If the court determines
19 that the proceeding is barred, custody of the person charged shall be
20 surrendered to the family court and the case, including all papers
21 and processes relating thereto shall be transferred.

22 (cf: P.L.1982, c.77, s.32)

23

24 15. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
25 as follows:

26 2. a. (1) A person who has been convicted, adjudicated
27 delinquent or found not guilty by reason of insanity for commission
28 of a sex offense as defined in subsection b. of this section shall
29 register as provided in subsections c. and d. of this section.

30 (2) A person who in another jurisdiction is required to register
31 as a sex offender and (a) is enrolled on a full-time or part-time basis
32 in any public or private educational institution in this State,
33 including any secondary school, trade or professional institution,
34 institution of higher education or other post-secondary school, or
35 (b) is employed or carries on a vocation in this State, on either a
36 full-time or a part-time basis, with or without compensation, for
37 more than 14 consecutive days or for an aggregate period exceeding
38 30 days in a calendar year, shall register in this State as provided in
39 subsections c. and d. of this section.

40 (3) A person who fails to register as required under this act shall
41 be guilty of a crime of the third degree.

42 b. For the purposes of this act a sex offense shall include the
43 following:

44 (1) Aggravated sexual assault, sexual assault, aggravated
45 criminal sexual contact, kidnapping pursuant to paragraph (2) of
46 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
47 crimes if the court found that the offender's conduct was
48 characterized by a pattern of repetitive, compulsive behavior,

1 regardless of the date of the commission of the offense or the date
2 of conviction;

3 (2) A conviction, adjudication of delinquency, or acquittal by
4 reason of insanity for aggravated sexual assault; sexual assault;
5 aggravated criminal sexual contact; kidnapping pursuant to
6 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
7 welfare of a child by engaging in sexual conduct which would
8 impair or debauch the morals of the child pursuant to subsection a.
9 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
10 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or
11 (ii) of subparagraph (b) of paragraph (5) of subsection b. of
12 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
13 c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-
14 3b. if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1,
15 criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment
16 pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender
17 is not the parent of the victim; knowingly promoting prostitution of
18 a child pursuant to paragraph (3) or paragraph (4) of subsection b.
19 of N.J.S.2C:34-1; leader of a child pornography network pursuant to
20 section 8 of P.L.2017, c.141 (C.2C:24-4.1); or an attempt to commit
21 any of these enumerated offenses if the conviction, adjudication of
22 delinquency or acquittal by reason of insanity is entered on or after
23 the effective date of this act or the offender is serving a sentence of
24 incarceration, probation, parole or other form of community
25 supervision as a result of the offense or is confined following
26 acquittal by reason of insanity or as a result of civil commitment on
27 the effective date of this act;

28 (3) A conviction, adjudication of delinquency, or acquittal by
29 reason of insanity for an offense similar to any offense enumerated
30 in paragraph (2) or a sentence on the basis of criteria similar to the
31 criteria set forth in paragraph (1) of this subsection entered or
32 imposed under the laws of the United States, this State, or another
33 state.

34 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)
35 of this subsection, a sex offense shall not include an adjudication of
36 delinquency for endangering the welfare of a child pursuant to
37 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that
38 the actor demonstrates that:

39 (a) the facts of the case are limited to the creation, exhibition or
40 distribution of a photograph depicting nudity or portraying a child
41 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
42 through the use of an electronic communications device, an
43 interactive wireless communications device, or a computer;

44 (b) the creator and subject of the photograph are juveniles or
45 were juveniles at the time of its making; and

46 (c) the subject of the photograph whose nudity is depicted or
47 who is portrayed in a sexually suggestive manner, as the case may
48 be, knowingly consented to the making of the photograph.

1 c. A person required to register under the provisions of this act
2 shall do so on forms to be provided by the designated registering
3 agency as follows:

4 (1) A person who is required to register and who is under
5 supervision in the community on probation, parole, furlough, work
6 release, or a similar program, shall register at the time the person is
7 placed under supervision or no later than 120 days after the
8 effective date of this act, whichever is later, in accordance with
9 procedures established by the Department of Corrections, the
10 Department of Human Services, the **【Juvenile】 Youth** Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170) or the Administrative Office of the Courts,
13 whichever is responsible for supervision;

14 (2) A person confined in a correctional or juvenile facility or
15 involuntarily committed who is required to register shall register
16 prior to release in accordance with procedures established by the
17 Department of Corrections, the Department of Human Services or
18 the **【Juvenile】 Youth** Justice Commission and, within 48 hours of
19 release, shall also register with the chief law enforcement officer of
20 the municipality in which the person resides or, if the municipality
21 does not have a local police force, the Superintendent of State
22 Police;

23 (3) A person moving to or returning to this State from another
24 jurisdiction shall register with the chief law enforcement officer of
25 the municipality in which the person will reside or, if the
26 municipality does not have a local police force, the Superintendent
27 of State Police within 120 days of the effective date of this act or 10
28 days of first residing in or returning to a municipality in this State,
29 whichever is later;

30 (4) A person required to register on the basis of a conviction
31 prior to the effective date who is not confined or under supervision
32 on the effective date of this act shall register within 120 days of the
33 effective date of this act with the chief law enforcement officer of
34 the municipality in which the person will reside or, if the
35 municipality does not have a local police force, the Superintendent
36 of State Police;

37 (5) A person who in another jurisdiction is required to register
38 as a sex offender and who is enrolled on a full-time or part-time
39 basis in any public or private educational institution in this State,
40 including any secondary school, trade or professional institution,
41 institution of higher education or other post-secondary school shall,
42 within ten days of commencing attendance at such educational
43 institution, register with the chief law enforcement officer of the
44 municipality in which the educational institution is located or, if the
45 municipality does not have a local police force, the Superintendent
46 of State Police;

47 (6) A person who in another jurisdiction is required to register
48 as a sex offender and who is employed or carries on a vocation in

1 this State, on either a full-time or a part-time basis, with or without
2 compensation, for more than 14 consecutive days or for an
3 aggregate period exceeding 30 days in a calendar year, shall, within
4 ten days after commencing such employment or vocation, register
5 with the chief law enforcement officer of the municipality in which
6 the employer is located or where the vocation is carried on, as the
7 case may be, or, if the municipality does not have a local police
8 force, the Superintendent of State Police;

9 (7) In addition to any other registration requirements set forth in
10 this section, a person required to register under this act who is
11 enrolled at, employed by or carries on a vocation at an institution of
12 higher education or other post-secondary school in this State shall,
13 within 10 days after commencing such attendance, employment or
14 vocation, register with the law enforcement unit of the educational
15 institution, if the institution has such a unit.

16 d. (1) Upon a change of address, a person shall notify the law
17 enforcement agency with which the person is registered and shall
18 re-register with the appropriate law enforcement agency no less
19 than 10 days before he intends to first reside at his new address.
20 Upon a change of employment or school enrollment status, a person
21 shall notify the appropriate law enforcement agency no later than
22 five days after any such change. A person who fails to notify the
23 appropriate law enforcement agency of a change of address or status
24 in accordance with this subsection is guilty of a crime of the third
25 degree.

26 (2) A person required to register under this act shall provide the
27 appropriate law enforcement agency with information as to whether
28 the person has routine access to or use of a computer or any other
29 device with Internet capability. A person who fails to notify the
30 appropriate law enforcement agency of such information or of a
31 change in the person's access to or use of a computer or other
32 device with Internet capability or who provides false information
33 concerning the person's access to or use of a computer or any other
34 device with Internet capability is guilty of a crime of the third
35 degree.

36 e. A person required to register under paragraph (1) of
37 subsection b. of this section or under paragraph (3) of subsection b.
38 due to a sentence imposed on the basis of criteria similar to the
39 criteria set forth in paragraph (1) of subsection b. shall verify his
40 address with the appropriate law enforcement agency every 90 days
41 in a manner prescribed by the Attorney General. A person required
42 to register under paragraph (2) of subsection b. of this section or
43 under paragraph (3) of subsection b. on the basis of a conviction for
44 an offense similar to an offense enumerated in paragraph (2) of
45 subsection b. shall verify his address annually in a manner
46 prescribed by the Attorney General. In addition to address
47 information, the person shall provide as part of the verification
48 process any additional information the Attorney General may

1 require. One year after the effective date of this act, the Attorney
2 General shall review, evaluate and, if warranted, modify pursuant to
3 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.) the verification requirement. Any person who knowingly
5 provides false information concerning his place of residence or who
6 fails to verify his address with the appropriate law enforcement
7 agency or other entity, as prescribed by the Attorney General in
8 accordance with this subsection, is guilty of a crime of the third
9 degree.

10 f. Except as provided in subsection g. of this section, a person
11 required to register under this act may make application to the
12 Superior Court of this State to terminate the obligation upon proof
13 that the person has not committed an offense within 15 years
14 following conviction or release from a correctional facility for any
15 term of imprisonment imposed, whichever is later, and is not likely
16 to pose a threat to the safety of others.

17 g. A person required to register under this section who has
18 been convicted of, adjudicated delinquent, or acquitted by reason of
19 insanity for more than one sex offense as defined in subsection b. of
20 this section or who has been convicted of, adjudicated delinquent,
21 or acquitted by reason of insanity for aggravated sexual assault
22 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
23 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
24 eligible under subsection f. of this section to make application to
25 the Superior Court of this State to terminate the registration
26 obligation.

27 (cf: P.L.2017, c.141, s.3)

28

29 16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
30 as follows:

31 3. Notice of the obligation to register shall be provided as
32 follows:

33 (1) A court imposing a sentence, disposition or order of
34 commitment following acquittal by reason of insanity shall notify
35 the defendant of the obligation to register pursuant to section 2 of
36 this act.

37 (2) The Department of Corrections, the Administrative Office of
38 the Courts, the **【Juvenile】** Youth Justice Commission established
39 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and the
40 Department of Human Services shall (a) establish procedures for
41 notifying persons under their supervision of the obligation to
42 register pursuant to this act and (b) establish procedures for
43 registration by persons with the appropriate law enforcement
44 agency who are under supervision in the community on probation,
45 parole, furlough, work release or similar program outside the
46 facility, and registration with the appropriate law enforcement
47 agency of persons who are released from the facility in which they
48 are confined without supervision.

1 (3) The Division of Motor Vehicles in the Department of Law
2 and Public Safety shall provide notice of the obligation to register
3 pursuant to this section in connection with each application for a
4 license to operate a motor vehicle and each application for an
5 identification card issued pursuant to section 2 of P.L.1980, c.47
6 (C.39:3-29.3).

7 (4) The Attorney General shall cause notice of the obligation to
8 register to be published in a manner reasonably calculated to reach
9 the general public within 30 days of the effective date of this act.
10 (cf: P.L.1995, c.280, s.19)

11
12 17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
13 as follows:

14 4. a. Within 60 days of the effective date of this act, the
15 Superintendent of State Police, with the approval of the Attorney
16 General, shall prepare the form of registration statement as required
17 in subsection b. of this section and shall provide such forms to each
18 organized full-time municipal police department, the Department of
19 Corrections, the Administrative Office of the Courts and the
20 Department of Human Services. In addition, the Superintendent of
21 State Police shall make such forms available to the **【Juvenile】**
22 Youth Justice Commission established pursuant to section 2 of
23 P.L.1995, c.284 (C.52:17B-170).

24 b. The form of registration required by this act shall include:

25 (1) A statement in writing signed by the person required to
26 register acknowledging that the person has been advised of the duty
27 to register and reregister imposed by this act and including the
28 person's name, social security number, age, race, sex, date of birth,
29 height, weight, hair and eye color, address of legal residence,
30 address of any current temporary residence, date and place of
31 employment; and any anticipated or current school enrollment,
32 including but not limited to enrollment at or employment by any
33 institution of higher education;

34 (2) Date and place of each conviction, adjudication or acquittal
35 by reason of insanity, indictment number, fingerprints, and a brief
36 description of the crime or crimes for which registration is required;
37 and

38 (3) Any other information that the Attorney General deems
39 necessary to assess risk of future commission of a crime, including
40 criminal and corrections records, nonprivileged personnel,
41 treatment, and abuse registry records, and evidentiary genetic
42 markers when available.

43 c. Within three days of receipt of a registration pursuant to
44 subsection c. of section 2 of this act, the registering agency shall
45 forward the statement and any other required information to the
46 prosecutor who shall, as soon as practicable, transmit the form of
47 registration to the Superintendent of State Police, and, if the
48 registrant will reside in a different county, to the prosecutor of the

1 county in which the person will reside. The prosecutor of the
2 county in which the person will reside shall transmit the form of
3 registration to the law enforcement agency responsible for the
4 municipality in which the person will reside and other appropriate
5 law enforcement agencies. The superintendent shall promptly
6 transmit the conviction data and fingerprints to the Federal Bureau
7 of Investigation.

8 d. The Superintendent of State Police shall maintain a central
9 registry of registrations provided pursuant to this act.

10 (cf: P.L.2003, c.34, s.2)

11
12 18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
13 read as follows:

14 2. Application for Temporary Protective Order.

15 a. (1) Any person alleging to be a victim of nonconsensual sexual
16 contact, sexual penetration, or lewdness, or any attempt at such
17 conduct, or stalking or cyber-harassment, and who is not eligible for
18 a restraining order as a "victim of domestic violence" as defined by
19 the provisions of subsection d. of section 3 of P.L.1991, c.261
20 (C.2C:25-19), may, except as provided in subsection b. of this
21 section, file an application with the Superior Court pursuant to the
22 Rules of Court alleging the commission of such conduct or
23 attempted conduct and seeking a temporary protective order.

24 As used in this section and in sections 3, 4, and 8 of P.L.2015,
25 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

26 "Sexual contact" means an intentional touching by the victim or
27 actor, either directly or through clothing, of the victim's or actor's
28 intimate parts for the purpose of degrading or humiliating the victim
29 or sexually arousing or sexually gratifying the actor.

30 "Sexual penetration" means vaginal intercourse, cunnilingus,
31 fellatio or anal intercourse between persons or insertion of the hand,
32 finger or object into the anus or vagina either by the actor or upon
33 the actor's instruction.

34 "Lewdness" means the exposing of the genitals for the purpose
35 of arousing or gratifying the sexual desire of the actor or of any
36 other person.

37 "Intimate parts" means the following body parts: sexual organs,
38 genital area, anal area, inner thigh, groin, buttock or breast of a
39 person.

40 "Stalking" means purposefully or knowingly engaging in a
41 course of conduct directed at or toward a person that would cause a
42 reasonable person to fear for the reasonable person's own safety or
43 the safety of a third person, or suffer other emotional distress,
44 because the conduct involves: repeatedly maintaining a visual or
45 physical proximity to a person; directly, indirectly, or through third
46 parties, by any action, method, device, or means, following,
47 monitoring, observing, surveilling, threatening, or communicating
48 to or about a person, or interfering with a person's property;

1 repeatedly committing harassment against a person; or repeatedly
2 conveying, or causing to be conveyed, verbal or written threats or
3 threats conveyed by any other means of communication or threats
4 implied by conduct or a combination thereof directed at or towards
5 a person.

6 "Repeatedly" means on two or more occasions.

7 "Emotional distress" means significant mental suffering or
8 distress.

9 "Cause a reasonable person to fear" means to cause fear which a
10 reasonable victim, similarly situated, would have under the
11 circumstances.

12 "Cyber-harassment" means conduct that occurs, while making
13 one or more communications in an online capacity via any
14 electronic device or through a social networking site and with the
15 purpose to harass another, that involves: threatening to inflict injury
16 or physical harm to any person or the property of any person;
17 knowingly sending, posting, commenting, requesting, suggesting, or
18 proposing any lewd, indecent, or obscene material to or about a
19 person with the intent to emotionally harm a reasonable person or
20 place a reasonable person in fear of physical or emotional harm to
21 the reasonable person; or threatening to commit any crime against a
22 person or the person's property.

23 (2) Except as provided in subsection b. of this section, an
24 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
25 be filed by the alleged victim's parent or guardian on behalf of the
26 alleged victim in any case in which the alleged victim:

27 (a) is less than 18 years of age; or

28 (b) has a developmental disability as defined in section 3 of
29 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
30 renders the alleged victim temporarily or permanently incapable of
31 understanding the nature of the alleged victim's conduct, including,
32 but not limited to, being incapable of providing consent, or of
33 understanding the nature of the alleged conduct that is the subject of
34 the application.

35 b. (1) When it is alleged that nonconsensual sexual contact,
36 sexual penetration, or lewdness, or any attempt at such conduct, or
37 stalking or cyber-harassment has been committed by an
38 unemancipated minor, an applicant seeking a protective order shall
39 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
40 al.), but may seek a protective order and other relief under the "New
41 Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982, c.77
42 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
43 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

44 (2) When it is alleged that nonconsensual sexual contact, sexual
45 penetration, or lewdness, or any attempt at such conduct, or stalking
46 or cyber-harassment has been committed against an unemancipated
47 minor by a parent, guardian, or other person having care, custody
48 and control of that child as defined in R.S.9:6-2, an applicant

1 seeking a protective order shall not proceed under the provisions of
2 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
3 the Department of Children and Families for appropriate action.

4 c. (1) An applicant may seek a protective order pursuant to
5 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
6 order regardless of whether criminal charges based on the incident
7 were filed and regardless of the disposition of any such charges.

8 (2) The filing of an application pursuant to this section shall not
9 prevent the filing of a criminal complaint, or the institution or
10 maintenance of a criminal prosecution based on the same act.

11 d. The court shall waive any requirement that the applicant's or
12 alleged victim's place of residence appear on the application.

13 e. An applicant may seek a protective order pursuant to
14 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
15 over the place where the alleged conduct or attempted conduct
16 occurred, where the respondent resides, or where the alleged victim
17 resides or is sheltered.

18 f. No fees or other costs shall be assessed against an applicant
19 for seeking a protective order pursuant to P.L.2015, c.147
20 (C.2C:14-13 et al.).

21 (cf: P.L.2023, c.127, s.2)

22
23 19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to
24 read as follows:

25 1. a. For the purposes of this section:

26 "County correctional facility" means any prison or other secure
27 facility managed and operated by any county of this State in which
28 adult offenders are incarcerated.

29 "County juvenile detention facility" means any secure juvenile
30 facility managed and operated by any county of this State.

31 "Secure juvenile facility" means the New Jersey Training School
32 for Boys, the Juvenile Medium Security Facility, and any other
33 secure juvenile facility managed and operated by the **【Juvenile】**
34 Youth Justice Commission.

35 "State correctional facility" means a State prison or other penal
36 institution.

37 b. A person who possesses or uses an electronic
38 communication device or a battery or device to recharge an
39 electronic communication device while confined to a State
40 correctional facility, secure juvenile facility, county correctional
41 facility, or county juvenile detention facility is guilty of a crime of
42 the third degree.

43 c. A person, other than an employee or a contract employee of
44 the Department of Corrections, the **【Juvenile】** Youth Justice
45 Commission, a county correctional facility, or a county juvenile
46 detention facility who knowingly sells, transfers, assigns, provides,
47 or otherwise gives an electronic communication device to a person
48 who is confined in a State correctional facility, secure juvenile

1 facility, county correctional facility, or county juvenile detention
2 facility is guilty of a crime of the third degree.

3 d. An employee or a contract employee of the Department of
4 Corrections, the **【Juvenile】 Youth** Justice Commission, a county
5 correctional facility, or a county juvenile detention facility who
6 knowingly sells, transfers, assigns, provides, or otherwise gives an
7 electronic communication device to a person who is confined in a
8 State correctional facility, secure juvenile facility, county
9 correctional facility, or county juvenile detention facility is guilty of
10 a crime of the second degree.

11 (cf: P.L.2007, c.127, s.1)

12
13 20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
14 read as follows:

15 4. a. (1) The Attorney General shall biannually issue a
16 comprehensive report detailing the number of occurrences and other
17 statistics, without revealing or including any personal identifying
18 information, concerning first, second, third and subsequent
19 violations of paragraph (1) of subsection a. of section 1 of
20 P.L.1979, c.264 (C.2C:33-15) involving the possession or
21 consumption of any alcoholic beverage, marijuana, hashish, or
22 cannabis items by persons under the legal age to purchase alcoholic
23 beverages or cannabis items, the municipal, county or other
24 geographic areas within which first, second, third and subsequent
25 violations occur, and the law enforcement agencies involved in
26 first, second, third and subsequent violations, covering the previous
27 six-month period. The initial report shall be issued by June 30,
28 2021, the second report shall be issued by January 30, 2022, and
29 then the next report issued every six months thereafter. Each report
30 shall also be submitted to the Governor and the Legislature pursuant
31 to section 2 of P.L.1991, c.164 (C.52:14-19.1).

32 (2) The Attorney General shall also make reports available to
33 the task force established pursuant to subsection b. of this section
34 based on the Attorney General's periodic review of body worn
35 camera recordings of law enforcement officers responding to a call
36 for service related to a violation or suspected violation of paragraph
37 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
38 at the initiation of any other law enforcement or investigative
39 encounter between an officer and a person related to a violation or
40 suspected violation of that paragraph, which recordings are required
41 to be made in accordance with paragraph (4) of subsection a. of
42 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
43 shall be conducted using body worn camera recordings both
44 selected by the Attorney General and randomly determined, and the
45 task force may request an Attorney General review a particular
46 municipality, region, or time period. The identity of any person
47 included in a recording reviewed by the Attorney General shall be
48 kept confidential and shall not be revealed to the members of the

1 task force or any staff provided to the task force by the Department
2 of Law and Public Safety pursuant to paragraph (6) of subsection b.
3 of this section to support its work.

4 b. (1) A taskforce shall be established in the Department of Law
5 and Public Safety, comprised of 26 members to review each
6 Attorney General report described in subsection a. of this section,
7 and make recommendations thereon to the Governor and
8 Legislature related to law enforcement activities to address the
9 enforcement of underage possession or consumption of alcoholic
10 beverages, marijuana, hashish, or cannabis items in violation of
11 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
12 issue of underage possession or consumption of these substances.

13 (2) The membership of the taskforce shall include the following
14 individuals:

15 (a) the Attorney General, or a designee;

16 (b) the Public Defender, or a designee;

17 (c) the Commissioner of the Department of Children and
18 Families, or a designee;

19 (d) the Commissioner of Education, or a designee;

20 (e) a representative from the **【Juvenile】 Youth** Justice
21 Commission, appointed by the Governor;

22 (f) a representative from the Division of Criminal Justice in the
23 Department of Law and Public Safety, appointed by the Governor;

24 (g) the Chair of the Governor's **【Juvenile】 Youth** Justice
25 Delinquency and Prevention Committee;

26 (h) two members appointed by the Governor upon the
27 recommendation of the President of the Senate, at least one of
28 whom shall be a member of the Legislative Black Caucus or
29 Legislative Latino Caucus, determined in coordination with the
30 members recommended by the Speaker of the General Assembly
31 pursuant to subparagraph (i) of this paragraph, so that there is at
32 least one member of each caucus serving as a member of the task
33 force;

34 (i) two members appointed by the Governor

35 upon the recommendation of the Speaker of the General
36 Assembly, at least one of whom shall be a member of the
37 Legislative Black Caucus or Legislative Latino Caucus, determined
38 in coordination with the members recommended by the Senate
39 President pursuant to subparagraph (h) of this paragraph, so that
40 there is at least one member of each caucus serving as a member of
41 the task force;

42 (j) the Administrative Director of the Courts, or a designee;

43 (k) a representative from the New Jersey Institute for Social
44 Justice, appointed by the Governor;

45 (l) a representative from the American Civil Liberties Union of
46 New Jersey, appointed by the Governor;

- 1 (m) a representative from the County Prosecutors Association of
- 2 New Jersey who is actively and presently involved in juvenile
- 3 matters, appointed by the Governor;
- 4 (n) a representative from the New Jersey Juvenile Officers
- 5 Association, appointed by the Governor;
- 6 (o) one representative each from the Annie E. Casey Foundation
- 7 and Vera Institute of Justice, both appointed by the Governor;
- 8 (p) a representative of the NAACP New Jersey State
- 9 Conference, appointed by the Governor;
- 10 (q) a representative of Salvation and Social Justice, appointed
- 11 by the Governor;
- 12 (r) a representative from the County Youth Services
- 13 Commission Administrators, appointed by the Governor;
- 14 (s) a representative from the faith-based ethical community in
- 15 New Jersey, appointed by the Governor;
- 16 (t) a representative of an employee organization representing
- 17 employees who work at juvenile justice facilities, appointed by the
- 18 Governor; and
- 19 (u) three representatives who have been involved with the New
- 20 Jersey juvenile justice system, appointed by the Governor,
- 21 including at least one representative of a non-profit organization
- 22 that deals with juvenile justice issues and at least one individual
- 23 who has been subject to the custody of the juvenile justice system.
- 24 (3) All members appointed by the Governor, other than the
- 25 members of the Legislature recommended for appointment, shall
- 26 serve at the pleasure of the Governor. The members of the
- 27 Legislature shall serve on the task force during their elective term
- 28 of office. Any vacancies in the membership of the task force shall
- 29 be filled in the same manner as the original appointments were
- 30 made.
- 31 (4) Members of the task force shall serve without compensation,
- 32 but shall be reimbursed for necessary expenditures incurred in the
- 33 performance of their duties as members of the task force within the
- 34 limits of funds appropriated or otherwise made available to the task
- 35 force for its purposes.
- 36 (5) The task force shall organize as soon as practicable
- 37 following the appointment of its members. The task force shall
- 38 choose a chairperson from among its members and shall appoint a
- 39 secretary who need not be a member of the task force.
- 40 (6) The Department of Law and Public Safety shall provide such
- 41 stenographic, clerical, and other administrative assistants, and such
- 42 professional staff as the task force requires to carry out its work.
- 43 (cf: P.L.2021, c.25, s.4)
- 44
- 45 21. N.J.S.2C:39-6 is amended to read as follows:
- 46 2C:39-6. a. Provided a person complies with the requirements
- 47 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

1 (1) Members of the Armed Forces of the United States or of the
2 National Guard while actually on duty, or while traveling between
3 places of duty and carrying authorized weapons in the manner
4 prescribed by the appropriate military authorities;

5 (2) Federal law enforcement officers, and any other federal
6 officers and employees required to carry firearms in the
7 performance of their official duties;

8 (3) Members of the State Police and, under conditions prescribed
9 by the superintendent, members of the Marine Law Enforcement
10 Bureau of the Division of State Police;

11 (4) A sheriff, undersheriff, sheriff's officer, prosecutor's detective
12 or investigator, State investigator employed by the Division of
13 Criminal Justice of the Department of Law and Public Safety,
14 investigator employed by the State Commission of Investigation,
15 inspector of the Alcoholic Beverage Control Enforcement Bureau of
16 the Division of State Police in the Department of Law and Public
17 Safety authorized to carry weapons by the Superintendent of State
18 Police, State park police officer, or State conservation police
19 officer;

20 (5) Except as hereinafter provided, a State correctional police
21 officer, or a prison or jail warden of any penal institution in this
22 State or the warden's deputies, or an employee of the Department of
23 Corrections engaged in the interstate transportation of convicted
24 offenders, while in the performance of the employee's duties, and
25 when required to possess the weapon by a superior officer, or a
26 correctional police officer or keeper of a penal institution in this
27 State at all times while in the State of New Jersey, provided the
28 person annually passes an examination approved by the
29 superintendent testing the person's proficiency in the handling of
30 firearms;

31 (6) A civilian employee of the United States Government under
32 the supervision of the commanding officer of any post, camp,
33 station, base or other military or naval installation located in this
34 State who is required, in the performance of the employee's official
35 duties, to carry firearms, and who is authorized to carry firearms by
36 the commanding officer, while in the actual performance of the
37 employee's official duties;

38 (7) (a) A regularly employed member, including a detective, of
39 the police department of any county or municipality, or of any
40 State, interstate, municipal or county park police force or boulevard
41 police force, at all times while in the State of New Jersey;

42 (b) A special law enforcement officer authorized to carry a
43 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
44 (C.40A:14-146.14);

45 (c) An airport security officer or a special law enforcement
46 officer appointed by the governing body of any county or
47 municipality, except as provided in subparagraph (b) of this
48 paragraph, or by the commission, board or other body having

1 control of a county park or airport or boulevard police force, while
2 engaged in the actual performance of the officer's official duties and
3 when specifically authorized by the governing body to carry
4 weapons;

5 (8) A full-time, paid member of a paid or part-paid fire
6 department or force of any municipality who is assigned full-time
7 or part-time to an arson investigation unit created pursuant to
8 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
9 investigation unit in the county prosecutor's office, while either
10 engaged in the actual performance of arson investigation duties or
11 while actually on call to perform arson investigation duties and
12 when specifically authorized by the governing body or the county
13 prosecutor, as the case may be, to carry weapons. Prior to being
14 permitted to carry a firearm, a member shall take and successfully
15 complete a firearms training course administered by the Police
16 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
17 seq.), and shall annually qualify in the use of a revolver or similar
18 weapon prior to being permitted to carry a firearm;

19 (9) A juvenile correctional police officer in the employment of
20 the **【Juvenile】 Youth** Justice Commission established pursuant to
21 section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the
22 regulations promulgated by the commission;

23 (10) A designated employee or designated licensed agent for a
24 nuclear power plant under license of the Nuclear Regulatory
25 Commission, while in the actual performance of the person's
26 official duties, if the federal licensee certifies that the designated
27 employee or designated licensed agent is assigned to perform site
28 protection, guard, armed response or armed escort duties and is
29 appropriately trained and qualified, as prescribed by federal
30 regulation, to perform those duties. Any firearm utilized by an
31 employee or agent for a nuclear power plant pursuant to this
32 paragraph shall be returned each day at the end of the employee's or
33 agent's authorized official duties to the employee's or agent's
34 supervisor. All firearms returned each day pursuant to this
35 paragraph shall be stored in locked containers located in a secure
36 area;

37 (11) A county correctional police officer at all times while in the
38 State of New Jersey, provided the officer annually passes an
39 examination approved by the superintendent testing the officer's
40 proficiency in the handling of firearms;

41 (12) A county prosecutor, assistant prosecutor, federal
42 prosecutor, municipal prosecutor, Attorney General, assistant
43 attorney general, deputy attorney general and federal, State, county,
44 or municipal court judge, including a judge of the Tax Court and
45 any other court of limited jurisdiction established, altered, or
46 abolished by law, a judge of the Office of Administrative Law, a
47 judge of the Division of Workers' Compensation at all times while
48 in this State. Prior to being permitted to carry a firearm, a person

1 subject to this paragraph shall take and successfully complete a
2 firearms training course administered by the Police Training
3 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
4 shall annually qualify in the use of a handgun or similar weapon
5 prior to being permitted to carry a firearm. The superintendent may
6 issue identification cards indicating that such a person is permitted
7 to carry a handgun pursuant to this paragraph.

8 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

9 (1) A law enforcement officer employed by a governmental
10 agency outside of the State of New Jersey while actually engaged in
11 the officer's official duties, provided, however, that the officer has
12 first notified the superintendent or the chief law enforcement officer
13 of the municipality or the prosecutor of the county in which the
14 officer is engaged; or

15 (2) A licensed dealer in firearms and the dealer's registered
16 employees during the course of their normal business while
17 traveling to and from their place of business and other places for the
18 purpose of demonstration, exhibition or delivery in connection with
19 a sale, provided, however, that the weapon is carried in the manner
20 specified in subsection g. of this section.

21 c. Provided a person complies with the requirements of
22 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
23 do not apply to:

24 (1) A special agent of the Division of Taxation who has passed
25 an examination in an approved police training program testing
26 proficiency in the handling of any firearm which the agent may be
27 required to carry, while in the actual performance of the agent's
28 official duties and while going to or from the agent's place of duty,
29 or any other police officer, while in the actual performance of the
30 officer's official duties;

31 (2) A State deputy conservation police officer or a full-time
32 employee of the Division of Parks and Forestry having the power of
33 arrest and authorized to carry weapons, while in the actual
34 performance of the officer's official duties;

35 (3) (Deleted by amendment, P.L.1986, c.150.)

36 (4) A court attendant appointed by the sheriff of the county or by
37 the judge of any municipal court or other court of this State, while
38 in the actual performance of the attendant's official duties;

39 (5) A guard employed by any railway express company, banking
40 or building and loan or savings and loan institution of this State,
41 while in the actual performance of the guard's official duties;

42 (6) A member of a legally recognized military organization while
43 actually under orders or while going to or from the prescribed place
44 of meeting and carrying the weapons prescribed for drill, exercise
45 or parade;

46 (7) A municipal humane law enforcement officer, authorized
47 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
48 14.1), or humane law enforcement officer of a county society for

1 the prevention of cruelty to animals authorized pursuant to
2 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
3 in the actual performance of the officer's duties;

4 (8) An employee of a public utilities corporation actually
5 engaged in the transportation of explosives;

6 (9) A railway policeman, except a transit police officer of the
7 New Jersey Transit Police Department, at all times while in the
8 State of New Jersey, provided that the person has passed an
9 approved police academy training program consisting of at least
10 280 hours. The training program shall include, but need not be
11 limited to, the handling of firearms, community relations, and
12 juvenile relations;

13 (10) A campus police officer appointed under P.L.1970, c.211
14 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
15 a firearm, a campus police officer shall take and successfully
16 complete a firearms training course administered by the Police
17 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
18 seq.), and shall annually qualify in the use of a revolver or similar
19 weapon prior to being permitted to carry a firearm;

20 (11) (Deleted by amendment, P.L.2003, c.168).

21 (12) A transit police officer of the New Jersey Transit Police
22 Department, at all times while in the State of New Jersey, provided
23 the officer has satisfied the training requirements of the Police
24 Training Commission, pursuant to subsection c. of section 2 of
25 P.L.1989, c.291 (C.27:25-15.1);

26 (13) A parole officer employed by the State Parole Board at all
27 times. Prior to being permitted to carry a firearm, a parole officer
28 shall take and successfully complete a basic course for regular
29 police officer training administered by the Police Training
30 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
31 shall annually qualify in the use of a revolver or similar weapon
32 prior to being permitted to carry a firearm;

33 (14) A Human Services police officer at all times while in the
34 State of New Jersey, as authorized by the Commissioner of Human
35 Services;

36 (15) A person or employee of any person who, pursuant to and as
37 required by a contract with a governmental entity, supervises or
38 transports persons charged with or convicted of an offense;

39 (16) A housing authority police officer appointed under
40 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
41 State of New Jersey; or

42 (17) A probation officer assigned to the "Probation Officer
43 Community Safety Unit" created by section 2 of P.L.2001, c.362
44 (C.2B:10A-2) while in the actual performance of the probation
45 officer's official duties. Prior to being permitted to carry a firearm,
46 a probation officer shall take and successfully complete a basic
47 course for regular police officer training administered by the Police
48 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm.

3 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
4 antique firearms, provided that the antique firearms are unloaded or
5 are being fired for the purposes of exhibition or demonstration at an
6 authorized target range or in another manner approved in writing by
7 the chief law enforcement officer of the municipality in which the
8 exhibition or demonstration is held, or if not held on property under
9 the control of a particular municipality, the superintendent.

10 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
11 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
12 being fired but that is unloaded and immobile, provided that the
13 antique cannon is possessed by (a) a scholastic institution, a
14 museum, a municipality, a county or the State, or (b) a person who
15 obtained a firearms purchaser identification card as specified in
16 N.J.S.2C:58-3.

17 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
18 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
19 being transported by one eligible to possess it, in compliance with
20 regulations the superintendent may promulgate, between its
21 permanent location and place of purchase or repair.

22 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
23 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
24 or fired by one eligible to possess an antique cannon, for purposes
25 of exhibition or demonstration at an authorized target range or in
26 the manner as has been approved in writing by the chief law
27 enforcement officer of the municipality in which the exhibition or
28 demonstration is held, or if not held on property under the control
29 of a particular municipality, the superintendent, provided that
30 performer has given at least 30 days' notice to the superintendent.

31 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
32 N.J.S.2C:39-5 do not apply to the transportation of unloaded
33 antique cannons directly to or from exhibitions or demonstrations
34 authorized under paragraph (4) of subsection d. of this section,
35 provided that the transportation is in compliance with safety
36 regulations the superintendent may promulgate. Those subsections
37 shall not apply to transportation directly to or from exhibitions or
38 demonstrations authorized under the law of another jurisdiction,
39 provided that the superintendent has been given 30 days' notice and
40 that the transportation is in compliance with safety regulations the
41 superintendent may promulgate.

42 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
43 be construed to prevent a person keeping or carrying about the
44 person's place of business, residence, premises or other land owned
45 or possessed by the person, any firearm, or from carrying the same,
46 in the manner specified in subsection g. of this section, from any
47 place of purchase to the person's residence or place of business,
48 between the person's dwelling and place of business, between one

1 place of business or residence and another when moving, or
2 between the person's dwelling or place of business and place where
3 the firearms are repaired, for the purpose of repair. For the
4 purposes of this section, a place of business shall be deemed to be a
5 fixed location.

6 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
7 be construed to prevent:

8 (1) A member of any rifle or pistol club organized in accordance
9 with the rules prescribed by the National Board for the Promotion
10 of Rifle Practice, in going to or from a place of target practice,
11 carrying firearms necessary for target practice, provided that the
12 club has filed a copy of its charter with the superintendent and
13 annually submits a list of its members to the superintendent and
14 provided further that the firearms are carried in the manner
15 specified in subsection g. of this section;

16 (2) A person carrying a firearm or knife in the woods or fields or
17 upon the waters of this State for the purpose of hunting, target
18 practice or fishing, provided that the firearm or knife is legal and
19 appropriate for hunting or fishing purposes in this State and the
20 person has in the person's possession a valid hunting license, or,
21 with respect to fresh water fishing, a valid fishing license;

22 (3) A person transporting any firearm or knife while traveling:

23 (a) Directly to or from any place for the purpose of hunting or
24 fishing, provided the person has in the person's possession a valid
25 hunting or fishing license; or

26 (b) Directly to or from any target range, or other authorized place
27 for the purpose of practice, match, target, trap or skeet shooting
28 exhibitions, provided in all cases that during the course of the travel
29 all firearms are carried in the manner specified in subsection g. of
30 this section and the person has complied with all the provisions and
31 requirements of Title 23 of the Revised Statutes and any
32 amendments thereto and all rules and regulations promulgated
33 thereunder; or

34 (c) In the case of a firearm, directly to or from any exhibition or
35 display of firearms which is sponsored by any law enforcement
36 agency, any rifle or pistol club, or any firearms collectors club, for
37 the purpose of displaying the firearms to the public or to the
38 members of the organization or club, provided, however, that not
39 less than 30 days prior to the exhibition or display, notice of the
40 exhibition or display shall be given to the Superintendent of the
41 State Police by the sponsoring organization or club, and the sponsor
42 has complied with any reasonable safety regulations the
43 superintendent may promulgate. Any firearms transported pursuant
44 to this section shall be transported in the manner specified in
45 subsection g. of this section;

46 (4) A person from keeping or carrying about a private or
47 commercial aircraft or any boat, or from transporting to or from the
48 aircraft or boat for the purpose of installation or repair of a visual

1 distress signaling device approved by the United States Coast
2 Guard.

3 g. Any weapon being transported under paragraph (2) of
4 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
5 of this section shall be carried unloaded and contained in a closed
6 and fastened case, gunbox, securely tied package, or locked in the
7 trunk of the automobile in which it is being transported, and in the
8 course of travel shall include only deviations as are reasonably
9 necessary under the circumstances.

10 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
11 to prevent any employee of a public utility, as defined in R.S.48:2-
12 13, doing business in this State or any United States Postal Service
13 employee, while in the actual performance of duties which
14 specifically require regular and frequent visits to private premises,
15 from possessing, carrying or using any device which projects,
16 releases or emits any substance specified as being noninjurious to
17 canines or other animals by the Commissioner of Health and which
18 immobilizes only on a temporary basis and produces only
19 temporary physical discomfort through being vaporized or
20 otherwise dispensed in the air for the sole purpose of repelling
21 canine or other animal attacks.

22 The device shall be used solely to repel only those canine or
23 other animal attacks when the canines or other animals are not
24 restrained in a fashion sufficient to allow the employee to properly
25 perform the employee's duties.

26 Any device used pursuant to this act shall be selected from a list
27 of products, which consist of active and inert ingredients, permitted
28 by the Commissioner of Health.

29 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any
30 person who is 18 years of age or older and who has not been
31 convicted of a crime, from possession for the purpose of personal
32 self-defense of one pocket-sized device which contains and releases
33 not more than three-quarters of an ounce of chemical substance not
34 ordinarily capable of lethal use or of inflicting serious bodily injury,
35 but rather, is intended to produce temporary physical discomfort or
36 disability through being vaporized or otherwise dispensed in the air.
37 Any person in possession of any device in violation of this
38 subsection shall be deemed and adjudged to be a disorderly person,
39 and upon conviction thereof, shall be punished by a fine of not less
40 than \$100.

41 (2) Notwithstanding the provisions of paragraph (1) of this
42 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
43 health inspector or investigator operating pursuant to the provisions
44 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
45 inspector from possessing a device which is capable of releasing
46 more than three-quarters of an ounce of a chemical substance, as
47 described in paragraph (1) of this subsection, while in the actual
48 performance of the inspector's or investigator's duties, provided that

1 the device does not exceed the size of those used by law
2 enforcement.

3 j. A person shall qualify for an exemption from the provisions
4 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
5 section, if the person has satisfactorily completed a firearms
6 training course approved by the Police Training Commission.

7 The exempt person shall not possess or carry a firearm until the
8 person has satisfactorily completed a firearms training course and
9 shall annually qualify in the use of a revolver or similar weapon.
10 For purposes of this subsection, a "firearms training course" means
11 a course of instruction in the safe use, maintenance and storage of
12 firearms which is approved by the Police Training Commission.
13 The commission shall approve a firearms training course if the
14 requirements of the course are substantially equivalent to the
15 requirements for firearms training provided by police training
16 courses which are certified under section 6 of P.L.1961, c.56
17 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
18 or (6) of subsection a. of this section shall be exempt from the
19 requirements of this subsection.

20 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
21 to prevent any financial institution, or any duly authorized
22 personnel of the institution, from possessing, carrying or using for
23 the protection of money or property, any device which projects,
24 releases or emits tear gas or other substances intended to produce
25 temporary physical discomfort or temporary identification.

26 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
27 to prevent a law enforcement officer who retired in good standing,
28 including a retirement because of a disability pursuant to section 6
29 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
30 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
31 substantially similar statute governing the disability retirement of
32 federal law enforcement officers, provided the officer was a
33 regularly employed, full-time law enforcement officer for an
34 aggregate of four or more years prior to the officer's disability
35 retirement and further provided that the disability which constituted
36 the basis for the officer's retirement did not involve a certification
37 that the officer was mentally incapacitated for the performance of
38 the officer's usual law enforcement duties and any other available
39 duty in the department which the officer's employer was willing to
40 assign to the officer or does not subject that retired officer to any of
41 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
42 would disqualify the retired officer from possessing or carrying a
43 firearm, who semi-annually qualifies in the use of the handgun the
44 officer is permitted to carry in accordance with the requirements
45 and procedures established by the Attorney General pursuant to
46 subsection j. of this section and pays the actual costs associated
47 with those semi-annual qualifications, who is 75 years of age or
48 younger, and who was regularly employed as a full-time member of

1 the State Police; a full-time member of an interstate police force; a
2 full-time member of a county or municipal police department in this
3 State; a full-time member of a State law enforcement agency; a full-
4 time sheriff, undersheriff or sheriff's officer of a county of this
5 State; a full-time State or county correctional police officer; a full-
6 time State correctional police officer or county correctional police
7 officer; a full-time State or county park police officer; a full-time
8 special agent of the Division of Taxation; a full-time Human
9 Services police officer; a full-time transit police officer of the New
10 Jersey Transit Police Department; a full-time campus police officer
11 exempted pursuant to paragraph (10) of subsection c. of this
12 section; a full-time State conservation police officer exempted
13 pursuant to paragraph (4) of subsection a. of this section; a full-time
14 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
15 21; a full-time Burlington County Bridge police officer appointed
16 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
17 housing authority police officer exempted pursuant to paragraph
18 (16) of subsection c. of this section; a full-time juvenile correctional
19 police officer exempted pursuant to paragraph (9) of subsection a.
20 of this section; a full-time parole officer exempted pursuant to
21 paragraph (13) of subsection c. of this section; a full-time railway
22 policeman exempted pursuant to paragraph (9) of subsection c. of
23 this section; a full-time county prosecutor's detective or
24 investigator; a full-time federal law enforcement officer; or is a
25 qualified retired law enforcement officer, as used in the federal
26 "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277,
27 domiciled in this State from carrying a handgun in the same manner
28 as law enforcement officers exempted under paragraph (7) of
29 subsection a. of this section. A retired law enforcement officer
30 shall be entitled to carry a handgun pursuant to this subsection
31 under the following conditions:

32 (1) The retired law enforcement officer shall make application in
33 writing to the Superintendent of State Police for approval to carry a
34 handgun every two years. A renewal application shall be submitted
35 in the same manner.

36 (2) Upon receipt of the written application of the retired law
37 enforcement officer, the superintendent shall request a verification
38 of service from the chief law enforcement officer of the
39 organization in which the retired officer was last regularly
40 employed as a full-time law enforcement officer prior to retiring.
41 The verification of service shall include:

42 (a) The name and address of the retired officer;

43 (b) The date that the retired officer was hired and the date that
44 the officer retired;

45 (c) A list of all handguns known to be registered to that officer;

46 (d) A statement that, to the reasonable knowledge of the chief
47 law enforcement officer, the retired officer is not subject to any of
48 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

1 (e) A statement that the officer retired in good standing.

2 (3) If the superintendent approves a retired officer's application
3 or reapplication to carry a handgun pursuant to the provisions of
4 this subsection, the superintendent shall notify in writing the chief
5 law enforcement officer of the municipality wherein that retired
6 officer resides. In the event the retired officer resides in a
7 municipality which has no chief law enforcement officer or law
8 enforcement agency, the superintendent shall maintain a record of
9 the approval.

10 (4) The superintendent shall issue to an approved retired officer
11 an identification card permitting the retired officer to carry a
12 handgun pursuant to this subsection. This identification card shall
13 be valid for two years from the date of issuance and shall be valid
14 throughout the State. The identification card shall not be
15 transferable to any other person. The identification card shall be
16 carried at all times on the person of the retired officer while the
17 retired officer is carrying a handgun. The retired officer shall
18 produce the identification card for review on the demand of any law
19 enforcement officer or authority.

20 (5) Any person aggrieved by the denial of the superintendent of
21 approval for a permit to carry a handgun pursuant to this subsection
22 may request a hearing in the Superior Court of New Jersey in the
23 county in which the person resides by filing a written request for a
24 hearing within 30 days of the denial. Copies of the request shall be
25 served upon the superintendent and the county prosecutor. The
26 hearing shall be held within 30 days of the filing of the request, and
27 no formal pleading or filing fee shall be required. Appeals from the
28 determination of the hearing shall be in accordance with law and the
29 rules governing the courts of this State.

30 (6) A judge of the Superior Court may revoke a retired officer's
31 privilege to carry a handgun pursuant to this subsection for good
32 cause shown on the application of any interested person. A person
33 who becomes subject to any of the disabilities set forth in
34 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
35 superintendent, the person's identification card issued under
36 paragraph (4) of this subsection to the chief law enforcement officer
37 of the municipality wherein the person resides or the
38 superintendent, and shall be permanently disqualified to carry a
39 handgun under this subsection.

40 (7) The superintendent may charge a reasonable application fee
41 to retired officers to offset any costs associated with administering
42 the application process set forth in this subsection.

43 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent duly authorized personnel of the New Jersey Division of
45 Fish and Wildlife, while in the actual performance of duties, from
46 possessing, transporting or using any device that projects, releases
47 or emits any substance specified as being non-injurious to wildlife
48 by the Director of the Division of Animal Health in the Department

1 of Agriculture, and which may immobilize wildlife and produces
2 only temporary physical discomfort through being vaporized or
3 otherwise dispensed in the air for the purpose of repelling bear or
4 other animal attacks or for the aversive conditioning of wildlife.

5 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
6 be construed to prevent duly authorized personnel of the New
7 Jersey Division of Fish and Wildlife, while in the actual
8 performance of duties, from possessing, transporting or using hand
9 held pistol-like devices, rifles or shotguns that launch pyrotechnic
10 missiles for the sole purpose of frightening, hazing or aversive
11 conditioning of nuisance or depredating wildlife; from possessing,
12 transporting or using rifles, pistols or similar devices for the sole
13 purpose of chemically immobilizing wild or non-domestic animals;
14 or, provided the duly authorized person complies with the
15 requirements of subsection j. of this section, from possessing,
16 transporting or using rifles or shotguns, upon completion of a Police
17 Training Commission approved training course, in order to dispatch
18 injured or dangerous animals or for non-lethal use for the purpose
19 of frightening, hazing or aversive conditioning of nuisance or
20 depredating wildlife.

21 (cf: P.L.2022, c.131, s.8)

22
23 22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to
24 read as follows:

25 4. a. In addition to any other disposition made pursuant to law,
26 a court shall order a person convicted of, indicted for or formally
27 charged with, or a juvenile charged with delinquency or adjudicated
28 delinquent for an act which if committed by an adult would
29 constitute, aggravated sexual assault or sexual assault as defined in
30 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
31 serological test for acquired immune deficiency syndrome (AIDS)
32 or infection with the human immunodeficiency virus (HIV) or any
33 other related virus identified as a probable causative agent of AIDS.
34 The court shall issue such an order only upon the request of the
35 victim and upon application of the prosecutor immediately
36 following the request. The person or juvenile shall be ordered by
37 the court to submit to such repeat or confirmatory tests as may be
38 medically necessary.

39 As used in this section, "formal charge" includes a proceeding by
40 accusation in the event that the defendant has waived the right to an
41 indictment.

42 b. A court order issued pursuant to subsection a. of this section
43 shall require testing to be performed as soon as practicable by the
44 Commissioner of the Department of Corrections pursuant to
45 authority granted to the commissioner by sections 6 and 10 of
46 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
47 care, at a health facility licensed pursuant to section 12 of P.L.1971,
48 c.136 (C.26:2H-12) or the **【Juvenile】** Youth Justice Commission

1 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
2 170). If the victim makes the request prior to or at the time of
3 indictment, or accusation if the defendant has waived the right to an
4 indictment, the court order shall require the testing be performed
5 within 48 hours. The order shall also require that the results of the
6 test be reported to the offender and to the appropriate Office of
7 Victim-Witness Advocacy.

8 c. The Office of Victim-Witness Advocacy, established
9 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
10 reimburse the Department of Corrections, Department of Health or
11 the **【Juvenile】 Youth** Justice Commission for the direct costs
12 incurred by these departments for any tests ordered by a court
13 pursuant to subsection a. of this section. Reimbursement shall be
14 made following a request from the department.

15 d. In addition to any other disposition authorized, a court may
16 order an offender at the time of sentencing to reimburse the State
17 for the costs of the tests ordered by subsection a. of this section.

18 e. Upon receipt of the result of a test ordered pursuant to
19 subsection a. of this section, the Office of Victim-Witness
20 Advocacy shall provide the victim with appropriate counseling,
21 referral for counseling and if appropriate, referral for health care.
22 The office shall notify the victim or make appropriate arrangements
23 for the victim to be notified of the test result.

24 f. The result of a test ordered pursuant to subsection a. of this
25 section shall be confidential and employees of the Department of
26 Corrections, the **【Juvenile】 Youth** Justice Commission, the Office
27 of Victim-Witness Advocacy, a health care provider, health care
28 facility or counseling service shall not disclose the result of a test
29 performed pursuant to this section except as authorized herein or as
30 otherwise authorized by law or court order. The provisions of this
31 section shall not be deemed to prohibit disclosure of a test result to
32 the person tested.

33 g. Persons who perform tests ordered pursuant to subsection a.
34 of this section in accordance with accepted medical standards for
35 the performance of such tests shall be immune from civil and
36 criminal liability arising from their conduct.

37 h. This section shall not be construed to preclude or limit any
38 other testing for acquired immune deficiency syndrome (AIDS) or
39 infection with the human immunodeficiency virus (HIV) or any
40 other related virus identified as a probable causative agent of AIDS
41 which is otherwise permitted by statute, court rule or common law.

42 (cf: P.L.2013, c.140, s.1)

43
44 23. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
45 as follows:

46 3. a. All fines, assessments imposed pursuant to section 2 of
47 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
48 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed

1 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
2 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
3 penalties imposed pursuant to section 1 of P.L.2009, c.143
4 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
5 P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected
6 as follows:

7 (1) All fines, assessments imposed pursuant to section 2 of
8 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
9 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
10 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
11 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
12 penalties imposed pursuant to section 1 of P.L.2009, c.143
13 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
14 P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the
15 Superior Court or otherwise imposed at the county level, shall be
16 collected by the county probation division except when the fine,
17 assessment, or restitution is imposed in conjunction with a custodial
18 sentence to a State correctional facility or in conjunction with a
19 term of incarceration imposed pursuant to section 25 of P.L.1982,
20 c.77 (C.2A:4A-44) in which event the fine, assessment, or
21 restitution shall be collected by the Department of Corrections or
22 the **【Juvenile】** Youth Justice Commission established pursuant to
23 section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
24 a State correctional institution or a juvenile serving a term of
25 incarceration imposed pursuant to section 25 of P.L.1982, c.77
26 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
27 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed
28 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty
29 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a
30 penalty imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-
31 3.8), a penalty imposed pursuant to section 7 of P.L.2013, c.214
32 (C.30:4-123.97), or restitution shall have the assessment, penalty,
33 fine, or restitution deducted from any income the inmate receives as
34 a result of labor performed at the institution or on any type of work
35 release program or, pursuant to regulations promulgated by the
36 Commissioner of the Department of Corrections or the **【Juvenile】**
37 Youth Justice Commission, from any personal account established
38 in the institution for the benefit of the inmate.

39 (a) A payment of restitution collected by the Department of
40 Corrections pursuant to this paragraph shall be maintained by the
41 department for two years during which the department shall attempt
42 to locate the victim to whom the restitution is owed. If the
43 department has not located the victim and the victim has not come
44 forward to claim the payment within this two-year period, the
45 payment shall be transferred to the Victims of Crime Compensation
46 Office Account to be used in satisfying claims pursuant to the
47 provisions of the "Criminal Injuries Compensation Act of 1971,"
48 P.L.1971, c.317 (C.52:4B-1 et seq.).

1 (b) If the Department of Corrections has transferred a payment
2 of restitution to the Victims of Crime Compensation Office
3 pursuant to subparagraph (a) of this paragraph, the department shall
4 provide the office with the order for restitution and any other
5 information regarding the identity of the victim to whom the
6 payment is owed. The office shall be responsible for maintaining
7 this information and for distributing payments of restitution to
8 victims who can prove they are owed the payments.

9 (2) All fines, assessments imposed pursuant to section 2 of
10 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
11 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed
12 by a municipal court shall be collected by the municipal court
13 administrator except if the fine, assessments imposed pursuant to
14 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
15 as a condition of probation in which event it shall be collected by
16 the county probation division.

17 b. Except as provided in subsection c. with respect to fines
18 imposed on appeals following convictions in municipal courts and
19 except as provided in subsection i. with respect to restitution
20 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
21 al.), all fines imposed by the Superior Court or otherwise imposed
22 at the county level, shall be paid over by the officer entitled to
23 collect the fines to:

24 (1) The county treasurer with respect to fines imposed on
25 defendants who are sentenced to and serve a custodial term,
26 including a term as a condition of probation, in the county jail,
27 workhouse, or penitentiary except where such county sentence is
28 served concurrently with a sentence to a State institution; or

29 (2) The State Treasurer with respect to all other fines.

30 c. All fines imposed by municipal courts, except a central
31 municipal court established pursuant to N.J.S.2B:12-1 on
32 defendants convicted of crimes, disorderly persons offenses, and
33 petty disorderly persons offenses, and all fines imposed following
34 conviction on appeal therefrom, and all forfeitures of bail shall be
35 paid over by the officer entitled to collect the fines to the treasury
36 of the municipality wherein the municipal court is located.

37 In the case of an intermunicipal court, fines shall be paid into the
38 municipal treasury of the municipality in which the offense was
39 committed, and costs, fees, and forfeitures of bail shall be
40 apportioned among the several municipalities to which the court's
41 jurisdiction extends according to the ratios of the municipalities'
42 contributions to the total expense of maintaining the court.

43 In the case of a central municipal court, established by a county
44 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of
45 bail shall be paid into the county treasury of the county where the
46 central municipal court is located.

- 1 d. All assessments imposed pursuant to section 2 of P.L.1979,
2 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
3 in that section.
- 4 e. All mandatory Drug Enforcement and Demand Reduction
5 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
6 and deposited as provided for in that section.
- 7 f. All forensic laboratory fees assessed pursuant to
8 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
9 that section.
- 10 g. All restitution ordered to be paid to the Victims of Crime
11 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
12 to the office for deposit in the Victims of Crime Compensation
13 Office Account.
- 14 h. All assessments imposed pursuant to section 11 of P.L.1993,
15 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
16 in that section.
- 17 i. All restitution imposed on defendants under the provisions
18 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
19 enforcement entity in extraditing the defendant from another
20 jurisdiction shall be paid over by the officer entitled to collect the
21 restitution to the law enforcement entities which participated in the
22 extradition of the defendant.
- 23 j. All penalties imposed pursuant to section 1 of P.L.1999,
24 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
25 in that section.
- 26 k. All penalties imposed pursuant to section 11 of P.L.2001,
27 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
28 that section.
- 29 l. All mandatory penalties imposed pursuant to section 1 of
30 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
31 provided in that section.
- 32 m. All mandatory Computer Crime Prevention penalties
33 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
34 shall be forwarded and deposited as provided in that section.
- 35 n. All mandatory Sex Offender Supervision penalties imposed
36 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
37 forwarded and deposited as provided in that section.(cf: P.L.2019,
38 c.363, s.6)
- 39
- 40 24. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
41 read as follows:
- 42 14. a. No person under the age of 18 years shall purchase, barter
43 or otherwise acquire a firearm and no person under the age of 21
44 years shall purchase, barter or otherwise acquire a handgun, unless
45 the person is authorized to possess the handgun in connection with
46 the performance of official duties under the provisions of
47 N.J.S.2C:39-6.

1 b. No person under the age of 18 years shall possess, carry, fire
2 or use a firearm except as provided under paragraphs (1), (2), (3)
3 and (4) of this subsection; and, unless authorized in connection with
4 the performance of official duties under the provisions of
5 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
6 carry, fire or use a handgun except under the following
7 circumstances:

8 (1) In the actual presence or under the direct supervision of his
9 father, mother or guardian, or some other person who holds a permit
10 to carry a handgun or a firearms purchaser identification card, as the
11 case may be; or

12 (2) For the purpose of military drill under the auspices of a
13 legally recognized military organization and under competent
14 supervision; or

15 (3) For the purpose of competition, target practice, instruction,
16 and training in and upon a firing range approved by the governing
17 body of the municipality in which the range is located or the
18 National Rifle Association and which is under competent
19 supervision at the time of such supervision or target practice or
20 instruction and training at any location; or

21 (4) For the purpose of hunting during the regularly designated
22 hunting season, provided that he possesses a valid hunting license
23 and has successfully completed a hunter's safety course taught by a
24 qualified instructor or conservation police officer and possesses a
25 certificate indicating the successful completion of such a course.

26 c. A person who violates this section shall be guilty of a crime
27 of the fourth degree. For purposes of this section the fact that the
28 act would not constitute a crime if committed by an adult shall not
29 be deemed to prohibit or require waiver of family court jurisdiction
30 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
31 under the "New Jersey Code of **【Juvenile】** Youth Justice,"
32 P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60
33 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81
34 (C.2A:4A-70 et seq.).

35 (cf: P.L.2019, c.407, s.3)

36

37 25. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
38 read as follows:

39 20. Records involving abuse or neglect. When the Department
40 of Children and Families receives a report or complaint that a child
41 may be abused or neglected; when the department provides services
42 to a child; or when the department receives a request from the
43 Superior Court, Chancery Division, Family Part to investigate an
44 allegation of abuse or neglect, the department may request of any
45 and all public or private institutions, or agencies including law
46 enforcement agencies, or any private practitioners, their records
47 past and present pertaining to that child and other children under the
48 same care, custody and control. The department shall not be

1 charged a fee for the copying of the records. Records kept pursuant
2 to the "New Jersey Code of **【Juvenile】 Youth Justice**," P.L.1982,
3 c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon
4 issuance by a court of an order on good cause shown directing these
5 records to be released to the department for the purpose of aiding in
6 evaluation to determine if the child is abused or neglected. In the
7 release of the aforementioned records, the source shall have
8 immunity from any liability, civil or criminal.
9 (cf: P.L.2006, c.47, s.51)

10
11 26. Section 9 of P.L.1947, c.179 (C.9:22-9) is amended to read
12 as follows:

13 9. Any municipal youth guidance council having an adjustment
14 committee may petition the Superior Court, Chancery Division,
15 Family Part, in its discretion, to either:

16 a. Establish a schedule for a holding of juvenile hearings in a
17 suitable location chosen by the adjustment committee within the
18 limits of the petitioning municipality; or

19 b. Appoint a referee to hear and recommend disposition of any
20 cases specifically referred to the referee by the Family Part of the
21 county and any cases coming within the provisions of the "New
22 Jersey Code of **【Juvenile】 Youth Justice**," P.L.1982, c. 77
23 (C.2A:4A-20 et seq.) arising within the limits of the petitioning
24 municipality. It shall be the duty of the petitioning municipality to
25 see that adequate diagnostic services shall be made available to
26 such children.

27 Any case requiring the detention of a child shall be referred to
28 the Family Part for hearing.

29 Upon receipt of a petition to appoint a referee the Family Part
30 shall proceed to appoint a member of the adjustment committee, or
31 some other suitable person, as referee, in accordance with
32 N.J.S.2A:4-12. Nothing in this provision shall limit the present
33 discretionary power of the Family Part to appoint referees on their
34 own initiative or to prevent such a court from hearing cases
35 scheduled to be heard in the petitioning municipality in place of the
36 referee so appointed by it.

37 (cf: P.L.1991, c.91, s.215)

38
39 27. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read as
40 follows:

41 2. Pursuant to said compact, the Governor is hereby authorized
42 and empowered to designate an officer within the **【Juvenile】 Youth**
43 Justice Commission established pursuant to section 2 of P.L.1995,
44 c.284 (C.52:17B-170) who shall be the compact administrator and
45 who, acting jointly with like officers of other party States, shall
46 promulgate rules and regulations to carry out more effectively the
47 terms of the compact. Said compact administrator shall serve
48 subject to the pleasure of the Governor. The compact administrator

1 is hereby authorized, empowered and directed to co-operate with all
2 departments, agencies and officers of and in the government of this
3 State and its political subdivisions in facilitating the proper
4 administration of the compact or of any supplementary agreement
5 or agreements entered into by this State thereunder.

6 (cf: P.L.1995, c.280, s.23)

7
8 28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to
9 read as follows:

10 1. a. The Civil Service Commission shall effectuate the
11 following title changes in the career service:

12 (1) Correction officer recruit shall be retitled as correctional
13 police officer;

14 (2) Senior correction officer shall be retitled as senior
15 correctional police officer;

16 (3) Correction sergeant shall be retitled as correctional police
17 sergeant;

18 (4) Correction lieutenant shall be retitled as correctional police
19 lieutenant;

20 (5) Correction captain shall be retitled as correctional police
21 captain;

22 (6) Director of custody operations shall be retitled as
23 correctional police chief ;

24 (7) Correction officer apprentice shall be retitled as correctional
25 police officer apprentice; and

26 (8) Correction major shall be retitled as correctional police
27 major.

28 b. The title changes provided under this section shall apply to
29 all corrections officers employed by the New Jersey Department of
30 Corrections and the **【Juvenile】** Youth Justice Commission.

31 c. Any fees associated with the retitling pursuant to subsection
32 a. of this section shall be borne by the corrections officer whose
33 title is changed.

34 (cf: P.L.2017, c.293, s.1)

35
36 29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read
37 as follows:

38 6. a. For each State-placed child who is resident in a district
39 and in a State facility on the last school day prior to October 16 of
40 the prebudget year, and for each district-placed child who is
41 resident in a district and in a State facility on the last school day
42 prior to October 16 of the budget year, the Commissioner of
43 Education shall deduct from the State aid payable to that district an
44 amount equal to the approved per pupil cost established pursuant to
45 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
46 except that for a child in a county juvenile detention center, no
47 deduction shall be made until Fiscal Year 1999, in which year and
48 thereafter **【50%】** 50 percent of the per pupil cost shall be deducted.

1 b. If, for any district, the amount to be deducted pursuant to
2 subsection a. of this section is greater than State aid payable to the
3 district, the district shall pay to the Department of Education the
4 difference between the amount to be deducted and the State aid
5 payable to the district.

6 c. The amount deducted pursuant to subsection a. of this
7 section and the amount paid to the Department of Education
8 pursuant to subsection b. of this section shall be forwarded to the
9 Department of Human Services or the Department of Children and
10 Families, as applicable, if the facility is operated by or under
11 contract with that department, or to the Department of Corrections
12 if the facility is operated by or under contract with that department,
13 or to the **【Juvenile】 Youth** Justice Commission established pursuant
14 to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
15 operated by or under contract with that commission, and shall serve
16 as payment by the district of tuition for the child. In the case of
17 county juvenile detention centers, the tuition shall be deemed to
18 supplement funds currently provided by the county for this purpose
19 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
20 In Fiscal Year 1998, a county shall not decrease its level of
21 contribution as a result of the payment of tuition pursuant to this
22 section. In Fiscal Year 1999 and thereafter, a county shall be
23 required to pay **【50%】 50 percent** of the approved per pupil costs
24 established pursuant to the provisions of section 24 of P.L.1996,
25 c.138 (C.18A:7F-24) for the purpose of implementing chapters 10
26 and 11 of Title 9 of the Revised Statutes. Amounts so deducted
27 shall be used solely for the support of educational programs and
28 shall be maintained in a separate account for that purpose. No
29 district shall be responsible for the tuition of any child admitted by
30 the State to a State facility after the last school day prior to October
31 16 of the prebudget year.

32 (cf: P.L.2006, c.47, s.81)

33
34 30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
35 read as follow:

36 8. Funds received pursuant to this act by the Department of
37 Human Services, the Department of Children and Families, the
38 Department of Corrections or the **【Juvenile】 Youth** Justice
39 Commission established pursuant to section 2 of P.L.1995, c.284
40 (C.52:17B-170) shall be used only for the salaries of teachers,
41 educational administrators at the program level, child study team
42 personnel, clerical staff assigned to child study teams or to
43 educational day programs, paraprofessionals assigned to
44 educational programs in State facilities, and for diagnostic services
45 required as part of the child study team evaluations and related
46 educational services personnel whose function requires an
47 educational certificate issued by the State Department of Education,
48 and for the costs of educational materials, supplies and equipment

1 for these programs. No such funds shall be used for the renovation
2 or construction of capital facilities, for the maintenance and
3 operation of educational facilities, or for custodial, habilitation or
4 other noneducational costs.

5 There are hereby authorized to be appropriated to the
6 Departments of Human Services, Children and Families and
7 Corrections such funds as may be necessary to provide for adult,
8 post-secondary and college programs.

9 (cf: P.L.2006, c.47, s.82)

10
11 31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to
12 read as follows:

13 9. The Commissioner of Education, with the approval of the
14 State Board of Education, shall promulgate rules and regulations to
15 ensure a thorough and efficient education, consistent with the
16 provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), for the children
17 in State facilities. In the case of county juvenile detention centers,
18 the Office of Education in the **【Juvenile】** Youth Justice
19 Commission shall develop, in consultation with the commissioner,
20 appropriate standards, to be effective for Fiscal Year 1999, for the
21 provision of a thorough and efficient education by the county for
22 facilities established under chapter 10 and chapter 11 of Title 9 of
23 the Revised Statutes.

24 The commissioner shall continually review the operation of
25 educational programs in State facilities. If he finds that the
26 operation of any of these programs does not meet the educational
27 standard required by the regulations, he shall direct that a remedial
28 plan be prepared by the education director of the facility in which
29 the program is located, together with the director of educational
30 services of the department which is operating or contracting with
31 the facility. The plan shall be submitted to the Commissioner of
32 Education for his approval. If he approves the plan, it shall be
33 implemented in a timely and effective manner. If he finds the plan
34 or its implementation to be insufficient, he may, until the
35 insufficiency is corrected, withhold and place in a special account
36 any State aid funds which otherwise would have been forwarded
37 pursuant to section 6 of P.L.1979, c.207.

38 (cf: P.L.2007, c.260, s.26)

39
40 32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
41 read as follows:

42 11. a. Any parent or guardian of a pupil in a State facility and
43 any pupil in a State facility between 18 and 20 years of age, may
44 request an administrative review on matters of educational
45 classification or educational program.

46 b. The administrative review process shall include the
47 following sequence:

1 (1) A conference with teaching staff members or child study
2 team personnel;

3 (2) A conference with the Director of Educational Services of
4 the Department of Human Services, the Department of Children and
5 Families, the Department of Corrections, or the **【Juvenile】 Youth**
6 Justice Commission, whichever is appropriate;

7 (3) A hearing by the Commissioner of Education pursuant to
8 law and regulation.

9 c. The due process rights available to children, parents and
10 guardians in the public schools on matters of educational
11 classification or educational program shall be available to children,
12 parents and guardians in State facilities.

13 d. The placement of a child in a particular State facility shall
14 not be subject to an administrative review or hearing pursuant to
15 this section.

16 (cf: P.L.2006, c.47, s.83)

17

18 33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
19 read as follows:

20 19. For school funding purposes, the Commissioner of
21 Education shall determine district of residence as follows:

22 a. (1) In the case of a child placed in a resource family home
23 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
24 the district of residence shall be the district in which the resource
25 family parents reside. If such a child in a resource family home is
26 subsequently placed in a State facility or by a State agency, the
27 district of residence of the child shall then be determined as if no
28 such resource family placement had occurred.

29 (2) In the case of a child placed in a resource family home on or
30 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
31 district of residence shall be the present district of residence of the
32 parent or guardian with whom the child lived prior to the most
33 recent placement in a resource family home.

34 b. The district of residence for children who are in residential
35 State facilities, or who have been placed by State agencies in group
36 homes, skill development homes, private schools or out-of-State
37 facilities, shall be the present district of residence of the parent or
38 guardian with whom the child lived prior to his most recent
39 admission to a State facility or most recent placement by a State
40 agency.

41 c. The district of residence for children whose parent or
42 guardian temporarily moves from one school district to another as
43 the result of being homeless shall be the district in which the parent
44 or guardian last resided prior to becoming homeless. For the
45 purpose of this amendatory and supplementary act, "homeless" shall
46 mean an individual who temporarily lacks a fixed, regular and
47 adequate residence.

1 d. If the district of residence cannot be determined according to
2 the criteria contained herein, if the criteria contained herein identify
3 a district of residence outside of the State, or if the child has resided
4 in a domestic violence shelter, homeless shelter, or transitional
5 living facility located outside of the district of residence for more
6 than one year, the State shall assume fiscal responsibility for the
7 tuition of the child. The tuition shall equal the approved per pupil
8 cost established pursuant to section 24 of P.L.1996, c.138
9 (C.18A:7F-24). This amount shall be appropriated in the same
10 manner as other State aid under this act. The Department of
11 Education shall pay the amount to the Department of Human
12 Services, the Department of Children and Families, the Department
13 of Corrections or the **【Juvenile】 Youth** Justice Commission
14 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
15 or, in the case of a homeless child or a child in a family resource
16 home, the Department of Education shall pay to the school district
17 in which the child is enrolled the weighted base per pupil amount
18 calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49)
19 and the appropriate security categorical aid per pupil and special
20 education categorical aid per pupil.

21 e. If the State has assumed fiscal responsibility for the tuition
22 of a child in a private educational facility approved by the
23 Department of Education to serve children who are classified as
24 needing special education services, the department shall pay to the
25 Department of Human Services, the Department of Children and
26 Families or the **【Juvenile】 Youth** Justice Commission, as
27 appropriate, the aid specified in subsection d. of this section and in
28 addition, such aid as required to make the total amount of aid equal
29 to the actual cost of the tuition.

30 (cf: P.L.2017, c.83, s.1)

31
32 34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
33 read as follows:

34 20. Beginning in the school year 1997-98, the Commissioner of
35 Education shall annually report to the Legislature, describing the
36 condition of educational programs in State facilities, the efforts of
37 the Departments of Corrections, Children and Families, and Human
38 Services and the **【Juvenile】 Youth** Justice Commission in meeting
39 the standards of a thorough and efficient education in these
40 facilities, the steps underway to correct any deficiencies in their
41 educational programs, and the progress of the educational programs
42 in New Jersey State facilities in comparison with those in the state
43 facilities of other states. At that time the commissioner shall
44 recommend to the Legislature any necessary or desirable changes or
45 modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).

46 (cf: P.L.2006,c.47,s.86)

1 35. Section 1 of P.L.2005, c.265 (C.18A:7C-12) is amended to
2 read as follows:

3 1. Notwithstanding any provision of law to the contrary, in the
4 case of a student enrolled in an educational program in a county
5 juvenile detention center that meets the standards for a thorough
6 and efficient education developed by the Office of Education in the
7 **【Juvenile】 Youth** Justice Commission, in consultation with the
8 Commissioner of Education, pursuant to section 9 of P.L. 1979,
9 c.207 (C.18A:7B-5), who subsequently enrolls in a public school
10 district, the district shall accept all days of attendance and courses
11 studied by the student at the county juvenile detention center and
12 apply them toward district requirements for elementary, middle, or
13 high school graduation.
14 (cf: P.L.2005, c.265, s.1)

15
16 36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
17 read as follows:

18 24. Annually by December 15, the Department of Corrections,
19 the Department of Human Services, the Department of Children and
20 Families and the **【Juvenile】 Youth** Justice Commission shall each
21 submit to the commissioner for approval, with respect to the
22 facilities under their operational or supervisory authority, a budget
23 for educational programs as set forth in section 8 of P.L.1979, c.207
24 (C.18A:7B-4) for the subsequent year, together with enrollments
25 and per pupil costs. For the purposes of calculating a per pupil cost,
26 enrollment shall be based on the number of pupils in the State
27 facility on the last school day prior to October 16 of the prebudget
28 year. In the subsequent year, pursuant to P.L.1979, c.207
29 (C.18A:7B-1 et seq.) for students resident in a district, approved per
30 pupil amounts shall be deducted from each school district's State aid
31 and remitted to the appropriate agency, except that for county
32 juvenile detention centers, no deduction shall be made until Fiscal
33 Year 1999; in that year and thereafter, **【50%】 50 percent** of
34 approved per pupil amounts shall be deducted and remitted to the
35 **【Juvenile】 Youth** Justice Commission.
36 (cf: P.L.2006, c.47, s.89)

37
38 37. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to
39 read as follows:

40 3. As used in this act and P.L.1996, c.138, unless the context
41 clearly requires a different meaning:

42 "At-risk pupils" means those resident pupils from households
43 with a household income at or below the most recent federal
44 poverty guidelines available on October 15 of the prebudget year
45 multiplied by 1.85;

46 "Base per pupil amount" means the cost per elementary pupil of
47 delivering the core curriculum content standards and extracurricular

1 and cocurricular activities necessary for a thorough and efficient
2 education;

3 "Bilingual education pupil" means a resident pupil enrolled in a
4 program of bilingual education or in an English as a second
5 language program approved by the State Board of Education;

6 "Budgeted local share" means the district's local tax levy
7 contained in the budget certified for taxation purposes;

8 "Capital outlay" means capital outlay as defined in GAAP;

9 "Combination pupil" means a resident pupil who is both an at-
10 risk pupil and a bilingual education pupil;

11 "Commissioner" means the Commissioner of Education;

12 "Concentration of at-risk pupils" shall be based on prebudget
13 year pupil data and means, for a school district or a county
14 vocational school district, the number of at-risk pupils among those
15 counted in resident enrollment, divided by resident enrollment;

16 "County special services school district" means any entity
17 established pursuant to article 8 of chapter 46 of Title 18A of the
18 New Jersey Statutes;

19 "County vocational school district" means any entity established
20 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
21 Statutes;

22 "CPI" means the increase, expressed as a decimal, in the average
23 annualized consumer price index for the New York City and
24 Philadelphia areas in the fiscal year preceding the prebudget year
25 relative to the previous fiscal year as reported by the United States
26 Department of Labor;

27 "Debt service" means payments of principal and interest upon
28 school bonds and other obligations issued to finance the purchase or
29 construction of school facilities, additions to school facilities, or the
30 reconstruction, remodeling, alteration, modernization, renovation or
31 repair of school facilities, including furnishings, equipment,
32 architect fees, and the costs of issuance of such obligations and
33 shall include payments of principal and interest upon bonds
34 heretofore issued to fund or refund such obligations, and upon
35 municipal bonds and other obligations which the commissioner
36 approves as having been issued for such purposes;

37 "District income" means the aggregate income of the residents of
38 the taxing district or taxing districts, based upon data provided by
39 the Division of Taxation in the New Jersey Department of the
40 Treasury and contained on the New Jersey State Income Tax forms
41 for the calendar year ending two years prior to the prebudget year.
42 The commissioner may supplement data contained on the State
43 Income Tax forms with data available from other State or federal
44 agencies in order to better correlate the data to that collected on the
45 federal census. With respect to regional districts and their
46 constituent districts, however, the district income as described
47 above shall be allocated among the regional and constituent districts
48 in proportion to the number of pupils resident in each of them;

1 "Equalized valuation" means the equalized valuation of the
2 taxing district or taxing districts, as certified by the Director of the
3 Division of Taxation on October 1, or subsequently revised by the
4 tax court by January 15, of the prebudget year. With respect to
5 regional districts and their constituent districts, however, the
6 equalized valuations as described above shall be allocated among
7 the regional and constituent districts in proportion to the number of
8 pupils resident in each of them. In the event that the equalized table
9 certified by the director shall be revised by the tax court after
10 January 15 of the prebudget year, the revised valuations shall be
11 used in the recomputation of aid for an individual school district
12 filing an appeal, but shall have no effect upon the calculation of the
13 property value rate, Statewide average equalized school tax rate, or
14 Statewide equalized total tax rate;

15 "Full-day preschool" means a preschool day consisting of a six-
16 hour comprehensive educational program in accordance with the
17 district's kindergarten through grade 12 school calendar;

18 "GAAP" means the generally accepted accounting principles
19 established by the Governmental Accounting Standards Board as
20 prescribed by the State board pursuant to N.J.S.18A:4-14;

21 "General special education services pupil" means a pupil
22 receiving specific services pursuant to chapter 46 of Title 18A of
23 the New Jersey Statutes;

24 "Geographic cost adjustment" means an adjustment that reflects
25 county differences in the cost of providing educational services that
26 are outside the control of the district;

27 "Household income" means income as defined in 7 CFR ss.245.2
28 and 245.6 or any subsequent superseding federal law or regulation;

29 "Net budget" means the sum of the district's general fund tax
30 levy, State aid received pursuant to the provisions of this act other
31 than preschool education aid, miscellaneous revenue estimated
32 pursuant to GAAP, and designated general fund balance;

33 "Prebudget year" means the school fiscal year preceding the year
34 in which the school budget is implemented;

35 "Nonpreschool ECPA" means the amount of early childhood
36 program aid, excluding prior year carry-forward amounts, included
37 in a district's 2007-2008 school year budget certified for taxes that
38 was allocated to grades K through 3;

39 "Report" means the Educational Adequacy Report issued by the
40 commissioner pursuant to section 4 of this act;

41 "Resident enrollment" means the number of pupils other than
42 preschool pupils, post-graduate pupils, and post-secondary
43 vocational pupils who, on the last school day prior to October 16 of
44 the current school year, are residents of the district and are enrolled
45 in: (1) the public schools of the district, excluding evening schools,
46 (2) another school district, other than a county vocational school
47 district in the same county on a full-time basis, or a State college
48 demonstration school or private school to which the district of

1 residence pays tuition, or (3) a State facility in which they are
2 placed by the district; or are residents of the district and are: (1)
3 receiving home instruction, or (2) in a shared-time vocational
4 program and are regularly attending a school in the district and a
5 county vocational school district. In addition, resident enrollment
6 shall include the number of pupils who, on the last school day prior
7 to October 16 of the prebudget year, are residents of the district and
8 in a State facility in which they were placed by the State. Pupils in
9 a shared-time vocational program shall be counted on an equated
10 full-time basis in accordance with procedures to be established by
11 the commissioner. Resident enrollment shall include regardless of
12 nonresidence, the enrolled children of teaching staff members of the
13 school district or county vocational school district who are
14 permitted, by contract or local district policy, to enroll their
15 children in the educational program of the school district or county
16 vocational school district without payment of tuition. Disabled
17 children between three and five years of age and receiving programs
18 and services pursuant to N.J.S.18A:46-6 shall be included in the
19 resident enrollment of the district;

20 "School district" means any local or regional school district
21 established pursuant to chapter 8 or chapter 13 of Title 18A of the
22 New Jersey Statutes;

23 "State facility" means a State developmental center, a State
24 Division of Youth and Family Services' residential center, a State
25 residential mental health center, a Department of Children and
26 Families Regional Day School, a State training school/secure care
27 facility, a State juvenile community program, a juvenile detention
28 center or a boot camp under the supervisory authority of the
29 **【Juvenile】 Youth** Justice Commission pursuant to P.L.1995, c.284
30 (C.52:17B-169 et seq.), or an institution operated by or under
31 contract with the Department of Corrections, Children and Families
32 or Human Services, or the **【Juvenile】 Youth** Justice Commission;

33 "Statewide equalized school tax rate" means the amount
34 calculated by dividing the general fund tax levy for all school
35 districts, which excludes county vocational school districts and
36 county special services school districts as defined pursuant to this
37 section, in the State for the prebudget year by the equalized
38 valuations certified in the year prior to the prebudget year of all
39 taxing districts in the State except taxing districts for which there
40 are not school tax levies;

41 "Tax levy growth limitation" means the permitted annual
42 increase in the adjusted tax levy for a school district as calculated
43 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
44 18A:7F-39).

45 (cf: P.L.2010, c.44, s.6)

46

47 38. N.J.S.18A:47-4 is amended to read as follows:

1 18A:47-4. Such special school shall receive, restrain, and
2 instruct dependent delinquent children, and children under the age
3 of 16 years, committed to such school by the Superior Court,
4 Chancery Division, Family Part pursuant to the "New Jersey Code
5 of **【Juvenile】 Youth** Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

6 If in the judgment of the court the best interests of a child
7 demand that the special school have the entire charge and control of
8 the child, the court may take the custody of the child from its
9 parents or guardian and give it, for an indeterminate period, to the
10 board of education having control of the special school. When in
11 the judgment of the board the conduct of the child has so improved
12 that it should be permitted to attend the regular public schools, it
13 may return the child to the custody of its parents or guardian.

14 Any child, under the age of 16 years, arrested for any cause
15 except murder or manslaughter, and pupils habitually truant or
16 incorrigible, may, by order of the Family Part be held in the school
17 until final judgment.

18 (cf: P.L.1991, c.91, s.235)

19

20 39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
21 read as follows:

22 2. The Legislature finds and declares that:

23 a. A qualified and stable work force in public facilities and
24 nonprofit social services agencies is essential to ensure the
25 provision of quality services to persons in need of services,
26 including persons with mental illness, developmental disabilities or
27 other disabilities, persons in need of substance abuse treatment and
28 juveniles under the custody and care of the **【Juvenile】 Youth**
29 Justice Commission;

30 b. These public facilities and social services agencies are
31 currently facing a personnel crisis, which is expected to worsen in
32 the next two decades;

33 c. The entry-level and on-going salaries offered by these public
34 facilities and social services agencies to direct care professionals
35 are not always competitive with those offered in the private for
36 profit sector, which limits the ability of these facilities and agencies
37 to attract and retain qualified direct care professionals;

38 d. Loan redemption programs can address the economic
39 hardship of direct care professionals performing critical work in
40 low-paying jobs, who in many instances are forced, because of their
41 high loan debt and low incomes, to reject or abandon employment
42 in the public sector, which is in great need of their skills and
43 knowledge, for employment that is more financially rewarding;

44 e. The departure of these skilled direct care professionals from
45 the public and nonprofit sector is, in many cases, a loss to their own
46 sense of personal fulfillment, to the consumers that they serve, and
47 to society at large; and

1 f. The establishment by this State of a loan redemption
2 program for direct care professionals employed in public facilities
3 and nonprofit agencies that contract with the Department of Human
4 Services and the **【Juvenile】 Youth** Justice Commission is essential
5 to address the need for the continued provision of high-quality
6 services by these skilled and knowledgeable professionals.
7 (cf: P.L.2005, c.157, s.2)

8
9 40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to
10 read as follows:

11 3. As used in this act:

12 "Approved course of study" means: an undergraduate program
13 leading to a bachelor's degree offered by a four-year public or
14 independent institution of higher education; or a graduate program
15 leading to a master's degree, which is offered by a public or
16 independent institution of higher education, in a human services
17 discipline such as social work, psychology or counseling, or a
18 health-related profession such as occupational, physical or speech
19 therapy.

20 "Approved employment" means postgraduate, full-time
21 employment as a direct care professional in a qualified facility. The
22 term shall not include a paid student internship, paid fellowship,
23 volunteer service or employment before graduation.

24 "Authority" means the Higher Education Student Assistance
25 Authority established pursuant to N.J.S.18A:71A-3.

26 "Direct care professional" means a professional staff member at
27 a qualified facility who provides one or more of the following
28 services to eligible persons: counseling; physical, occupational,
29 recreational or speech therapy; case management; vocational
30 training; assistance with activities of daily living; medication
31 management; budgeting assistance; addiction treatment services;
32 nutrition; and other clinical services.

33 "Eligible student loan expenses" mean the cumulative total of the
34 annual student loans, covering the cost of attendance while enrolled
35 in an approved course of study. Interest paid or due on student
36 loans that a program participant has taken out for use in paying the
37 costs of attendance at an institution of higher education shall be
38 considered eligible for reimbursement under the program.

39 "Program" means the Social Services Student Loan Redemption
40 Program established pursuant to this act.

41 "Program participant" means a person who meets the
42 requirements of the program.

43 "Qualified facility" means:

44 a. a facility operated by the Department of Human Services
45 that provides direct care services to persons served by the
46 department;

47 b. a county psychiatric hospital;

1 c. a facility operated by the **【Juvenile】 Youth** Justice
2 Commission;

3 d. a veterans' memorial home operated by the Department of
4 Military and Veterans' Affairs; and

5 e. a nonprofit agency in the State that contracts with the
6 Department of Human Services or the **【Juvenile】 Youth** Justice
7 Commission to provide direct care services to persons served by the
8 department or commission.

9 (cf: P.L.2005, c.157, s.3)

10
11 41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to
12 read as follows:

13 4. There is established the Social Services Student Loan
14 Redemption Program within the Higher Education Student
15 Assistance Authority.

16 The purpose of the program is to address the current and
17 projected critical shortage of direct care professionals in the State
18 by providing an incentive for persons to engage in employment at
19 certain public facilities, and nonprofit social services agencies
20 under contract with the Department of Human Services or the
21 **【Juvenile】 Youth** Justice Commission, so as to ensure that State
22 residents who are in need of direct care services at these facilities
23 and agencies have sufficient, qualified professional staff in order to
24 provide the needed services.

25 The program shall provide loan redemption to finance the
26 undergraduate or graduate study of program participants in
27 exchange for full-time employment as a direct care professional at a
28 qualified facility following completion of an approved course of
29 study.

30 (cf: P.L.2005, c.157, s.4)

31
32 42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended
33 to read as follows:

34 10. The Higher Education Student Assistance Authority, in
35 consultation with the Commissioner of Human Services and the
36 executive director of the **【Juvenile】 Youth** Justice Commission,
37 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to
39 implement the provisions of this act, including eligibility criteria for
40 the program, procedures for determining the amount of the loan
41 redemption award, and the types of direct care professional
42 positions that qualify for the program.

43 (cf: P.L.2005, c.157, s.10)

44
45 43. Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to
46 read as follows:

47 10. a. To assist and advise in issues pertaining to prisoner
48 reentry, there is established in the Department of Corrections an

1 advisory commission to be known as the "Prisoner Reentry
2 Commission." The purpose of the commission shall be to review,
3 study, and offer solutions to problems facing prisoners re-entering
4 society, including, but not limited to determining whether:

5 (1) New Jersey should seek a federal waiver under Section 1115
6 of the Social Security Act to expand Medicaid eligibility to non-
7 disabled adults, to leverage additional federal funds in order to
8 target high risk populations;

9 (2) Health care and treatment resources for former prisoners are
10 adequate and if not, methods by which they can be improved;

11 (3) The prison population can be incorporated fully into New
12 Jersey's workforce development strategy; and

13 (4) Sources of funding intended for the same populations and
14 communities could be tapped, coordinated and leveraged
15 effectively.

16 b. In addition, the commission shall:

17 (1) Evaluate and provide recommendations for special issues
18 concerning juvenile reentry;

19 (2) Evaluate and make recommendations concerning current law
20 on juvenile waiver; and

21 (3) Evaluate and provide recommendations for inter-agency
22 communication, information sharing, and problem solving.

23 c. (1) The advisory commission shall consist of 18 members as
24 follows:

25 (a) The Attorney General or his designee, who shall serve ex
26 officio;

27 (b) The Secretary of State or his designee, who shall serve ex
28 officio;

29 (c) The Commissioner of Corrections or his designee, who shall
30 serve ex officio;

31 (d) The Commissioner of Human Services or his designee, who
32 shall serve ex officio;

33 (e) The Commissioner of Labor and Workforce Development or
34 his designee, who shall serve ex officio;

35 (f) The Commissioner of Community Affairs or his designee,
36 who shall serve ex officio;

37 (g) The Commissioner of Education or his designee, who shall
38 serve ex officio;

39 (h) Two members of the Senate, to be appointed by the
40 President of the Senate, who shall each be of different political
41 parties;

42 (i) Two members of the General Assembly, to be appointed by
43 the Speaker of the General Assembly, who shall each be of different
44 political parties;

45 (j) The Chairman of the State Parole Board or his designee,
46 who shall serve ex officio;

47 (k) The Executive Director of the **【Juvenile】 Youth Justice**
48 Commission or his designee, who shall serve ex officio;

1 (l) The Executive Director of the Housing and Mortgage
2 Finance Agency or his designee, who shall serve ex officio;
3 (m) The New Jersey Public Defender or his designee, who shall
4 serve ex officio;
5 (n) One representative from the New Jersey Institute for Social
6 Justice; and
7 (o) Two public members, who by experience or training have
8 expertise in issues facing former prisoners, to be appointed by the
9 Governor.

10 (2) The Governor shall designate one member as chairman and
11 two members as vice-chairmen of the commission from among the
12 members listed in this subsection.

13 (3) The public members shall be appointed for a five-year term.
14 Vacancies in the membership of the advisory commission shall be
15 filled in the same manner provided for in the original appointments.
16 The members of the advisory commission shall serve without
17 compensation but may be reimbursed for travel and other
18 miscellaneous expenses necessary to perform their duties, within
19 the limits of funds made available to the advisory commission for
20 its purposes.

21 (4) A member of the commission may be removed for good
22 cause.

23 d. The commission may meet at the call of its chair and hold
24 hearings at the times and in the places it may deem appropriate and
25 necessary to fulfill its charge. The advisory commission shall be
26 entitled to call to its assistance, and avail itself of the services of,
27 the employees of any State, county or municipal department, board,
28 bureau, commission or agency as it may require and as may be
29 available to it for its purposes.

30 e. The commission shall annually submit a report to the
31 Governor and the Legislature pursuant to section 2 of P.L.1991,
32 c.164 (C.52:14-19.1) along with any recommendations it deems
33 appropriate, including any legislative proposals it may wish to
34 make.
35 (cf: P.L.2009, c.329, s.10)

36

37 44. Section 3 of P.L.1998, c.71 (C.30:4-27.26) is amended to
38 read as follows:

39 3. As used in this act:

40 "Agency with jurisdiction" means the agency which releases
41 upon lawful order or authority a person who is serving a sentence or
42 term of confinement, or is otherwise being detained or maintained
43 in custody. This term includes the Department of Corrections or a
44 county correctional facility, the **【Juvenile】** Youth Justice
45 Commission or a county juvenile detention facility, and the
46 Department of Human Services. "Attorney General" means the
47 Attorney General or a county prosecutor to whom the Attorney
48 General has delegated authority under this act.

1 "Clinical certificate for a sexually violent predator" means a
2 form prepared by the Division of Mental Health Services in the
3 Department of Human Services and approved by the Administrative
4 Office of the Courts, that is completed by the psychiatrist or other
5 physician who has examined the person who is subject to
6 commitment within three days of presenting the person for
7 admission to a facility for treatment, and which states that the
8 person is a sexually violent predator in need of involuntary
9 commitment. The form shall also state the specific facts upon which
10 the examining physician has based that conclusion and shall be
11 certified in accordance with the Rules Governing the Courts of the
12 State of New Jersey. A clinical certificate for a sexually violent
13 predator may not be executed by an individual who is a relative by
14 blood or marriage to the person who is being examined.

15 "Likely to engage in acts of sexual violence" means the
16 propensity of a person to commit acts of sexual violence is of such
17 a degree as to pose a threat to the health and safety of others.

18 "Mental abnormality" means a mental condition that affects a
19 person's emotional, cognitive or volitional capacity in a manner that
20 predisposes that person to commit acts of sexual violence.

21 "Person" means an individual 18 years of age or older who is a
22 potential or actual subject of proceedings under this act.

23 "Psychiatrist" means a physician who has completed the training
24 requirements of the American Board of Psychiatry and Neurology.

25 "Sexually violent offense" means:

26 (a) aggravated sexual assault; sexual assault; aggravated
27 criminal sexual contact; kidnapping pursuant to subparagraph (b) of
28 paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual
29 contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3
30 if the underlying crime is sexual assault; an attempt to commit any
31 of these enumerated offenses; or a criminal offense with
32 substantially the same elements as any offense enumerated above,
33 entered or imposed under the laws of the United States, this State or
34 another state; or

35 (b) any offense for which the court makes a specific finding on
36 the record that, based on the circumstances of the case, the person's
37 offense should be considered a sexually violent offense.

38 "Sexually violent predator" means a person who has been
39 convicted, adjudicated delinquent or found not guilty by reason of
40 insanity for commission of a sexually violent offense, or has been
41 charged with a sexually violent offense but found to be incompetent
42 to stand trial, and suffers from a mental abnormality or personality
43 disorder that makes the person likely to engage in acts of sexual
44 violence if not confined in a secure facility for control, care and
45 treatment.

46 "Treatment team" means the individuals, agencies or firms which
47 provide treatment, supervision or other services at a facility

1 designated for the custody, care and treatment of sexually violent
2 predators.

3 (cf: P.L.1998, c.71, s.3)

4

5 45. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
6 read as follows:

7 4. a. In order to ensure that adult and juvenile inmates who are
8 dangerous to themselves or others because of mental illness and
9 who are "in need of involuntary commitment" within the meaning
10 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
11 violent predators" within the meaning of section 3 of P.L.1998, c.71
12 (C.30:4-27.26), are not released without appropriate supervision
13 and treatment, the board, the Commissioner of the Department of
14 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
15 Commission established pursuant to section 2 of P.L.1995, c.284
16 (C.52:17B-170) and county prosecutors shall follow the procedures
17 set forth in this section.

18 b. When an adult or juvenile inmate is scheduled for release
19 due to expiration of the inmate's maximum term, the commissioner
20 or the **【Juvenile】 Youth** Justice Commission shall notify the
21 Attorney General and the prosecutor of the county from which the
22 person was committed if:

23 (1) The adult inmate's term includes a sentence imposed for
24 conviction of aggravated sexual assault, sexual assault or
25 aggravated criminal sexual contact and the court imposing sentence
26 found that the offender's conduct was characterized by a pattern of
27 repetitive, compulsive behavior;

28 (2) The parole board or the superintendent of the facility in
29 which the inmate has been confined has advised the commissioner
30 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
31 inmate during the period of confinement, the inmate's mental
32 condition or the inmate's past history indicates that the inmate may
33 be "in need of involuntary commitment" within the meaning of
34 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

35 (3) The inmate's term includes a sentence imposed for
36 conviction of a "sexually violent offense" as defined in section 3 of
37 P.L.1998, c.71 (C.30:4-27.26).

38 c. Notice required by subsection b. shall be given no less than
39 90 days before the date on which the inmate's maximum term is
40 scheduled to expire.

41 d. When such notice is given, the board, the **【Juvenile】 Youth**
42 Justice Commission or the commissioner shall provide the Attorney
43 General and county prosecutor with all information relevant to a
44 determination of whether the inmate may be "in need of involuntary
45 commitment" or may be a "sexually violent predator", including,
46 without regard to classification as confidential pursuant to
47 regulations of the board, of the Department of Corrections or the
48 **【Juvenile】 Youth** Justice Commission, any preparole report,

1 psychological and medical records, any statement of the reasons for
2 denial of parole and, if applicable, a statement of the reasons for the
3 determination that the inmate may be "in need of involuntary
4 commitment" or may be a "sexually violent predator".

5 e. If the Attorney General or county prosecutor determines, on
6 the basis of the information provided pursuant to this section or
7 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
8 commitment" or may be a "sexually violent predator", the
9 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
10 Commission, upon request of the Attorney General or county
11 prosecutor shall:

12 (1) Permit persons qualified to execute clinical certificates
13 necessary for civil commitment to examine the inmate in the
14 institution in which he is confined; or

15 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
16 arrange for persons qualified to execute clinical certificates
17 necessary for civil commitment to examine the inmate.

18 f. In the interests of the public safety and the well-being of the
19 inmate, the Attorney General or county prosecutor may exercise
20 discretion to obtain an assessment of the inmate's condition by one
21 or more of the means set forth in subsection e. of this section.

22 g. The Attorney General or county prosecutor shall provide a
23 psychiatrist or physician assessing or examining an inmate pursuant
24 to this section with all information relevant to the inmate's need of
25 involuntary commitment, including information concerning the
26 inmate's condition, history, recent behavior and any recent act or
27 threat. Any person who assesses or examines an inmate pursuant to
28 this section shall provide the Attorney General and county
29 prosecutor with a written report detailing the person's findings and
30 conclusions.

31 h. (1) All information, documents and records concerning the
32 inmate's mental condition or classified as confidential pursuant to
33 regulations of the board, of the Department of Corrections or the
34 **【Juvenile】 Youth** Justice Commission that are received or provided
35 pursuant to this section or N.J.S.2C:47-5 shall be deemed
36 confidential.

37 (2) Unless authorized or required by court order or except as
38 required in the course of judicial proceedings relating to the
39 inmate's commitment or release, disclosure of such information,
40 documents and records shall be limited to professionals evaluating
41 the inmate's condition pursuant to this section, the Attorney
42 General, county prosecutor and members of their respective staffs
43 as necessary to the performance of duties imposed pursuant to this
44 section.

45 i. Any person acting in good faith who has provided
46 information relevant to an inmate's need of involuntary commitment
47 or as to whether the inmate is a sexually violent predator or has
48 taken good faith steps to assess an inmate's need of involuntary

1 commitment or whether the inmate is a sexually violent predator is
2 immune from civil and criminal liability.

3 (cf: P.L.1998, c.71, s.17)

4
5 46. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
6 read as follows:

7 4. a. In order to ensure that adult and juvenile inmates who are
8 dangerous to themselves or others because of mental illness and
9 who are "in need of involuntary commitment" within the meaning
10 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
11 violent predators" within the meaning of section 3 of P.L.1998, c.71
12 (C.30:4-27.26), are not released without appropriate supervision
13 and treatment, the board, the Commissioner of the Department of
14 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
15 Commission established pursuant to section 2 of P.L.1995, c.284
16 (C.52:17B-170) and county prosecutors shall follow the procedures
17 set forth in this section.

18 b. When an adult or juvenile inmate is scheduled for release
19 due to expiration of the inmate's maximum term, the commissioner
20 or the **【Juvenile】 Youth** Justice Commission shall notify the
21 Attorney General and the prosecutor of the county from which the
22 person was committed if:

23 (1) The adult inmate's term includes a sentence imposed for
24 conviction of aggravated sexual assault, sexual assault or
25 aggravated criminal sexual contact and the court imposing sentence
26 found that the offender's conduct was characterized by a pattern of
27 repetitive, compulsive behavior;

28 (2) The parole board or the superintendent of the facility in
29 which the inmate has been confined has advised the commissioner
30 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
31 inmate during the period of confinement, the inmate's mental
32 condition or the inmate's past history indicates that the inmate may
33 be "in need of involuntary commitment" within the meaning of
34 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

35 (3) The inmate's term includes a sentence imposed for
36 conviction of a "sexually violent offense" as defined in section 3 of
37 P.L.1998, c.71 (C.30:4-27.26).

38 c. Notice required by subsection b. shall be given no less than
39 90 days before the date on which the inmate's maximum term is
40 scheduled to expire.

41 d. When such notice is given, the board, the **【Juvenile】 Youth**
42 Justice Commission or the commissioner shall provide the Attorney
43 General and county prosecutor with all information relevant to a
44 determination of whether the inmate may be "in need of involuntary
45 commitment" or may be a "sexually violent predator", including,
46 without regard to classification as confidential pursuant to
47 regulations of the board, of the Department of Corrections or the
48 **【Juvenile】 Youth** Justice Commission, any preparole report,

1 psychological and medical records, any statement of the reasons for
2 denial of parole and, if applicable, a statement of the reasons for the
3 determination that the inmate may be "in need of involuntary
4 commitment" or may be a "sexually violent predator".

5 e. If the Attorney General or county prosecutor determines, on
6 the basis of the information provided pursuant to this section or
7 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
8 commitment" or may be a "sexually violent predator", the
9 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
10 Commission, upon request of the Attorney General or county
11 prosecutor shall:

12 (1) Permit persons qualified to execute clinical certificates
13 necessary for civil commitment to examine the inmate in the
14 institution in which he is confined; or

15 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
16 arrange for persons qualified to execute clinical certificates
17 necessary for civil commitment to examine the inmate.

18 f. In the interests of the public safety and the well-being of the
19 inmate, the Attorney General or county prosecutor may exercise
20 discretion to obtain an assessment of the inmate's condition by one
21 or more of the means set forth in subsection e. of this section.

22 g. The Attorney General or county prosecutor shall provide a
23 psychiatrist or physician assessing or examining an inmate pursuant
24 to this section with all information relevant to the inmate's need of
25 involuntary commitment, including information concerning the
26 inmate's condition, history, recent behavior and any recent act or
27 threat. Any person who assesses or examines an inmate pursuant to
28 this section shall provide the Attorney General and county
29 prosecutor with a written report detailing the person's findings and
30 conclusions.

31 h. (1) All information, documents and records concerning the
32 inmate's mental condition or classified as confidential pursuant to
33 regulations of the board, of the Department of Corrections or the
34 **【Juvenile】 Youth** Justice Commission that are received or provided
35 pursuant to this section or N.J.S.2C:47-5 shall be deemed
36 confidential.

37 (2) Unless authorized or required by court order or except as
38 required in the course of judicial proceedings relating to the
39 inmate's commitment or release, disclosure of such information,
40 documents and records shall be limited to professionals evaluating
41 the inmate's condition pursuant to this section, the Attorney
42 General, county prosecutor and members of their respective staffs
43 as necessary to the performance of duties imposed pursuant to this
44 section.

45 i. Any person acting in good faith who has provided
46 information relevant to an inmate's need of involuntary commitment
47 or as to whether the inmate is a sexually violent predator or has
48 taken good faith steps to assess an inmate's need of involuntary

1 commitment or whether the inmate is a sexually violent predator is
2 immune from civil and criminal liability.

3 (cf: P.L.1998, c.71, s.17)

4
5 47. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is amended to
6 read as follows:

7 3. a. The Commissioner of Corrections, in conjunction with the
8 **【Juvenile】 Youth** Justice Commission and the State Parole Board,
9 shall establish a program to record and analyze the recidivism of all
10 inmates and juveniles adjudicated delinquent who are released from
11 a State correctional facility or a training school for juveniles,
12 whether on parole or upon the completion of their maximum
13 sentences. The purpose of this program shall be to assist in
14 measuring the effectiveness of the State's reentry initiatives and
15 programs.

16 b. The program shall record the arrests for all offenses
17 committed by releasees within three years following their release
18 and any convictions resulting from the arrests. These data shall be
19 analyzed to determine whether the rates and nature of rearrests and
20 convictions differ according to the criminal histories and personal
21 characteristics of releasees, the treatment they received while
22 confined, length of sentence, conditions of parole, participation and
23 involvement in reentry initiatives and programs, and such other
24 factors as may be relevant to the purposes of this section, including,
25 but not limited to, race, gender, ethnicity, and age.

26 c. The commissioner shall prepare and disseminate semi-
27 annual reports summarizing the recidivism rates, patterns, and other
28 findings and analyses resultant of the information gathered pursuant
29 to this section. These reports shall include summaries of the
30 treatment received by the releasees and any participation and
31 involvement in reentry initiatives by the releasees, and shall make
32 recommendations concerning the effectiveness of the treatment
33 programs and reentry initiatives. These reports shall be available to
34 the general public and shall not contain any personally identifying
35 information. To facilitate the accessibility of these reports to the
36 general public, the commissioner shall, to the greatest extent
37 possible, utilize the Internet.

38 d. The commissioner shall annually prepare and transmit to the
39 Governor and the Legislature, pursuant to section 2 of P.L.1991,
40 c.164 (C.52:14-19.1), a summary of the recommendations set forth
41 in the reports prepared pursuant to subsection c. of this section,
42 along with any recommendations the department, **【Juvenile】 Youth**
43 Justice Commission or the State Parole Board may have for
44 legislation to improve the effectiveness of the State's reentry
45 initiatives and programs.

46 (cf: P.L.2015, c.144, s.1)

1 48. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
2 read as follows:

3 1.a. This act shall be known and may be cited as the "Parole Act
4 of 1979."

5 b. In this act, unless a different meaning is plainly required:

6 (1) "Adult inmate" means any person sentenced as an adult to a
7 term of incarceration.

8 (2) "Juvenile inmate" means any person under commitment as a
9 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
10 (C.2A:4A-44).

11 (3) "Parole release date" means that date certified by a member
12 of the board for release of an inmate after a review of the inmate's
13 case pursuant to section 11, 13 or 14 of this act.

14 (4) "Primary parole eligibility date" means that date established
15 for parole eligibility for adult inmates pursuant to section 7 or 20 of
16 this act.

17 (5) "Public notice" shall consist of lists including names of all
18 inmates being considered for parole, the county from which the
19 inmates were committed and the crimes for which the inmates were
20 incarcerated. At least 30 days prior to parole consideration the lists
21 shall be forwarded to the office of the public defender of each
22 county or the private attorney of record for the inmates, the
23 prosecutor's office of each county, the sentencing court, the office
24 of the Attorney General, any other criminal justice agencies whose
25 information and comment may be relevant, and news organizations.

26 (6) Removal for "cause" means substantial cause that is plainly
27 sufficient under the law and sound public policy touching upon
28 qualifications appropriate to a member of the parole board or the
29 administration of the board such that the public interest precludes
30 the member's continuance in office. Cause includes, but is not
31 limited to, misconduct in office, incapacity, inefficiency,
32 nonfeasance, and violations of the Parole Board's Code of Ethics.

33 (7) "Commission" means the **【Juvenile】** Youth Justice
34 Commission established pursuant to section 2 of P.L.1995, c.284
35 (C.52:17B-170).

36 (8) "Parole officer" means, with respect to an adult inmate, an
37 officer assigned by the Chairman of the State Parole Board or the
38 chairman's designee and, with respect to a juvenile inmate, a person
39 assigned by the commission.

40 (cf: P.L.2019, c.364, s.7)

41

42 49. Section 5 of P.L.2020, c.111 (C.30:4-123.103) is amended to
43 read as follows:

44 5. a. An inmate who is released from the custody of the
45 Commissioner of Corrections or a juvenile who is released from the
46 custody of the **【Juvenile】** Youth Justice Commission following an
47 award of public health emergency credits pursuant to section 1 of
48 P.L.2020, c.111 (C.30:4-123.100), from the date of release until the

1 date the inmate or juvenile, as the case may be, was scheduled to be
2 released prior to the award of public health emergency credits, shall
3 be prohibited from purposely or knowingly making contact with any
4 victim of the crime for which the inmate or juvenile was serving a
5 sentence.

6 For purposes of this subsection, making contact with a victim
7 shall include contact made personally by the inmate or juvenile, as
8 the case may be, or through an agent, and shall include but not be
9 limited to: personal, written, electronic, or telephone contact or
10 communication; or entering the residence, property, school, or place
11 of employment of the victim.

12 b. A violation of subsection a. of this section shall be a crime
13 of the fourth degree.

14 c. (1) A petition may be filed with the court to dissolve the
15 prohibition established pursuant to the provisions of this section
16 prohibiting an inmate or juvenile, as the case may be, from making
17 contact with the victim in accordance with procedures established
18 by the court.

19 (2) The Director of the Administrative Office of the Courts shall
20 provide the Department of Corrections, **[Juvenile]** Youth Justice
21 Commission, and Attorney General with information concerning the
22 procedures established by the court for filing a petition to dissolve
23 the prohibition established pursuant to this section prohibiting an
24 inmate or juvenile, as the case may be, from making contact with
25 any victim of the crime for which the inmate or juvenile was
26 serving a sentence.

27 (cf: P.L.2020, c.111, s.5)

28

29 50. Section 12 of 1970, c.300 (C.30:4-157.2) is amended to read
30 as follows:

31 12. The warrant of commitment to the custody of the **[Juvenile]**
32 Youth Justice Commission established pursuant to section 2 of
33 P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the
34 parents or guardians if they can be ascertained and the juvenile's
35 place of residence. The court shall order transmitted to the
36 commission, by the officer serving the order of commitment a copy
37 of the complaint, a copy of any probation reports, pre-disposition
38 reports, education records, county detention center records, or other
39 records which the county may have concerning the past
40 delinquencies of the juvenile and other information concerning any
41 mental or physical condition which the court deems to be of
42 importance in the rehabilitation of the juvenile or the maintenance
43 of discipline, order and safety in the facility or the operation of the
44 facility or its programs. Such records shall be used for the
45 information and guidance of the facility and the commission but
46 shall not be public records. Such warrants and records shall be
47 forwarded to the commission on, or prior to, the date of the
48 juvenile's admission into the facility. (cf: P.L.1995, c.280, s.49)

1 51. Section 1 of P.L.1939, c.301(C.30:4-157.4) is amended to
2 read as follows:

3 1. 30:4-157.4. Whenever a juvenile shall be committed to the
4 custody of the **【Juvenile】** Youth Justice Commission established
5 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be
6 the duty of the court, at the time of the examination, to make
7 inquiry as to the ability of the parent or guardian to pay the
8 expenses of the commitment proceedings and the board of the
9 juvenile, and it shall endorse on the warrant of commitment a
10 statement of its finding in that regard.

11 Payment by the parent or guardian of these costs shall be made to
12 the probation division or county adjuster, whichever the court shall
13 designate; provided, however, that upon collection thereof the costs
14 of the commitment proceedings shall be paid to the county
15 treasurer, and any amount received representing maintenance shall
16 be forwarded to the State Treasurer. In the event of failure of the
17 parent or guardian to pay the amount ordered by the court then the
18 probation division or county adjuster, as the case may be, shall
19 bring the matter before the court for such further order as shall
20 appear proper therein to compel payment.

21 (cf: P.L.1995, c.280, s.50)

22

23 52. Section 16 of P.L.1970, c.300 (C.30:4-157.7) is amended to
24 read as follows:

25 16.30 No juvenile in custody of the **【Juvenile】** Youth Justice
26 Commission established pursuant to section 2 of P.L.1995, c.284
27 (C.52:17B-170) shall be indentured or bound out to service.

28 (cf: P.L.1995, c.280, s.52)

29

30 53. Section 11 of P.L.2017, c.176 (C.30:7E-7) is amended to
31 read as follows:

32 11. a. Notwithstanding the provisions of any other law or
33 regulation to the contrary, any contract between a health care
34 provider and the New Jersey Department of Corrections, the
35 **【Juvenile】** Youth Justice Commission, the State Parole Board, or
36 any other State or local entity, which contract provides health care
37 services to the State's inmate population, shall not contain any
38 provision that discriminates, and the State or local entity
39 contracting for services shall ensure there is no discrimination, on
40 the basis of a person's gender identity or expression or on the basis
41 that the person is a transgender person.

42 b. The discrimination prohibited by this section shall include:

43 (1) denying, cancelling, limiting or refusing to issue or renew a
44 contract on the basis of a covered person's or prospective covered
45 person's gender identity or expression, or for the reason that the
46 covered person or prospective covered person is a transgender
47 person;

1 (2) demanding or requiring a payment or premium that is based
2 in whole or in part on a covered person's or prospective covered
3 person's gender identity or expression, or for the reason that the
4 covered person or prospective covered person is a transgender
5 person;

6 (3) designating a covered person's or prospective covered
7 person's gender identity or expression, or the fact that a covered
8 person or prospective covered person is a transgender person, as a
9 preexisting condition for which coverage will be denied or limited;
10 or

11 (4) denying or limiting coverage, or denying a claim, for
12 services including but not limited to the following, due to a covered
13 person's gender identity or expression or for the reason that the
14 covered person is a transgender person:

15 (a) health care services related to gender transition if coverage
16 is available for those services under the contract when the services
17 are not related to gender transition, including but not limited to
18 hormone therapy, hysterectomy, mastectomy, and vocal training; or

19 (b) health care services that are ordinarily or exclusively
20 available to individuals of one sex when the denial or limitation is
21 due only to the fact that the covered person is enrolled as belonging
22 to the other sex or has undergone, or is in the process of
23 undergoing, gender transition.

24 c. For the purposes of this section:

25 "Gender expression" means a person's gender-related appearance
26 and behavior, whether or not stereotypically associated with the
27 person's assigned sex at birth.

28 "Gender identity" means a person's internal sense of their own
29 gender, regardless of the sex the person was assigned at birth.

30 "Gender transition" means the process of changing a person's
31 outward appearance, including physical sex characteristics, to
32 accord with the person's actual gender identity.

33 "Transgender person" means a person who identifies as a gender
34 different from the sex assigned to the person at birth.

35 d. Nothing in this section shall preclude a State or local entity
36 contracting for services pursuant to this section from performing
37 utilization review, including periodic review of the medical
38 necessity of a particular service.

39 (cf: P.L.2017, c.176, s.11)

40

41 54. Section 3 of P.L.1997, c.81 (C.30:8-63) is amended to read
42 as follows:

43 3. As used in this act:

44 "Commission" means the **【Juvenile】** Youth Justice Commission
45 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
46 170).

47 "Juvenile offender" means a person under the age of 18 who has
48 been adjudicated delinquent for an act which, if committed by an

1 adult, would constitute a crime of the third or fourth degree,
 2 excluding an adjudication for any act which would constitute a
 3 crime under chapter 14 of Title 2C of the New Jersey Statutes.
 4 (cf: P.L.1997, c.81, s.3)

5
 6 55. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to
 7 read as follows:

8 4. There is established in the Department of Children and
 9 Families the New Jersey Youth Suicide Prevention Advisory
 10 Council.

11 a. The purpose of the council shall be to: examine existing
 12 needs and services and make recommendations to the division for
 13 youth suicide reporting, prevention and intervention; advise the
 14 division on the content of informational materials to be made
 15 available to persons who report attempted or completed suicides;
 16 and advise the division in the development of regulations required
 17 pursuant to this act.

18 b. The council shall consist of 18 members as follows:

19 (1) the Commissioners of Human Services, Children and
 20 Families, Health and Senior Services, and Education, the executive
 21 director of the **【Juvenile】 Youth** Justice Commission established
 22 pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the
 23 chairman of the Community Mental Health Citizens Advisory
 24 Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.),
 25 or their designees, who shall serve ex officio;

26 (2) six public members appointed by the Governor, as follows:
 27 one person who is a current member of a county mental health
 28 advisory board, one person with personal or family experience with
 29 suicide, one person who is a current or retired primary or secondary
 30 school teacher, one person who is a current or former member of a
 31 local board of education, one psychiatrist and one person with
 32 professional experience in the collection and reporting of social
 33 science data;

34 (3) three public members appointed by the President of the
 35 Senate, no more than two of whom are members of the same
 36 political party, one of whom has volunteer or paid experience in the
 37 provision of services to survivors of suicide or youth at risk of
 38 attempting suicide, one of whom is an alcohol and drug counselor,
 39 and one of whom is a representative of the New Jersey Traumatic
 40 Loss Coalition; and

41 (4) three public members appointed by the Speaker of the
 42 General Assembly, no more than two of whom are members of the
 43 same political party, one of whom has knowledge of and interest in
 44 the prevention of youth suicide and the provision of education about
 45 suicide to high-risk populations, including religious, racial, ethnic
 46 or sexual minorities, one of whom is a pediatrician, and one of
 47 whom is a school-based counselor.

- 1 c. The public members shall be appointed no later than 60 days
2 after the date of enactment of this act.
- 3 d. The public members shall serve for a term of five years; but,
4 of the members first appointed, three shall serve for a term of two
5 years, three for a term of three years, three for a term of four years
6 and three for a term of five years. Members are eligible for
7 reappointment upon the expiration of their terms. Vacancies in the
8 membership of the council shall be filled in the same manner
9 provided for the original appointments.
- 10 e. The council shall organize as soon as practicable following
11 the appointment of its members and shall select a chairperson and
12 vice-chairperson from among the members. The chairperson shall
13 appoint a secretary who need not be a member of the council.
- 14 f. The public members shall serve without compensation, but
15 shall be reimbursed for necessary expenses incurred in the
16 performance of their duties and within the limits of funds available
17 to the council.
- 18 g. The council shall be entitled to call to its assistance and avail
19 itself of the services of the employees of any State, county or
20 municipal department, board, bureau, commission or agency as it
21 may require and as may be available to it for its purposes.
- 22 h. The Department of Children and Families shall provide staff
23 support to the council.
24 (cf: P.L.2006, c.47, s.175)
25
- 26 56. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to
27 read as follows:
- 28 9. The commission shall:
- 29 a. Issue the New Jersey Unified Workforce Investment Plan
30 pursuant to the provisions of the Workforce Investment Act of
31 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
32 P.L.1989, c.293 (C.34:15C-7);
- 33 b. Establish performance standards for workforce investment
34 programs pursuant to the Workforce Investment Act of 1998,
35 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
36 P.L.1989, c.293 (C.34:15C-8);
- 37 c. Act to ensure the full participation of Workforce Investment
38 Boards in the planning and supervision of local workforce
39 investment systems. The commission shall be responsible to
40 oversee and develop appropriate standards to ensure Workforce
41 Investment Board compliance with State and federal law, the State
42 plan, and other relevant requirements regarding membership,
43 staffing, meetings, and functions;
- 44 d. Foster and coordinate initiatives of the Department of
45 Education and Commission on Higher Education to enhance the
46 contributions of public schools and institutions of higher education
47 to the implementation of the State workforce investment policy;

1 e. Examine federal and State laws and regulations to assess
2 whether those laws and regulations present barriers to achieving any
3 of the goals of this act. The commission shall, from time to time as
4 it deems appropriate, issue to the Governor and the Legislature
5 reports on its findings, including recommendations for changes in
6 State or federal laws or regulations concerning workforce
7 investment programs or services, including, when appropriate,
8 recommendations to merge other State advisory structures and
9 functions into the commission;

10 f. Perform the duties assigned to a State Workforce Investment
11 Board pursuant to subsection (d) of section 111 of the Workforce
12 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

13 g. Have the authority to enter into agreements with the head of
14 each State department or commission which administers or funds
15 education, employment or training programs, including, but not
16 limited to, the Departments of Labor and Workforce Development,
17 Community Affairs, Education, and Human Services and the
18 Commission on Higher Education, the New Jersey Economic
19 Development Authority, and the **【Juvenile】 Youth** Justice
20 Commission, which agreements are for the purpose of assigning
21 planning, policy guidance and oversight functions to each
22 Workforce Investment Board with respect to any workforce
23 investment program funded or administered by the State department
24 or commission within the Workforce Investment Board's respective
25 labor market area or local area, as the case may be; and

26 h. Establish guidelines to be used by the Workforce Investment
27 Boards in performing the planning, policy guidance, and oversight
28 functions assigned to the boards under any agreement reached by
29 the commission with a department or commission pursuant to
30 subsection g. of this section. The commission shall approve all
31 local Workforce Investment Board plans that meet the criteria
32 established by the commission for the establishment of One-Stop
33 systems. The Department of Labor and Workforce Development
34 shall approve the operational portion of the plans for programs
35 administered by the department.

36 The commission shall have access to all files and records of
37 other State agencies and may require any officer or employee
38 therein to provide such information as it may deem necessary in the
39 performance of its functions.

40 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
41 construed as affecting the authority of the State Treasurer to review
42 and approve training programs for State employees pursuant to
43 N.J.S.11A:6-25.

44 (cf: P.L.2008, c.29, s.91)

45

46 57. Section 1 of P.L.2001, c.446 (C.34:15F-12) is amended to
47 read as follows:

1 1. a. There is established in the Department of Labor and
2 Workforce Development a Youth Employment and After School
3 Incentive Pilot Program which shall be administered by the
4 Commissioner of Labor and Workforce Development, pursuant to
5 the provisions of P.L.2001, c.446 (C.34:15F-12 et seq.). The
6 program shall provide for employment opportunities for
7 disadvantaged youth with private and nonprofit employers. The
8 purpose of the program shall be to enable disadvantaged youth to
9 acquire job knowledge and skills and an understanding of the
10 linkage between the skills, behaviors, and attitudes necessary to
11 function as an adult in the workplace.

12 As used in P.L.2001, c.446 (C.34:15F-12 et seq.),
13 "disadvantaged youth" means public and nonpublic school students
14 as well as youth who are not students who reside in municipalities
15 where both the rates of unemployment and violent crime
16 significantly exceed the Statewide rates of unemployment and
17 violent crime by percentages which shall be designated by the
18 commissioner. The term shall include youth in these municipalities
19 who are participating in a program of aftercare following their
20 release from juvenile detention or community facilities.

21 b. There is established in, but not of, the Department of Labor
22 and Workforce Development the Disadvantaged Youth Employment
23 Opportunities Council. Notwithstanding the allocation of the
24 council to the Department of Labor and Workforce Development,
25 the council shall directly report to the Chairperson of the State
26 Employment and Training Commission established by section 5 of
27 P.L.1989, c.293 (C.34:15C-2). The council shall consist of 18
28 members: the Commissioner of Labor and Workforce Development,
29 the Commissioner of Education, the Executive Director of the New
30 Jersey Commission on Higher Education, the Chief Executive
31 Officer and Secretary of the New Jersey Commerce, Economic
32 Growth and Tourism Commission, the Secretary of State and the
33 Executive Director of the **【Juvenile】** Youth Justice Commission, or
34 their designees, who shall serve ex officio and as nonvoting
35 members; and 12 public members appointed by the Governor, the
36 President of the Senate and the Speaker of the General Assembly.
37 The Governor shall appoint two religious leaders and two
38 representatives of education organizations. The President of the
39 Senate and the Speaker of the Assembly shall each appoint a leader
40 of the business community, a labor leader, a representative of a
41 county vocational-technical school, and a person representing
42 organizations that have expertise serving the needs of
43 disadvantaged youth. The public members shall serve for terms of
44 three years, may be reappointed and may serve until a successor has
45 been appointed. Of the public members first appointed, six shall be
46 appointed for terms of three years, and six shall be appointed for
47 terms of two years. A vacancy in the membership, occurring other
48 than by expiration of a term, shall be filled in the same manner as

1 the original appointment, but for the unexpired term only. The
2 members shall serve without compensation, but the council may,
3 within the limits of funds appropriated or otherwise made available
4 to it, reimburse members for actual expenses necessarily incurred in
5 the discharge of their official duties.

6 The council shall organize as soon as its members are appointed
7 and shall select a chairman and vice-chairman from among its
8 members and may select a secretary, who need not be a member of
9 the council. The council shall meet monthly, and at such other
10 times as may be necessary.

11 The council may employ, prescribe the duties and fix and pay the
12 compensation of such persons it may deem necessary to carry out
13 the duties of the council within the limits of available
14 appropriations.

15 It shall be the duty of the council to:

16 (1) Develop a master plan to increase employment opportunities
17 for disadvantaged youth;

18 (2) Enlist the commitment of the State's business leadership to
19 provide employment opportunities for disadvantaged youth;

20 (3) Enlist the support of the State's key unions which operate
21 apprenticeship and similar programs;

22 (4) Develop proposals for innovative efforts to assist
23 economically disadvantaged youth to enroll in and successfully
24 complete employment programs;

25 (5) Involve all sectors of the community, including high level
26 representatives of business, youth-serving agencies, foundations,
27 local school systems, the communications media, and the religious
28 community in an effort to promote and coordinate employment
29 opportunities for disadvantaged youth; and

30 (6) In conjunction with the Department of Labor and Workforce
31 Development and the Commerce, Economic Growth and Tourism
32 Commission, seek to identify and maximize any available federal
33 funding for the purpose of enhancing employment opportunities
34 provided under P.L.2001, c.446 (C.34:15F-12 et seq.).

35 The council shall be entitled to call to its assistance and avail
36 itself of the services of such employees of any State, county or
37 municipal department, board, bureau, commission, or agency as it
38 may require and as may be available to it for these purposes.

39 The Commissioner of Labor and Workforce Development, in
40 consultation with the State Employment and Training Commission
41 and the council, may promulgate rules and regulations necessary to
42 effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).

43 (cf: P.L.2007, c.189, s.1)

44

45 58. Section 2 P.L.2001, c.446 (C.34:15F-13) is amended to read
46 as follows:

47 2. a. In cooperation with the Disadvantaged Youth
48 Employment Opportunities Council established in section 1 of

1 P.L.2001, c.446 (C.34:15F-12), the Commissioner of Labor and
2 Workforce Development, in consultation with the State
3 Employment and Training Commission shall develop and
4 administer the employment program established under this act. The
5 commissioner shall, to the greatest extent feasible, attempt to
6 achieve a balance of enrolled disadvantaged youth from the
7 northern, central, and southern parts of the State.

8 b. The Commissioner of Labor and Workforce Development, in
9 consultation with the State Employment and Training Commission,
10 the Department of Education, the **【Juvenile】 Youth** Justice
11 Commission, and the council, shall develop procedures relating to
12 the program referral process; establish the selection criteria for
13 participants which shall include the identification of local
14 disadvantaged youths assessed by local law enforcement and
15 juvenile corrections authorities as being at risk of gang membership
16 or involvement or reinvolvement in the criminal justice system and
17 students who are not meeting minimal district standards of behavior
18 and academic achievement; provide a listing of employers who have
19 agreed to participate in the program; and establish the process
20 which will be utilized for matching disadvantaged youth to
21 employment opportunities that will enhance the self-esteem and
22 assimilation of life skills necessary for productive functioning in the
23 school setting and society.

24 (cf: P.L.2007, c.189, s.2)

25

26 59. Section 1 of P.L.2009, c.16 (C.40A:14-200) is amended to
27 read as follows:

28 1. As used in this act:

29 "Law enforcement agency" or "agency" means any public
30 agency, other than the Department of Law and Public Safety, but
31 not including the **【Juvenile】 Youth** Justice Commission, any police
32 force, department, or division within the State, or any county or
33 municipality thereof, which is empowered by statute to act for the
34 detection, investigation, arrest, conviction, detention, or
35 rehabilitation of persons violating the criminal laws of this State.

36 "Law enforcement officer" or "officer" means any person who is
37 employed as a permanent full-time member of any State, county, or
38 municipal law enforcement agency, department, or division of those
39 governments who is statutorily empowered to act for the detection,
40 investigation, arrest, conviction, detention, or rehabilitation of
41 persons violating the criminal laws of this State and statutorily
42 required to successfully complete a training course approved by, or
43 certified as being substantially equivalent to such an approved
44 course, by the Police Training Commission pursuant to P.L.1961,
45 c.56 (C.52:17B-66 et seq.).

46 "Paid firefighter" or "firefighter" means any full-time paid
47 firefighter employed by a public fire department.

1 "Public fire department" or "department" means any department
2 of a municipality, county, fire district or the State or any agency
3 thereof having employees engaged in firefighting provided that such
4 firefighting employees are included in a negotiating unit exclusively
5 comprised of firefighting employees.

6 (cf: P.L.2009, c.16, s.1)
7

8 60. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
9 read as follow:

10 19. a. The Victims of Crime Compensation Agency, after
11 consultation with the Attorney General, the Department of
12 Corrections, and the Administrative Office of the Courts, on behalf
13 of the county probation divisions and the municipal court clerks,
14 shall continue to develop the existing uniform system for recording
15 all information necessary to ensure proper identification, tracking,
16 collection and disposition of moneys owed for:

17 (1) assessments imposed pursuant to section 2 of P.L.1979,
18 c.396 (C.2C:43-3.1);

19 (2) fines and restitutions imposed in accordance with provisions
20 of Title 2C of the New Jersey Statutes;

21 (3) fees imposed pursuant to N.J.S.2C:35-20;

22 (4) penalties imposed pursuant to N.J.S.2C:35-15.

23 b. The Victims of Crime Compensation Agency shall use the
24 moneys deposited in the Criminal Disposition and Revenue
25 Collection Fund to defray the costs incurred by the agency in
26 developing, implementing, operating and improving the agency's
27 component of the uniform system for tracking and collecting
28 revenues described in subsection a. of this section.

29 c. The **【Juvenile】** Youth Justice Commission established
30 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the
31 Department of Corrections, and the Administrative Office of the
32 Courts, on behalf of the county probation divisions and the
33 municipal court clerks, shall file such reports with the Victims of
34 Crime Compensation Agency as required for the operation of the
35 uniform system described in subsection a. of this section.

36 d. The Victims of Crime Compensation Agency shall report
37 annually to the Governor, the Attorney General, the Administrative
38 Director of the Administrative Office of the Courts, the
39 Commissioner of the Department of Corrections, the **【Juvenile】**
40 Youth Justice Commission and the Legislature on the development,
41 implementation, improvement and effectiveness of the uniform
42 system and on moneys received, deposited and identified as
43 receivable.

44 (cf: P.L.2007, c.95, s.10)
45

46 61. Section 1 of P.L.2019, c.115 (C.52:16A-26.10) is amended
47 to read as follows:

- 1 1. a. The New Jersey State Council on the Arts shall publish on
2 its website and disseminate to any organization in this State that
3 expresses to the council an intent to develop or expand an arts
4 program for youth at risk of juvenile delinquency a guide
5 containing best practices for such programs. Under the best
6 practices guidelines, programs should:
 - 7 (1) recognize that art is a vehicle that can be used to engage
8 youth in activities that will increase their self-esteem;
 - 9 (2) provide for collaborative effort among the artist, social
10 service provider, teacher, agency staff, youth, and family, as
11 appropriate, in delivery of the program;
 - 12 (3) recognize and involve the families of the youth and the
13 communities in which the youth live;
 - 14 (4) include age-appropriate curriculum;
 - 15 (5) emphasize dynamic teaching tactics, such as hands-on
16 learning, apprentice relationships, and the use of technology;
 - 17 (6) to the extent possible, culminate in a public performance or
18 exhibition with a focus on building participants' self-esteem through
19 public recognition;
 - 20 (7) during the planning stage, address program goals, site
21 selection, population, the development of relationships among team
22 members, the methods for youth involvement in planning,
23 curriculum design, transportation, safety, incentives, behavioral
24 requirements, program growth, the balance between arts program
25 and other program objectives, the balance between process and
26 product, student recognition of achievements, and the involvement
27 of families, communities, and volunteers;
 - 28 (8) incorporate an evaluation system early into the program;
 - 29 (9) train teams, collaboratively, that work with youth in team
30 building, communication skills, and organizational skills;
 - 31 (10) train teams in effective methods for working with youth
32 from special populations, including in behavior management,
33 adolescent psychology, and familiarization with the juvenile justice
34 system;
 - 35 (11) train teams in designing a curriculum or involving a trained
36 curriculum specialist;
 - 37 (12) adopt training that is practical, addresses issues identified by
38 team members, incorporates advice from a variety of trainers with
39 expertise in relevant issue areas, provides opportunities for team
40 members to share in successes and failures and engage in peer
41 training, and integrates specialized training into ongoing training
42 sessions whenever possible;
 - 43 (13) require program staff to clearly define program goals and
44 intended outcomes in evaluating an arts program, and to monitor
45 and document program implementation and the service-delivery
46 process;
 - 47 (14) utilize "process evaluations," which examine program
48 implementation and service delivery, to describe and refine a

1 program, measuring the impact on youth and identifying ways to
2 improve a program;

3 (15)employ journals, portfolios, surveys, and artist observations
4 as evaluation measures to determine the effects of arts programs on
5 at-risk youth, incorporating those measures into program activities
6 when possible;

7 (16)document program-specific factors, such as staff ratios,
8 hours of contact, and duration of contact, in process evaluations;

9 (17)account for the impact of individual, family, and community
10 factors on program effectiveness; and

11 (18)incorporate activities that recognize individual efforts and
12 provide opportunities for youth to learn new skills, which activities
13 are designed to reduce the influence of risk factors associated with
14 adolescent problem behaviors, such as low neighborhood
15 attachment, lack of commitment to school, alienation and
16 rebelliousness, and friends who engage in problem behavior.

17 The council shall make periodic revisions to the guide as
18 necessary.

19 b. The council shall provide technical and consultative
20 assistance to any State agency or local government unit requesting
21 such assistance to implement a program adopting the elements
22 listed in subsection a. of this section. The council shall, upon
23 completion or revision, deliver, by electronic or other means, the
24 guide to the **【Juvenile】 Youth** Justice Commission and the Division
25 of Child Protection and Permanency in the Department of Children
26 and Families.

27 As used in this subsection, "State agency" means any agency in
28 the Executive branch of State government, including, but not
29 limited to, any department, board, bureau, commission, division,
30 office, council, or instrumentality thereof, or independent agency,
31 public authority or public benefit corporation, and any State college
32 or public institution of higher education. "Local government unit"
33 means a county, municipality, board of education, or county college
34 as defined in section 2 of P.L.1982, c.189 (C.18A:64A-25.2).

35 (cf: P.L.2019, c.115, s.1)

36

37 62. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
38 read as follows:

39 2. As used in this act:

40 "Applicant" means an individual who applies to the Police
41 Training Commission to become licensed as a law enforcement
42 officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

43 "Approved school" shall mean a school approved and authorized
44 by the Police Training Commission to give police training courses
45 or a training course for State and county correctional police officers
46 and juvenile detention officers as prescribed in this act.

47 "Commission" shall mean the Police Training Commission or
48 officers or employees thereof acting on its behalf.

1 "County" shall mean any county which within its jurisdiction has
2 or shall have a law enforcement unit as defined in this act.

3 "Discipline subject to appeal" means a removal, disciplinary
4 demotion, suspension, or fine of more than five days, or fewer
5 where the aggregate number of days the employee was suspended
6 or fined in any one calendar year is 15 or more days, or where the
7 employee received more than three suspensions or fines of five days
8 or fewer in one calendar year.

9 "Law enforcement officer" means any person who is employed
10 as a sworn member of any State, county, or municipal law
11 enforcement agency, department, division, or instrumentality of
12 those governments who is statutorily empowered to act for the
13 detection, investigation, arrest, conviction, detention, or
14 rehabilitation of persons violating the criminal laws of the State.
15 This term shall include, but is not limited to, sworn members of the
16 New Jersey State Police, the Division of Criminal Justice, and the
17 **【Juvenile】** Youth Justice Commission; State correctional police
18 officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4);
19 county correctional police officers pursuant to N.J.S.2A:154-3;
20 State Parole officers pursuant to section 1 of P.L.1968, c.427
21 (C.2A:154-4); special law enforcement officers of all classes
22 pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law
23 enforcement officers appointed pursuant to section 25 of P.L.2017,
24 c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4);
25 transit police officers appointed by New Jersey Transit pursuant to
26 section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police
27 officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
28 seq.).

29 "Law enforcement unit" shall mean any State, county or
30 municipal law enforcement agency, department, division, or
31 instrumentality of such government that is statutorily empowered to
32 act for the detection, investigation, arrest, conviction, detention, or
33 rehabilitation of persons violating the criminal laws of the State,
34 and shall include all agencies that employ law enforcement officers
35 as defined in this section.

36 "Licensing committee" means the committee established by the
37 Police Training Commission to perform duties with respect to law
38 enforcement officer licensing as set forth in subsection c. of section
39 9 of P.L.2022, c.65 (C.52:17B-71a).

40 "Municipality" shall mean a city of any class, township, borough,
41 village, or any other type of municipality in this State which, within
42 its jurisdiction, has or shall have a law enforcement unit as defined
43 in this act.

44 "National Decertification Index" shall mean the national registry
45 of law enforcement officer decertification or license revocations
46 maintained by the International Association of Directors of Law
47 Enforcement Standards and Training, or a successor database.

1 "Permanent appointment" shall mean an appointment having
2 permanent status as a law enforcement officer in a law enforcement
3 unit as prescribed by Title 11A of the New Jersey Statutes, Civil
4 Service Commission Rules and Regulations, or of any other law of
5 this State, municipal ordinance, or rules and regulations adopted
6 thereunder.

7 "Police training course" means a training course approved by the
8 Police Training Commission and conducted at an approved school.

9 "Probationary law enforcement license" means a license issued
10 by the Police Training Commission to a person appointed by a law
11 enforcement unit on a probationary or temporary basis which
12 authorizes the person to perform the functions of a permanent law
13 enforcement officer during the person's probationary or temporary
14 appointment term.

15 "Sustained finding" shall mean a determination by an employing
16 law enforcement unit that a law enforcement officer violated a law;
17 regulation; directive, guideline, policy, or procedure issued by the
18 Attorney General or County Prosecutor; agency protocol; standing
19 operating procedure; rule; or training.
20 (cf: P.L.2022, c.65, s.2)

21
22 63. Section 1 of P.L.1995, c.284 (C.52:17B-169) is amended to
23 read as follows:

24 1. The Legislature finds and declares:

25 a. The public safety requires reform of the juvenile justice
26 system;

27 b. Juvenile arrests for murder, robbery, aggravated sexual
28 assault, sexual assault and aggravated assault have increased 38
29 percent between 1988 and 1993 and New Jersey ranks near the top
30 nationally in the number of juvenile arrests for serious violent
31 crimes;

32 c. Juvenile crime has become a leading cause of injury and
33 death among young people;

34 d. Currently, preventive, deterrent and rehabilitative services
35 and sanctions for juveniles are the responsibility of no less than
36 three State departments: The Department of Law and Public Safety
37 deals with county prosecutors and local police and implements
38 prevention programs; the Department of Corrections operates the
39 New Jersey Training School for Boys and the Juvenile Medium
40 Security Facility, and its Bureau of Parole supervises juvenile
41 parolees; and the Department of Human Services operates
42 residential and day programs in facilities for juveniles adjudicated
43 delinquent;

44 e. The division of responsibility for the juvenile justice
45 population and the limitations on resources available to meet ever-
46 increasing demands for services provided by the Departments of
47 Human Services and Corrections have prevented the departments

- 1 from maximizing efforts to meet the special needs of the juvenile
2 justice population;
- 3 f. The juvenile justice system lacks services and sanctions
4 short of incarceration, particularly in urban areas and for that
5 reason, many juveniles are not held accountable until they have
6 committed a series of increasingly serious criminal acts;
- 7 g. The special needs of juveniles can be addressed through
8 services and sanctions provided at the county and local level;
- 9 h. The need to protect the public from criminal acts by juvenile
10 offenders requires a comprehensive program and concerted action
11 of governmental agencies and private organizations at the State,
12 county and local level that permit effective response and avoid
13 waste of scarce resources;
- 14 i. (1) The comprehensive program should provide a range of
15 services and sanctions for juveniles sufficient to protect the public
16 through prevention; early intervention; and a range of meaningful
17 sanctions that ensure accountability, provide training, education,
18 treatment and, when necessary, confinement followed by
19 community supervision that is adequate to protect the public and
20 promote successful reintegration into the community;
- 21 (2) Consistent with the need to protect the public, services and
22 sanctions for juveniles shall provide balanced attention to the
23 protection of the community, the imposition of accountability for
24 offenses committed, fostering interaction and dialogue between the
25 offender, victim and community and the development of
26 competencies to enable juvenile offenders to become responsible
27 and productive members of the community.
- 28 j. The most efficient and effective use of available resources
29 requires fixing responsibility for the comprehensive program in a
30 single State agency and providing incentives to encourage the
31 development and provision of appropriate services and sanctions at
32 the county and local level; and
- 33 k. It is, therefore, necessary to establish a **【Juvenile】 Youth**
34 Justice Commission responsible for operating State services and
35 sanctions for juveniles involved in the juvenile justice system and
36 responsible for developing a Statewide plan for effective provision
37 of juvenile justice services and sanctions at the State, county and
38 local level; to establish a State/Community Partnership Grant
39 Program through which the State will provide incentives to county
40 and local governments to encourage the provision of services and
41 sanctions for juveniles adjudicated or charged as delinquent and
42 programs for the prevention of juvenile delinquency, and to
43 establish county youth services commissions responsible for
44 planning and implementing the Partnership at the local level.
45 (cf: P.L.2001, c.408, s.7.
- 46

47 64. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
48 read as follows:

- 1 2. a. A **【Juvenile】** Youth Justice Commission is established in,
2 but not of, the Department of Law and Public Safety. The
3 commission is allocated to the Department of Law and Public
4 Safety for the purpose of complying with Article V, Section IV,
5 paragraph 1 of the New Jersey Constitution. The Attorney General
6 shall be the request officer for the commission within the meaning
7 of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall
8 exercise that authority and other administrative functions, powers
9 and duties consistent with the provisions of this act.
- 10 b. The commission shall consist of an executive director, an
11 executive board, an advisory council and such facilities, officers,
12 employees and organizational units as provided herein or as
13 otherwise necessary to performance of the commission's duties and
14 responsibilities.
- 15 c. The executive director shall be appointed by the Governor
16 with the advice and consent of the Senate and shall serve at the
17 pleasure of the Governor during the Governor's term of office and
18 until a successor is appointed and qualified.
- 19 d. The executive board shall consist of the following members:
20 The Attorney General, who shall serve as chair of the executive
21 board; the Commissioner of Corrections and the Commissioner of
22 Children and Families, who shall serve as vice-chairs of the
23 executive board; the Commissioner of Education; the chair of the
24 **【Juvenile】** Youth Justice Commission advisory council, established
25 pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two
26 members who serve as chairs of a county youth services
27 commission, established pursuant to P.L.1995, c.282 (C.52:17B-
28 180), to be appointed by the Governor to serve at the Governor's
29 pleasure. The Administrative Director of the Administrative Office
30 of the Courts is invited to participate on the executive board,
31 subject to the approval of the Supreme Court. A member of the
32 executive board may name a designee who shall have the authority
33 to act for the member. Members of the executive board shall serve
34 without compensation for their services to the commission. The
35 executive board shall meet at least quarterly and at such other times
36 as designated by the chair. Except with respect to matters
37 concerning distribution of funds to counties, four members of the
38 executive board shall constitute a quorum to transact business of the
39 executive board and action of the executive board shall require an
40 affirmative vote of four members. A member of the executive
41 board who is also a member of a county youth services commission
42 shall not participate in matters concerning distribution of funds to
43 counties; in these matters, three members of the executive board
44 shall constitute a quorum to transact business and an action of the
45 executive board shall require an affirmative vote of three members.
- 46 e. The commission shall have the following powers, duties and
47 responsibilities:

- 1 (1) To specify qualifications for and to employ, within the limits
2 of available appropriations and subject to the provisions of
3 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
4 Jersey Statutes, such staff as are necessary to accomplish the work
5 of the commission or as are needed for the proper performance of
6 the functions and duties of the commission, including but not
7 limited to:
 - 8 (a) The number of deputy directors, assistant directors,
9 superintendents, assistant superintendents and other assistants who
10 shall be in the unclassified service and shall be deemed confidential
11 employees for the purposes of the "New Jersey Employer-Employee
12 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and
 - 13 (b) Juvenile corrections officers;
- 14 (2) To utilize such staff of the Department of Law and Public
15 Safety as the Attorney General, within the limits of available
16 appropriations, may make available to the commission;
- 17 (3) To organize the work of the commission in appropriate
18 bureaus and other organization units;
- 19 (4) To enter into contracts and agreements with State, county
20 and municipal governmental agencies and with private entities for
21 the purpose of providing services and sanctions for juveniles
22 adjudicated or charged as delinquent and programs for prevention
23 of juvenile delinquency;
- 24 (5) To contract for the services of professional and technical
25 personnel and consultants as necessary to fulfill the statutory
26 responsibilities of the commission;
- 27 (6) To establish minimum standards for the care, treatment,
28 government and discipline of juveniles confined pending, or as a
29 result of, an adjudication of delinquency;
- 30 (7) To assume the custody and care of all juveniles committed
31 by court order, law, classification, regulation or contract to the
32 custody of the commission or transferred to the custody of the
33 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-
34 176);
- 35 (8) To manage and operate all State secure juvenile facilities
36 which shall include the New Jersey Training School for Boys
37 created pursuant to R.S.30:1-7 and transferred to the Commissioner
38 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
39 and the Juvenile Medium Security Facility created pursuant to
40 R.S.30:1-7 and both transferred to the commission pursuant to
41 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
42 other secure juvenile facility established by the commission in the
43 future;
- 44 (9) To manage and operate all State juvenile facilities or
45 juvenile programs for juveniles adjudicated delinquent which shall
46 include facilities and programs transferred to the commission
47 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
48 established or contracted for in the future by the commission;

- 1 (10) To prepare a State **【Juvenile】** Youth Justice Master Plan
2 every third year which identifies facilities, sanctions and services
3 available for juveniles adjudicated or charged as delinquent and
4 juvenile delinquency prevention programs and which identifies
5 additional needs based upon the extent and nature of juvenile
6 delinquency and the adequacy and effectiveness of available
7 facilities, services, sanctions and programs;
- 8 (11) To approve plans for each county submitted by the county
9 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-
10 180);
- 11 (12) To administer the State/Community Partnership Grant
12 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 13 (13) To accept from any governmental department or agency,
14 public or private body or any other source, grants or contributions
15 to be used in exercising its power, and in meeting its duties and
16 responsibilities;
- 17 (14) To formulate and adopt standards and rules for the efficient
18 conduct of the work of the commission, the facilities, services,
19 sanctions and programs within its jurisdiction, and its officers and
20 employees;
- 21 (15) To provide for the development of the facilities, services,
22 sanctions and programs within its jurisdiction and to promote the
23 integration of State, county and local facilities, sanctions, services
24 and programs, including probation and parole;
- 25 (16) To institute, or cause to be instituted, such legal proceedings
26 or processes as may be necessary to enforce properly and give
27 effect to any of its powers or duties including the authority to
28 compel by subpoena, subject to the sanction for contempt of
29 subpoena issued by a court, attendance and production of records;
- 30 (17) To provide for the timely and efficient collection and
31 analysis of data regarding the juvenile justice system to insure the
32 continuing review and evaluation of services, policies and
33 procedures;
- 34 (18) To receive and classify juveniles committed to the custody
35 of the commission;
- 36 (19) To determine whether an incarcerated juvenile is eligible for
37 parole and to supervise compliance with conditions of parole;
- 38 (20) To establish appropriate dispositions of juveniles for whom
39 parole has been revoked;
- 40 (21) To perform such other functions as may be prescribed by
41 law; and
- 42 (22) To promulgate, pursuant to the "Administrative Procedure
43 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
44 necessary to implement and effectuate the purposes of this act.
- 45 f. Whenever the term "Juvenile Justice Commission" occurs or
46 any reference is made thereto in any law, contract or document, the

1 same shall be deemed to mean or refer to the “Youth Justice
2 Commission” established and designated therein.

3 (cf: P.L.2019, c.363, s.17)

4
5 65. Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is amended
6 to read as follows:

7 1. The **【Juvenile】** Youth Justice Commission shall establish
8 standards for suicide and mental health screening in county juvenile
9 detention facilities in accordance with the provisions of this act.
10 The standards shall require that each county detention facility
11 develop written policies concerning mental health screening,
12 suicide screening, suicide prevention protocols and other mental
13 and emotional health-related issues and that each county juvenile
14 detention facility make psychological or psychiatric services
15 available to juveniles as needed.

16 (cf: P.L.2007, c.315, s.1)

17
18 66. Section 2 of P.L.2007, c.315 (C.52:17B-171.2) is amended
19 to read as follows:

20 2. a. Upon admission to a county juvenile detention facility, a
21 juvenile shall be screened for risk of suicide in accordance with the
22 facility's suicide prevention protocols and written policies required
23 by section 1 of this act. The suicide risk screening shall include,
24 but not be limited to, the use of a standardized suicide risk
25 questionnaire designated and made available by the **【Juvenile】**
26 Youth Justice Commission. The findings shall be recorded and
27 brought to the attention of the appropriate medical or mental health
28 staff as soon as possible.

29 b. If a juvenile shows evidence of suicide risk, the facility's
30 suicide prevention protocols shall be immediately implemented.
31 The policies shall include an increased level of supervision of a
32 juvenile showing evidence of suicide risk until appropriate mental
33 health services can be obtained. The facility administrator, or the
34 administrator's designee, shall be immediately notified if a juvenile:

35 (1) is suspected of being at risk of attempting suicide or in
36 emotional distress;

37 (2) has made a suicidal gesture or attempt; or

38 (3) scores in a suicide caution or warning range in a screening.

39 c. Every suicide gesture or attempt shall be reported to the
40 **【Juvenile】** Youth Justice Commission.

41 (cf: P.L.2007, c.315, s.2)

42
43 67. Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is amended
44 to read as follows:

45 3. Between 24 and 48 hours following admission to a county
46 juvenile detention facility, a juvenile shall undergo mental health
47 screening using a mental health screening tool designated by the
48 **【Juvenile】** Youth Justice Commission and in accordance with the

1 facility's written policies required by section 1 of this act. If the
2 screening tool indicates that a referral for additional screening or
3 mental health services is appropriate, that referral shall occur as
4 soon as possible. If the screening indicates a warning or caution,
5 the juvenile shall be placed on, and remain under, increased
6 supervision until it is determined by a mental health clinician that a
7 heightened level of supervision is no longer needed to ensure the
8 safety of the juvenile.

9 (cf: P.L.2007, c.315, s.3)

10
11 68. Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is amended
12 to read as follows:

13 6. No person shall perform a suicide risk screening pursuant to
14 section 2 of this act or a mental health screening pursuant to section
15 3 of this act unless that person has been certified by the **【Juvenile】**
16 Youth Justice Commission as qualified to perform such screening.

17 (cf: P.L.2007, c.315, s.6)

18
19 69. Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is amended
20 to read as follows:

21 7. The **【Juvenile】** Youth Justice Commission, in conjunction
22 with the Department of Children and Families, shall establish and
23 maintain a confidential Statewide database of the suicide risk
24 screenings required by section 2 of this act and the mental health
25 screenings required by section 3 of this act to be used exclusively
26 by persons performing suicide risk and mental health screenings.

27 (cf: P.L.2007, c.315, s.7)

28
29 70. Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is amended
30 to read as follows:

31 8. a. The **【Juvenile】** Youth Justice Commission shall monitor
32 the number of suicides that occur at each county juvenile detention
33 facility.

34 b. Upon an initial suicide at a facility, the commission shall
35 conduct an evaluation of the facility's compliance with the
36 provisions of this act, an accountability assessment and an action
37 report.

38 c. If a second suicide occurs within seven years of the initial
39 suicide, the **【Juvenile】** Youth Justice Commission shall, within 30
40 days, and with the approval of the Attorney General, evaluate the
41 facility for compliance with the provisions of this act. A facility
42 shall not admit additional juveniles until the Attorney General has
43 certified that the facility is in compliance with the provisions of this
44 act.

45 d. If a third or subsequent suicide occurs within seven years of
46 an initial suicide, the facility shall be immediately closed and shall
47 not reopen until the Governor determines that it shall reopen. A
48 task force comprised of the following seven members shall assist

1 the Governor in making this determination: the Executive Director
2 of the **【Juvenile】 Youth** Justice Commission, or a designee; the
3 Attorney General, or a designee; the Child Advocate, or a designee;
4 the Commissioner of Children and Families, or a designee; one
5 public member; a director of a county juvenile detention facility,
6 but not of the county facility being evaluated; and a member of the
7 board of chosen freeholders of the county within which the facility
8 being evaluated is located.

9 (cf: P.L.2007, c.315, s.8)

10
11 71. Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is amended
12 to read as follows:

13 9. The **【Juvenile】 Youth** Justice Commission shall include the
14 following information on the commission's website:

15 a. All reports monitoring the operations of county juvenile
16 detention centers, including, but not limited to, any corrective
17 actions taken against or penalties imposed on a center, if applicable;
18 and

19 b. The rated census capacity and the average monthly
20 population for each county juvenile detention center.

21 (cf: P.L.2007, c.315, s.9)

22
23 72. Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is amended
24 to read as follows:

25 10. The **【Juvenile】 Youth** Justice Commission shall, in
26 conjunction with the Police Training Commission and mental health
27 experts, develop a training curriculum for juvenile detention
28 officers and youth workers focusing on the mental health needs of
29 the juvenile detention population.

30 (cf: P.L.2007, c.315, s.10)

31
32 73. Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is
33 amended to read as follows:

34 11. The **【Juvenile】 Youth** Justice Commission, in conjunction
35 with the Department of Children and Families, shall annually
36 submit to the Governor and the Legislature, for seven years
37 following the effective date of this act, a report detailing:

38 a. the number of suicides and suicide attempts at each county
39 juvenile detention facility;

40 b. the number of suicide and mental health screenings that have
41 been conducted at each facility and the number of juveniles whose
42 screenings have indicated a warning or caution;

43 c. the number of juveniles who have been referred for
44 additional screening or evaluation; and

45 d. a summary of the diagnoses for juveniles who have received
46 treatment.

47 (cf: P.L.2007, c.315, s.11)

1 74. Section 12 of P.L.2007, c.315 (C.52:17B-171.11) is
2 amended to read as follows:

3 12. The **【Juvenile】** Youth Justice Commission, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.) shall adopt rules and regulations necessary to implement the
6 provisions of this act, which may include:

7 a. penalties for continued violations of the manual of standards
8 applicable to county detention centers; and

9 b. a graduated system of intermediate fines and penalties for
10 violations of the provisions of the act.

11 (cf: P.L.2007, c.315, s.12)

12

13 75. Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is amended
14 to read as follows:

15 8. The **【Juvenile】** Youth Justice Commission shall ensure that
16 prior to the scheduled date of release of a juvenile from a detention
17 facility or a facility in which the juvenile was incarcerated, the
18 appropriate staff at the facility notify the applicable county welfare
19 agency to process the reinstatement of the juvenile in the Medicaid
20 program if the juvenile was enrolled in Medicaid prior to detention
21 or incarceration and continues to meet eligibility requirements for
22 the program.

23 As used in this act, "Medicaid" means the Medicaid program
24 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

25 (cf: P.L.2009, c.329, s.8)

26

27 76. Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is amended
28 to read as follows:

29 5. a. A juvenile detained in, or sentenced to, a State juvenile
30 correctional facility or county juvenile detention center shall not be
31 subject to room restriction unless the juvenile poses an immediate
32 and substantial risk of harm to others or to the security of the
33 facility, and all other less-restrictive options have been exhausted.

34 b. A juvenile may be subject to room restriction only for the
35 minimum time required to address the safety risk and for a period
36 that does not compromise the mental and physical health of the
37 juvenile, but in no case shall a juvenile be held in room restriction
38 for more than eight consecutive waking hours without being
39 released for at least two hours for recreation and exercise.

40 c. A juvenile who is 15 years of age or younger shall not be
41 subject to room restriction for more than two consecutive days. A
42 juvenile who is 16 years of age or older but younger than 18 years
43 of age shall not be subject to room restriction for more than three
44 consecutive days. A juvenile who is 18 years of age or older shall
45 not be subject to room restriction for more than five consecutive
46 days. A juvenile shall not be subject to room restriction for more
47 than 10 total days in a calendar month.

1 d. Juveniles subject to room restriction shall continue to
2 receive health, mental health, and educational services.

3 e. Each State correctional facility or county juvenile detention
4 facility shall document, in aggregate, the use of room restriction,
5 including the dates and duration of each occurrence, the reason for
6 placement in room restriction, and the race, age, and gender of the
7 juvenile placed in room restriction. If any health or mental health
8 clinical evaluations were performed, it shall be affirmatively
9 certified that the results of those evaluations were considered in any
10 decision to place the juvenile in room restriction or to continue
11 room restriction.

12 The aggregate data compiled pursuant to this subsection shall be:

13 (1) made available for public inspection pursuant to P.L.1963,
14 c.73 (C.47:1A-1 et seq.), commonly known as the open public
15 records act; and

16 (2) published on the official Internet website of the **【Juvenile】**
17 Youth Justice Commission.

18 f. This section shall not prohibit the use of single-person
19 rooms or cells for the housing of juveniles in State correctional or
20 county juvenile detention centers.

21 g. This section does not apply to juveniles in court holding
22 facilities or adult facilities.

23 h. Nothing in this section shall be construed to conflict with
24 any law providing greater or additional protections to juveniles.

25 i. For the purposes of this section, "room restriction" shall
26 mean the placement of a juvenile in a State juvenile correctional
27 facility or county juvenile detention center in a locked room or cell,
28 alone or with one other person, for 22 to 24 hours per day. Room
29 restriction shall not include confinement of a juvenile in a single-
30 person room or cell for brief periods of locked-room confinement
31 necessary for institutional operations, including, but not limited to,
32 shift changes, showering, and unit movements.

33 (cf: P.L.2015, c.89, s.5)

34

35 77. Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is
36 amended to read as follows:

37 18. a. The **【Juvenile】** Youth Justice Commission shall establish
38 a program to collect, record, and analyze data regarding juveniles
39 who were sentenced to a term of incarceration. In furtherance of
40 this program, the commission shall collect the following data:

41 (1) the offense for which the juvenile was incarcerated; the term
42 of incarceration imposed on the juvenile, including a term of
43 incarceration imposed for a violation of parole; the age, gender,
44 race, and ethnicity of the juvenile; the county where the juvenile
45 was adjudicated delinquent; the classification of the juvenile; and
46 whether the juvenile was sentenced to an extended term of
47 incarceration;

1 (2) aggregate data of incidents of violence, suicide, suicide
2 attempts, hospitalizations, and any form of segregation or isolation
3 of a juvenile for all facilities where juveniles are placed; and

4 (3) the amount of time remaining on each sentence of
5 incarceration imposed on a juvenile whose parole was revoked;
6 whether the violation that was the basis for the revocation was
7 technical or based upon a new offense; the age, gender, race, and
8 ethnicity of the juvenile; and the county where the juvenile's parole
9 was revoked by the court.

10 b. The commission shall prepare and publish on its Internet
11 website biennial reports summarizing the aggregated data collected,
12 recorded, and analyzed pursuant to subsection a. of this section.

13 c. The commission shall publish on its Internet website the
14 criteria that are used to determine whether a juvenile is granted
15 parole. The commission also shall provide this information to every
16 juvenile who is sentenced to a term of incarceration.

17 (cf: P.L.2019, c.363, s.18)

18
19 78. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to
20 read as follows:

21 4. a. The advisory council to the **【Juvenile】 Youth** Justice
22 Commission shall consist of the following members:

23 (1) The Commissioner of the Department of Labor and
24 Workforce Development, the Commissioner of the Department of
25 Health **【and Senior Services】**, the Commissioner of the Department
26 of Community Affairs, the Chairperson of the Civil Service
27 Commission, the Public Defender and a county prosecutor selected
28 by and serving at the pleasure of the Governor or a person
29 designated by one of the forenamed officers to serve in that officer's
30 place;

31 (2) Nine members who shall be selected for their knowledge,
32 competence, experience or interest in the juvenile justice system.
33 Appointments shall be made as follows: three by the President of
34 the Senate, no more than two of whom shall be of the same political
35 party; three by the Speaker of the General Assembly, no more than
36 two of whom shall be of the same political party and three by the
37 Governor, no more than two of whom shall be of the same political
38 party.

39 b. The term of office of each public member of the advisory
40 council shall be three years; except that of the first members
41 appointed, one appointed by the Governor, one by the President of
42 the Senate and one by the Speaker of the General Assembly shall be
43 appointed for a term of one year, one appointed by the Governor,
44 one by the President of the Senate and one by the Speaker of the
45 General Assembly shall be appointed for a term of two years and
46 the remaining three members shall be appointed for a term of three
47 years. Each member shall serve until a successor has been
48 appointed and qualified, and vacancies shall be filled in the same

1 manner as the original appointments for the remainder of the
2 unexpired term. A member is eligible for reappointment to the
3 council.

4 c. The Governor shall appoint the chair of the advisory council
5 from among the members of the council. The chair shall serve at
6 the pleasure of the Governor during the Governor's term of office
7 and until the appointment and qualification of the chair's successor.
8 The members of the council shall elect a vice-chair from among the
9 members of the council.

10 d. The members of the council shall receive no compensation
11 for their services.

12 (cf: P.L.2008, c.29, s.110)

13

14 79. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
15 read as follows:

16 6. a. The **【Juvenile】** Youth Justice Commission shall employ,
17 within the limits of available funds, juvenile corrections officers to
18 staff each State secure juvenile facility and to provide security for
19 other State juvenile facilities and programs including parole
20 programs as deemed appropriate and to perform all other duties
21 related to enforcement of confinement and conditions of release
22 including execution of warrants and legal process. Juvenile
23 corrections officers shall be in the competitive division of the career
24 service established pursuant to N.J.S.11A:3-2, "policemen" within
25 the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and
26 members of the Police and Firemen's Retirement System of New
27 Jersey established pursuant to section 2 of P.L.1944, c.255
28 (C.43:16A-2), and shall be "employees" within the meaning of
29 section 3 of P.L.1941, c.100 (C.34:13A-3).

30 b. Except as provided in subsection c. of this section, no person
31 shall be appointed as a juvenile corrections officer unless that
32 person:

33 (1) Is a citizen of the United States;

34 (2) Is able to read, write and speak the English language well
35 and intelligently;

36 (3) Has a high school diploma or its equivalent;

37 (4) Is sound in body and of good health;

38 (5) Is of good moral character;

39 (6) Has not been convicted of any offense which would make
40 the person unfit to perform the duties of a juvenile corrections
41 officer;

42 (7) Has successfully completed the training course approved by
43 the Police Training Commission and required by section 5 of
44 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
45 provisions of that section; and

46 (8) Meets such other qualifications, including education and
47 training, as may be specified by the commission in consultation
48 with the Civil Service Commission.

1 c. (1) Pending appointment of a full complement of juvenile
2 corrections officers who meet the requirements of subsection b. of
3 this section, the commission and the Commissioner of Corrections
4 shall arrange through agreement for the assignment of corrections
5 officers necessary to fill the positions transferred pursuant to
6 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
7 assigned to the commission pursuant to such an agreement shall be
8 under the supervision of the commission during the period of
9 assignment as provided by the agreement between the commission
10 and the Commissioner of Corrections. The primary concerns of all
11 agreements governing assignment and supervision shall be public
12 safety and safety within the facilities and programs. No officer
13 assigned pursuant to such an agreement shall, by virtue of such
14 assignment, be considered an employee of the commission or lose
15 or suffer any diminution of any right, power, privilege or benefit to
16 which the employee would otherwise be entitled pursuant to the
17 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
18 Revised Statutes, or Title 43 of the Revised Statutes, including any
19 rights, powers, privileges or benefits as to salary, seniority,
20 promotion, re-employment, retirement, pension or representation
21 for purposes of collective bargaining;

22 (2) Notwithstanding the provisions of subsection b. of this
23 section, a corrections officer assigned to the commission pursuant
24 to this section shall not be considered ineligible for the position of
25 juvenile corrections officer solely because the officer does not meet
26 any educational or training requirement the commission may
27 establish and may be appointed as a juvenile corrections officer if
28 the officer applies for such position within 18 months of the
29 effective date of this act. A juvenile corrections officer appointed
30 pursuant to this subsection shall not be deprived of any right or
31 protection provided by Title 11A of the New Jersey Statutes or any
32 pension or retirement system and, notwithstanding any law or
33 regulation to the contrary, shall be eligible to compete for vacant
34 positions within the Department of Corrections with full credit for
35 experience, service and rank earned as an employee of the
36 Department of Corrections and such credit for experience, service
37 and rank earned as an employee of the commission as the
38 Commissioner of Corrections, after consultation with the Civil
39 Service Commission, deems appropriate.

40 d. Each juvenile corrections officer shall by virtue of such
41 employment and in addition to any other power or authority, be
42 empowered to act as an officer for the detection, apprehension,
43 arrest and adjudication of offenders against the law and, subject to
44 regulations promulgated by the commission and conditions set forth
45 in N.J.S.2C:39-6, shall have the authority to possess and carry a
46 firearm.

47 (cf: P.L.2008, c.29, s.111)

1 80. Section 8 of P.L.1995, c.284 (C.52:17B-176) is amended to
2 read as follows:

3 8. a. The following are transferred to the **【Juvenile】 Youth**
4 Justice Commission:

5 (1) The custody and care of any juvenile adjudicated delinquent
6 and committed or classified to the custody of the Department of
7 Corrections or committed or classified to the custody or care of the
8 Division of Juvenile Services of the Department of Human
9 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as
10 modified by Reorganization Plan No. 001-1993, P.L.1993, c.283,
11 and Executive Order No. 93 of 1993, or serving a term of
12 incarceration in a county detention facility pursuant to section 1 of
13 P.L.1992, c.211 (C.2A:4A-44.1);

14 (2) The New Jersey Training School for Boys created pursuant
15 to R.S.30:1-7 and transferred to the Commissioner of Corrections
16 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile
17 Medium Security Facility created pursuant to R.S.30:1-7;

18 (3) All residential and day care facilities and programs
19 established pursuant to the powers delegated to the Division of
20 Juvenile Services, Department of Corrections, by the Commissioner
21 of the Department of Corrections pursuant to his powers contained
22 in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth
23 committed to participate therein by court order, law, classification,
24 regulation or contract which were subsequently transferred to the
25 Division of Juvenile Services, Department of Human Services by
26 Reorganization Plan No. 001-1993;

27 (4) All furnishings and equipment presently located in the
28 institutions and programs of the Division of Juvenile Services and
29 in the institutions and programs of the Department of Corrections
30 transferred to the commission pursuant to subsections b. and c. of
31 this section, and, except as provided in section 6 of P.L.1995, c.284
32 (C.52:17B-174), all staff assigned to those institutions and
33 programs, including administrative and support staff;

34 (5) All operating and capital funding demarcated for the
35 institutions and programs set forth in this section, including funding
36 from bonds and funding for administrative costs associated with the
37 institutions and programs;

38 (6) All functions, powers, duties and authority of the
39 Commissioner of Corrections, including any transferred to the
40 Commissioner of Human Services pursuant to Reorganization Plan
41 No. 001-1993, with respect to all juvenile detention facilities
42 throughout the State pursuant to section 18 of P.L.1982, c.77
43 (C.2A:4A-37);

44 (7) The powers, duties and responsibilities of the Commissioner
45 of Corrections for establishing standards and monitoring of juvenile
46 detention facilities pursuant to section 18 of P.L.1982, c.77
47 (C.2A:4A-37), transferred to the Commissioner of Human Services
48 by Reorganization Plan No. 001-1993;

1 (8) All existing written agreements made between county
2 governments and the Department of Corrections or the Department
3 of Human Services concerning juvenile detention centers are hereby
4 modified to transfer the responsibilities, duties and obligations
5 specified in these agreements between the county governments and
6 the commission;

7 (9) The Juvenile Detention Monitoring Unit, Department of
8 Corrections, established pursuant to the powers of the
9 Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-
10 1 et seq.), to fulfill the obligations of the Department of Corrections
11 in monitoring juvenile detention centers throughout the State
12 pursuant to the Federal "Juvenile Justice and Delinquency
13 Prevention Act of 1974," as amended, and pursuant to section 18 of
14 P.L.1982, c.77 (C.2A:4A-37), which was transferred to the
15 Department of Human Services by Reorganization Plan No. 001-
16 1993, along with its staff, powers, duties and responsibilities;

17 (10) The legal custody and supervision of each juvenile parolee;
18 the functions, powers, duties and authority of the State Parole Board
19 established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.),
20 regarding juvenile offenders are continued, but the State Parole
21 Board shall file all of its reports and recommendations regarding
22 juveniles with the commission;

23 (11) All funding, programs and positions created or dedicated to
24 provide juvenile parole services by the Bureau of Parole within the
25 Department of Corrections in accordance with an agreement
26 between the Executive Director of the commission and the
27 Commissioner of Corrections in consultation with the State Parole
28 Board when an orderly transfer of the function has been completed
29 including appropriate changes in the reporting requirements,
30 funding, positions, and administrative housing and support;

31 (12) The powers, duties, and responsibilities of the Office of
32 Education created and established in the Departments of
33 Corrections and Human Services pursuant to the "State Facilities
34 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
35 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
36 offenders whose custody is transferred to the commission pursuant
37 to this act is transferred to the Office of Education established in the
38 commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-
39 178) along with staff, existing and future moneys and other
40 educational resources demarcated for juveniles whose custody is
41 transferred pursuant to this act, including funds collected pursuant
42 to the authority granted in the "State Facilities Education Act of
43 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State
44 educational grants and contract funds received for the benefit of
45 juvenile offenders whose custody is transferred pursuant to this act;

46 (13) The powers, duties, and responsibilities of the Bureau of
47 Juvenile Justice, including the Juvenile Justice and Delinquency
48 Prevention Unit, in the Division of Criminal Justice, Department of

1 Law and Public Safety established pursuant to section 4 of
2 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
3 and responsibilities; and

4 (14) All funding appropriated to the Department of Human
5 Services and demarcated for distribution by the department for
6 youth services commission funding.

7 b. Whenever in any law, rule, regulation, order, contract, lease,
8 document, judicial or administrative proceeding or otherwise,
9 reference is made to the Commissioner of the Department of
10 Corrections regarding a juvenile or juvenile offender as defined in
11 P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of
12 Juvenile Services transferred from the Department of Corrections to
13 the Department of Human Services by Reorganization Plan No.001-
14 1993 the same shall mean and refer to the commission.
15 (cf: P.L.1995, c.284, s.8)

16
17 81. Section 10 of P.L.1995, c.284 (C.52:17B-178) is amended to
18 read as follows:

19 10. There is hereby created and established in the **【Juvenile】**
20 Youth Justice Commission an Office of Education to be headed by a
21 Director of Educational Services who shall supervise the
22 educational programs in all juvenile facilities operated by the
23 **【Juvenile】** Youth Justice Commission and shall approve, except as
24 provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all
25 personnel to be hired for such programs.

26 The director shall hold the appropriate certificate issued by the
27 State Board of Examiners and shall be qualified by training and
28 experience for his position and shall be appointed by the executive
29 director with the approval of the executive board. The director shall
30 serve at the pleasure of the executive board.

31 The director shall establish primary, secondary, and vocational
32 programs which meet the educational needs of school age persons
33 for whom the commission is responsible. Appropriate credit and
34 certification shall be given for the successful completion of such
35 programs.

36 (cf: P.L.1995, c.284, s.10)

37
38 82. Section 1 of P.L.1995, c.283 (C.52:17B-179) is amended to
39 read as follows:

40 1. a. A State/Community Partnership Grant Program is
41 established within the **【Juvenile】** Youth Justice Commission
42 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
43 to support, through grants allocated to county youth services
44 commissions established pursuant to P.L.1995, c.282 (C.52:17B-
45 180), facilities, sanctions and services for juveniles adjudicated or
46 charged as delinquent and programs for prevention of juvenile
47 delinquency. This program is established in order to:

- 1 (1) Encourage development of sanctions and services for
- 2 juveniles adjudicated and charged as delinquent and programs for
- 3 prevention of juvenile delinquency that protect the public, ensure
- 4 accountability and foster rehabilitation;
- 5 (2) Increase the range of sanctions for juveniles adjudicated
- 6 delinquent;
- 7 (3) Reduce overcrowding in State juvenile institutions and other
- 8 facilities to ensure adequate bedspace for serious, violent and
- 9 repetitive offenders;
- 10 (4) Reduce overcrowding in county detention facilities;
- 11 (5) Provide greater access to community-based sanctions and
- 12 services for minority and female offenders;
- 13 (6) Expand programs designed to prevent juvenile delinquency;
- 14 and
- 15 (7) Promote public safety by reducing recidivism.
- 16 b. The **【Juvenile】 Youth** Justice Commission shall administer
- 17 the State/Community Partnership Grant Program and shall:
- 18 (1) Establish criteria and procedures for grant applications and
- 19 disbursement by regulation;
- 20 (2) Determine how best to allocate Partnership funds;
- 21 (3) Set standards and procedures for eligibility, operation,
- 22 supervision and evaluation;
- 23 (4) Advise and assist county youth services commissions in
- 24 preparation of county plans and grant applications;
- 25 (5) Award grants;
- 26 (6) Set standards for and determine eligibility for continued
- 27 Partnership funding;
- 28 (7) Collect and provide information about community-based
- 29 services and sanctions; and
- 30 (8) Monitor and evaluate implementation of county plans and
- 31 the provision of services, sanctions and programs provided pursuant
- 32 to this act.
- 33 (cf: P.L.1995, c.283, s.1)
- 34
- 35 83. Section 1 of P.L.1995, c.282 (C.52:17B-180) is amended to
- 36 read as follows:
- 37 1. a. In order to qualify for award of State/Community
- 38 Partnership Grant funds established pursuant to P.L.1995, c.283
- 39 (C.52:17B-179) a county shall:
- 40 (1) Establish a county youth services commission in accordance
- 41 with regulations promulgated by the **【Juvenile】 Youth** Justice
- 42 Commission established pursuant to section 2 of P.L.1995, c.284
- 43 (C.52:17B-170);
- 44 (2) Submit and obtain **【Juvenile】 Youth** Justice Commission
- 45 approval of a triennial comprehensive plan for services and
- 46 sanctions for juveniles adjudicated or charged as delinquent and
- 47 programs for the prevention of juvenile delinquency which:

- 1 (a) are designed to promote the goals of P.L.1995, c.283
2 (C.52:17B-179);
- 3 (b) provide recommendations for funding of programs, sanctions
4 and services that enhance and expand the range of sanctions and
5 services for juveniles adjudicated or charged as delinquent and
6 programs designed to prevent delinquency;
- 7 (c) make services available in geographical locations within the
8 county where juveniles in need reside; and
- 9 (d) provide for distribution of State/Community Partnership
10 Grant funds by the county in accordance with contracts or
11 agreements executed by the appropriate county officials in
12 accordance with applicable law.
- 13 b. The **【Juvenile】 Youth** Justice Commission shall establish by
14 regulation:
- 15 (1) Specific guidelines as to membership of a county youth
16 services commission;
- 17 (2) Specific requirements for the administration of the
18 State/Community Partnership Grant funds awarded by the county.
- 19 c. Notwithstanding the provisions of subsection a. of this
20 section, the county governing body may elect, upon annual written
21 request approved by the executive director, to designate a
22 commission, council or agency to assume the responsibilities of a
23 county youth services commission in that county. Approval of such
24 a request shall be contingent upon the governing body
25 demonstrating that the membership of the designated entity is
26 sufficiently representative of persons and agencies interested in the
27 juvenile justice system to permit the entity to perform the duties and
28 responsibilities of a county youth services commission, that the
29 members of the designated entity are otherwise qualified to perform
30 the duties and responsibilities of members of a county youth
31 services commission, and that the designated entity has the
32 authority and responsibility to carry out the duties and
33 responsibilities of a county youth services commission.
- 34 d. A county youth services commission shall:
- 35 (1) Recommend to the governing body of the county the
36 approval or disapproval of contracts with local government or
37 private agencies that desire participation in the State/Community
38 Partnership Grant Program;
- 39 (2) Monitor the operations of programs receiving
40 State/Community Partnership Grant funds with reference to
41 compliance with standards, policies and rules established by the
42 **【Juvenile】 Youth** Justice Commission;
- 43 (3) Monitor and evaluate the impact of the programs receiving
44 State/Community Partnership Grant funds, including the nature of
45 the offender or at risk populations served by the funded programs,
46 and prepare a written report with relevant documentation, on an
47 annual basis, to be submitted to the **【Juvenile】 Youth** Justice

1 Commission as part of the commission's triennial plan and annual
2 update; and

3 (4) Perform such other duties as may be established by the
4 **【Juvenile】 Youth** Justice Commission to achieve the purposes of
5 P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the
6 **【Juvenile】 Youth** Justice Commission and P.L.1995, c.283
7 (C.52:17B-179) which creates the State/Community Partnership
8 Grant Program.

9 e. No county may use funds received pursuant to this section to
10 supplant or replace existing funds or other resources from federal,
11 State or county government for existing juvenile justice-related
12 programs or for purposes of capital construction or renovation.

13 f. If a county elects not to participate in the State/Community
14 Partnership Grant Program, the commission is authorized to allocate
15 and expend that county's share of Partnership funding in a manner
16 consistent with the commission's Juvenile Justice Master Plan.
17 (cf: P.L.2005, c.164, s.2)

18
19 84. Section 3 of P.L.1995, c.330 (C.52:17B-183) is amended to
20 read as follows:

21 3. As used in this act:

22 a. "Commission" means the **【Juvenile】 Youth** Justice
23 Commission in, but not of, the Department of Law and Public
24 Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et
25 seq.).

26 b. "Commissioner" means the Commissioner of the Department
27 of Corrections.

28 c. "Juvenile offender" means a person at least 14 years old at
29 the time of disposition who has been adjudicated delinquent for an
30 act which, if committed by an adult, would constitute a crime,
31 excluding an adjudication for any act which would constitute a
32 crime of the first degree or a crime under chapter 14 of Title 2C of
33 the New Jersey Statutes.

34 d. "Youthful offender" means a person between 18 and 30
35 years of age who has been convicted of a crime, excluding any
36 person convicted of:

37 (1) a crime of the first degree;

38 (2) a crime under chapter 14 of Title 2C of the New Jersey
39 Statutes;

40 (3) a crime which requires the imposition of a mandatory term
41 of imprisonment without eligibility for parole, unless the person has
42 less than one year of the mandatory portion of the sentence
43 remaining; or

44 (4) a crime of the second degree under any of the following:
45 N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1,
46 N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the
47 purpose of using it unlawfully against the person of another.

48 (cf: P.L.1997, c.55, s.1)

1 85. Section 45 of P.L.1996, c.62 (C.55:19-60) is amended to
2 read as follows:

3 45. a. There is established in, but not of, the Department of
4 Community Affairs an Urban Coordinating Council.

5 b. The Urban Coordinating Council shall be comprised of the
6 Governor, the chief officer of each department of the executive
7 branch, and the executive directors of the New Jersey
8 Redevelopment Authority, the New Jersey Economic Development
9 Authority, the Casino Reinvestment Development Authority, the
10 State Planning Commission, the New Jersey Housing and Mortgage
11 Finance Agency, the **【Juvenile】** Youth Justice Commission and the
12 Commission on Higher Education. The council shall be chaired by
13 the Governor. Members of the council may be represented on the
14 council by their designees.

15 (cf: P.L.1996, c.62, s.45)

16

17 86. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill renames the Juvenile Justice Commission as the Youth
23 Justice Commission. The bill also updates statutory references
24 from the “New Jersey Code of Juvenile Justice” to the “New Jersey
25 Code of Youth Justice.”

26 It is the sponsor’s intent to rename the commission in an effort to
27 better reflect the commission’s mission to assist and rehabilitate
28 court-involved youth and provide programs, support, and
29 opportunities designed to help youth grow, thrive, and become
30 independent, productive, and law-abiding citizens.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3678

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED DECEMBER 16, 2024

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblywomen McCoy, Murphy, Tucker, Assemblyman Karabinchak,

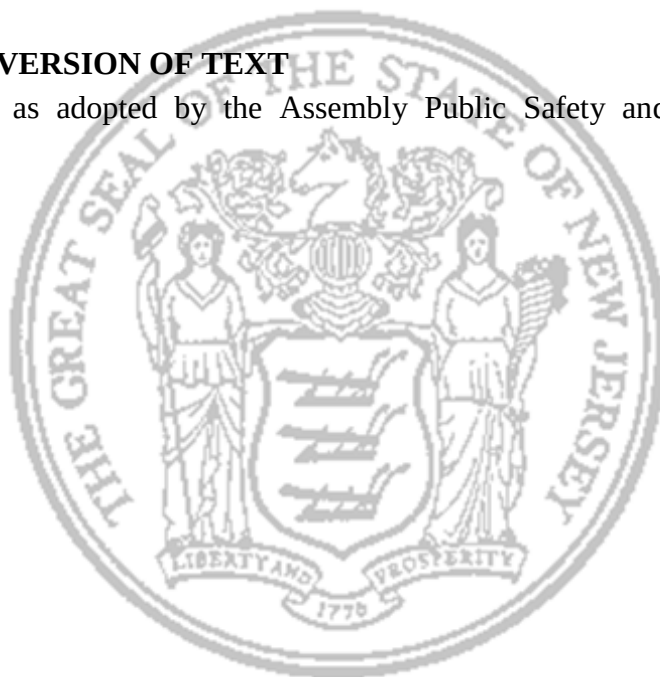
Assemblywomen Donlon, Peterpaul and Assemblyman Freiman

SYNOPSIS

Renames Juvenile Justice Commission as Youth Justice Commission.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Public Safety and Preparedness Committee.



(Sponsorship Updated As Of: 1/30/2025)

1 **AN ACT** renaming the Juvenile Justice Commission and amending
2 the various parts of the statutory law.

3

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

6

7 1. Section 1 of P.L.1982, c.77 (C.2A:4A-20) is amended to
8 read as follows:

9 1. This act shall be known and may be cited as the "New Jersey
10 Code of **【Juvenile】** Youth Justice."
11 (cf: P.L.1982, c.77, s.1)

12

13 2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to
14 read as follows:

15 3. General definitions. As used in this act:

16 a. "Juvenile" means an individual who is under the age of 18
17 years.

18 b. "Adult" means an individual 18 years of age or older.

19 c. "Detention" means the temporary care of juveniles in
20 physically restricting facilities pending court disposition.

21 d. "Shelter care" means the temporary care of juveniles in
22 facilities without physical restriction pending court disposition.

23 e. "Commit" means to transfer legal custody to an institution.

24 f. "Guardian" means a person, other than a parent, to whom
25 legal custody of the child has been given by court order or who is
26 acting in the place of the parent or is responsible for the care and
27 welfare of the juvenile.

28 g. "Juvenile-family crisis" means behavior, conduct or a
29 condition of a juvenile, parent or guardian or other family member
30 which presents or results in (1) a serious threat to the well-being
31 and physical safety of a juvenile, or (2) a serious conflict between a
32 parent or guardian and a juvenile regarding rules of conduct which
33 has been manifested by repeated disregard for lawful parental
34 authority by a juvenile or misuse of lawful parental authority by a
35 parent or guardian, or (3) unauthorized absence by a juvenile for
36 more than 24 hours from his home, or (4) a pattern of repeated
37 unauthorized absences from school by a juvenile subject to the
38 compulsory education provision of Title 18A of the New Jersey
39 Statutes, or (5) an act which if committed by an adult would
40 constitute prostitution in violation of N.J.S.2C:34-1 or any offense
41 which the juvenile alleges is related to the juvenile being a victim
42 of human trafficking.

43 h. "Repetitive disorderly persons offense" means the second or
44 more disorderly persons offense committed by a juvenile on at least
45 two separate occasions and at different times.

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 i. "Court" means the Superior Court, Chancery Division,
2 Family Part unless a different meaning is plainly required.

3 j. "Commission" means the **【Juvenile】 Youth** Justice
4 Commission established pursuant to section 2 of P.L.1995, c.284
5 (C.52:17B-170).
6 (cf: P.L.2011, c.195, s.2)
7

8 3. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to read
9 as follows:

10 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
11 delinquency case by the Superior Court, Chancery Division, Family
12 Part to an appropriate court and prosecuting authority without the
13 consent of the juvenile shall file a motion within 60 days after the
14 receipt of the complaint, which time may be extended for good cause
15 shown. The motion shall be accompanied by a written statement of
16 reasons clearly setting forth the facts used in assessing all factors
17 contained in paragraph (3) of subsection c. of this section, together
18 with an explanation as to how evaluation of those facts support waiver
19 for each particular juvenile.

20 b. At a hearing, the court shall receive the evidence offered by the
21 State and by the juvenile. The State shall provide proof to satisfy the
22 requirements set forth in paragraphs (1) and (2) of subsection c. of this
23 section. The court also shall review whether the State considered the
24 factors set forth in paragraph (3) of subsection c. of this section.

25 c. Except as provided in paragraph (3) of this subsection, the
26 court shall waive jurisdiction of a juvenile delinquency case without
27 the juvenile's consent and shall refer the case to the appropriate court
28 and prosecuting authority having jurisdiction if:

29 (1) The juvenile was 15 years of age or older at the time of the
30 alleged delinquent act; and

31 (2) There is probable cause to believe that the juvenile committed
32 a delinquent act which if committed by an adult would constitute:

33 (a) criminal homicide, other than death by auto;

34 (b) strict liability for drug-induced deaths;

35 (c) first degree robbery;

36 (d) carjacking;

37 (e) aggravated sexual assault;

38 (f) sexual assault;

39 (g) second degree aggravated assault;

40 (h) kidnapping;

41 (i) aggravated arson;

42 (j) possession of a firearm with a purpose to use it unlawfully
43 against the person of another under subsection a. of N.J.S.2C:39-4, or
44 possession of a firearm while committing or attempting to commit,
45 including the immediate flight therefrom, aggravated assault,
46 aggravated criminal sexual contact, burglary, or escape;

47 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics Trafficking
48 Network);

(l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a CDS Production Facility);

(m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1) (Weapons Possession while Committing certain CDS Offenses);

(n) an attempt or conspiracy to commit any of the crimes enumerated in subparagraphs (a) through (m) of this paragraph; or

(o) a crime committed at a time when the juvenile previously had been sentenced and confined in an adult correctional facility.

(3) The court may deny a motion by the prosecutor to waive jurisdiction of a juvenile delinquency case if it is clearly convinced that the prosecutor abused his discretion in considering the following factors in deciding whether to seek a waiver:

(a) The nature and circumstances of the offense charged;

(b) Whether the offense was against a person or property, allocating more weight for crimes against the person;

(c) Degree of the juvenile's culpability;

(d) Age and maturity of the juvenile;

(e) Any classification that the juvenile is eligible for special education to the extent this information is provided to the prosecution by the juvenile or by the court;

(f) Degree of criminal sophistication exhibited by the juvenile;

(g) Nature and extent of any prior history of delinquency of the juvenile and dispositions imposed for those adjudications;

(h) If the juvenile previously served a custodial disposition in a State juvenile facility operated by the **【Juvenile】 Youth Justice Commission**, and the response of the juvenile to the programs provided at the facility to the extent this information is provided to the prosecution by the **【Juvenile】 Youth Justice Commission**;

(i) Current or prior involvement of the juvenile with child welfare agencies;

(j) Evidence of mental health concerns, substance use disorder, or emotional instability of the juvenile to the extent this information is provided to the prosecution by the juvenile or by the court; and

(k) If there is an identifiable victim, the input of the victim or victim's family.

The Attorney General may develop for dissemination to the county prosecutors those guidelines or directives deemed necessary or appropriate to ensure the uniform application of this section throughout the State.

d. An order waiving jurisdiction over a case and referring the case to the appropriate court and prosecuting authority shall specify the alleged act upon which the referral is based and all other delinquent acts charged against the juvenile arising out of or related to the same transaction.

e. Testimony of a juvenile at a hearing to determine referral under this section shall not be admissible for any purpose in any subsequent hearing to determine delinquency or guilt of any offense.

f. Upon waiver of jurisdiction and referral to the appropriate court and prosecuting authority having jurisdiction:

(1) The case shall proceed as if it originated in that court and shall be subject to the sentencing provisions available to that court; provided, however, upon conviction for any offense which is subject to waiver pursuant to paragraph (2) of subsection c. of this section, there shall be a presumption that the juvenile shall serve any custodial sentence imposed in a State juvenile facility operated by the **【Juvenile】 Youth** Justice Commission until the juvenile reaches the age of 21, except that:

(a) a juvenile who has not reached the age of 21 may, in the discretion of the **【Juvenile】 Youth** Justice Commission, be transferred to the Department of Corrections in accordance with the plan established pursuant to subsection e. of section 7 of P.L.1995, c.284 (C.52:17B-175) and regulations adopted pursuant to that section; and

(b) a juvenile who has reached or exceeds the age of 21 may continue to serve a sentence in a State juvenile facility operated by the **【Juvenile】 Youth** Justice Commission in the discretion of the **【Juvenile】 Youth** Justice Commission and if the juvenile so consents; otherwise the juvenile shall serve the remainder of the custodial sentence in a State correctional facility;

(2) If a juvenile is not convicted of an offense set forth in paragraph (2) of subsection c. of this section, a conviction for any other offense shall be deemed a juvenile adjudication and be remanded to the Superior Court, Chancery Division, Family Part for disposition, in accordance with the dispositional options available to that court and all records related to the act of delinquency shall be subject to the provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60);

(3) With the consent of the defense and the prosecutor, at any point in the proceedings subsequent to the decision ordering waiver the court may remand to the Superior Court, Chancery Division, Family Part if it appears that:

(a) the interests of the public and the best interests of the juvenile require access to programs or procedures uniquely available to that court; and

(b) the interests of the public are no longer served by waiver.

g. (1) The **【Juvenile】 Youth** Justice Commission, in consultation with the Attorney General, shall establish a program to collect, record, and analyze data regarding waiver of jurisdiction of a juvenile delinquency case by the Superior Court, Chancery Division, Family Part to an appropriate court and prosecuting authority. In furtherance of this program, the **【Juvenile】 Youth** Justice Commission shall, in cooperation with the Administrative Office of the Courts, Attorney General, and county prosecutors, collect data related to the decision to seek waiver of jurisdiction of a juvenile delinquency case, which shall include but not be limited to data concerning:

(a) youth demographics, including age, gender, race, and ethnicity;

(b) case characteristics, including the degree of the offense waived, the degree of the offense convicted, and the final court resolution;

(c) case processing times; and

(d) waiver rates by race and ethnicity.

(2) The commission shall prepare and publish on its Internet website biennial reports summarizing the data collected, recorded, and analyzed pursuant to paragraph (1) of this subsection.

(3) The commission shall, pursuant to section 2 of P.L. 1991, c.164 (C.52:14-19.1), biennially prepare and transmit to the Governor and the Legislature the reports required in paragraph (2) of this subsection, along with any recommendations the commission may have for legislation concerning waiver of jurisdiction of juvenile delinquency cases.

(cf: P.L.2023, c.177, s.1)

4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to read as follows:

18. Place of detention or shelter. a. The **【Juvenile】 Youth** Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall specify the place where a juvenile may be detained; and the Department of Children and Families shall specify where a juvenile may be placed in shelter.

b. No juvenile shall be placed in detention or shelter care in any place other than that specified by the **【Juvenile】 Youth** Justice Commission or Department of Children and Families as provided in subsection a.

c. A juvenile being held for a charge under this act or for a violation of or contempt in connection with a violation of Title 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes or N.J.S.2C:33-13, including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of a crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility which has reached its maximum population capacity, as designated by the **【Juvenile】 Youth** Justice Commission.

d. No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18. The following standards shall apply to any juvenile who has been placed on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and who violates the conditions of that probation after reaching the age of 18; who has been placed on parole pursuant to the provisions of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.)

1 and who violates the conditions of that parole after reaching the age
2 of 18; or who is arrested after reaching the age of 18 on a warrant
3 emanating from the commission of an act of juvenile delinquency:

4 (1) In the case of a person 18 years of age but less than 20 years
5 of age, the court, upon application by any interested party, shall
6 determine the place of detention, taking into consideration the age
7 and maturity of the person, whether the placement of the person in a
8 juvenile detention facility would present a risk to the safety of
9 juveniles residing at the facility, the likelihood that the person
10 would influence in a negative manner juveniles incarcerated at the
11 facility, whether the facility has sufficient space available for
12 juveniles and any other factor the court deems appropriate. Upon
13 application at any time by the juvenile detention facility
14 administrator or any other interested party, the court may order that
15 the person be relocated to the county jail. The denial of an
16 application shall not preclude subsequent applications based on a
17 change in circumstances or information that was not previously
18 made available to the court. The determination of the place of
19 detention shall be made in a summary manner;

20 (2) In the case of a person 20 years of age or older, the person
21 shall be incarcerated in the county jail unless good cause is shown.

22 e. (1) The **【Juvenile】** Youth Justice Commission and the
23 Department of Children and Families shall promulgate such rules
24 and regulations from time to time as deemed necessary to establish
25 minimum physical facility and program standards for juvenile
26 detention facilities or shelters under their respective supervision.

27 (2) The **【Juvenile】** Youth Justice Commission and the
28 Department of Children and Families, in consultation with the
29 appropriate county administrator of the county facility or shelter,
30 shall assign a maximum population capacity for each juvenile
31 detention facility or shelter based on minimum standards for these
32 facilities.

33 f. (1) Where either the **【Juvenile】** Youth Justice Commission or
34 the Department of Children and Families determines that a juvenile
35 detention facility or shelter under its control or authority is
36 regularly over the maximum population capacity or is in willful and
37 continuous disregard of the minimum standards for these facilities
38 or shelters, the commission or department may restrict new
39 admissions to the facility or shelter.

40 (2) Upon making such determination, the commission or
41 department shall notify the governing body of the appropriate
42 county of its decision to impose such a restriction, which
43 notification shall include a written statement specifying the reasons
44 therefor and corrections to be made. If the commission or
45 department shall determine that no appropriate action has been
46 initiated by the administrator of the facility or shelter within 60
47 days following such notification to correct the violations specified

1 in the notification, it shall order that such juvenile detention facility
2 or shelter shall immediately cease to admit juveniles. The county
3 shall be entitled to a hearing where such a restriction is imposed by
4 the commission or department.

5 (3) Any juvenile detention facility or shelter so restricted shall
6 continue under such order until such time as the commission or
7 department determines that the violation specified in the notice has
8 been corrected or that the facility or shelter has initiated actions
9 which will ensure the correction of said violations.

10 (4) Upon the issuance of an order to cease admissions to a
11 juvenile detention facility or shelter, the commission or department
12 shall determine whether other juvenile detention facilities or
13 shelters have adequate room for admitting juveniles and shall assign
14 the juveniles to the facilities or shelters on the basis of available
15 space; provided that the department shall not assign the juvenile to
16 a facility or shelter where such facility or shelter is at the maximum
17 population. A juvenile detention facility or shelter ordered to
18 accept a juvenile shall do so within five days following the receipt
19 of an order to accept admission of such juvenile.

20 (5) A juvenile detention facility or shelter restricted by an order
21 to cease admissions shall assume responsibility for the
22 transportation of a juvenile sent to another juvenile detention
23 facility or shelter so long as the order shall remain in effect.

24 (6) A facility or shelter receiving juveniles pursuant to
25 paragraph (4) of this subsection shall receive from the sending
26 county a reasonable and appropriate per diem allowance for each
27 juvenile sent to the facility, such allowance to be used for the
28 custody, care, maintenance, and any other services normally
29 provided by the county to juveniles in the facility or shelter and
30 which reflects all county expenditures in maintaining such juvenile,
31 including a proportionate share of all buildings and grounds costs,
32 personnel costs, including fringe benefits, administrative costs and
33 all other direct and indirect costs.

34 (7) The governing body of a county whose juvenile detention
35 facility or shelter has been prohibited from accepting new
36 admissions, and whose juveniles have been assigned to other
37 juvenile detention facilities or shelters, shall appropriate an amount
38 to pay the county receiving such juveniles for all expenses incurred
39 pursuant to paragraph (6) of this subsection.

40 (cf: P.L.2006, c.47, s.16)

41

42 5. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
43 read as follows:

44 23. Predispositional evaluation. a. Before making a disposition,
45 the court may refer the juvenile to an appropriate individual, agency
46 or institution for examination and evaluation.

47 b. In arriving at a disposition, the court may also consult with
48 such individuals and agencies as may be appropriate to the

1 juvenile's situation, including the county probation division, the
2 Department of Children and Families, the **【Juvenile】 Youth** Justice
3 Commission established pursuant to section 2 of P.L.1995, c.284
4 (C.52:17B-170), the county youth services commission, school
5 personnel, clergy, law enforcement authorities, family members and
6 other interested and knowledgeable parties. In so doing, the court
7 may convene a predispositional conference to discuss and
8 recommend disposition.

9 c. (1) The predisposition report ordered pursuant to the Rules of
10 Court may include a statement by the victim of the offense for
11 which the juvenile has been adjudicated delinquent or by the nearest
12 relative of a homicide victim. The statement may include the nature
13 and extent of any physical harm or psychological or emotional harm
14 or trauma suffered by the victim, the extent of any loss to include
15 loss of earnings or ability to work suffered by the victim and the
16 effect of the crime upon the victim's family. The probation division
17 shall notify the victim or nearest relative of a homicide victim of his
18 right to make a statement for inclusion in the predisposition report
19 if the victim or relative so desires. Any statement shall be made
20 within 20 days of notification by the probation division. The report
21 shall further include information on the financial resources of the
22 juvenile. This information shall be made available on request to the
23 Victims of Crime Compensation **【Board】 Office** established
24 pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any
25 officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to
26 collect payment of an assessment, restitution or fine.

27 (2) Any predisposition report prepared pursuant to this section
28 shall include:

29 (a) an analysis of the circumstances attending the commission of
30 the act;

31 (b) the impact of the offense on the community;

32 (c) the offender's history of delinquency or criminality;

33 (d) the offender's family situation;

34 (e) the offender's financial resources;

35 (f) the financial resources of the juvenile's parent or guardian;

36 (g) the information concerning the parent or guardian's exercise
37 of supervision and control relevant to commission of the act; and

38 (h) in any case where the juvenile is charged with an act which
39 if committed by an adult would constitute prostitution in violation
40 of N.J.S.2C:34-1 or any offense which the juvenile alleges is related
41 to the juvenile being a victim of human trafficking, the
42 predisposition report may include any information relevant to the
43 commission of the act.

44 Information concerning financial resources included in the report
45 shall be made available to any officer authorized to collect payment
46 on any assessment, restitution or fine.

47 (cf: P.L.2011, c.195, s.3)

1 6. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
2 read as follows:

3 24. Disposition of delinquency cases. a. In determining the
4 appropriate disposition for a juvenile adjudicated delinquent the
5 court shall weigh the following factors:

6 (1) The nature and circumstances of the offense;

7 (2) The degree of injury to persons or damage to property
8 caused by the juvenile's offense;

9 (3) The juvenile's age, previous record, prior social service
10 received, and out-of-home placement history;

11 (4) Whether the disposition supports family strength,
12 responsibility, and unity and the well-being and physical safety of
13 the juvenile;

14 (5) Whether the disposition provides for reasonable
15 participation by the child's parent, guardian, or custodian, provided,
16 however, that the failure of a parent or parents to cooperate in the
17 disposition shall not be weighed against the juvenile in arriving at
18 an appropriate disposition;

19 (6) Whether the disposition recognizes and treats the unique
20 physical, psychological, and social characteristics and needs of the
21 child;

22 (7) Whether the disposition contributes to the developmental
23 needs of the child, including the academic and social needs of the
24 child where the child has intellectual disabilities or learning
25 disabilities;

26 (8) Any other circumstances related to the offense and the
27 juvenile's social history as deemed appropriate by the court;

28 (9) The impact of the offense on the victim or victims;

29 (10) The impact of the offense on the community; and

30 (11) The threat to the safety of the public or any individual
31 posed by the child.

32 b. If a juvenile is adjudged delinquent, and except to the extent
33 that an additional specific disposition is required pursuant to this
34 section, the court, in accordance with subsection i. of section 2 of
35 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to
36 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order
37 any one or more of the following dispositions:

38 (1) Adjourn formal entry of disposition of the case for a period
39 not to exceed 12 months for the purpose of determining whether the
40 juvenile makes a satisfactory adjustment, and if during the period of
41 continuance the juvenile makes such an adjustment, dismiss the
42 complaint;

43 (2) Release the juvenile to the supervision of the juvenile's
44 parent or guardian;

45 (3) Place the juvenile on probation to the chief probation officer
46 of the county or to any other suitable person who agrees to accept
47 the duty of probation supervision for a period not to exceed three

- 1 years upon such written conditions as the court deems will aid
- 2 rehabilitation of the juvenile;
- 3 (4) Transfer custody of the juvenile to any relative or other
- 4 person determined by the court to be qualified to care for the
- 5 juvenile;
- 6 (5) Place the juvenile under the care and responsibility of the
- 7 Department of Children and Families so that the commissioner may
- 8 designate a division or organizational unit in the department
- 9 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
- 10 providing services in or out of the home. Within 14 days, unless for
- 11 good cause shown, but not later than 30 days, the Department of
- 12 Children and Families shall submit to the court a service plan,
- 13 which shall be presumed valid, detailing the specifics of any
- 14 disposition order. The plan shall be developed within the limits of
- 15 fiscal and other resources available to the department. If the court
- 16 determines that the service plan is inappropriate, given existing
- 17 resources, the department may request a hearing on that
- 18 determination;
- 19 (6) Place the juvenile under the care and custody of the
- 20 Commissioner of Children and Families for the purpose of
- 21 receiving the services of the Division of Children's System of Care
- 22 of that department, provided that the juvenile has been determined
- 23 to be eligible for those services under P.L.1965, c.59, s.16
- 24 (C.30:4-25.4);
- 25 (7) Commit the juvenile, pursuant to applicable laws and the
- 26 Rules of Court governing civil commitment, to the Department of
- 27 Children and Families under the responsibility of the Division of
- 28 Children's System of Care for the purpose of placement in a suitable
- 29 public or private hospital or other residential facility for the
- 30 treatment of persons who are mentally ill, on the ground that the
- 31 juvenile is in need of involuntary commitment;
- 32 (8) (Deleted by amendment, P.L.2019, c.363)
- 33 (9) Order the juvenile to make restitution to a person or entity
- 34 who has suffered loss resulting from personal injuries or damage to
- 35 property as a result of the offense for which the juvenile has been
- 36 adjudicated delinquent. The court may determine the reasonable
- 37 amount, terms, and conditions of restitution. If the juvenile
- 38 participated in the offense with other persons, the participants shall
- 39 be jointly and severally responsible for the payment of restitution.
- 40 The court shall not require a juvenile to make full or partial
- 41 restitution if the juvenile reasonably satisfies the court that the
- 42 juvenile does not have the means to make restitution and could not
- 43 reasonably acquire the means to pay restitution;
- 44 (10) Order that the juvenile perform community services under
- 45 the supervision of a probation division or other agency or individual
- 46 deemed appropriate by the court. Such services shall be
- 47 compulsory and reasonable in terms of nature and duration. Such
- 48 services may be performed without compensation, provided that any

1 money earned by the juvenile from the performance of community
2 services may be applied towards any payment of restitution or fine
3 which the court has ordered the juvenile to pay;

4 (11) Order that the juvenile participate in work programs which
5 are designed to provide job skills and specific employment training
6 to enhance the employability of job participants. Such programs
7 may be without compensation, provided that any money earned by
8 the juvenile from participation in a work program may be applied
9 towards any payment of restitution or fine which the court has
10 ordered the juvenile to pay;

11 (12) Order that the juvenile participate in programs emphasizing
12 self-reliance, such as intensive outdoor programs teaching survival
13 skills, including but not limited to camping, hiking, and other
14 appropriate activities;

15 (13) Order that the juvenile participate in a program of academic
16 or vocational education or counseling, such as a youth service
17 bureau, requiring attendance at sessions designed to afford access to
18 opportunities for normal growth and development. This may
19 require attendance after school, evenings, and weekends;

20 (14) Place the juvenile in a suitable residential or nonresidential
21 program for the treatment of alcohol or narcotic abuse, provided
22 that the juvenile has been determined to be in need of such services;

23 (15) Order the parent or guardian of the juvenile to participate in
24 appropriate programs or services when the court has found either
25 that such person's omission or conduct was a significant
26 contributing factor towards the commission of the delinquent act,
27 or, under its authority to enforce litigant's rights, that such person's
28 omission or conduct has been a significant contributing factor
29 towards the ineffective implementation of a court order previously
30 entered in relation to the juvenile;

31 (16) (a) Place the juvenile in a nonresidential program operated
32 by a public or private agency, providing intensive services to
33 juveniles for specified hours, which may include education,
34 counseling to the juvenile and the juvenile's family if appropriate,
35 vocational training, employment counseling, work, or other
36 services;

37 (b) Place the juvenile under the custody of the **【Juvenile】 Youth**
38 Justice Commission established pursuant to section 2 of P.L.1995,
39 c.284 (C.52:17B-170) for placement with any private group home
40 or private residential facility with which the commission has
41 entered into a purchase of service contract;

42 (17) Instead of or in addition to any disposition made according
43 to this section, the court may postpone, suspend, or revoke for a
44 period not to exceed two years the driver's license, registration
45 certificate, or both of any juvenile who used a motor vehicle in the
46 course of committing an act for which the juvenile was adjudicated
47 delinquent. In imposing this disposition and in deciding the duration
48 of the postponement, suspension, or revocation, the court shall

1 consider the circumstances of the act for which the juvenile was
2 adjudicated delinquent and the potential effect of the loss of driving
3 privileges on the juvenile's ability to be rehabilitated. Any
4 postponement, suspension, or revocation shall be imposed
5 consecutively with any custodial commitment;

6 (18) Order that the juvenile satisfy any other conditions
7 reasonably related to the rehabilitation of the juvenile;

8 (19) Order a parent or guardian who has failed or neglected to
9 exercise reasonable supervision or control of a juvenile who has
10 been adjudicated delinquent to make restitution to any person or
11 entity who has suffered a loss as a result of that offense. The court
12 may determine the reasonable amount, terms, and conditions of
13 restitution; or

14 (20) Place the juvenile, if eligible, in an appropriate juvenile
15 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
16 et al.).

17 c. (1) If the county in which the juvenile has been adjudicated
18 delinquent has a juvenile detention facility meeting the physical and
19 program standards established pursuant to this subsection by the
20 **【Juvenile】 Youth** Justice Commission, the court may, in addition to
21 any of the dispositions not involving placement out of the home
22 enumerated in this section, incarcerate the juvenile in the youth
23 detention facility in that county for a term not to exceed 60
24 consecutive days. The decision by the court to incarcerate a
25 juvenile shall be made in accordance with subsection i. of section 2
26 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
27 their own juvenile detention facilities may contract for the use of
28 approved commitment programs with counties with which they
29 have established agreements for the use of pre-disposition juvenile
30 detention facilities. The **【Juvenile】 Youth** Justice Commission
31 shall promulgate such rules and regulations from time to time as
32 deemed necessary to establish minimum physical facility and
33 program standards for the use of juvenile detention facilities
34 pursuant to this subsection.

35 (2) A juvenile shall not be incarcerated in any county detention
36 facility unless the county has entered into an agreement with the
37 **【Juvenile】 Youth** Justice Commission concerning the use of the
38 facility for sentenced juveniles. Upon agreement with the county,
39 the **【Juvenile】 Youth** Justice Commission shall certify detention
40 facilities which may receive juveniles sentenced pursuant to this
41 subsection and shall specify the capacity of the facility that may be
42 made available to receive such juveniles; provided, however, that in
43 no event shall the number of juveniles incarcerated pursuant to this
44 subsection exceed **【50%】 50 percent** of the maximum capacity of
45 the facility.

- 1 (3) The court may fix a term of incarceration under this
- 2 subsection that is in accordance with subsection i. of section 2 of
- 3 P.L.1982, c.77 (C.2A:4A-21) and:
- 4 (a) The act for which the juvenile was adjudicated delinquent, if
- 5 committed by an adult, would have constituted a crime or repetitive
- 6 disorderly persons offense;
- 7 (b) Incarceration of the juvenile is consistent with the goals of
- 8 public safety, accountability, and rehabilitation and the court is
- 9 clearly convinced that the aggravating factors substantially
- 10 outweigh the mitigating factors as set forth in section 25 of
- 11 P.L.1982, c.77 (C.2A:4A-44); and
- 12 (c) The detention facility has been certified for admission of
- 13 adjudicated juveniles pursuant to paragraph (2).
- 14 (4) If as a result of incarceration of adjudicated juveniles
- 15 pursuant to this subsection, a county is required to transport a
- 16 predisposition juvenile to a juvenile detention facility in another
- 17 county, the costs of such transportation shall be borne by the
- 18 **【Juvenile】 Youth Justice Commission.**
- 19 d. Whenever the court imposes a disposition upon an
- 20 adjudicated delinquent which requires the juvenile to perform a
- 21 community service, restitution, or to participate in any other
- 22 program provided for in this section other than subsection c., the
- 23 duration of the juvenile's mandatory participation in such
- 24 alternative programs shall extend for a period consistent with the
- 25 program goal for the juvenile and shall in no event exceed one year
- 26 beyond the maximum duration permissible for the delinquent if the
- 27 juvenile had been committed to a term of incarceration.
- 28 e. In addition to any disposition the court may impose pursuant
- 29 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
- 30 following orders shall be included in dispositions of the
- 31 adjudications set forth below:
- 32 (1) An order to perform community service pursuant to
- 33 paragraph (10) of subsection b. of this section for a period of at
- 34 least 60 days, if the juvenile has been adjudicated delinquent for an
- 35 act which, if committed by an adult, would constitute the crime of
- 36 theft of a motor vehicle, or the crime of unlawful taking of a motor
- 37 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
- 38 degree crime of eluding in violation of subsection b. of
- 39 N.J.S.2C:29-2; and
- 40 (2) (Deleted by amendment, P.L.2019, c.363)
- 41 (3) An order to perform community service pursuant to
- 42 paragraph (10) of subsection b. of this section for a period of at
- 43 least 30 days, if the juvenile has been adjudicated delinquent for an
- 44 act which, if committed by an adult, would constitute the fourth
- 45 degree crime of unlawful taking of a motor vehicle in violation of
- 46 subsection b. of N.J.S.2C:20-10.
- 47 (4) (Deleted by amendment, P.L.2019, c.363)
- 48 f. (1) (Deleted by amendment, P.L.2019, c.363)

1 (2) (Deleted by amendment, P.L.2019, c.363)

2 (3) (Deleted by amendment, P.L.2019, c.363)

3 g. Whenever the court imposes a disposition upon an
4 adjudicated delinquent which requires the juvenile to perform a
5 community service, restitution, or to participate in any other
6 program provided for in this section, the order shall include
7 provisions which provide balanced attention to the protection of the
8 community, accountability for offenses committed, fostering
9 interaction and dialogue between the offender, victim, and
10 community and the development of competencies to enable the
11 child to become a responsible and productive member of the
12 community.

13 (cf: P.L.2021, c.342, s.1)

14

15 7. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
16 read as follows:

17 8. a. In addition to any other disposition made pursuant to law,
18 a court shall order a juvenile charged with delinquency or
19 adjudicated delinquent for an act which, if committed by an adult
20 would constitute a crime, a disorderly persons offense or a petty
21 disorderly persons offense, to submit to an approved serological test
22 for acquired immune deficiency syndrome (AIDS) or infection with
23 the human immunodeficiency virus (HIV) or any other related virus
24 identified as a probable causative agent of AIDS if:

25 (1) in the course of the commission of the act, including the
26 immediate flight thereafter or during any investigation or arrest
27 related to that act, a law enforcement officer, the victim or other
28 person suffered a prick from a hypodermic needle, provided there is
29 probable cause to believe that the juvenile is an intravenous user of
30 controlled dangerous substances; or

31 (2) in the course of the commission of the act, including the
32 immediate flight thereafter or during any investigation or arrest
33 related to that act, a law enforcement officer, the victim or other
34 person had contact with the juvenile which involved or was likely to
35 involve the transmission of bodily fluids.

36 The court may order a juvenile to submit to an approved
37 serological test for AIDS or infection with the HIV or any other
38 related virus identified as a probable causative agent of AIDS if in
39 the course of the performance of any other law enforcement duties,
40 a law enforcement officer suffers a prick from a hypodermic needle,
41 provided that there is probable cause to believe that the defendant is
42 an intravenous user of controlled dangerous substances, or had
43 contact with the defendant which involved or was likely to involve
44 the transmission of bodily fluids. The court shall issue such an
45 order only upon the request of the law enforcement officer, victim
46 of the offense or other affected person made at the time of
47 indictment, charge or conviction. If a county prosecutor declines to
48 make such an application within 72 hours of being requested to do

1 so by the law enforcement officer, the law enforcement officer may
2 appeal to the Division of Criminal Justice in the Department of Law
3 and Public Safety for that officer to bring the application. The
4 juvenile shall be ordered by the court to submit to such repeat or
5 confirmatory tests as may be medically necessary.

6 b. A court order issued pursuant to subsection a. of this section
7 shall require testing to be performed as soon as practicable by the
8 Executive Director of the **【Juvenile】 Youth** Justice Commission
9 pursuant to authority granted to the executive director by sections 6
10 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider
11 of health care or at a health care facility licensed pursuant to section
12 12 of P.L.1971, c.136 (C.26:2H-12). The order shall also require
13 that the results of the test be reported to the offender, the
14 appropriate Office of Victim-Witness Advocacy if a victim of an
15 offense is tested, and the affected law enforcement officer. Upon
16 receipt of the result of a test ordered pursuant to subsection a. of
17 this section, the Office of Victim-Witness Advocacy shall provide
18 the victim with appropriate counseling, referral for counseling and
19 if appropriate, referral for health care. The office shall notify the
20 victim or make appropriate arrangements for the victim to be
21 notified of the test result.

22 c. (Deleted by amendment, P.L.2021, c.342)

23 d. The result of a test ordered pursuant to subsection a. of this
24 section shall be confidential and health care providers and
25 employees of the **【Juvenile】 Youth** Justice Commission, the Office
26 of Victim-Witness Advocacy, a health care facility or counseling
27 service shall not disclose the result of a test performed pursuant to
28 this section except as authorized herein or as otherwise authorized
29 by law or court order. The provisions of this section shall not be
30 deemed to prohibit disclosure of a test result to the person tested.

31 e. Persons who perform tests ordered pursuant to subsection a.
32 of this section in accordance with accepted medical standards for
33 the performance of such tests shall be immune from civil and
34 criminal liability arising from their conduct.

35 f. This section shall not be construed to preclude or limit any
36 other testing for AIDS or infection with the HIV or any other
37 related virus identified as a probable causative agent of AIDS which
38 is otherwise permitted by statute, court rule or common law.

39 (cf: P.L.2021, c.342, s.2)

40
41 8. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read
42 as follows:

43 25. Incarceration--Aggravating and mitigating factors

44 a. (1) In determining whether incarceration is an appropriate
45 disposition and in addition to the considerations set forth in subsection
46 i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court shall consider
47 the following aggravating circumstances:

- 1 (a) The fact that the nature and circumstances of the act, and the
- 2 role of the juvenile therein, was committed in an especially heinous,
- 3 cruel, or depraved manner;
- 4 (b) The fact that there was grave and serious harm inflicted on the
- 5 victim and that based upon the juvenile's age or mental capacity the
- 6 juvenile knew or reasonably should have known that the victim was
- 7 particularly vulnerable or incapable of resistance due to advanced age,
- 8 disability, ill-health, or extreme youth, or was for any other reason
- 9 substantially incapable;
- 10 (c) The character and attitude of the juvenile indicate that the
- 11 juvenile is likely to commit another delinquent or criminal act;
- 12 (d) The juvenile's prior record and the seriousness of any acts for
- 13 which the juvenile has been adjudicated delinquent;
- 14 (e) The fact that the juvenile committed the act pursuant to an
- 15 agreement that the juvenile either pay or be paid for the commission of
- 16 the act and that the pecuniary incentive was beyond that inherent in the
- 17 act itself;
- 18 (f) The fact that the juvenile committed the act against a
- 19 policeman or other law enforcement officer, correctional employee or
- 20 fireman, acting in the performance of his duties while in uniform or
- 21 exhibiting evidence of his authority, or the juvenile committed the act
- 22 because of the status of the victim as a public servant;
- 23 (g) The need for deterring the juvenile and others from violating
- 24 the law;
- 25 (h) The fact that the juvenile knowingly conspired with others as
- 26 an organizer, supervisor, or manager to commit continuing criminal
- 27 activity in concert with two or more persons and the circumstances of
- 28 the crime show that he has knowingly devoted himself to criminal
- 29 activity as part of an ongoing business activity;
- 30 (i) The fact that the juvenile on two separate occasions was
- 31 adjudged a delinquent on the basis of acts which if committed by an
- 32 adult would constitute crimes;
- 33 (j) The impact of the offense on the victim or victims;
- 34 (k) The impact of the offense on the community; and
- 35 (l) The threat to the safety of the public or any individual posed by
- 36 the child.
- 37 (2) In determining whether incarceration is an appropriate
- 38 disposition the court shall consider the following mitigating
- 39 circumstances:
- 40 (a) The child is under the age of 14;
- 41 (b) The juvenile's conduct neither caused nor threatened serious
- 42 harm;
- 43 (c) The juvenile did not contemplate that the juvenile's conduct
- 44 would cause or threaten serious harm;
- 45 (d) The juvenile acted under a strong provocation;
- 46 (e) There were substantial grounds tending to excuse or justify the
- 47 juvenile's conduct, though failing to establish a defense;

1 (f) The victim of the juvenile's conduct induced or facilitated its
2 commission;

3 (g) The juvenile has compensated or will compensate the victim
4 for the damage or injury that the victim has sustained, or will
5 participate in a program of community service;

6 (h) The juvenile has no history of prior delinquency or criminal
7 activity or has led a law-abiding life for a substantial period of time
8 before the commission of the present act;

9 (i) The juvenile's conduct was the result of circumstances unlikely
10 to recur;

11 (j) The character and attitude of the juvenile indicate that the
12 juvenile is unlikely to commit another delinquent or criminal act;

13 (k) The juvenile is particularly likely to respond affirmatively to
14 noncustodial treatment;

15 (l) The separation of the juvenile from the juvenile's family by
16 incarceration of the juvenile would entail excessive hardship to the
17 juvenile or the juvenile's family;

18 (m) The willingness of the juvenile to cooperate with law
19 enforcement authorities; and

20 (n) The conduct of the juvenile was substantially influenced by
21 another person more mature than the juvenile.

22 b. (1) There shall be a presumption of nonincarceration for any
23 crime or offense of the fourth degree or less committed by a juvenile
24 who has not previously been adjudicated delinquent or convicted of a
25 crime or offense.

26 (2) Where incarceration is imposed, the court and a panel
27 comprised of at least two members of the **【Juvenile】 Youth** Justice
28 Commission designated by the executive director and a member of the
29 State Parole Board designated by the chairman shall consider the
30 juvenile's eligibility for release pursuant to the provisions of
31 subsection d. of this section.

32 c. The following juveniles shall not be committed to a State
33 juvenile facility:

34 (1) Juveniles age 11 or under unless adjudicated delinquent for the
35 crime of arson or a crime which, if committed by an adult, would be a
36 crime of the first or second degree; and

37 (2) Juveniles who are developmentally disabled as defined in
38 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82 (C.30:6D-
39 3).

40 d. (1) When the court determines that, based on the consideration
41 of all the factors set forth in subsection a., the juvenile shall be
42 incarcerated, unless it orders the incarceration pursuant to subsection
43 c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall state on the
44 record the reasons for imposing incarceration, including any findings
45 with regard to these factors, and commit the juvenile to the custody of
46 the **【Juvenile】 Youth** Justice Commission which shall provide for the
47 juvenile's placement in a suitable juvenile facility pursuant to the
48 conditions set forth in this subsection and for terms not to exceed the

1 maximum terms as provided herein for what would constitute the
2 following crimes if committed by an adult:

3	(a) Murder under 2C:11-3a(1) or (2)	20 years
4	(b) Murder under 2C:11-3a(3)	10 years
5	(c) Crime of the first degree, except murder	4 years
6	(d) Crime of the second degree	3 years
7	(e) Crime of the third degree	2 years
8	(f) Crime of the fourth degree	1 year
9	(g) Disorderly persons offense	6 months

10 (2) The period of confinement shall continue until the panel
11 established pursuant to subsection b. of this section determines that the
12 person is eligible for early release on parole or until expiration of the
13 term of confinement, whichever shall occur first; except that in no case
14 shall the period of confinement and parole exceed the maximum
15 provided by law for the offense. A juvenile shall be granted early
16 release on parole when it appears that the juvenile has made
17 substantial progress toward positive behavioral adjustment and
18 rehabilitative goals articulated by the panel established pursuant to
19 subsection b. of this section to the juvenile. However, if a juvenile is
20 approved for parole by the panel established pursuant to subsection b.
21 of this section prior to serving one-third of any term imposed for any
22 crime of the first, second, or third degree, including any extended term
23 imposed pursuant to paragraph (3) or (4) of this subsection, or one-
24 fourth of any term imposed for any other crime the granting of parole
25 shall be subject to approval of the sentencing court. Prior to approving
26 parole, the court shall give the prosecuting attorney notice and an
27 opportunity to be heard. If the court denies the parole of a juvenile
28 pursuant to this paragraph it shall state its reasons in writing and notify
29 the panel established pursuant to subsection b. of this section, the
30 juvenile, and the juvenile's attorney. The court shall have 30 days from
31 the date of notice of the pending parole to exercise the power granted
32 under this paragraph. If the court does not respond within that time
33 period, the parole will be deemed approved.

34 The panel established pursuant to subsection b. of this section shall
35 determine at the time of release the conditions of parole, which shall
36 be appropriately tailored to the needs of each juvenile. Any conditions
37 imposed at the time of release or modified thereafter as a graduated
38 intervention in lieu of initiating parole revocation proceedings shall
39 constitute the least restrictive alternatives necessary to promote the
40 successful return of the juvenile to the community. The juvenile shall
41 not be required to enter or complete a residential community release
42 program, residential treatment program, or other out-of-home
43 placement as a condition of parole unless it is determined that the
44 condition is necessary to protect the safety of the juvenile.

45 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
46 seq.) who is released on parole prior to the expiration of the juvenile's
47 maximum term may be retained under parole supervision for a period
48 not exceeding the unserved portion of the term. The panel established

1 pursuant to subsection b. of this section, the juvenile, the juvenile's
2 attorney, the juvenile's parent or guardian or, with leave of the court
3 any other interested party, may make a motion to the court, with notice
4 to the prosecuting attorney, for the return of the juvenile from a
5 juvenile facility prior to the juvenile's parole and provide for an
6 alternative disposition which would not exceed the duration of the
7 original time to be served in the facility.

8 (3) Upon application by the prosecutor, the court may sentence a
9 juvenile who has been convicted of a crime of the first, second, or
10 third degree if committed by an adult, to an extended term of
11 incarceration beyond the maximum set forth in paragraph (1) of this
12 subsection, if it finds that the juvenile was previously adjudged
13 delinquent on at least two separate occasions, for offenses which, if
14 committed by an adult, would constitute a crime of the first or second
15 degree. The extended term shall not exceed five additional years for an
16 act which would constitute murder and shall not exceed three
17 additional years for all other crimes of the first degree and shall not
18 exceed two additional years for a crime of the second degree, if
19 committed by an adult, and one additional year for a crime of the third
20 degree, if committed by an adult.

21 (4) Upon application by the prosecutor, when a juvenile is before
22 the court at one time for disposition of three or more unrelated
23 offenses which, if committed by an adult, would constitute crimes of
24 the first, second or third degree and which are not part of the same
25 transaction, the court may sentence the juvenile to an extended term of
26 incarceration not to exceed the maximum of the permissible term for
27 the most serious offense for which the juvenile has been adjudicated
28 plus two additional years.

29 (5) The panel established pursuant to subsection b. of this section
30 may impose a term of post-incarceration supervision following the
31 juvenile's release from custody only if it is deemed necessary to
32 effectuate the juvenile's rehabilitation and reintegration into society.
33 Post-incarceration supervision shall not exceed six months, except the
34 term may be extended for an additional six months if the panel
35 established pursuant to subsection b. of this section deems
36 continuation of the post-incarceration supervision necessary to
37 effectuate the juvenile's rehabilitation and reintegration into society.
38 Post-incarceration supervision shall not exceed one year. Post-
39 incarceration supervision shall not be imposed on any juvenile who
40 has completed a period of parole supervision of six months or more.
41 The term of post-incarceration supervision shall commence on the date
42 of the expiration of the juvenile's maximum sentence. During the term
43 of post-incarceration supervision the juvenile shall remain in the
44 community and in the legal custody of the commission. The juvenile
45 shall not be required to enter or complete a residential community
46 release program, residential treatment program, or other out-of-home
47 placement as a condition of post-incarceration supervision. A term of
48 post-incarceration supervision imposed pursuant to this paragraph may

1 be terminated by the panel established pursuant to subsection b. of this
2 section or court if the juvenile has made a satisfactory adjustment in
3 the community while under supervision and if continued supervision is
4 not required.

5 (6) The commission shall review the case of each juvenile
6 sentenced to a term of commitment with the commission at least every
7 three months and submit a status report to the court, the prosecutor,
8 and the counsel for the juvenile. The commission's review and status
9 report shall include, but not be limited to:

- 10 (a) information on the treatment, care, and custody of the juvenile;
- 11 (b) whether the juvenile is receiving the mental health, substance
12 use disorder, educational, and other rehabilitative services necessary to
13 promote the juvenile's successful reintegration into the community;
- 14 (c) any incidents of violence involving the juvenile; and
- 15 (d) the juvenile's eligibility for parole.

16 Counsel for the juvenile shall have the opportunity to respond to
17 the report required pursuant to this paragraph.

18 The commission shall continue to submit quarterly reports to the
19 court until the juvenile is paroled or released at the expiration of the
20 term of incarceration and shall resume the quarterly reviews if the
21 juvenile is returned to the custody of the commission. The court may
22 conduct a hearing at any time to determine whether commitment with
23 the commission continues to be appropriate pursuant to section 24 of
24 P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77
25 (C.2A:4A-44), and may release the juvenile or otherwise modify the
26 dispositional order. Nothing in this paragraph shall abrogate the
27 court's retention of jurisdiction pursuant to section 26 of P.L.1982,
28 c.77 (C.2A:4A-45).

29 e. If the panel established pursuant to subsection b. of this section
30 determines there is probable cause to believe that the juvenile has
31 seriously or persistently violated the terms and conditions of parole,
32 the commission shall conduct a hearing to determine if the juvenile's
33 parole should be revoked. The juvenile shall be represented by
34 counsel at the hearing. The hearing shall be conducted by a hearing
35 officer who is licensed as an attorney-at-law in this State. The juvenile
36 shall not be incarcerated prior to the hearing unless the panel
37 established pursuant to subsection b. of this section determines by
38 objective and credible evidence that the juvenile poses an immediate
39 and substantial danger to public safety. If the juvenile is incarcerated
40 prior to the hearing, the hearing shall be held within 72 hours of the
41 juvenile's return to custody and a written decision made and
42 transmitted to the juvenile and the juvenile's counsel within 48 hours
43 of the hearing. Upon request of counsel for the juvenile, the hearing
44 officer shall adjourn the hearing for not more than 72 hours.
45 Subsequent adjournments may be granted upon request of the juvenile
46 and good cause shown.

1 The panel established pursuant to subsection b. of this section shall
2 not revoke the parole of a juvenile unless the hearing officer
3 determines, by clear and convincing evidence, that:

4 (1) the juvenile has seriously or persistently violated the conditions
5 of parole;

6 (2) the juvenile poses a substantial danger to public safety and no
7 form of community-based supervision would alleviate that danger; and

8 (3) revocation is consistent with the provisions of section 2 of
9 P.L.1982, c.77 (C.2A:4A-21).

10 The procedures and standards set forth in sections 15 through 21 of
11 P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall apply to
12 juvenile parole revocation hearings, unless the procedures and
13 standards conflict with those set forth in this subsection.

14 Notwithstanding a determination that the juvenile violated a
15 condition of parole, the panel established pursuant to subsection b. of
16 this section may modify those conditions.

17 f. The panel established pursuant to subsection b. of this section
18 may relieve a juvenile of any parole conditions, and may permit a
19 parolee to reside outside the State pursuant to the provisions of the
20 Interstate Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),
21 and after providing notice to the Attorney General, may consent to the
22 supervision of a parolee by the federal government pursuant to the
23 federal Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521
24 et seq.). The panel established pursuant to subsection b. of this section
25 may revoke permission, except in the case of a juvenile under the
26 Witness Security Reform Act, or reinstate relieved parole conditions
27 for any period of time during which a juvenile is under its jurisdiction.

28 g. The commission shall promulgate rules and regulations
29 governing the commission's duties and responsibilities concerning
30 parole eligibility, supervision, and revocation.

31 h. The member of the State Parole Board who is designated by
32 the chairman to be on the panel established pursuant to subsection b.
33 of this section shall have experience in juvenile justice or have
34 successfully completed a juvenile justice training program to be
35 established by the chairman. The training program shall be comprised
36 of seven hours of instruction including, but not limited to: emerging
37 scientific knowledge concerning adolescent development, particularly
38 adolescent brain function and how adolescent development relates to
39 incarcerated youth, the influence of peer relationships among
40 adolescents and peer contagion effects, and the effects of juvenile
41 crime on victims.

42 i. Any decision concerning parole made by the panel established
43 pursuant to subsection b. of this section shall be unanimous.
44 (cf: P.L.2023, c.177, s.2)

45
46 9. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to
47 read as follows:

1 1. The **【Juvenile】 Youth** Justice Commission established
 2 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) may enter
 3 into an agreement with any county concerning the use of that
 4 county's juvenile detention facility for the housing of juveniles the
 5 court has placed under the custody of the commission for placement
 6 in State correctional facilities only if the county's juvenile detention
 7 facility is not over its maximum rated capacity.

8 Unless the contract otherwise provides or the commission so
 9 directs in order to provide for the secure and orderly operation of
 10 the facility, a juvenile placed in a county detention facility pursuant
 11 to the provisions of this act shall not be segregated from the
 12 juveniles otherwise placed in the county detention facility or
 13 excluded from any program or activity offered in that facility.

14 Any contract entered into pursuant to this section shall ensure
 15 that educational, vocational, mental health, health and rehabilitative
 16 services are provided to the juveniles and that these services are, at
 17 minimum, equivalent to those provided to adjudicated juveniles in
 18 State-operated facilities.

19 (cf: P.L.1995, c.280, s.12)

20

21 10. Section 2 of P.L.2020, c.111 (C.2A:4A-44.2) is amended to
 22 read as follows:

23 2. a. Except as provided in subsection b. of this section, the
 24 award of public health emergency credits pursuant to section 1 of
 25 P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile
 26 serving a sentence in a State correctional facility operated by the
 27 **【Juvenile】 Youth** Justice Commission who due to the expiration of
 28 the juvenile's term of commitment is scheduled to be released from
 29 custody within 365 days .

30 b. Public health emergency credits shall not be awarded to any
 31 juvenile serving a sentence in a State correctional facility operated
 32 by the **【Juvenile】 Youth** Justice Commission for:

33 (1) murder pursuant to N.J.S.2C:11-3;

34 (2) aggravated sexual assault pursuant to subsection a. of
 35 N.J.S.2C:14-2; or

36 (3) any offense enumerated in N.J.S.2C:47-1 and who is deemed
 37 a repetitive, compulsive sex offender.

38 c. A juvenile who was serving a sentence in a State
 39 correctional facility operated by the **【Juvenile】 Youth** Justice
 40 Commission during the Public Health Emergency and State of
 41 Emergency declared by the Governor in Executive Order 103 of
 42 2020 concerning the coronavirus disease 2019 pandemic shall
 43 receive public health emergency credits in accordance with section
 44 1 of P.L.2020, c.111 (C.30:4-123.100).

45 d. A juvenile scheduled to be released from the custody of the
 46 **【Juvenile】 Youth** Justice Commission following an award of public
 47 health emergency credits pursuant to section 1 of P.L.2020, c.111

(C.30:4-123.100) shall be released on the scheduled release date based on the award of public health emergency credits.

e. (1) Notwithstanding the provisions of subsection d. of this section, a juvenile scheduled to be released from the custody of the **【Juvenile】 Youth** Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100) whose scheduled release date is less than 45 days after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.) shall be released within 45 days after the effective date, in order to allow the **【Juvenile】 Youth** Justice Commission to devise and implement a release plan for the juvenile and arrange for services to be provided to the juvenile upon release.

(2) A juvenile who is released from custody following an award of public health emergency credits pursuant to this section shall be prohibited from making contact with a victim as set forth in section 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall remain in force until the time that the juvenile was scheduled to be released prior to the award of public health emergency credits.

f. Prior to releasing a juvenile from the custody of the **【Juvenile】 Youth** Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the Executive Director of the **【Juvenile】 Youth** Justice Commission shall:

(1) notify the juvenile in writing of the prohibition against making contact with any victim of the crime for which the juvenile was serving a sentence pursuant to section 5 of P.L.2020, c.111 (C.30:4-123.103);

(2) notify the juvenile that a violation of the prohibition against contact with the victim is a crime of the fourth degree; and

(3) require the juvenile to acknowledge in writing the receipt of the notifications provided pursuant to this subsection.

(cf: P.L.2020, c.111, s.2)

11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to read as follows:

6. a. The Executive Director of the **【Juvenile】 Youth** Justice Commission shall immediately identify any juvenile who is scheduled to be released from the custody of the **【Juvenile】 Youth** Justice Commission within 365 days as a result of the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100).

b. Notwithstanding any provisions of law to the contrary, the Executive Director of the **【Juvenile】 Youth** Justice Commission shall provide notice to the prosecutor of the county in which the juvenile was adjudicated delinquent or the Attorney General if the matter was prosecuted by the Attorney General. The notice shall include:

- 1 (1) the name of any juvenile who, due to the expiration of the
- 2 juvenile's term of commitment, is scheduled to be released from the
- 3 custody of the **【Juvenile】 Youth** Justice Commission within 365
- 4 days as a result of the award of public health emergency credits;
- 5 (2) the date on which the juvenile is scheduled to be released
- 6 from custody based on the award of public health emergency
- 7 credits; and
- 8 (3) the date on which the juvenile was scheduled to be released
- 9 from custody prior to the award of public health emergency credits.
- 10 c. The Executive Director of the **【Juvenile】 Youth** Justice
- 11 Commission shall make available to the public on the Internet
- 12 website of the **【Juvenile】 Youth** Justice Commission, in both
- 13 English and Spanish, information concerning:
- 14 (1) the procedures for filing an application for a restraining
- 15 order pursuant to the "Prevention of Domestic Violence Act of
- 16 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);
- 17 (2) resources for victims of domestic violence; and
- 18 (3) procedures for filing with the court a petition to dissolve the
- 19 prohibition established pursuant to section 5 of P.L.2020, c.111
- 20 (C.30:4-123.103) prohibiting a juvenile from making contact with
- 21 any victim of the crime for which the juvenile was serving a
- 22 sentence.
- 23 (cf: P.L.2020, c.111, s.6)
- 24
- 25 12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to
- 26 read as follows:
- 27 7. Notwithstanding the provisions of any law to the contrary,
- 28 upon receipt of notice from the Executive Director of the
- 29 **【Juvenile】 Youth** Justice Commission that a juvenile is scheduled
- 30 to be released from the custody of the **【Juvenile】 Youth** Justice
- 31 Commission within 365 days based on the award of public health
- 32 emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-
- 33 123.100), the prosecutor or Attorney General, prior to the juvenile's
- 34 scheduled release date, may:
- 35 a. use any reasonable means available to notify any identifiable
- 36 victim of the crime for which the juvenile is serving a sentence in a
- 37 State correctional facility operated by the **【Juvenile】 Youth** Justice
- 38 Commission of the juvenile's scheduled release date;
- 39 b. notify the identifiable victim that the law prohibits the
- 40 juvenile from having any contact with the victim unless a petition is
- 41 filed with the court to dissolve the prohibition in accordance with
- 42 the procedures established by the court;
- 43 c. notify the victim of the duration of the prohibition against
- 44 the juvenile having contact with the victim;
- 45 d. notify the victim of the penalties imposed for the juvenile's
- 46 violation of the prohibition against contact;

- 1 e. provide information to the victim concerning how a petition
- 2 may be filed with the court to dissolve the prohibition against the
- 3 juvenile having contact with the victim; and
- 4 f. provide information to the victim concerning the procedures
- 5 for filing an application for a restraining order pursuant to the
- 6 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
- 7 (C.2C:25-17 et seq.), and resources for victims of domestic
- 8 violence.
- 9 (cf: P.L.2020, c.111, s.7)
- 10
- 11 13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
- 12 read as follows:
- 13 1. Disclosure of juvenile information; penalties for disclosure.
- 14 a. Social, medical, psychological, legal and other records of the
- 15 court and probation division, and records of law enforcement
- 16 agencies, pertaining to juveniles charged as a delinquent or found to
- 17 be part of a juvenile-family crisis, shall be strictly safeguarded from
- 18 public inspection. Such records shall be made available only to:
- 19 (1) Any court or probation division;
- 20 (2) The Attorney General or county prosecutor;
- 21 (3) The parents or guardian and to the attorney of the juvenile;
- 22 (4) The Department of Human Services or Department of
- 23 Children and Families, if providing care or custody of the juvenile;
- 24 (5) Any institution or facility to which the juvenile is currently
- 25 committed or in which the juvenile is placed;
- 26 (6) Any person or agency interested in a case or in the work of
- 27 the agency keeping the records, by order of the court for good cause
- 28 shown, except that information concerning adjudications of
- 29 delinquency, records of custodial confinement, payments owed on
- 30 assessments imposed pursuant to section 2 of P.L.1979, c.396
- 31 (C.2C:43-3.1) or restitution ordered following conviction of a crime
- 32 or adjudication of delinquency, and the juvenile's financial
- 33 resources, shall be made available upon request to the Victims of
- 34 Crime Compensation Agency established pursuant to section 2 of
- 35 P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information
- 36 and records confidential;
- 37 (7) The **【Juvenile】** Youth Justice Commission established
- 38 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);
- 39 (8) Law enforcement agencies for the purpose of reviewing
- 40 applications for a permit to purchase a handgun or firearms
- 41 purchaser identification card;
- 42 (9) Any potential party in a subsequent civil action for damages
- 43 related to an act of delinquency committed by a juvenile, including
- 44 the victim or a member of the victim's immediate family, regardless
- 45 of whether the action has been filed against the juvenile; provided,
- 46 however, that records available under this paragraph shall be
- 47 limited to official court documents, such as complaints, pleadings
- 48 and orders, and that such records may be disclosed by the recipient

1 only in connection with asserting legal claims or obtaining
 2 indemnification on behalf of the victim or the victim's family and
 3 otherwise shall be safeguarded from disclosure to other members of
 4 the public. Any potential party in a civil action related to the
 5 juvenile offense may file a motion with the civil trial judge seeking
 6 to have the juvenile's social, medical or psychological records
 7 admitted into evidence in a civil proceeding for damages;

8 (10) Any potential party in a subsequent civil action for
 9 damages related to an act of delinquency committed by a juvenile,
 10 including the victim or a member of the victim's immediate family,
 11 regardless of whether the action has been filed against the juvenile;
 12 provided, however, that records available under this paragraph shall
 13 be limited to police or investigation reports concerning acts of
 14 delinquency, which shall be disclosed by a law enforcement agency
 15 only with the approval of the County Prosecutor's Office or the
 16 Division of Criminal Justice. Prior to disclosure, all personal
 17 information regarding all individuals, other than the requesting
 18 party and the arresting or investigating officer, shall be redacted.
 19 Such records may be disclosed by the recipient only in connection
 20 with asserting legal claims or obtaining indemnification on behalf
 21 of the victim or the victim's family, and otherwise shall be
 22 safeguarded from disclosure to other members of the public;

23 (11) The Office of the Child Advocate established pursuant to
 24 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
 25 information received by the child advocate pursuant to this
 26 paragraph shall be in accordance with the provisions of section 76
 27 of P.L.2005, c.155 (C.52:27EE-76);

28 (12) Law enforcement agencies with respect to information
 29 available on the juvenile central registry maintained by the courts
 30 pursuant to subsection g. of this section, including, but not limited
 31 to: records of official court documents, such as complaints,
 32 pleadings and orders for the purpose of obtaining juvenile arrest
 33 information; juvenile disposition information; juvenile pretrial
 34 information; and information concerning the probation status of a
 35 juvenile; and

36 (13) A Court Appointed Special Advocate as defined in section
 37 1 of P.L.2009, c.217 (C.2A:4A-92).

38 b. Records of law enforcement agencies may be disclosed for
 39 law enforcement purposes, or for the purpose of reviewing
 40 applications for a permit to purchase a handgun or a firearms
 41 purchaser identification card to any law enforcement agency of this
 42 State, another state or the United States, and the identity of a
 43 juvenile under warrant for arrest for commission of an act that
 44 would constitute a crime if committed by an adult may be disclosed
 45 to the public when necessary to execution of the warrant.

46 c. At the time of charge, adjudication or disposition,
 47 information as to the identity of a juvenile charged with an offense,

1 the offense charged, the adjudication and disposition shall, upon
2 request, be disclosed to:

3 (1) The victim or a member of the victim's immediate family;

4 (2) (Deleted by amendment, P.L.2005, c.165).

5 (3) On a confidential basis, the principal of the school where the
6 juvenile is enrolled for use by the principal and such members of
7 the staff and faculty of the school as the principal deems
8 appropriate for maintaining order, safety or discipline in the school
9 or to planning programs relevant to the juvenile's educational and
10 social development, provided that no record of such information
11 shall be maintained except as authorized by regulation of the
12 Department of Education; or

13 (4) A party in a subsequent legal proceeding involving the
14 juvenile, upon approval by the court.

15 d. A law enforcement or prosecuting agency shall, at the time
16 of a charge, adjudication or disposition, send written notice to the
17 principal of the school where the juvenile is enrolled of the identity
18 of the juvenile charged, the offense charged, the adjudication and
19 the disposition if:

20 (1) The offense occurred on school property or a school bus,
21 occurred at a school-sponsored function or was committed against
22 an employee or official of the school; or

23 (2) The juvenile was taken into custody as a result of
24 information or evidence provided by school officials; or

25 (3) The offense, if committed by an adult, would constitute a
26 crime, and the offense:

27 (a) resulted in death or serious bodily injury or involved an
28 attempt or conspiracy to cause death or serious bodily injury; or

29 (b) involved the unlawful use or possession of a firearm or other
30 weapon; or

31 (c) involved the unlawful manufacture, distribution or
32 possession with intent to distribute a controlled dangerous
33 substance or controlled substance analog; or

34 (d) was committed by a juvenile who acted with a purpose to
35 intimidate an individual or group of individuals because of race,
36 color, religion, sexual orientation or ethnicity; or

37 (e) would be a crime of the first, second, or third degree.

38 Information provided to the principal pursuant to this subsection
39 shall be maintained by the school and shall be treated as
40 confidential but may be made available to such members of the staff
41 and faculty of the school as the principal deems appropriate for
42 maintaining order, safety or discipline in the school or for planning
43 programs relevant to a juvenile's educational and social
44 development.

45 e. Nothing in this section prohibits a law enforcement or
46 prosecuting agency from providing the principal of a school with
47 information identifying one or more juveniles who are under
48 investigation or have been taken into custody for commission of any

1 act that would constitute an offense if committed by an adult when
2 the law enforcement or prosecuting agency determines that the
3 information may be useful to the principal in maintaining order,
4 safety or discipline in the school or in planning programs relevant
5 to the juvenile's educational and social development. Information
6 provided to the principal pursuant to this subsection shall be treated
7 as confidential but may be made available to such members of the
8 staff and faculty of the school as the principal deems appropriate for
9 maintaining order, safety or discipline in the school or for planning
10 programs relevant to the juvenile's educational and social
11 development. No information provided pursuant to this section
12 shall be maintained.

13 f. Information as to the identity of a juvenile adjudicated
14 delinquent, the offense, the adjudication and the disposition shall be
15 disclosed to the public where the offense for which the juvenile has
16 been adjudicated delinquent if committed by an adult, would
17 constitute a crime of the first, second or third degree, or aggravated
18 assault, destruction or damage to property to an extent of more than
19 \$500.00, unless upon application at the time of disposition the
20 juvenile demonstrates a substantial likelihood that specific and
21 extraordinary harm would result from such disclosure in the specific
22 case. Where the court finds that disclosure would be harmful to the
23 juvenile, the reasons therefor shall be stated on the record.

24 g. (1) Nothing in this section shall prohibit the establishment
25 and maintaining of a central registry of the records of law
26 enforcement agencies relating to juveniles for the purpose of
27 exchange between State and local law enforcement agencies and
28 prosecutors of this State, another state, or the United States. These
29 records of law enforcement agencies shall be available on a 24-hour
30 basis.

31 (2) Certain information and records relating to juveniles in the
32 central registry maintained by the courts, as prescribed in paragraph
33 (12) of subsection a. of this section, shall be available to State and
34 local law enforcement agencies and prosecutors on a 24-hour basis.

35 h. Whoever, except as provided by law, knowingly discloses,
36 publishes, receives, or makes use of or knowingly permits the
37 unauthorized use of information concerning a particular juvenile
38 derived from records listed in subsection a. or acquired in the
39 course of court proceedings, probation, or police duties, shall, upon
40 conviction thereof, be guilty of a disorderly persons offense.

41 i. Juvenile delinquency proceedings.

42 (1) Except as provided in paragraph (2) of this subsection, the
43 court may, upon application by the juvenile or his parent or
44 guardian, the prosecutor or any other interested party, including the
45 victim or complainant or members of the news media, permit public
46 attendance during any court proceeding at a delinquency case,
47 where it determines that a substantial likelihood that specific harm
48 to the juvenile would not result. The court shall have the authority

1 to limit and control attendance in any manner and to the extent it
2 deems appropriate;

3 (2) The court or, in cases where the county prosecutor has
4 entered an appearance, the county prosecutor shall notify the victim
5 or a member of the victim's immediate family of any court
6 proceeding involving the juvenile and the court shall permit the
7 attendance of the victim or family member at the proceeding except
8 when, prior to completing testimony as a witness, the victim or
9 family member is properly sequestered in accordance with the law
10 or the Rules Governing the Courts of the State of New Jersey or
11 when the juvenile or the juvenile's family member shows, by clear
12 and convincing evidence, that such attendance would result in a
13 substantial likelihood that specific harm to the juvenile would result
14 from the attendance of the victim or a family member at a
15 proceeding or any portion of a proceeding and that such harm
16 substantially outweighs the interest of the victim or family member
17 to attend that portion of the proceeding;

18 (3) The court shall permit a victim, or a family member of a
19 victim to make a statement prior to ordering a disposition in any
20 delinquency proceeding involving an offense that would constitute a
21 crime if committed by an adult.

22 j. The Department of Education, in consultation with the
23 Attorney General, shall adopt, pursuant to the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
25 regulations concerning the creation, maintenance and disclosure of
26 pupil records including information acquired pursuant to this
27 section.

28 (cf: P.L.2009, c.217, s.2)

29

30 14. N.J.S.2C:4-11 is amended to read as follows:

31 2C:4-11. a. A person shall not be tried for or convicted of an
32 offense if:

33 (1) At the time of the conduct charged to constitute the offense
34 he was less than 14 years of age, in which case the family court
35 shall have exclusive jurisdiction unless pursuant to section 8 of the
36 "New Jersey Code of **【Juvenile】** Youth Justice" the juvenile has
37 demanded indictment and trial by jury; or

38 (2) At the time of the conduct charged to constitute the offense
39 he was 14, 15, 16 or 17 years of age, unless:

40 (a) The family court has no jurisdiction over him;

41 (b) The family court has, pursuant to section 7 of the "New
42 Jersey Code of **【Juvenile】** Youth Justice," entered an order waiving
43 jurisdiction and referring the case to the county prosecutor for the
44 institution of criminal proceedings against him;

45 (c) The juvenile has, pursuant to section 8 of the "New Jersey
46 Code of **【Juvenile】** Youth Justice," demanded indictment and trial
47 by jury.

1 b. No court shall have jurisdiction to try and convict a person
 2 of an offense if criminal proceedings against him are barred by
 3 subsection a. of this section. When it appears that a person charged
 4 with the commission of an offense may be of such an age that
 5 proceedings may be barred under subsection a. of this section, the
 6 court shall hold a hearing thereon, and the burden shall be on such
 7 person to establish to the satisfaction of the court that the
 8 proceeding is barred upon such grounds. If the court determines
 9 that the proceeding is barred, custody of the person charged shall be
 10 surrendered to the family court and the case, including all papers
 11 and processes relating thereto shall be transferred.

12 (cf: P.L.1982, c.77, s.32)

13

14 15. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
 15 as follows:

16 2. a. (1) A person who has been convicted, adjudicated
 17 delinquent or found not guilty by reason of insanity for commission
 18 of a sex offense as defined in subsection b. of this section shall
 19 register as provided in subsections c. and d. of this section.

20 (2) A person who in another jurisdiction is required to register
 21 as a sex offender and (a) is enrolled on a full-time or part-time basis
 22 in any public or private educational institution in this State,
 23 including any secondary school, trade or professional institution,
 24 institution of higher education or other post-secondary school, or
 25 (b) is employed or carries on a vocation in this State, on either a
 26 full-time or a part-time basis, with or without compensation, for
 27 more than 14 consecutive days or for an aggregate period exceeding
 28 30 days in a calendar year, shall register in this State as provided in
 29 subsections c. and d. of this section.

30 (3) A person who fails to register as required under this act shall
 31 be guilty of a crime of the third degree.

32 b. For the purposes of this act a sex offense shall include the
 33 following:

34 (1) Aggravated sexual assault, sexual assault, aggravated
 35 criminal sexual contact, kidnapping pursuant to paragraph (2) of
 36 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
 37 crimes if the court found that the offender's conduct was
 38 characterized by a pattern of repetitive, compulsive behavior,
 39 regardless of the date of the commission of the offense or the date
 40 of conviction;

41 (2) A conviction, adjudication of delinquency, or acquittal by
 42 reason of insanity for aggravated sexual assault; sexual assault;
 43 aggravated criminal sexual contact; kidnapping pursuant to
 44 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
 45 welfare of a child by engaging in sexual conduct which would
 46 impair or debauch the morals of the child pursuant to subsection a.
 47 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
 48 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or

1 (ii) of subparagraph (b) of paragraph (5) of subsection b. of
 2 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
 3 c.291 (C.2C:13-6); criminal sexual contact pursuant to
 4 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to
 5 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false
 6 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
 7 the offender is not the parent of the victim; knowingly promoting
 8 prostitution of a child pursuant to paragraph (3) or paragraph (4) of
 9 subsection b. of N.J.S.2C:34-1; leader of a child pornography
 10 network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or
 11 an attempt to commit any of these enumerated offenses if the
 12 conviction, adjudication of delinquency or acquittal by reason of
 13 insanity is entered on or after the effective date of this act or the
 14 offender is serving a sentence of incarceration, probation, parole or
 15 other form of community supervision as a result of the offense or is
 16 confined following acquittal by reason of insanity or as a result of
 17 civil commitment on the effective date of this act;

18 (3) A conviction, adjudication of delinquency, or acquittal by
 19 reason of insanity for an offense similar to any offense enumerated
 20 in paragraph (2) or a sentence on the basis of criteria similar to the
 21 criteria set forth in paragraph (1) of this subsection entered or
 22 imposed under the laws of the United States, this State, or another
 23 state.

24 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)
 25 of this subsection, a sex offense shall not include an adjudication of
 26 delinquency for endangering the welfare of a child pursuant to
 27 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that
 28 the actor demonstrates that:

29 (a) the facts of the case are limited to the creation, exhibition or
 30 distribution of a photograph depicting nudity or portraying a child
 31 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
 32 through the use of an electronic communications device, an
 33 interactive wireless communications device, or a computer;

34 (b) the creator and subject of the photograph are juveniles or
 35 were juveniles at the time of its making; and

36 (c) the subject of the photograph whose nudity is depicted or
 37 who is portrayed in a sexually suggestive manner, as the case may
 38 be, knowingly consented to the making of the photograph.

39 c. A person required to register under the provisions of this act
 40 shall do so on forms to be provided by the designated registering
 41 agency as follows:

42 (1) A person who is required to register and who is under
 43 supervision in the community on probation, parole, furlough, work
 44 release, or a similar program, shall register at the time the person is
 45 placed under supervision or no later than 120 days after the
 46 effective date of this act, whichever is later, in accordance with
 47 procedures established by the Department of Corrections, the
 48 Department of Human Services, the **【Juvenile】** Youth Justice

1 Commission established pursuant to section 2 of P.L.1995, c.284
2 (C.52:17B-170) or the Administrative Office of the Courts,
3 whichever is responsible for supervision;

4 (2) A person confined in a correctional or juvenile facility or
5 involuntarily committed who is required to register shall register
6 prior to release in accordance with procedures established by the
7 Department of Corrections, the Department of Human Services or
8 the **【Juvenile】 Youth** Justice Commission and, within 48 hours of
9 release, shall also register with the chief law enforcement officer of
10 the municipality in which the person resides or, if the municipality
11 does not have a local police force, the Superintendent of State
12 Police;

13 (3) A person moving to or returning to this State from another
14 jurisdiction shall register with the chief law enforcement officer of
15 the municipality in which the person will reside or, if the
16 municipality does not have a local police force, the Superintendent
17 of State Police within 120 days of the effective date of this act or 10
18 days of first residing in or returning to a municipality in this State,
19 whichever is later;

20 (4) A person required to register on the basis of a conviction
21 prior to the effective date who is not confined or under supervision
22 on the effective date of this act shall register within 120 days of the
23 effective date of this act with the chief law enforcement officer of
24 the municipality in which the person will reside or, if the
25 municipality does not have a local police force, the Superintendent
26 of State Police;

27 (5) A person who in another jurisdiction is required to register
28 as a sex offender and who is enrolled on a full-time or part-time
29 basis in any public or private educational institution in this State,
30 including any secondary school, trade or professional institution,
31 institution of higher education or other post-secondary school shall,
32 within ten days of commencing attendance at such educational
33 institution, register with the chief law enforcement officer of the
34 municipality in which the educational institution is located or, if the
35 municipality does not have a local police force, the Superintendent
36 of State Police;

37 (6) A person who in another jurisdiction is required to register
38 as a sex offender and who is employed or carries on a vocation in
39 this State, on either a full-time or a part-time basis, with or without
40 compensation, for more than 14 consecutive days or for an
41 aggregate period exceeding 30 days in a calendar year, shall, within
42 ten days after commencing such employment or vocation, register
43 with the chief law enforcement officer of the municipality in which
44 the employer is located or where the vocation is carried on, as the
45 case may be, or, if the municipality does not have a local police
46 force, the Superintendent of State Police;

47 (7) In addition to any other registration requirements set forth in
48 this section, a person required to register under this act who is

1 enrolled at, employed by or carries on a vocation at an institution of
2 higher education or other post-secondary school in this State shall,
3 within 10 days after commencing such attendance, employment or
4 vocation, register with the law enforcement unit of the educational
5 institution, if the institution has such a unit.

6 d. (1) Upon a change of address, a person shall notify the law
7 enforcement agency with which the person is registered and shall
8 re-register with the appropriate law enforcement agency no less
9 than 10 days before he intends to first reside at his new address.
10 Upon a change of employment or school enrollment status, a person
11 shall notify the appropriate law enforcement agency no later than
12 five days after any such change. A person who fails to notify the
13 appropriate law enforcement agency of a change of address or status
14 in accordance with this subsection is guilty of a crime of the third
15 degree.

16 (2) A person required to register under this act shall provide the
17 appropriate law enforcement agency with information as to whether
18 the person has routine access to or use of a computer or any other
19 device with Internet capability. A person who fails to notify the
20 appropriate law enforcement agency of such information or of a
21 change in the person's access to or use of a computer or other
22 device with Internet capability or who provides false information
23 concerning the person's access to or use of a computer or any other
24 device with Internet capability is guilty of a crime of the third
25 degree.

26 e. A person required to register under paragraph (1) of
27 subsection b. of this section or under paragraph (3) of subsection b.
28 due to a sentence imposed on the basis of criteria similar to the
29 criteria set forth in paragraph (1) of subsection b. shall verify his
30 address with the appropriate law enforcement agency every 90 days
31 in a manner prescribed by the Attorney General. A person required
32 to register under paragraph (2) of subsection b. of this section or
33 under paragraph (3) of subsection b. on the basis of a conviction for
34 an offense similar to an offense enumerated in paragraph (2) of
35 subsection b. shall verify his address annually in a manner
36 prescribed by the Attorney General. In addition to address
37 information, the person shall provide as part of the verification
38 process any additional information the Attorney General may
39 require. One year after the effective date of this act, the Attorney
40 General shall review, evaluate and, if warranted, modify pursuant to
41 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.) the verification requirement. Any person who knowingly
43 provides false information concerning his place of residence or who
44 fails to verify his address with the appropriate law enforcement
45 agency or other entity, as prescribed by the Attorney General in
46 accordance with this subsection, is guilty of a crime of the third
47 degree.

1 f. Except as provided in subsection g. of this section, a person
2 required to register under this act may make application to the
3 Superior Court of this State to terminate the obligation upon proof
4 that the person has not committed an offense within 15 years
5 following conviction or release from a correctional facility for any
6 term of imprisonment imposed, whichever is later, and is not likely
7 to pose a threat to the safety of others.

8 g. A person required to register under this section who has
9 been convicted of, adjudicated delinquent, or acquitted by reason of
10 insanity for more than one sex offense as defined in subsection b. of
11 this section or who has been convicted of, adjudicated delinquent,
12 or acquitted by reason of insanity for aggravated sexual assault
13 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
14 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
15 eligible under subsection f. of this section to make application to
16 the Superior Court of this State to terminate the registration
17 obligation.

18 (cf: P.L.2017, c.141, s.3)

19

20 16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
21 as follows:

22 3. Notice of the obligation to register shall be provided as
23 follows:

24 (1) A court imposing a sentence, disposition or order of
25 commitment following acquittal by reason of insanity shall notify
26 the defendant of the obligation to register pursuant to section 2 of
27 this act.

28 (2) The Department of Corrections, the Administrative Office of
29 the Courts, the **【Juvenile】 Youth** Justice Commission established
30 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and the
31 Department of Human Services shall (a) establish procedures for
32 notifying persons under their supervision of the obligation to
33 register pursuant to this act and (b) establish procedures for
34 registration by persons with the appropriate law enforcement
35 agency who are under supervision in the community on probation,
36 parole, furlough, work release or similar program outside the
37 facility, and registration with the appropriate law enforcement
38 agency of persons who are released from the facility in which they
39 are confined without supervision.

40 (3) The Division of Motor Vehicles in the Department of Law
41 and Public Safety shall provide notice of the obligation to register
42 pursuant to this section in connection with each application for a
43 license to operate a motor vehicle and each application for an
44 identification card issued pursuant to section 2 of P.L.1980, c.47
45 (C.39:3-29.3).

46 (4) The Attorney General shall cause notice of the obligation to
47 register to be published in a manner reasonably calculated to reach

1 the general public within 30 days of the effective date of this act.
2 (cf: P.L.1995, c.280, s.19)

3

4 17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
5 as follows:

6 4. a. Within 60 days of the effective date of this act, the
7 Superintendent of State Police, with the approval of the Attorney
8 General, shall prepare the form of registration statement as required
9 in subsection b. of this section and shall provide such forms to each
10 organized full-time municipal police department, the Department of
11 Corrections, the Administrative Office of the Courts and the
12 Department of Human Services. In addition, the Superintendent of
13 State Police shall make such forms available to the **【Juvenile】**
14 Youth Justice Commission established pursuant to section 2 of
15 P.L.1995, c.284 (C.52:17B-170).

16 b. The form of registration required by this act shall include:

17 (1) A statement in writing signed by the person required to
18 register acknowledging that the person has been advised of the duty
19 to register and reregister imposed by this act and including the
20 person's name, social security number, age, race, sex, date of birth,
21 height, weight, hair and eye color, address of legal residence,
22 address of any current temporary residence, date and place of
23 employment; and any anticipated or current school enrollment,
24 including but not limited to enrollment at or employment by any
25 institution of higher education;

26 (2) Date and place of each conviction, adjudication or acquittal
27 by reason of insanity, indictment number, fingerprints, and a brief
28 description of the crime or crimes for which registration is required;
29 and

30 (3) Any other information that the Attorney General deems
31 necessary to assess risk of future commission of a crime, including
32 criminal and corrections records, nonprivileged personnel,
33 treatment, and abuse registry records, and evidentiary genetic
34 markers when available.

35 c. Within three days of receipt of a registration pursuant to
36 subsection c. of section 2 of this act, the registering agency shall
37 forward the statement and any other required information to the
38 prosecutor who shall, as soon as practicable, transmit the form of
39 registration to the Superintendent of State Police, and, if the
40 registrant will reside in a different county, to the prosecutor of the
41 county in which the person will reside. The prosecutor of the
42 county in which the person will reside shall transmit the form of
43 registration to the law enforcement agency responsible for the
44 municipality in which the person will reside and other appropriate
45 law enforcement agencies. The superintendent shall promptly
46 transmit the conviction data and fingerprints to the Federal Bureau
47 of Investigation.

1 d. The Superintendent of State Police shall maintain a central
2 registry of registrations provided pursuant to this act.
3 (cf: P.L.2003, c.34, s.2)

4
5 18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
6 read as follows:

7 2. Application for Temporary Protective Order.

8 a. (1) Any person alleging to be a victim of nonconsensual sexual
9 contact, sexual penetration, or lewdness, or any attempt at such
10 conduct, or stalking or cyber-harassment, and who is not eligible for
11 a restraining order as a "victim of domestic violence" as defined by
12 the provisions of subsection d. of section 3 of P.L.1991, c.261
13 (C.2C:25-19), may, except as provided in subsection b. of this
14 section, file an application with the Superior Court pursuant to the
15 Rules of Court alleging the commission of such conduct or
16 attempted conduct and seeking a temporary protective order.

17 As used in this section and in sections 3, 4, and 8 of P.L.2015,
18 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

19 "Sexual contact" means an intentional touching by the victim or
20 actor, either directly or through clothing, of the victim's or actor's
21 intimate parts for the purpose of degrading or humiliating the victim
22 or sexually arousing or sexually gratifying the actor.

23 "Sexual penetration" means vaginal intercourse, cunnilingus,
24 fellatio or anal intercourse between persons or insertion of the hand,
25 finger or object into the anus or vagina either by the actor or upon
26 the actor's instruction.

27 "Lewdness" means the exposing of the genitals for the purpose
28 of arousing or gratifying the sexual desire of the actor or of any
29 other person.

30 "Intimate parts" means the following body parts: sexual organs,
31 genital area, anal area, inner thigh, groin, buttock or breast of a
32 person.

33 "Stalking" means purposefully or knowingly engaging in a
34 course of conduct directed at or toward a person that would cause a
35 reasonable person to fear for the reasonable person's own safety or
36 the safety of a third person, or suffer other emotional distress,
37 because the conduct involves: repeatedly maintaining a visual or
38 physical proximity to a person; directly, indirectly, or through third
39 parties, by any action, method, device, or means, following,
40 monitoring, observing, surveilling, threatening, or communicating
41 to or about a person, or interfering with a person's property;
42 repeatedly committing harassment against a person; or repeatedly
43 conveying, or causing to be conveyed, verbal or written threats or
44 threats conveyed by any other means of communication or threats
45 implied by conduct or a combination thereof directed at or towards
46 a person.

47 "Repeatedly" means on two or more occasions.

1 "Emotional distress" means significant mental suffering or
2 distress.

3 "Cause a reasonable person to fear" means to cause fear which a
4 reasonable victim, similarly situated, would have under the
5 circumstances.

6 "Cyber-harassment" means conduct that occurs, while making
7 one or more communications in an online capacity via any
8 electronic device or through a social networking site and with the
9 purpose to harass another, that involves: threatening to inflict injury
10 or physical harm to any person or the property of any person;
11 knowingly sending, posting, commenting, requesting, suggesting, or
12 proposing any lewd, indecent, or obscene material to or about a
13 person with the intent to emotionally harm a reasonable person or
14 place a reasonable person in fear of physical or emotional harm to
15 the reasonable person; or threatening to commit any crime against a
16 person or the person's property.

17 (2) Except as provided in subsection b. of this section, an
18 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
19 be filed by the alleged victim's parent or guardian on behalf of the
20 alleged victim in any case in which the alleged victim:

21 (a) is less than 18 years of age; or

22 (b) has a developmental disability as defined in section 3 of
23 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
24 renders the alleged victim temporarily or permanently incapable of
25 understanding the nature of the alleged victim's conduct, including,
26 but not limited to, being incapable of providing consent, or of
27 understanding the nature of the alleged conduct that is the subject of
28 the application.

29 b. (1) When it is alleged that nonconsensual sexual contact,
30 sexual penetration, or lewdness, or any attempt at such conduct, or
31 stalking or cyber-harassment has been committed by an
32 unemancipated minor, an applicant seeking a protective order shall
33 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
34 al.), but may seek a protective order and other relief under the "New
35 Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982, c.77
36 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
37 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

38 (2) When it is alleged that nonconsensual sexual contact, sexual
39 penetration, or lewdness, or any attempt at such conduct, or stalking
40 or cyber-harassment has been committed against an unemancipated
41 minor by a parent, guardian, or other person having care, custody
42 and control of that child as defined in R.S.9:6-2, an applicant
43 seeking a protective order shall not proceed under the provisions of
44 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
45 the Department of Children and Families for appropriate action.

46 c. (1) An applicant may seek a protective order pursuant to
47 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an

1 order regardless of whether criminal charges based on the incident
2 were filed and regardless of the disposition of any such charges.

3 (2) The filing of an application pursuant to this section shall not
4 prevent the filing of a criminal complaint, or the institution or
5 maintenance of a criminal prosecution based on the same act.

6 d. The court shall waive any requirement that the applicant's or
7 alleged victim's place of residence appear on the application.

8 e. An applicant may seek a protective order pursuant to
9 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
10 over the place where the alleged conduct or attempted conduct
11 occurred, where the respondent resides, or where the alleged victim
12 resides or is sheltered.

13 f. No fees or other costs shall be assessed against an applicant
14 for seeking a protective order pursuant to P.L.2015, c.147
15 (C.2C:14-13 et al.).
16 (cf: P.L.2023, c.127, s.2)

17

18 19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to
19 read as follows:

20 1. a. For the purposes of this section:

21 "County correctional facility" means any prison or other secure
22 facility managed and operated by any county of this State in which
23 adult offenders are incarcerated.

24 "County juvenile detention facility" means any secure juvenile
25 facility managed and operated by any county of this State.

26 "Secure juvenile facility" means the New Jersey Training School
27 for Boys, the Juvenile Medium Security Facility, and any other
28 secure juvenile facility managed and operated by the **【Juvenile】**
29 Youth Justice Commission.

30 "State correctional facility" means a State prison or other penal
31 institution.

32 b. A person who possesses or uses an electronic
33 communication device or a battery or device to recharge an
34 electronic communication device while confined to a State
35 correctional facility, secure juvenile facility, county correctional
36 facility, or county juvenile detention facility is guilty of a crime of
37 the third degree.

38 c. A person, other than an employee or a contract employee of
39 the Department of Corrections, the **【Juvenile】** Youth Justice
40 Commission, a county correctional facility, or a county juvenile
41 detention facility who knowingly sells, transfers, assigns, provides,
42 or otherwise gives an electronic communication device to a person
43 who is confined in a State correctional facility, secure juvenile
44 facility, county correctional facility, or county juvenile detention
45 facility is guilty of a crime of the third degree.

46 d. An employee or a contract employee of the Department of
47 Corrections, the **【Juvenile】** Youth Justice Commission, a county

1 correctional facility, or a county juvenile detention facility who
2 knowingly sells, transfers, assigns, provides, or otherwise gives an
3 electronic communication device to a person who is confined in a
4 State correctional facility, secure juvenile facility, county
5 correctional facility, or county juvenile detention facility is guilty of
6 a crime of the second degree.

7 (cf: P.L.2007, c.127, s.1)

8
9 20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
10 read as follows:

11 4. a. (1) The Attorney General shall biannually issue a
12 comprehensive report detailing the number of occurrences and other
13 statistics, without revealing or including any personal identifying
14 information, concerning first, second, third and subsequent
15 violations of paragraph (1) of subsection a. of section 1 of
16 P.L.1979, c.264 (C.2C:33-15) involving the possession or
17 consumption of any alcoholic beverage, marijuana, hashish, or
18 cannabis items by persons under the legal age to purchase alcoholic
19 beverages or cannabis items, the municipal, county or other
20 geographic areas within which first, second, third and subsequent
21 violations occur, and the law enforcement agencies involved in
22 first, second, third and subsequent violations, covering the previous
23 six-month period. The initial report shall be issued by June 30,
24 2021, the second report shall be issued by January 30, 2022, and
25 then the next report issued every six months thereafter. Each report
26 shall also be submitted to the Governor and the Legislature pursuant
27 to section 2 of P.L.1991, c.164 (C.52:14-19.1).

28 (2) The Attorney General shall also make reports available to
29 the task force established pursuant to subsection b. of this section
30 based on the Attorney General's periodic review of body worn
31 camera recordings of law enforcement officers responding to a call
32 for service related to a violation or suspected violation of paragraph
33 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
34 at the initiation of any other law enforcement or investigative
35 encounter between an officer and a person related to a violation or
36 suspected violation of that paragraph, which recordings are required
37 to be made in accordance with paragraph (4) of subsection a. of
38 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
39 shall be conducted using body worn camera recordings both
40 selected by the Attorney General and randomly determined, and the
41 task force may request an Attorney General review a particular
42 municipality, region, or time period. The identity of any person
43 included in a recording reviewed by the Attorney General shall be
44 kept confidential and shall not be revealed to the members of the
45 task force or any staff provided to the task force by the Department
46 of Law and Public Safety pursuant to paragraph (6) of subsection b.
47 of this section to support its work.

- 1 b. (1) A taskforce shall be established in the Department of Law
- 2 and Public Safety, comprised of 26 members to review each
- 3 Attorney General report described in subsection a. of this section,
- 4 and make recommendations thereon to the Governor and
- 5 Legislature related to law enforcement activities to address the
- 6 enforcement of underage possession or consumption of alcoholic
- 7 beverages, marijuana, hashish, or cannabis items in violation of
- 8 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
- 9 issue of underage possession or consumption of these substances.
- 10 (2) The membership of the taskforce shall include the following
- 11 individuals:
- 12 (a) the Attorney General, or a designee;
- 13 (b) the Public Defender, or a designee;
- 14 (c) the Commissioner of the Department of Children and
- 15 Families, or a designee;
- 16 (d) the Commissioner of Education, or a designee;
- 17 (e) a representative from the **【Juvenile】** Youth Justice
- 18 Commission, appointed by the Governor;
- 19 (f) a representative from the Division of Criminal Justice in the
- 20 Department of Law and Public Safety, appointed by the Governor;
- 21 (g) the Chair of the Governor's **【Juvenile】** Youth Justice
- 22 Delinquency and Prevention Committee;
- 23 (h) two members appointed by the Governor upon the
- 24 recommendation of the President of the Senate, at least one of
- 25 whom shall be a member of the Legislative Black Caucus or
- 26 Legislative Latino Caucus, determined in coordination with the
- 27 members recommended by the Speaker of the General Assembly
- 28 pursuant to subparagraph (i) of this paragraph, so that there is at
- 29 least one member of each caucus serving as a member of the task
- 30 force;
- 31 (i) two members appointed by the Governor upon the
- 32 recommendation of the Speaker of the General Assembly, at least
- 33 one of whom shall be a member of the Legislative Black Caucus or
- 34 Legislative Latino Caucus, determined in coordination with the
- 35 members recommended by the Senate President pursuant to
- 36 subparagraph (h) of this paragraph, so that there is at least one
- 37 member of each caucus serving as a member of the task force;
- 38 (j) the Administrative Director of the Courts, or a designee;
- 39 (k) a representative from the New Jersey Institute for Social
- 40 Justice, appointed by the Governor;
- 41 (l) a representative from the American Civil Liberties Union of
- 42 New Jersey, appointed by the Governor;
- 43 (m) a representative from the County Prosecutors Association of
- 44 New Jersey who is actively and presently involved in juvenile
- 45 matters, appointed by the Governor;
- 46 (n) a representative from the New Jersey Juvenile Officers
- 47 Association, appointed by the Governor;

- 1 (o) one representative each from the Annie E. Casey Foundation
- 2 and Vera Institute of Justice, both appointed by the Governor;
- 3 (p) a representative of the NAACP New Jersey State
- 4 Conference, appointed by the Governor;
- 5 (q) a representative of Salvation and Social Justice, appointed
- 6 by the Governor;
- 7 (r) a representative from the County Youth Services
- 8 Commission Administrators, appointed by the Governor;
- 9 (s) a representative from the faith-based ethical community in
- 10 New Jersey, appointed by the Governor;
- 11 (t) a representative of an employee organization representing
- 12 employees who work at juvenile justice facilities, appointed by the
- 13 Governor; and
- 14 (u) three representatives who have been involved with the New
- 15 Jersey juvenile justice system, appointed by the Governor,
- 16 including at least one representative of a non-profit organization
- 17 that deals with juvenile justice issues and at least one individual
- 18 who has been subject to the custody of the juvenile justice system.
- 19 (3) All members appointed by the Governor, other than the
- 20 members of the Legislature recommended for appointment, shall
- 21 serve at the pleasure of the Governor. The members of the
- 22 Legislature shall serve on the task force during their elective term
- 23 of office. Any vacancies in the membership of the task force shall
- 24 be filled in the same manner as the original appointments were
- 25 made.
- 26 (4) Members of the task force shall serve without compensation,
- 27 but shall be reimbursed for necessary expenditures incurred in the
- 28 performance of their duties as members of the task force within the
- 29 limits of funds appropriated or otherwise made available to the task
- 30 force for its purposes.
- 31 (5) The task force shall organize as soon as practicable
- 32 following the appointment of its members. The task force shall
- 33 choose a chairperson from among its members and shall appoint a
- 34 secretary who need not be a member of the task force.
- 35 (6) The Department of Law and Public Safety shall provide such
- 36 stenographic, clerical, and other administrative assistants, and such
- 37 professional staff as the task force requires to carry out its work.
- 38 (cf: P.L.2021, c.25, s.4)
- 39
- 40 21. N.J.S.2C:39-6 is amended to read as follows:
- 41 2C:39-6. a. Provided a person complies with the requirements of
- 42 subsection j. of this section, N.J.S.2C:39-5 does not apply to:
- 43 (1) Members of the Armed Forces of the United States or of the
- 44 National Guard while actually on duty, or while traveling between
- 45 places of duty and carrying authorized weapons in the manner
- 46 prescribed by the appropriate military authorities;

- 1 (2) Federal law enforcement officers, and any other federal
2 officers and employees required to carry firearms in the
3 performance of their official duties;
- 4 (3) Members of the State Police and, under conditions
5 prescribed by the superintendent, members of the Marine Law
6 Enforcement Bureau of the Division of State Police;
- 7 (4) A sheriff, undersheriff, sheriff's officer, prosecutor's
8 detective or investigator, State investigator employed by the
9 Division of Criminal Justice of the Department of Law and Public
10 Safety, investigator employed by the State Commission of
11 Investigation, inspector of the Alcoholic Beverage Control
12 Enforcement Bureau of the Division of State Police in the
13 Department of Law and Public Safety authorized to carry weapons
14 by the Superintendent of State Police, State park police officer, or
15 State conservation police officer;
- 16 (5) Except as hereinafter provided, a State correctional police
17 officer, or a prison or jail warden of any penal institution in this
18 State or the warden's deputies, or an employee of the Department of
19 Corrections engaged in the interstate transportation of convicted
20 offenders, while in the performance of the employee's duties, and
21 when required to possess the weapon by a superior officer, or a
22 correctional police officer or keeper of a penal institution in this
23 State at all times while in the State of New Jersey, provided the
24 person annually passes an examination approved by the
25 superintendent testing the person's proficiency in the handling of
26 firearms;
- 27 (6) A civilian employee of the United States Government under
28 the supervision of the commanding officer of any post, camp,
29 station, base or other military or naval installation located in this
30 State who is required, in the performance of the employee's official
31 duties, to carry firearms, and who is authorized to carry firearms by
32 the commanding officer, while in the actual performance of the
33 employee's official duties;
- 34 (7) (a) A regularly employed member, including a detective, of
35 the police department of any county or municipality, or of any
36 State, interstate, municipal or county park police force or boulevard
37 police force, at all times while in the State of New Jersey;
- 38 (b) A special law enforcement officer authorized to carry a
39 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
40 (C.40A:14-146.14);
- 41 (c) An airport security officer or a special law enforcement
42 officer appointed by the governing body of any county or
43 municipality, except as provided in subparagraph (b) of this
44 paragraph, or by the commission, board or other body having
45 control of a county park or airport or boulevard police force, while
46 engaged in the actual performance of the officer's official duties and
47 when specifically authorized by the governing body to carry
48 weapons;

1 (8) A full-time, paid member of a paid or part-paid fire
2 department or force of any municipality who is assigned full-time
3 or part-time to an arson investigation unit created pursuant to
4 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
5 investigation unit in the county prosecutor's office, while either
6 engaged in the actual performance of arson investigation duties or
7 while actually on call to perform arson investigation duties and
8 when specifically authorized by the governing body or the county
9 prosecutor, as the case may be, to carry weapons. Prior to being
10 permitted to carry a firearm, a member shall take and successfully
11 complete a firearms training course administered by the Police
12 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
13 seq.), and shall annually qualify in the use of a revolver or similar
14 weapon prior to being permitted to carry a firearm;

15 (9) A juvenile correctional police officer in the employment of
16 the **【Juvenile】** Youth Justice Commission established pursuant to
17 section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the
18 regulations promulgated by the commission;

19 (10) A designated employee or designated licensed agent for a
20 nuclear power plant under license of the Nuclear Regulatory
21 Commission, while in the actual performance of the person's
22 official duties, if the federal licensee certifies that the designated
23 employee or designated licensed agent is assigned to perform site
24 protection, guard, armed response or armed escort duties and is
25 appropriately trained and qualified, as prescribed by federal
26 regulation, to perform those duties. Any firearm utilized by an
27 employee or agent for a nuclear power plant pursuant to this
28 paragraph shall be returned each day at the end of the employee's or
29 agent's authorized official duties to the employee's or agent's
30 supervisor. All firearms returned each day pursuant to this
31 paragraph shall be stored in locked containers located in a secure
32 area;

33 (11) A county correctional police officer at all times while in the
34 State of New Jersey, provided the officer annually passes an
35 examination approved by the superintendent testing the officer's
36 proficiency in the handling of firearms;

37 (12) A county prosecutor, assistant prosecutor, federal
38 prosecutor, municipal prosecutor, Attorney General, assistant
39 attorney general, deputy attorney general and federal, State, county,
40 or municipal court judge, including a judge of the Tax Court and
41 any other court of limited jurisdiction established, altered, or
42 abolished by law, a judge of the Office of Administrative Law, a
43 judge of the Division of Workers' Compensation at all times while
44 in this State. Prior to being permitted to carry a firearm, a person
45 subject to this paragraph shall take and successfully complete a
46 firearms training course administered by the Police Training
47 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
48 shall annually qualify in the use of a handgun or similar weapon

1 prior to being permitted to carry a firearm. The superintendent may
2 issue identification cards indicating that such a person is permitted
3 to carry a handgun pursuant to this paragraph.

4 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

5 (1) A law enforcement officer employed by a governmental
6 agency outside of the State of New Jersey while actually engaged in
7 the officer's official duties, provided, however, that the officer has
8 first notified the superintendent or the chief law enforcement officer
9 of the municipality or the prosecutor of the county in which the
10 officer is engaged; or

11 (2) A licensed dealer in firearms and the dealer's registered
12 employees during the course of their normal business while
13 traveling to and from their place of business and other places for the
14 purpose of demonstration, exhibition or delivery in connection with
15 a sale, provided, however, that the weapon is carried in the manner
16 specified in subsection g. of this section.

17 c. Provided a person complies with the requirements of
18 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
19 do not apply to:

20 (1) A special agent of the Division of Taxation who has passed
21 an examination in an approved police training program testing
22 proficiency in the handling of any firearm which the agent may be
23 required to carry, while in the actual performance of the agent's
24 official duties and while going to or from the agent's place of duty,
25 or any other police officer, while in the actual performance of the
26 officer's official duties;

27 (2) A State deputy conservation police officer or a full-time
28 employee of the Division of Parks and Forestry having the power of
29 arrest and authorized to carry weapons, while in the actual
30 performance of the officer's official duties;

31 (3) (Deleted by amendment, P.L.1986, c.150.)

32 (4) A court attendant appointed by the sheriff of the county or
33 by the judge of any municipal court or other court of this State,
34 while in the actual performance of the attendant's official duties;

35 (5) A guard employed by any railway express company, banking
36 or building and loan or savings and loan institution of this State,
37 while in the actual performance of the guard's official duties;

38 (6) A member of a legally recognized military organization
39 while actually under orders or while going to or from the prescribed
40 place of meeting and carrying the weapons prescribed for drill,
41 exercise or parade;

42 (7) A municipal humane law enforcement officer, authorized
43 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
44 14.1), or humane law enforcement officer of a county society for
45 the prevention of cruelty to animals authorized pursuant to
46 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
47 in the actual performance of the officer's duties;

- 1 (8) An employee of a public utilities corporation actually
2 engaged in the transportation of explosives;
- 3 (9) A railway policeman, except a transit police officer of the
4 New Jersey Transit Police Department, at all times while in the
5 State of New Jersey, provided that the person has passed an
6 approved police academy training program consisting of at least
7 280 hours. The training program shall include, but need not be
8 limited to, the handling of firearms, community relations, and
9 juvenile relations;
- 10 (10) A campus police officer appointed under P.L.1970, c.211
11 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
12 a firearm, a campus police officer shall take and successfully
13 complete a firearms training course administered by the Police
14 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
15 seq.), and shall annually qualify in the use of a revolver or similar
16 weapon prior to being permitted to carry a firearm;
- 17 (11) (Deleted by amendment, P.L.2003, c.168).
- 18 (12) A transit police officer of the New Jersey Transit Police
19 Department, at all times while in the State of New Jersey, provided
20 the officer has satisfied the training requirements of the Police
21 Training Commission, pursuant to subsection c. of section 2 of
22 P.L.1989, c.291 (C.27:25-15.1);
- 23 (13) A parole officer employed by the State Parole Board at all
24 times. Prior to being permitted to carry a firearm, a parole officer
25 shall take and successfully complete a basic course for regular
26 police officer training administered by the Police Training
27 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
28 shall annually qualify in the use of a revolver or similar weapon
29 prior to being permitted to carry a firearm;
- 30 (14) A Human Services police officer at all times while in the
31 State of New Jersey, as authorized by the Commissioner of Human
32 Services;
- 33 (15) A person or employee of any person who, pursuant to and
34 as required by a contract with a governmental entity, supervises or
35 transports persons charged with or convicted of an offense;
- 36 (16) A housing authority police officer appointed under
37 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
38 State of New Jersey; or
- 39 (17) A probation officer assigned to the "Probation Officer
40 Community Safety Unit" created by section 2 of P.L.2001, c.362
41 (C.2B:10A-2) while in the actual performance of the probation
42 officer's official duties. Prior to being permitted to carry a firearm,
43 a probation officer shall take and successfully complete a basic
44 course for regular police officer training administered by the Police
45 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
46 seq.), and shall annually qualify in the use of a revolver or similar
47 weapon prior to being permitted to carry a firearm.

1 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
2 antique firearms, provided that the antique firearms are unloaded or
3 are being fired for the purposes of exhibition or demonstration at an
4 authorized target range or in another manner approved in writing by
5 the chief law enforcement officer of the municipality in which the
6 exhibition or demonstration is held, or if not held on property under
7 the control of a particular municipality, the superintendent.

8 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
9 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
10 being fired but that is unloaded and immobile, provided that the
11 antique cannon is possessed by (a) a scholastic institution, a
12 museum, a municipality, a county or the State, or (b) a person who
13 obtained a firearms purchaser identification card as specified in
14 N.J.S.2C:58-3.

15 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
16 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
17 being transported by one eligible to possess it, in compliance with
18 regulations the superintendent may promulgate, between its
19 permanent location and place of purchase or repair.

20 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
21 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
22 or fired by one eligible to possess an antique cannon, for purposes
23 of exhibition or demonstration at an authorized target range or in
24 the manner as has been approved in writing by the chief law
25 enforcement officer of the municipality in which the exhibition or
26 demonstration is held, or if not held on property under the control
27 of a particular municipality, the superintendent, provided that
28 performer has given at least 30 days' notice to the superintendent.

29 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
30 N.J.S.2C:39-5 do not apply to the transportation of unloaded
31 antique cannons directly to or from exhibitions or demonstrations
32 authorized under paragraph (4) of subsection d. of this section,
33 provided that the transportation is in compliance with safety
34 regulations the superintendent may promulgate. Those subsections
35 shall not apply to transportation directly to or from exhibitions or
36 demonstrations authorized under the law of another jurisdiction,
37 provided that the superintendent has been given 30 days' notice and
38 that the transportation is in compliance with safety regulations the
39 superintendent may promulgate.

40 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
41 be construed to prevent a person keeping or carrying about the
42 person's place of business, residence, premises or other land owned
43 or possessed by the person, any firearm, or from carrying the same,
44 in the manner specified in subsection g. of this section, from any
45 place of purchase to the person's residence or place of business,
46 between the person's dwelling and place of business, between one
47 place of business or residence and another when moving, or
48 between the person's dwelling or place of business and place where

1 the firearms are repaired, for the purpose of repair. For the
2 purposes of this section, a place of business shall be deemed to be a
3 fixed location.

4 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
5 be construed to prevent:

6 (1) A member of any rifle or pistol club organized in accordance
7 with the rules prescribed by the National Board for the Promotion
8 of Rifle Practice, in going to or from a place of target practice,
9 carrying firearms necessary for target practice, provided that the
10 club has filed a copy of its charter with the superintendent and
11 annually submits a list of its members to the superintendent and
12 provided further that the firearms are carried in the manner
13 specified in subsection g. of this section;

14 (2) A person carrying a firearm or knife in the woods or fields or
15 upon the waters of this State for the purpose of hunting, target
16 practice or fishing, provided that the firearm or knife is legal and
17 appropriate for hunting or fishing purposes in this State and the
18 person has in the person's possession a valid hunting license, or,
19 with respect to fresh water fishing, a valid fishing license;

20 (3) A person transporting any firearm or knife while traveling:

21 (a) Directly to or from any place for the purpose of hunting or
22 fishing, provided the person has in the person's possession a valid
23 hunting or fishing license; or

24 (b) Directly to or from any target range, or other authorized
25 place for the purpose of practice, match, target, trap or skeet
26 shooting exhibitions, provided in all cases that during the course of
27 the travel all firearms are carried in the manner specified in
28 subsection g. of this section and the person has complied with all
29 the provisions and requirements of Title 23 of the Revised Statutes
30 and any amendments thereto and all rules and regulations
31 promulgated thereunder; or

32 (c) In the case of a firearm, directly to or from any exhibition or
33 display of firearms which is sponsored by any law enforcement
34 agency, any rifle or pistol club, or any firearms collectors club, for
35 the purpose of displaying the firearms to the public or to the
36 members of the organization or club, provided, however, that not
37 less than 30 days prior to the exhibition or display, notice of the
38 exhibition or display shall be given to the Superintendent of the
39 State Police by the sponsoring organization or club, and the sponsor
40 has complied with any reasonable safety regulations the
41 superintendent may promulgate. Any firearms transported pursuant
42 to this section shall be transported in the manner specified in
43 subsection g. of this section;

44 (4) A person from keeping or carrying about a private or
45 commercial aircraft or any boat, or from transporting to or from the
46 aircraft or boat for the purpose of installation or repair of a visual
47 distress signaling device approved by the United States Coast
48 Guard.

1 g. Any weapon being transported under paragraph (2) of
2 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
3 of this section shall be carried unloaded and contained in a closed
4 and fastened case, gunbox, securely tied package, or locked in the
5 trunk of the automobile in which it is being transported, and in the
6 course of travel shall include only deviations as are reasonably
7 necessary under the circumstances.

8 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
9 to prevent any employee of a public utility, as defined in R.S.48:2-
10 13, doing business in this State or any United States Postal Service
11 employee, while in the actual performance of duties which
12 specifically require regular and frequent visits to private premises,
13 from possessing, carrying or using any device which projects,
14 releases or emits any substance specified as being noninjurious to
15 canines or other animals by the Commissioner of Health and which
16 immobilizes only on a temporary basis and produces only
17 temporary physical discomfort through being vaporized or
18 otherwise dispensed in the air for the sole purpose of repelling
19 canine or other animal attacks.

20 The device shall be used solely to repel only those canine or
21 other animal attacks when the canines or other animals are not
22 restrained in a fashion sufficient to allow the employee to properly
23 perform the employee's duties.

24 Any device used pursuant to this act shall be selected from a list
25 of products, which consist of active and inert ingredients, permitted
26 by the Commissioner of Health.

27 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
28 any person who is 18 years of age or older and who has not been
29 convicted of a crime, from possession for the purpose of personal
30 self-defense of one pocket-sized device which contains and releases
31 not more than three-quarters of an ounce of chemical substance not
32 ordinarily capable of lethal use or of inflicting serious bodily injury,
33 but rather, is intended to produce temporary physical discomfort or
34 disability through being vaporized or otherwise dispensed in the air.
35 Any person in possession of any device in violation of this
36 subsection shall be deemed and adjudged to be a disorderly person,
37 and upon conviction thereof, shall be punished by a fine of not less
38 than \$100.

39 (2) Notwithstanding the provisions of paragraph (1) of this
40 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
41 health inspector or investigator operating pursuant to the provisions
42 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
43 inspector from possessing a device which is capable of releasing
44 more than three-quarters of an ounce of a chemical substance, as
45 described in paragraph (1) of this subsection, while in the actual
46 performance of the inspector's or investigator's duties, provided that
47 the device does not exceed the size of those used by law
48 enforcement.

- 1 j. A person shall qualify for an exemption from the provisions
2 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
3 section, if the person has satisfactorily completed a firearms
4 training course approved by the Police Training Commission.
- 5 The exempt person shall not possess or carry a firearm until the
6 person has satisfactorily completed a firearms training course and
7 shall annually qualify in the use of a revolver or similar weapon.
8 For purposes of this subsection, a "firearms training course" means
9 a course of instruction in the safe use, maintenance and storage of
10 firearms which is approved by the Police Training Commission.
11 The commission shall approve a firearms training course if the
12 requirements of the course are substantially equivalent to the
13 requirements for firearms training provided by police training
14 courses which are certified under section 6 of P.L.1961, c.56
15 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
16 or (6) of subsection a. of this section shall be exempt from the
17 requirements of this subsection.
- 18 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
19 to prevent any financial institution, or any duly authorized
20 personnel of the institution, from possessing, carrying or using for
21 the protection of money or property, any device which projects,
22 releases or emits tear gas or other substances intended to produce
23 temporary physical discomfort or temporary identification.
- 24 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
25 to prevent a law enforcement officer who retired in good standing,
26 including a retirement because of a disability pursuant to section 6
27 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
28 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
29 substantially similar statute governing the disability retirement of
30 federal law enforcement officers, provided the officer was a
31 regularly employed, full-time law enforcement officer for an
32 aggregate of four or more years prior to the officer's disability
33 retirement and further provided that the disability which constituted
34 the basis for the officer's retirement did not involve a certification
35 that the officer was mentally incapacitated for the performance of
36 the officer's usual law enforcement duties and any other available
37 duty in the department which the officer's employer was willing to
38 assign to the officer or does not subject that retired officer to any of
39 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
40 would disqualify the retired officer from possessing or carrying a
41 firearm, who semi-annually qualifies in the use of the handgun the
42 officer is permitted to carry in accordance with the requirements
43 and procedures established by the Attorney General pursuant to
44 subsection j. of this section and pays the actual costs associated
45 with those semi-annual qualifications, who is 75 years of age or
46 younger, and who was regularly employed as a full-time member of
47 the State Police; a full-time member of an interstate police force; a
48 full-time member of a county or municipal police department in this

1 State; a full-time member of a State law enforcement agency; a full-
2 time sheriff, undersheriff or sheriff's officer of a county of this
3 State; a full-time State or county correctional police officer; a full-
4 time State correctional police officer or county correctional police
5 officer; a full-time State or county park police officer; a full-time
6 special agent of the Division of Taxation; a full-time Human
7 Services police officer; a full-time transit police officer of the New
8 Jersey Transit Police Department; a full-time campus police officer
9 exempted pursuant to paragraph (10) of subsection c. of this
10 section; a full-time State conservation police officer exempted
11 pursuant to paragraph (4) of subsection a. of this section; a full-time
12 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
13 21; a full-time Burlington County Bridge police officer appointed
14 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
15 housing authority police officer exempted pursuant to paragraph
16 (16) of subsection c. of this section; a full-time juvenile correctional
17 police officer exempted pursuant to paragraph (9) of subsection a.
18 of this section; a full-time parole officer exempted pursuant to
19 paragraph (13) of subsection c. of this section; a full-time railway
20 policeman exempted pursuant to paragraph (9) of subsection c. of
21 this section; a full-time county prosecutor's detective or
22 investigator; a full-time federal law enforcement officer; or is a
23 qualified retired law enforcement officer, as used in the federal
24 "Law Enforcement Officers Safety Act of 2004," Pub.L.108-277,
25 domiciled in this State from carrying a handgun in the same manner
26 as law enforcement officers exempted under paragraph (7) of
27 subsection a. of this section. A retired law enforcement officer
28 shall be entitled to carry a handgun pursuant to this subsection
29 under the following conditions:

30 (1) The retired law enforcement officer shall make application
31 in writing to the Superintendent of State Police for approval to carry
32 a handgun every two years. A renewal application shall be
33 submitted in the same manner.

34 (2) Upon receipt of the written application of the retired law
35 enforcement officer, the superintendent shall request a verification
36 of service from the chief law enforcement officer of the
37 organization in which the retired officer was last regularly
38 employed as a full-time law enforcement officer prior to retiring.
39 The verification of service shall include:

40 (a) The name and address of the retired officer;

41 (b) The date that the retired officer was hired and the date that
42 the officer retired;

43 (c) A list of all handguns known to be registered to that officer;

44 (d) A statement that, to the reasonable knowledge of the chief
45 law enforcement officer, the retired officer is not subject to any of
46 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

47 (e) A statement that the officer retired in good standing.

1 (3) If the superintendent approves a retired officer's application
2 or reapplication to carry a handgun pursuant to the provisions of
3 this subsection, the superintendent shall notify in writing the chief
4 law enforcement officer of the municipality wherein that retired
5 officer resides. In the event the retired officer resides in a
6 municipality which has no chief law enforcement officer or law
7 enforcement agency, the superintendent shall maintain a record of
8 the approval.

9 (4) The superintendent shall issue to an approved retired officer
10 an identification card permitting the retired officer to carry a
11 handgun pursuant to this subsection. This identification card shall
12 be valid for two years from the date of issuance and shall be valid
13 throughout the State. The identification card shall not be
14 transferable to any other person. The identification card shall be
15 carried at all times on the person of the retired officer while the
16 retired officer is carrying a handgun. The retired officer shall
17 produce the identification card for review on the demand of any law
18 enforcement officer or authority.

19 (5) Any person aggrieved by the denial of the superintendent of
20 approval for a permit to carry a handgun pursuant to this subsection
21 may request a hearing in the Superior Court of New Jersey in the
22 county in which the person resides by filing a written request for a
23 hearing within 30 days of the denial. Copies of the request shall be
24 served upon the superintendent and the county prosecutor. The
25 hearing shall be held within 30 days of the filing of the request, and
26 no formal pleading or filing fee shall be required. Appeals from the
27 determination of the hearing shall be in accordance with law and the
28 rules governing the courts of this State.

29 (6) A judge of the Superior Court may revoke a retired officer's
30 privilege to carry a handgun pursuant to this subsection for good
31 cause shown on the application of any interested person. A person
32 who becomes subject to any of the disabilities set forth in
33 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
34 superintendent, the person's identification card issued under
35 paragraph (4) of this subsection to the chief law enforcement officer
36 of the municipality wherein the person resides or the
37 superintendent, and shall be permanently disqualified to carry a
38 handgun under this subsection.

39 (7) The superintendent may charge a reasonable application fee
40 to retired officers to offset any costs associated with administering
41 the application process set forth in this subsection.

42 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent duly authorized personnel of the New Jersey Division of
44 Fish and Wildlife, while in the actual performance of duties, from
45 possessing, transporting or using any device that projects, releases
46 or emits any substance specified as being non-injurious to wildlife
47 by the Director of the Division of Animal Health in the Department
48 of Agriculture, and which may immobilize wildlife and produces

1 only temporary physical discomfort through being vaporized or
2 otherwise dispensed in the air for the purpose of repelling bear or
3 other animal attacks or for the aversive conditioning of wildlife.

4 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
5 be construed to prevent duly authorized personnel of the New
6 Jersey Division of Fish and Wildlife, while in the actual
7 performance of duties, from possessing, transporting or using hand
8 held pistol-like devices, rifles or shotguns that launch pyrotechnic
9 missiles for the sole purpose of frightening, hazing or aversive
10 conditioning of nuisance or depredating wildlife; from possessing,
11 transporting or using rifles, pistols or similar devices for the sole
12 purpose of chemically immobilizing wild or non-domestic animals;
13 or, provided the duly authorized person complies with the
14 requirements of subsection j. of this section, from possessing,
15 transporting or using rifles or shotguns, upon completion of a Police
16 Training Commission approved training course, in order to dispatch
17 injured or dangerous animals or for non-lethal use for the purpose
18 of frightening, hazing or aversive conditioning of nuisance or
19 depredating wildlife.

20 (cf: P.L.2022, c.131, s.8)

21

22 22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to
23 read as follows:

24 4. a. In addition to any other disposition made pursuant to law,
25 a court shall order a person convicted of, indicted for or formally
26 charged with, or a juvenile charged with delinquency or adjudicated
27 delinquent for an act which if committed by an adult would
28 constitute, aggravated sexual assault or sexual assault as defined in
29 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
30 serological test for acquired immune deficiency syndrome (AIDS)
31 or infection with the human immunodeficiency virus (HIV) or any
32 other related virus identified as a probable causative agent of AIDS.
33 The court shall issue such an order only upon the request of the
34 victim and upon application of the prosecutor immediately
35 following the request. The person or juvenile shall be ordered by
36 the court to submit to such repeat or confirmatory tests as may be
37 medically necessary.

38 As used in this section, "formal charge" includes a proceeding by
39 accusation in the event that the defendant has waived the right to an
40 indictment.

41 b. A court order issued pursuant to subsection a. of this section
42 shall require testing to be performed as soon as practicable by the
43 Commissioner of the Department of Corrections pursuant to
44 authority granted to the commissioner by sections 6 and 10 of
45 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
46 care, at a health facility licensed pursuant to section 12 of P.L.1971,
47 c.136 (C.26:2H-12) or the **【Juvenile】** Youth Justice Commission
48 established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170). If the victim makes the request prior to or at the
2 time of indictment, or accusation if the defendant has waived the
3 right to an indictment, the court order shall require the testing be
4 performed within 48 hours. The order shall also require that the
5 results of the test be reported to the offender and to the appropriate
6 Office of Victim-Witness Advocacy.

7 c. The Office of Victim-Witness Advocacy, established
8 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
9 reimburse the Department of Corrections, Department of Health or
10 the **【Juvenile】 Youth** Justice Commission for the direct costs
11 incurred by these departments for any tests ordered by a court
12 pursuant to subsection a. of this section. Reimbursement shall be
13 made following a request from the department.

14 d. In addition to any other disposition authorized, a court may
15 order an offender at the time of sentencing to reimburse the State
16 for the costs of the tests ordered by subsection a. of this section.

17 e. Upon receipt of the result of a test ordered pursuant to
18 subsection a. of this section, the Office of Victim-Witness
19 Advocacy shall provide the victim with appropriate counseling,
20 referral for counseling and if appropriate, referral for health care.
21 The office shall notify the victim or make appropriate arrangements
22 for the victim to be notified of the test result.

23 f. The result of a test ordered pursuant to subsection a. of this
24 section shall be confidential and employees of the Department of
25 Corrections, the **【Juvenile】 Youth** Justice Commission, the Office
26 of Victim-Witness Advocacy, a health care provider, health care
27 facility or counseling service shall not disclose the result of a test
28 performed pursuant to this section except as authorized herein or as
29 otherwise authorized by law or court order. The provisions of this
30 section shall not be deemed to prohibit disclosure of a test result to
31 the person tested.

32 g. Persons who perform tests ordered pursuant to subsection a.
33 of this section in accordance with accepted medical standards for
34 the performance of such tests shall be immune from civil and
35 criminal liability arising from their conduct.

36 h. This section shall not be construed to preclude or limit any
37 other testing for acquired immune deficiency syndrome (AIDS) or
38 infection with the human immunodeficiency virus (HIV) or any
39 other related virus identified as a probable causative agent of AIDS
40 which is otherwise permitted by statute, court rule or common law.
41 (cf: P.L.2013, c.140, s.1)

42
43 23. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
44 as follows:

45 3. a. All fines, assessments imposed pursuant to section 2 of
46 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
47 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
48 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties

1 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
 2 penalties imposed pursuant to section 1 of P.L.2009, c.143
 3 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
 4 P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected
 5 as follows:

6 (1) All fines, assessments imposed pursuant to section 2 of
 7 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
 8 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
 9 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
 10 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
 11 penalties imposed pursuant to section 1 of P.L.2009, c.143
 12 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
 13 P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the
 14 Superior Court or otherwise imposed at the county level, shall be
 15 collected by the county probation division except when the fine,
 16 assessment, or restitution is imposed in conjunction with a custodial
 17 sentence to a State correctional facility or in conjunction with a
 18 term of incarceration imposed pursuant to section 25 of P.L.1982,
 19 c.77 (C.2A:4A-44) in which event the fine, assessment, or
 20 restitution shall be collected by the Department of Corrections or
 21 the **【Juvenile】** Youth Justice Commission established pursuant to
 22 section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
 23 a State correctional institution or a juvenile serving a term of
 24 incarceration imposed pursuant to section 25 of P.L.1982, c.77
 25 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
 26 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed
 27 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty
 28 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a
 29 penalty imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-
 30 3.8), a penalty imposed pursuant to section 7 of P.L.2013, c.214
 31 (C.30:4-123.97), or restitution shall have the assessment, penalty,
 32 fine, or restitution deducted from any income the inmate receives as
 33 a result of labor performed at the institution or on any type of work
 34 release program or, pursuant to regulations promulgated by the
 35 Commissioner of the Department of Corrections or the **【Juvenile】**
 36 Youth Justice Commission, from any personal account established
 37 in the institution for the benefit of the inmate.

38 (a) A payment of restitution collected by the Department of
 39 Corrections pursuant to this paragraph shall be maintained by the
 40 department for two years during which the department shall attempt
 41 to locate the victim to whom the restitution is owed. If the
 42 department has not located the victim and the victim has not come
 43 forward to claim the payment within this two-year period, the
 44 payment shall be transferred to the Victims of Crime Compensation
 45 Office Account to be used in satisfying claims pursuant to the
 46 provisions of the "Criminal Injuries Compensation Act of 1971,"
 47 P.L.1971, c.317 (C.52:4B-1 et seq.).

1 (b) If the Department of Corrections has transferred a payment
2 of restitution to the Victims of Crime Compensation Office
3 pursuant to subparagraph (a) of this paragraph, the department shall
4 provide the office with the order for restitution and any other
5 information regarding the identity of the victim to whom the
6 payment is owed. The office shall be responsible for maintaining
7 this information and for distributing payments of restitution to
8 victims who can prove they are owed the payments.

9 (2) All fines, assessments imposed pursuant to section 2 of
10 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
11 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed
12 by a municipal court shall be collected by the municipal court
13 administrator except if the fine, assessments imposed pursuant to
14 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
15 as a condition of probation in which event it shall be collected by
16 the county probation division.

17 b. Except as provided in subsection c. with respect to fines
18 imposed on appeals following convictions in municipal courts and
19 except as provided in subsection i. with respect to restitution
20 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
21 al.), all fines imposed by the Superior Court or otherwise imposed
22 at the county level, shall be paid over by the officer entitled to
23 collect the fines to:

24 (1) The county treasurer with respect to fines imposed on
25 defendants who are sentenced to and serve a custodial term,
26 including a term as a condition of probation, in the county jail,
27 workhouse, or penitentiary except where such county sentence is
28 served concurrently with a sentence to a State institution; or

29 (2) The State Treasurer with respect to all other fines.

30 c. All fines imposed by municipal courts, except a central
31 municipal court established pursuant to N.J.S.2B:12-1 on
32 defendants convicted of crimes, disorderly persons offenses, and
33 petty disorderly persons offenses, and all fines imposed following
34 conviction on appeal therefrom, and all forfeitures of bail shall be
35 paid over by the officer entitled to collect the fines to the treasury
36 of the municipality wherein the municipal court is located.

37 In the case of an intermunicipal court, fines shall be paid into the
38 municipal treasury of the municipality in which the offense was
39 committed, and costs, fees, and forfeitures of bail shall be
40 apportioned among the several municipalities to which the court's
41 jurisdiction extends according to the ratios of the municipalities'
42 contributions to the total expense of maintaining the court.

43 In the case of a central municipal court, established by a county
44 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of
45 bail shall be paid into the county treasury of the county where the
46 central municipal court is located.

- 1 d. All assessments imposed pursuant to section 2 of P.L.1979,
2 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
3 in that section.
- 4 e. All mandatory Drug Enforcement and Demand Reduction
5 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
6 and deposited as provided for in that section.
- 7 f. All forensic laboratory fees assessed pursuant to
8 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
9 that section.
- 10 g. All restitution ordered to be paid to the Victims of Crime
11 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
12 to the office for deposit in the Victims of Crime Compensation
13 Office Account.
- 14 h. All assessments imposed pursuant to section 11 of P.L.1993,
15 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
16 in that section.
- 17 i. All restitution imposed on defendants under the provisions
18 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
19 enforcement entity in extraditing the defendant from another
20 jurisdiction shall be paid over by the officer entitled to collect the
21 restitution to the law enforcement entities which participated in the
22 extradition of the defendant.
- 23 j. All penalties imposed pursuant to section 1 of P.L.1999,
24 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
25 in that section.
- 26 k. All penalties imposed pursuant to section 11 of P.L.2001,
27 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
28 that section.
- 29 l. All mandatory penalties imposed pursuant to section 1 of
30 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
31 provided in that section.
- 32 m. All mandatory Computer Crime Prevention penalties
33 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
34 shall be forwarded and deposited as provided in that section.
- 35 n. All mandatory Sex Offender Supervision penalties imposed
36 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
37 forwarded and deposited as provided in that section.
38 (cf: P.L.2019, c.363, s.6)
39
- 40 24. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
41 read as follows:
42 14. a. No person under the age of 18 years shall purchase, barter
43 or otherwise acquire a firearm and no person under the age of 21
44 years shall purchase, barter or otherwise acquire a handgun, unless
45 the person is authorized to possess the handgun in connection with
46 the performance of official duties under the provisions of
47 N.J.S.2C:39-6.

1 b. No person under the age of 18 years shall possess, carry, fire
2 or use a firearm except as provided under paragraphs (1), (2), (3)
3 and (4) of this subsection; and, unless authorized in connection with
4 the performance of official duties under the provisions of
5 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
6 carry, fire or use a handgun except under the following
7 circumstances:

8 (1) In the actual presence or under the direct supervision of his
9 father, mother or guardian, or some other person who holds a permit
10 to carry a handgun or a firearms purchaser identification card, as the
11 case may be; or

12 (2) For the purpose of military drill under the auspices of a
13 legally recognized military organization and under competent
14 supervision; or

15 (3) For the purpose of competition, target practice, instruction,
16 and training in and upon a firing range approved by the governing
17 body of the municipality in which the range is located or the
18 National Rifle Association and which is under competent
19 supervision at the time of such supervision or target practice or
20 instruction and training at any location; or

21 (4) For the purpose of hunting during the regularly designated
22 hunting season, provided that he possesses a valid hunting license
23 and has successfully completed a hunter's safety course taught by a
24 qualified instructor or conservation police officer and possesses a
25 certificate indicating the successful completion of such a course.

26 c. A person who violates this section shall be guilty of a crime
27 of the fourth degree. For purposes of this section the fact that the
28 act would not constitute a crime if committed by an adult shall not
29 be deemed to prohibit or require waiver of family court jurisdiction
30 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
31 under the "New Jersey Code of **Juvenile** Youth Justice,"
32 P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60
33 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81
34 (C.2A:4A-70 et seq.).

35 (cf: P.L.2019, c.407, s.3)

36
37 25. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
38 read as follows:

39 20. Records involving abuse or neglect. When the Department
40 of Children and Families receives a report or complaint that a child
41 may be abused or neglected; when the department provides services
42 to a child; or when the department receives a request from the
43 Superior Court, Chancery Division, Family Part to investigate an
44 allegation of abuse or neglect, the department may request of any
45 and all public or private institutions, or agencies including law
46 enforcement agencies, or any private practitioners, their records
47 past and present pertaining to that child and other children under the
48 same care, custody and control. The department shall not be

1 charged a fee for the copying of the records. Records kept pursuant
2 to the "New Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982,
3 c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon
4 issuance by a court of an order on good cause shown directing these
5 records to be released to the department for the purpose of aiding in
6 evaluation to determine if the child is abused or neglected. In the
7 release of the aforementioned records, the source shall have
8 immunity from any liability, civil or criminal.
9 (cf: P.L.2006, c.47, s.51)

10
11 26. Section 9 of P.L.1947, c.179 (C.9:22-9) is amended to read
12 as follows:

13 9. Any municipal youth guidance council having an adjustment
14 committee may petition the Superior Court, Chancery Division,
15 Family Part, in its discretion, to either:

16 A. Establish a schedule for a holding of juvenile hearings in a
17 suitable location chosen by the adjustment committee within the
18 limits of the petitioning municipality; or

19 B. Appoint a referee to hear and recommend disposition of any
20 cases specifically referred to the referee by the Family Part of the
21 county and any cases coming within the provisions of the "New
22 Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982, c. 77
23 (C.2A:4A-20 et seq.) arising within the limits of the petitioning
24 municipality. It shall be the duty of the petitioning municipality to
25 see that adequate diagnostic services shall be made available to
26 such children.

27 Any case requiring the detention of a child shall be referred to
28 the Family Part for hearing.

29 Upon receipt of a petition to appoint a referee the Family Part
30 shall proceed to appoint a member of the adjustment committee, or
31 some other suitable person, as referee, in accordance with
32 N.J.S.2A:4-12. Nothing in this provision shall limit the present
33 discretionary power of the Family Part to appoint referees on their
34 own initiative or to prevent such a court from hearing cases
35 scheduled to be heard in the petitioning municipality in place of the
36 referee so appointed by it.

37 (cf: P.L.1991, c.91, s.215)

38
39 27. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read as
40 follows:

41 2. Pursuant to said compact, the Governor is hereby authorized
42 and empowered to designate an officer within the **【Juvenile】 Youth**
43 Justice Commission established pursuant to section 2 of P.L.1995,
44 c.284 (C.52:17B-170) who shall be the compact administrator and
45 who, acting jointly with like officers of other party States, shall
46 promulgate rules and regulations to carry out more effectively the
47 terms of the compact. Said compact administrator shall serve

1 subject to the pleasure of the Governor. The compact administrator
 2 is hereby authorized, empowered and directed to co-operate with all
 3 departments, agencies and officers of and in the government of this
 4 State and its political subdivisions in facilitating the proper
 5 administration of the compact or of any supplementary agreement
 6 or agreements entered into by this State thereunder.
 7 (cf: P.L.1995, c.280, s.23)

8
 9 28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to
 10 read as follows:

11 1. a. The Civil Service Commission shall effectuate the
 12 following title changes in the career service:

13 (1) Correction officer recruit shall be retitled as correctional
 14 police officer;

15 (2) Senior correction officer shall be retitled as senior
 16 correctional police officer;

17 (3) Correction sergeant shall be retitled as correctional police
 18 sergeant;

19 (4) Correction lieutenant shall be retitled as correctional police
 20 lieutenant;

21 (5) Correction captain shall be retitled as correctional police
 22 captain;

23 (6) Director of custody operations shall be retitled as
 24 correctional police chief ;

25 (7) Correction officer apprentice shall be retitled as correctional
 26 police officer apprentice; and

27 (8) Correction major shall be retitled as correctional police
 28 major.

29 b. The title changes provided under this section shall apply to
 30 all corrections officers employed by the New Jersey Department of
 31 Corrections and the **【Juvenile】** Youth Justice Commission.

32 c. Any fees associated with the retitling pursuant to subsection
 33 a. of this section shall be borne by the corrections officer whose
 34 title is changed.

35 (cf: P.L.2017, c.293, s.1)

36
 37 29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read
 38 as follows:

39 6. a. For each State-placed child who is resident in a district
 40 and in a State facility on the last school day prior to October 16 of
 41 the prebudget year, and for each district-placed child who is
 42 resident in a district and in a State facility on the last school day
 43 prior to October 16 of the budget year, the Commissioner of
 44 Education shall deduct from the State aid payable to that district an
 45 amount equal to the approved per pupil cost established pursuant to
 46 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
 47 except that for a child in a county juvenile detention center, no

1 deduction shall be made until Fiscal Year 1999, in which year and
2 thereafter **【50%】** 50 percent of the per pupil cost shall be deducted.

3 b. If, for any district, the amount to be deducted pursuant to
4 subsection a. of this section is greater than State aid payable to the
5 district, the district shall pay to the Department of Education the
6 difference between the amount to be deducted and the State aid
7 payable to the district.

8 c. The amount deducted pursuant to subsection a. of this
9 section and the amount paid to the Department of Education
10 pursuant to subsection b. of this section shall be forwarded to the
11 Department of Human Services or the Department of Children and
12 Families, as applicable, if the facility is operated by or under
13 contract with that department, or to the Department of Corrections
14 if the facility is operated by or under contract with that department,
15 or to the **【Juvenile】** Youth Justice Commission established pursuant
16 to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
17 operated by or under contract with that commission, and shall serve
18 as payment by the district of tuition for the child. In the case of
19 county juvenile detention centers, the tuition shall be deemed to
20 supplement funds currently provided by the county for this purpose
21 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
22 In Fiscal Year 1998, a county shall not decrease its level of
23 contribution as a result of the payment of tuition pursuant to this
24 section. In Fiscal Year 1999 and thereafter, a county shall be
25 required to pay **【50%】** 50 percent of the approved per pupil costs
26 established pursuant to the provisions of section 24 of P.L.1996,
27 c.138 (C.18A:7F-24) for the purpose of implementing chapters 10
28 and 11 of Title 9 of the Revised Statutes. Amounts so deducted
29 shall be used solely for the support of educational programs and
30 shall be maintained in a separate account for that purpose. No
31 district shall be responsible for the tuition of any child admitted by
32 the State to a State facility after the last school day prior to October
33 16 of the prebudget year.

34 (cf: P.L.2006, c.47, s.81)

35

36 30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
37 read as follow:

38 8. Funds received pursuant to this act by the Department of
39 Human Services, the Department of Children and Families, the
40 Department of Corrections or the **【Juvenile】** Youth Justice
41 Commission established pursuant to section 2 of P.L.1995, c.284
42 (C.52:17B-170) shall be used only for the salaries of teachers,
43 educational administrators at the program level, child study team
44 personnel, clerical staff assigned to child study teams or to
45 educational day programs, paraprofessionals assigned to
46 educational programs in State facilities, and for diagnostic services
47 required as part of the child study team evaluations and related

educational services personnel whose function requires an educational certificate issued by the State Department of Education, and for the costs of educational materials, supplies and equipment for these programs. No such funds shall be used for the renovation or construction of capital facilities, for the maintenance and operation of educational facilities, or for custodial, habilitation or other noneducational costs.

There are hereby authorized to be appropriated to the Departments of Human Services, Children and Families and Corrections such funds as may be necessary to provide for adult, post-secondary and college programs.

(cf: P.L.2006, c.47, s.82)

31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to read as follows:

9. The Commissioner of Education, with the approval of the State Board of Education, shall promulgate rules and regulations to ensure a thorough and efficient education, consistent with the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), for the children in State facilities. In the case of county juvenile detention centers, the Office of Education in the **【Juvenile】** Youth Justice Commission shall develop, in consultation with the commissioner, appropriate standards, to be effective for Fiscal Year 1999, for the provision of a thorough and efficient education by the county for facilities established under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.

The commissioner shall continually review the operation of educational programs in State facilities. If he finds that the operation of any of these programs does not meet the educational standard required by the regulations, he shall direct that a remedial plan be prepared by the education director of the facility in which the program is located, together with the director of educational services of the department which is operating or contracting with the facility. The plan shall be submitted to the Commissioner of Education for his approval. If he approves the plan, it shall be implemented in a timely and effective manner. If he finds the plan or its implementation to be insufficient, he may, until the insufficiency is corrected, withhold and place in a special account any State aid funds which otherwise would have been forwarded pursuant to section 6 of P.L.1979, c.207.

(cf: P.L.2007, c.260, s.26)

32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to read as follows:

11. a. Any parent or guardian of a pupil in a State facility and any pupil in a State facility between 18 and 20 years of age, may request an administrative review on matters of educational classification or educational program.

- 1 b. The administrative review process shall include the
- 2 following sequence:
- 3 (1) A conference with teaching staff members or child study
- 4 team personnel;
- 5 (2) A conference with the Director of Educational Services of
- 6 the Department of Human Services, the Department of Children and
- 7 Families, the Department of Corrections, or the **【Juvenile】 Youth**
- 8 Justice Commission, whichever is appropriate;
- 9 (3) A hearing by the Commissioner of Education pursuant to
- 10 law and regulation.
- 11 c. The due process rights available to children, parents and
- 12 guardians in the public schools on matters of educational
- 13 classification or educational program shall be available to children,
- 14 parents and guardians in State facilities.
- 15 d. The placement of a child in a particular State facility shall
- 16 not be subject to an administrative review or hearing pursuant to
- 17 this section.
- 18 (cf: P.L.2006, c.47, s.83)
- 19
- 20 33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
- 21 read as follows:
- 22 19. For school funding purposes, the Commissioner of
- 23 Education shall determine district of residence as follows:
- 24 a. (1) In the case of a child placed in a resource family home
- 25 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
- 26 the district of residence shall be the district in which the resource
- 27 family parents reside. If such a child in a resource family home is
- 28 subsequently placed in a State facility or by a State agency, the
- 29 district of residence of the child shall then be determined as if no
- 30 such resource family placement had occurred.
- 31 (2) In the case of a child placed in a resource family home on or
- 32 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
- 33 district of residence shall be the present district of residence of the
- 34 parent or guardian with whom the child lived prior to the most
- 35 recent placement in a resource family home.
- 36 b. The district of residence for children who are in residential
- 37 State facilities, or who have been placed by State agencies in group
- 38 homes, skill development homes, private schools or out-of-State
- 39 facilities, shall be the present district of residence of the parent or
- 40 guardian with whom the child lived prior to his most recent
- 41 admission to a State facility or most recent placement by a State
- 42 agency.
- 43 c. The district of residence for children whose parent or
- 44 guardian temporarily moves from one school district to another as
- 45 the result of being homeless shall be the district in which the parent
- 46 or guardian last resided prior to becoming homeless. For the
- 47 purpose of this amendatory and supplementary act, "homeless" shall

1 mean an individual who temporarily lacks a fixed, regular and
2 adequate residence.

3 d. If the district of residence cannot be determined according to
4 the criteria contained herein, if the criteria contained herein identify
5 a district of residence outside of the State, or if the child has resided
6 in a domestic violence shelter, homeless shelter, or transitional
7 living facility located outside of the district of residence for more
8 than one year, the State shall assume fiscal responsibility for the
9 tuition of the child. The tuition shall equal the approved per pupil
10 cost established pursuant to section 24 of P.L.1996, c.138
11 (C.18A:7F-24). This amount shall be appropriated in the same
12 manner as other State aid under this act. The Department of
13 Education shall pay the amount to the Department of Human
14 Services, the Department of Children and Families, the Department
15 of Corrections or the **【Juvenile】 Youth** Justice Commission
16 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
17 or, in the case of a homeless child or a child in a family resource
18 home, the Department of Education shall pay to the school district
19 in which the child is enrolled the weighted base per pupil amount
20 calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49)
21 and the appropriate security categorical aid per pupil and special
22 education categorical aid per pupil.

23 e. If the State has assumed fiscal responsibility for the tuition
24 of a child in a private educational facility approved by the
25 Department of Education to serve children who are classified as
26 needing special education services, the department shall pay to the
27 Department of Human Services, the Department of Children and
28 Families or the **【Juvenile】 Youth** Justice Commission, as
29 appropriate, the aid specified in subsection d. of this section and in
30 addition, such aid as required to make the total amount of aid equal
31 to the actual cost of the tuition.

32 (cf: P.L.2017, c.83, s.1)

33

34 34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
35 read as follows:

36 20. Beginning in the school year 1997-98, the Commissioner of
37 Education shall annually report to the Legislature, describing the
38 condition of educational programs in State facilities, the efforts of
39 the Departments of Corrections, Children and Families, and Human
40 Services and the **【Juvenile】 Youth** Justice Commission in meeting
41 the standards of a thorough and efficient education in these
42 facilities, the steps underway to correct any deficiencies in their
43 educational programs, and the progress of the educational programs
44 in New Jersey State facilities in comparison with those in the state
45 facilities of other states. At that time the commissioner shall
46 recommend to the Legislature any necessary or desirable changes or

1 modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).
2 (cf: P.L.2006, c.47, s.86)

3
4 35. Section 1 of P.L.2005, c.265 (C.18A:7C-12) is amended to
5 read as follows:

6 1. Notwithstanding any provision of law to the contrary, in the
7 case of a student enrolled in an educational program in a county
8 juvenile detention center that meets the standards for a thorough
9 and efficient education developed by the Office of Education in the
10 **【Juvenile】 Youth** Justice Commission, in consultation with the
11 Commissioner of Education, pursuant to section 9 of P.L. 1979,
12 c.207 (C.18A:7B-5), who subsequently enrolls in a public school
13 district, the district shall accept all days of attendance and courses
14 studied by the student at the county juvenile detention center and
15 apply them toward district requirements for elementary, middle, or
16 high school graduation.
17 (cf: P.L.2005, c.265, s.1)

18
19 36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
20 read as follows:

21 24. Annually by December 15, the Department of Corrections,
22 the Department of Human Services, the Department of Children and
23 Families and the **【Juvenile】 Youth** Justice Commission shall each
24 submit to the commissioner for approval, with respect to the
25 facilities under their operational or supervisory authority, a budget
26 for educational programs as set forth in section 8 of P.L.1979, c.207
27 (C.18A:7B-4) for the subsequent year, together with enrollments
28 and per pupil costs. For the purposes of calculating a per pupil cost,
29 enrollment shall be based on the number of pupils in the State
30 facility on the last school day prior to October 16 of the prebudget
31 year. In the subsequent year, pursuant to P.L.1979, c.207
32 (C.18A:7B-1 et seq.) for students resident in a district, approved per
33 pupil amounts shall be deducted from each school district's State aid
34 and remitted to the appropriate agency, except that for county
35 juvenile detention centers, no deduction shall be made until Fiscal
36 Year 1999; in that year and thereafter, **【50%】 50 percent** of
37 approved per pupil amounts shall be deducted and remitted to the
38 **【Juvenile】 Youth** Justice Commission.
39 (cf: P.L.2006, c.47, s.89)

40
41 37. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to
42 read as follows:

43 3. As used in this act and P.L.1996, c.138, unless the context
44 clearly requires a different meaning:

45 "At-risk pupils" means those resident pupils from households
46 with a household income at or below the most recent federal

1 poverty guidelines available on October 15 of the prebudget year
2 multiplied by 1.85;

3 "Base per pupil amount" means the cost per elementary pupil of
4 delivering the core curriculum content standards and extracurricular
5 and cocurricular activities necessary for a thorough and efficient
6 education;

7 "Bilingual education pupil" means a resident pupil enrolled in a
8 program of bilingual education or in an English as a second
9 language program approved by the State Board of Education;

10 "Budgeted local share" means the district's local tax levy
11 contained in the budget certified for taxation purposes;

12 "Capital outlay" means capital outlay as defined in GAAP;

13 "Combination pupil" means a resident pupil who is both an at-
14 risk pupil and a bilingual education pupil;

15 "Commissioner" means the Commissioner of Education;

16 "Concentration of at-risk pupils" shall be based on prebudget
17 year pupil data and means, for a school district or a county
18 vocational school district, the number of at-risk pupils among those
19 counted in resident enrollment, divided by resident enrollment;

20 "County special services school district" means any entity
21 established pursuant to article 8 of chapter 46 of Title 18A of the
22 New Jersey Statutes;

23 "County vocational school district" means any entity established
24 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
25 Statutes;

26 "CPI" means the increase, expressed as a decimal, in the average
27 annualized consumer price index for the New York City and
28 Philadelphia areas in the fiscal year preceding the prebudget year
29 relative to the previous fiscal year as reported by the United States
30 Department of Labor;

31 "Debt service" means payments of principal and interest upon
32 school bonds and other obligations issued to finance the purchase or
33 construction of school facilities, additions to school facilities, or the
34 reconstruction, remodeling, alteration, modernization, renovation or
35 repair of school facilities, including furnishings, equipment,
36 architect fees, and the costs of issuance of such obligations and
37 shall include payments of principal and interest upon bonds
38 heretofore issued to fund or refund such obligations, and upon
39 municipal bonds and other obligations which the commissioner
40 approves as having been issued for such purposes;

41 "District income" means the aggregate income of the residents of
42 the taxing district or taxing districts, based upon data provided by
43 the Division of Taxation in the New Jersey Department of the
44 Treasury and contained on the New Jersey State Income Tax forms
45 for the calendar year ending two years prior to the prebudget year.
46 The commissioner may supplement data contained on the State
47 Income Tax forms with data available from other State or federal
48 agencies in order to better correlate the data to that collected on the

1 federal census. With respect to regional districts and their
2 constituent districts, however, the district income as described
3 above shall be allocated among the regional and constituent districts
4 in proportion to the number of pupils resident in each of them;

5 "Equalized valuation" means the equalized valuation of the
6 taxing district or taxing districts, as certified by the Director of the
7 Division of Taxation on October 1, or subsequently revised by the
8 tax court by January 15, of the prebudget year. With respect to
9 regional districts and their constituent districts, however, the
10 equalized valuations as described above shall be allocated among
11 the regional and constituent districts in proportion to the number of
12 pupils resident in each of them. In the event that the equalized table
13 certified by the director shall be revised by the tax court after
14 January 15 of the prebudget year, the revised valuations shall be
15 used in the recomputation of aid for an individual school district
16 filing an appeal, but shall have no effect upon the calculation of the
17 property value rate, Statewide average equalized school tax rate, or
18 Statewide equalized total tax rate;

19 "Full-day preschool" means a preschool day consisting of a six-
20 hour comprehensive educational program in accordance with the
21 district's kindergarten through grade 12 school calendar;

22 "GAAP" means the generally accepted accounting principles
23 established by the Governmental Accounting Standards Board as
24 prescribed by the State board pursuant to N.J.S.18A:4-14;

25 "General special education services pupil" means a pupil
26 receiving specific services pursuant to chapter 46 of Title 18A of
27 the New Jersey Statutes;

28 "Geographic cost adjustment" means an adjustment that reflects
29 county differences in the cost of providing educational services that
30 are outside the control of the district;

31 "Household income" means income as defined in 7 CFR ss.245.2
32 and 245.6 or any subsequent superseding federal law or regulation;

33 "Net budget" means the sum of the district's general fund tax
34 levy, State aid received pursuant to the provisions of this act other
35 than preschool education aid, miscellaneous revenue estimated
36 pursuant to GAAP, and designated general fund balance;

37 "Prebudget year" means the school fiscal year preceding the year
38 in which the school budget is implemented;

39 "Nonpreschool ECPA" means the amount of early childhood
40 program aid, excluding prior year carry-forward amounts, included
41 in a district's 2007-2008 school year budget certified for taxes that
42 was allocated to grades K through 3;

43 "Report" means the Educational Adequacy Report issued by the
44 commissioner pursuant to section 4 of this act;

45 "Resident enrollment" means the number of pupils other than
46 preschool pupils, post-graduate pupils, and post-secondary
47 vocational pupils who, on the last school day prior to October 16 of
48 the current school year, are residents of the district and are enrolled

1 in: (1) the public schools of the district, excluding evening schools,
2 (2) another school district, other than a county vocational school
3 district in the same county on a full-time basis, or a State college
4 demonstration school or private school to which the district of
5 residence pays tuition, or (3) a State facility in which they are
6 placed by the district; or are residents of the district and are: (1)
7 receiving home instruction, or (2) in a shared-time vocational
8 program and are regularly attending a school in the district and a
9 county vocational school district. In addition, resident enrollment
10 shall include the number of pupils who, on the last school day prior
11 to October 16 of the prebudget year, are residents of the district and
12 in a State facility in which they were placed by the State. Pupils in
13 a shared-time vocational program shall be counted on an equated
14 full-time basis in accordance with procedures to be established by
15 the commissioner. Resident enrollment shall include regardless of
16 nonresidence, the enrolled children of teaching staff members of the
17 school district or county vocational school district who are
18 permitted, by contract or local district policy, to enroll their
19 children in the educational program of the school district or county
20 vocational school district without payment of tuition. Disabled
21 children between three and five years of age and receiving programs
22 and services pursuant to N.J.S.18A:46-6 shall be included in the
23 resident enrollment of the district;

24 "School district" means any local or regional school district
25 established pursuant to chapter 8 or chapter 13 of Title 18A of the
26 New Jersey Statutes;

27 "State facility" means a State developmental center, a State
28 Division of Youth and Family Services' residential center, a State
29 residential mental health center, a Department of Children and
30 Families Regional Day School, a State training school/secure care
31 facility, a State juvenile community program, a juvenile detention
32 center or a boot camp under the supervisory authority of the
33 **【Juvenile】 Youth** Justice Commission pursuant to P.L.1995, c.284
34 (C.52:17B-169 et seq.), or an institution operated by or under
35 contract with the Department of Corrections, Children and Families
36 or Human Services, or the **【Juvenile】 Youth** Justice Commission;

37 "Statewide equalized school tax rate" means the amount
38 calculated by dividing the general fund tax levy for all school
39 districts, which excludes county vocational school districts and
40 county special services school districts as defined pursuant to this
41 section, in the State for the prebudget year by the equalized
42 valuations certified in the year prior to the prebudget year of all
43 taxing districts in the State except taxing districts for which there
44 are not school tax levies;

45 "Tax levy growth limitation" means the permitted annual
46 increase in the adjusted tax levy for a school district as calculated

1 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
2 18A:7F-39).
3 (cf: P.L.2010, c.44, s.6)
4

5 38. N.J.S.18A:47-4 is amended to read as follows:

6 18A:47-4. Such special school shall receive, restrain, and
7 instruct dependent delinquent children, and children under the age
8 of 16 years, committed to such school by the Superior Court,
9 Chancery Division, Family Part pursuant to the "New Jersey Code
10 of **【Juvenile】** Youth Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

11 If in the judgment of the court the best interests of a child
12 demand that the special school have the entire charge and control of
13 the child, the court may take the custody of the child from its
14 parents or guardian and give it, for an indeterminate period, to the
15 board of education having control of the special school. When in
16 the judgment of the board the conduct of the child has so improved
17 that it should be permitted to attend the regular public schools, it
18 may return the child to the custody of its parents or guardian.

19 Any child, under the age of 16 years, arrested for any cause
20 except murder or manslaughter, and pupils habitually truant or
21 incorrigible, may, by order of the Family Part be held in the school
22 until final judgment.

23 (cf: P.L.1991, c.91, s.235)
24

25 39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
26 read as follows:

27 2. The Legislature finds and declares that:

28 a. A qualified and stable work force in public facilities and
29 nonprofit social services agencies is essential to ensure the provision
30 of quality services to persons in need of services, including persons
31 with mental illness, developmental disabilities or other disabilities,
32 persons in need of substance use disorder treatment and juveniles
33 under the custody and care of the **【Juvenile】** Youth Justice
34 Commission;

35 b. These public facilities and social services agencies are
36 currently facing a personnel crisis, which is expected to worsen in the
37 next two decades;

38 c. The entry-level and on-going salaries offered by these public
39 facilities and social services agencies to direct care professionals are
40 not always competitive with those offered in the private for profit
41 sector, which limits the ability of these facilities and agencies to attract
42 and retain qualified direct care professionals;

43 d. Loan redemption programs can address the economic hardship
44 of direct care professionals performing critical work in low-paying
45 jobs, who in many instances are forced, because of their high loan debt
46 and low incomes, to reject or abandon employment in the public
47 sector, which is in great need of their skills and knowledge, for
48 employment that is more financially rewarding;

e. The departure of these skilled direct care professionals from the public and nonprofit sector is, in many cases, a loss to their own sense of personal fulfillment, to the consumers that they serve, and to society at large; and

f. The establishment by this State of a loan redemption program for direct care professionals employed in public facilities and nonprofit agencies that contract with the Department of Human Services and the **【Juvenile】 Youth** Justice Commission is essential to address the need for the continued provision of high-quality services by these skilled and knowledgeable professionals.

(cf: P.L.2023, c.177, s.52)

40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to read as follows:

3. As used in this act:

"Approved course of study" means: an undergraduate program leading to a bachelor's degree offered by a four-year public or independent institution of higher education; or a graduate program leading to a master's degree, which is offered by a public or independent institution of higher education, in a human services discipline such as social work, psychology or counseling, or a health-related profession such as occupational, physical or speech therapy.

"Approved employment" means postgraduate, full-time employment as a direct care professional in a qualified facility. The term shall not include a paid student internship, paid fellowship, volunteer service or employment before graduation.

"Authority" means the Higher Education Student Assistance Authority established pursuant to N.J.S.18A:71A-3.

"Direct care professional" means a professional staff member at a qualified facility who provides one or more of the following services to eligible persons: counseling; physical, occupational, recreational or speech therapy; case management; vocational training; assistance with activities of daily living; medication management; budgeting assistance; addiction treatment services; nutrition; and other clinical services.

"Eligible student loan expenses" mean the cumulative total of the annual student loans, covering the cost of attendance while enrolled in an approved course of study. Interest paid or due on student loans that a program participant has taken out for use in paying the costs of attendance at an institution of higher education shall be considered eligible for reimbursement under the program.

"Program" means the Social Services Student Loan Redemption Program established pursuant to this act.

"Program participant" means a person who meets the requirements of the program.

"Qualified facility" means:

- 1 a. a facility operated by the Department of Human Services
- 2 that provides direct care services to persons served by the
- 3 department;
- 4 b. a county psychiatric hospital;
- 5 c. a facility operated by the **【Juvenile】 Youth** Justice
- 6 Commission;
- 7 d. a veterans' memorial home operated by the Department of
- 8 Military and Veterans' Affairs; and
- 9 e. a nonprofit agency in the State that contracts with the
- 10 Department of Human Services or the **【Juvenile】 Youth** Justice
- 11 Commission to provide direct care services to persons served by the
- 12 department or commission.
- 13 (cf: P.L.2005, c.157, s.3)
- 14

15 41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to
16 read as follows:

17 4. There is established the Social Services Student Loan
18 Redemption Program within the Higher Education Student
19 Assistance Authority.

20 The purpose of the program is to address the current and
21 projected critical shortage of direct care professionals in the State
22 by providing an incentive for persons to engage in employment at
23 certain public facilities, and nonprofit social services agencies
24 under contract with the Department of Human Services or the
25 **【Juvenile】 Youth** Justice Commission, so as to ensure that State
26 residents who are in need of direct care services at these facilities
27 and agencies have sufficient, qualified professional staff in order to
28 provide the needed services.

29 The program shall provide loan redemption to finance the
30 undergraduate or graduate study of program participants in
31 exchange for full-time employment as a direct care professional at a
32 qualified facility following completion of an approved course of
33 study.

34 (cf: P.L.2005, c.157, s.4)

35

36 42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended
37 to read as follows:

38 10. The Higher Education Student Assistance Authority, in
39 consultation with the Commissioner of Human Services and the
40 executive director of the **【Juvenile】 Youth** Justice Commission,
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to
43 implement the provisions of this act, including eligibility criteria for
44 the program, procedures for determining the amount of the loan
45 redemption award, and the types of direct care professional
46 positions that qualify for the program.

47 (cf: P.L.2005, c.157, s.10)

1 43. Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to
2 read as follows:

3 10. a. To assist and advise in issues pertaining to prisoner
4 reentry, there is established in the Department of Corrections an
5 advisory commission to be known as the "Prisoner Reentry
6 Commission." The purpose of the commission shall be to review,
7 study, and offer solutions to problems facing prisoners re-entering
8 society, including, but not limited to determining whether:

9 (1) New Jersey should seek a federal waiver under Section 1115
10 of the Social Security Act to expand Medicaid eligibility to non-
11 disabled adults, to leverage additional federal funds in order to
12 target high risk populations;

13 (2) Health care and treatment resources for former prisoners are
14 adequate and if not, methods by which they can be improved;

15 (3) The prison population can be incorporated fully into New
16 Jersey's workforce development strategy; and

17 (4) Sources of funding intended for the same populations and
18 communities could be tapped, coordinated and leveraged
19 effectively.

20 b. In addition, the commission shall:

21 (1) Evaluate and provide recommendations for special issues
22 concerning juvenile reentry;

23 (2) Evaluate and make recommendations concerning current law
24 on juvenile waiver; and

25 (3) Evaluate and provide recommendations for inter-agency
26 communication, information sharing, and problem solving.

27 c. (1) The advisory commission shall consist of 18 members as
28 follows:

29 (a) The Attorney General or his designee, who shall serve ex
30 officio;

31 (b) The Secretary of State or his designee, who shall serve ex
32 officio;

33 (c) The Commissioner of Corrections or his designee, who shall
34 serve ex officio;

35 (d) The Commissioner of Human Services or his designee, who
36 shall serve ex officio;

37 (e) The Commissioner of Labor and Workforce Development or
38 his designee, who shall serve ex officio;

39 (f) The Commissioner of Community Affairs or his designee,
40 who shall serve ex officio;

41 (g) The Commissioner of Education or his designee, who shall
42 serve ex officio;

43 (h) Two members of the Senate, to be appointed by the
44 President of the Senate, who shall each be of different political
45 parties;

46 (i) Two members of the General Assembly, to be appointed by
47 the Speaker of the General Assembly, who shall each be of different
48 political parties;

1 (j) The Chairman of the State Parole Board or his designee,
2 who shall serve ex officio;

3 (k) The Executive Director of the **【Juvenile】 Youth** Justice
4 Commission or his designee, who shall serve ex officio;

5 (l) The Executive Director of the Housing and Mortgage
6 Finance Agency or his designee, who shall serve ex officio;

7 (m) The New Jersey Public Defender or his designee, who shall
8 serve ex officio;

9 (n) One representative from the New Jersey Institute for Social
10 Justice; and

11 (o) Two public members, who by experience or training have
12 expertise in issues facing former prisoners, to be appointed by the
13 Governor.

14 (2) The Governor shall designate one member as chairman and
15 two members as vice-chairmen of the commission from among the
16 members listed in this subsection.

17 (3) The public members shall be appointed for a five-year term.
18 Vacancies in the membership of the advisory commission shall be
19 filled in the same manner provided for in the original appointments.
20 The members of the advisory commission shall serve without
21 compensation but may be reimbursed for travel and other
22 miscellaneous expenses necessary to perform their duties, within
23 the limits of funds made available to the advisory commission for
24 its purposes.

25 (4) A member of the commission may be removed for good
26 cause.

27 d. The commission may meet at the call of its chair and hold
28 hearings at the times and in the places it may deem appropriate and
29 necessary to fulfill its charge. The advisory commission shall be
30 entitled to call to its assistance, and avail itself of the services of,
31 the employees of any State, county or municipal department, board,
32 bureau, commission or agency as it may require and as may be
33 available to it for its purposes.

34 e. The commission shall annually submit a report to the
35 Governor and the Legislature pursuant to section 2 of P.L.1991,
36 c.164 (C.52:14-19.1) along with any recommendations it deems
37 appropriate, including any legislative proposals it may wish to
38 make.

39 (cf: P.L.2009, c.329, s.10)

40

41 44. Section 3 of P.L.1998, c.71 (C.30:4-27.26) is amended to
42 read as follows:

43 3. As used in this act:

44 "Agency with jurisdiction" means the agency which releases
45 upon lawful order or authority a person who is serving a sentence or
46 term of confinement, or is otherwise being detained or maintained
47 in custody. This term includes the Department of Corrections or a
48 county correctional facility, the **【Juvenile】 Youth** Justice

1 Commission or a county juvenile detention facility, and the
2 Department of Human Services. "Attorney General" means the
3 Attorney General or a county prosecutor to whom the Attorney
4 General has delegated authority under this act.

5 "Clinical certificate for a sexually violent predator" means a
6 form prepared by the Division of Mental Health Services in the
7 Department of Human Services and approved by the Administrative
8 Office of the Courts, that is completed by the psychiatrist or other
9 physician who has examined the person who is subject to
10 commitment within three days of presenting the person for
11 admission to a facility for treatment, and which states that the
12 person is a sexually violent predator in need of involuntary
13 commitment. The form shall also state the specific facts upon which
14 the examining physician has based that conclusion and shall be
15 certified in accordance with the Rules Governing the Courts of the
16 State of New Jersey. A clinical certificate for a sexually violent
17 predator may not be executed by an individual who is a relative by
18 blood or marriage to the person who is being examined.

19 "Likely to engage in acts of sexual violence" means the
20 propensity of a person to commit acts of sexual violence is of such
21 a degree as to pose a threat to the health and safety of others.

22 "Mental abnormality" means a mental condition that affects a
23 person's emotional, cognitive or volitional capacity in a manner that
24 predisposes that person to commit acts of sexual violence.

25 "Person" means an individual 18 years of age or older who is a
26 potential or actual subject of proceedings under this act.

27 "Psychiatrist" means a physician who has completed the training
28 requirements of the American Board of Psychiatry and Neurology.

29 "Sexually violent offense" means:

30 (a) aggravated sexual assault; sexual assault; aggravated
31 criminal sexual contact; kidnapping pursuant to subparagraph (b) of
32 paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual
33 contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3
34 if the underlying crime is sexual assault; an attempt to commit any
35 of these enumerated offenses; or a criminal offense with
36 substantially the same elements as any offense enumerated above,
37 entered or imposed under the laws of the United States, this State or
38 another state; or

39 (b) any offense for which the court makes a specific finding on
40 the record that, based on the circumstances of the case, the person's
41 offense should be considered a sexually violent offense.

42 "Sexually violent predator" means a person who has been
43 convicted, adjudicated delinquent or found not guilty by reason of
44 insanity for commission of a sexually violent offense, or has been
45 charged with a sexually violent offense but found to be incompetent
46 to stand trial, and suffers from a mental abnormality or personality
47 disorder that makes the person likely to engage in acts of sexual

1 violence if not confined in a secure facility for control, care and
2 treatment.

3 "Treatment team" means the individuals, agencies or firms which
4 provide treatment, supervision or other services at a facility
5 designated for the custody, care and treatment of sexually violent
6 predators.
7 (cf: P.L.1998, c.71, s.3)

8
9 45. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
10 read as follows:

11 4. a. In order to ensure that adult and juvenile inmates who are
12 dangerous to themselves or others because of mental illness and
13 who are "in need of involuntary commitment" within the meaning
14 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
15 violent predators" within the meaning of section 3 of P.L.1998, c.71
16 (C.30:4-27.26), are not released without appropriate supervision
17 and treatment, the board, the Commissioner of the Department of
18 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
19 Commission established pursuant to section 2 of P.L.1995, c.284
20 (C.52:17B-170) and county prosecutors shall follow the procedures
21 set forth in this section.

22 b. When an adult or juvenile inmate is scheduled for release
23 due to expiration of the inmate's maximum term, the commissioner
24 or the **【Juvenile】 Youth** Justice Commission shall notify the
25 Attorney General and the prosecutor of the county from which the
26 person was committed if:

27 (1) The adult inmate's term includes a sentence imposed for
28 conviction of aggravated sexual assault, sexual assault or
29 aggravated criminal sexual contact and the court imposing sentence
30 found that the offender's conduct was characterized by a pattern of
31 repetitive, compulsive behavior;

32 (2) The parole board or the superintendent of the facility in
33 which the inmate has been confined has advised the commissioner
34 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
35 inmate during the period of confinement, the inmate's mental
36 condition or the inmate's past history indicates that the inmate may
37 be "in need of involuntary commitment" within the meaning of
38 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

39 (3) The inmate's term includes a sentence imposed for
40 conviction of a "sexually violent offense" as defined in section 3 of
41 P.L.1998, c.71 (C.30:4-27.26).

42 c. Notice required by subsection b. shall be given no less than
43 90 days before the date on which the inmate's maximum term is
44 scheduled to expire.

45 d. When such notice is given, the board, the **【Juvenile】 Youth**
46 Justice Commission or the commissioner shall provide the Attorney
47 General and county prosecutor with all information relevant to a

1 determination of whether the inmate may be "in need of involuntary
2 commitment" or may be a "sexually violent predator", including,
3 without regard to classification as confidential pursuant to
4 regulations of the board, of the Department of Corrections or the
5 **【Juvenile】 Youth** Justice Commission, any preparole report,
6 psychological and medical records, any statement of the reasons for
7 denial of parole and, if applicable, a statement of the reasons for the
8 determination that the inmate may be "in need of involuntary
9 commitment" or may be a "sexually violent predator".

10 e. If the Attorney General or county prosecutor determines, on
11 the basis of the information provided pursuant to this section or
12 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
13 commitment" or may be a "sexually violent predator", the
14 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
15 Commission, upon request of the Attorney General or county
16 prosecutor shall:

17 (1) Permit persons qualified to execute clinical certificates
18 necessary for civil commitment to examine the inmate in the
19 institution in which he is confined; or

20 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
21 arrange for persons qualified to execute clinical certificates
22 necessary for civil commitment to examine the inmate.

23 f. In the interests of the public safety and the well-being of the
24 inmate, the Attorney General or county prosecutor may exercise
25 discretion to obtain an assessment of the inmate's condition by one
26 or more of the means set forth in subsection e. of this section.

27 g. The Attorney General or county prosecutor shall provide a
28 psychiatrist or physician assessing or examining an inmate pursuant
29 to this section with all information relevant to the inmate's need of
30 involuntary commitment, including information concerning the
31 inmate's condition, history, recent behavior and any recent act or
32 threat. Any person who assesses or examines an inmate pursuant to
33 this section shall provide the Attorney General and county
34 prosecutor with a written report detailing the person's findings and
35 conclusions.

36 h. (1) All information, documents and records concerning the
37 inmate's mental condition or classified as confidential pursuant to
38 regulations of the board, of the Department of Corrections or the
39 **【Juvenile】 Youth** Justice Commission that are received or provided
40 pursuant to this section or N.J.S.2C:47-5 shall be deemed
41 confidential.

42 (2) Unless authorized or required by court order or except as
43 required in the course of judicial proceedings relating to the
44 inmate's commitment or release, disclosure of such information,
45 documents and records shall be limited to professionals evaluating
46 the inmate's condition pursuant to this section, the Attorney
47 General, county prosecutor and members of their respective staffs

1 as necessary to the performance of duties imposed pursuant to this
2 section.

3 i. Any person acting in good faith who has provided
4 information relevant to an inmate's need of involuntary commitment
5 or as to whether the inmate is a sexually violent predator or has
6 taken good faith steps to assess an inmate's need of involuntary
7 commitment or whether the inmate is a sexually violent predator is
8 immune from civil and criminal liability.

9 (cf: P.L.1998, c.71, s.17)

10

11 46. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is amended to
12 read as follows:

13 3. a. The Commissioner of Corrections, in conjunction with the
14 **【Juvenile】 Youth** Justice Commission and the State Parole Board,
15 shall establish a program to record and analyze the recidivism of all
16 inmates and juveniles adjudicated delinquent who are released from
17 a State correctional facility or a training school for juveniles,
18 whether on parole or upon the completion of their maximum
19 sentences. The purpose of this program shall be to assist in
20 measuring the effectiveness of the State's reentry initiatives and
21 programs.

22 b. The program shall record the arrests for all offenses
23 committed by releasees within three years following their release
24 and any convictions resulting from the arrests. These data shall be
25 analyzed to determine whether the rates and nature of rearrests and
26 convictions differ according to the criminal histories and personal
27 characteristics of releasees, the treatment they received while
28 confined, length of sentence, conditions of parole, participation and
29 involvement in reentry initiatives and programs, and such other
30 factors as may be relevant to the purposes of this section, including,
31 but not limited to, race, gender, ethnicity, and age.

32 c. The commissioner shall prepare and disseminate semi-
33 annual reports summarizing the recidivism rates, patterns, and other
34 findings and analyses resultant of the information gathered pursuant
35 to this section. These reports shall include summaries of the
36 treatment received by the releasees and any participation and
37 involvement in reentry initiatives by the releasees, and shall make
38 recommendations concerning the effectiveness of the treatment
39 programs and reentry initiatives. These reports shall be available to
40 the general public and shall not contain any personally identifying
41 information. To facilitate the accessibility of these reports to the
42 general public, the commissioner shall, to the greatest extent
43 possible, utilize the Internet.

44 d. The commissioner shall annually prepare and transmit to the
45 Governor and the Legislature, pursuant to section 2 of P.L.1991,
46 c.164 (C.52:14-19.1), a summary of the recommendations set forth
47 in the reports prepared pursuant to subsection c. of this section,
48 along with any recommendations the department, **【Juvenile】 Youth**

1 Justice Commission or the State Parole Board may have for
2 legislation to improve the effectiveness of the State's reentry
3 initiatives and programs.

4 (cf: P.L.2015, c.144, s.1)

5

6 47. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
7 read as follows:

8 1. a. This act shall be known and may be cited as the "Parole
9 Act of 1979."

10 b. In this act, unless a different meaning is plainly required:

11 (1) "Adult inmate" means any person sentenced as an adult to a
12 term of incarceration.

13 (2) "Juvenile inmate" means any person under commitment as a
14 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
15 (C.2A:4A-44).

16 (3) "Parole release date" means that date certified by a member
17 of the board for release of an inmate after a review of the inmate's
18 case pursuant to section 11, 13 or 14 of this act.

19 (4) "Primary parole eligibility date" means that date established
20 for parole eligibility for adult inmates pursuant to section 7 or 20 of
21 this act.

22 (5) "Public notice" shall consist of lists including names of all
23 inmates being considered for parole, the county from which the
24 inmates were committed and the crimes for which the inmates were
25 incarcerated. At least 30 days prior to parole consideration the lists
26 shall be forwarded to the office of the public defender of each
27 county or the private attorney of record for the inmates, the
28 prosecutor's office of each county, the sentencing court, the office
29 of the Attorney General, any other criminal justice agencies whose
30 information and comment may be relevant, and news organizations.

31 (6) Removal for "cause" means substantial cause that is plainly
32 sufficient under the law and sound public policy touching upon
33 qualifications appropriate to a member of the parole board or the
34 administration of the board such that the public interest precludes
35 the member's continuance in office. Cause includes, but is not
36 limited to, misconduct in office, incapacity, inefficiency,
37 nonfeasance, and violations of the Parole Board's Code of Ethics.

38 (7) "Commission" means the **【Juvenile】** Youth Justice
39 Commission established pursuant to section 2 of P.L.1995, c.284
40 (C.52:17B-170).

41 (8) "Parole officer" means, with respect to an adult inmate, an
42 officer assigned by the Chairman of the State Parole Board or the
43 chairman's designee and, with respect to a juvenile inmate, a person
44 assigned by the commission.

45 (cf: P.L.2019, c.364, s.7)

46

47 48. Section 5 of P.L.2020, c.111 (C.30:4-123.103) is amended to
48 read as follows:

1 5. a. An inmate who is released from the custody of the
2 Commissioner of Corrections or a juvenile who is released from the
3 custody of the **【Juvenile】** Youth Justice Commission following an
4 award of public health emergency credits pursuant to section 1 of
5 P.L.2020, c.111 (C.30:4-123.100), from the date of release until the
6 date the inmate or juvenile, as the case may be, was scheduled to be
7 released prior to the award of public health emergency credits, shall
8 be prohibited from purposely or knowingly making contact with any
9 victim of the crime for which the inmate or juvenile was serving a
10 sentence.

11 For purposes of this subsection, making contact with a victim
12 shall include contact made personally by the inmate or juvenile, as
13 the case may be, or through an agent, and shall include but not be
14 limited to: personal, written, electronic, or telephone contact or
15 communication; or entering the residence, property, school, or place
16 of employment of the victim.

17 b. A violation of subsection a. of this section shall be a crime
18 of the fourth degree.

19 c. (1) A petition may be filed with the court to dissolve the
20 prohibition established pursuant to the provisions of this section
21 prohibiting an inmate or juvenile, as the case may be, from making
22 contact with the victim in accordance with procedures established
23 by the court.

24 (2) The Director of the Administrative Office of the Courts shall
25 provide the Department of Corrections, **【Juvenile】** Youth Justice
26 Commission, and Attorney General with information concerning the
27 procedures established by the court for filing a petition to dissolve
28 the prohibition established pursuant to this section prohibiting an
29 inmate or juvenile, as the case may be, from making contact with
30 any victim of the crime for which the inmate or juvenile was
31 serving a sentence.

32 (cf: P.L.2020, c.111, s.5)

33

34 49. Section 12 of 1970, c.300 (C.30:4-157.2) is amended to read
35 as follows:

36 12. The warrant of commitment to the custody of the **【Juvenile】**
37 Youth Justice Commission established pursuant to section 2 of
38 P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the
39 parents or guardians if they can be ascertained and the juvenile's
40 place of residence. The court shall order transmitted to the
41 commission, by the officer serving the order of commitment a copy
42 of the complaint, a copy of any probation reports, pre-disposition
43 reports, education records, county detention center records, or other
44 records which the county may have concerning the past
45 delinquencies of the juvenile and other information concerning any
46 mental or physical condition which the court deems to be of
47 importance in the rehabilitation of the juvenile or the maintenance

1 of discipline, order and safety in the facility or the operation of the
2 facility or its programs. Such records shall be used for the
3 information and guidance of the facility and the commission but
4 shall not be public records. Such warrants and records shall be
5 forwarded to the commission on, or prior to, the date of the
6 juvenile's admission into the facility.
7 (cf: P.L.1995, c.280, s.49)

8
9 50. Section 1 of P.L.1939, c.301 (C.30:4-157.4) is amended to
10 read as follows:

11 30:4-157.4. Whenever a juvenile shall be committed to the
12 custody of the **【Juvenile】 Youth** Justice Commission established
13 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be
14 the duty of the court, at the time of the examination, to make
15 inquiry as to the ability of the parent or guardian to pay the
16 expenses of the commitment proceedings and the board of the
17 juvenile, and it shall endorse on the warrant of commitment a
18 statement of its finding in that regard.

19 Payment by the parent or guardian of these costs shall be made to
20 the probation division or county adjuster, whichever the court shall
21 designate; provided, however, that upon collection thereof the costs
22 of the commitment proceedings shall be paid to the county
23 treasurer, and any amount received representing maintenance shall
24 be forwarded to the State Treasurer. In the event of failure of the
25 parent or guardian to pay the amount ordered by the court then the
26 probation division or county adjuster, as the case may be, shall
27 bring the matter before the court for such further order as shall
28 appear proper therein to compel payment.

29 (cf: P.L.1995, c.280, s.50)

30
31 51. Section 16 of P.L.1970, c.300 (C.30:4-157.7) is amended to
32 read as follows:

33 30:4-157.7. No juvenile in custody of the **【Juvenile】 Youth**
34 Justice Commission established pursuant to section 2 of P.L.1995,
35 c.284 (C.52:17B-170) shall be indentured or bound out to service.
36 (cf: P.L.1995, c.280, s.52)

37
38 52. Section 11 of P.L.2017, c.176 (C.30:7E-7) is amended to
39 read as follows:

40 11. a. Notwithstanding the provisions of any other law or
41 regulation to the contrary, any contract between a health care
42 provider and the New Jersey Department of Corrections, the
43 **【Juvenile】 Youth** Justice Commission, the State Parole Board, or
44 any other State or local entity, which contract provides health care
45 services to the State's inmate population, shall not contain any
46 provision that discriminates, and the State or local entity
47 contracting for services shall ensure there is no discrimination, on

1 the basis of a person's gender identity or expression or on the basis
2 that the person is a transgender person.

3 b. The discrimination prohibited by this section shall include:

4 (1) denying, cancelling, limiting or refusing to issue or renew a
5 contract on the basis of a covered person's or prospective covered
6 person's gender identity or expression, or for the reason that the
7 covered person or prospective covered person is a transgender
8 person;

9 (2) demanding or requiring a payment or premium that is based
10 in whole or in part on a covered person's or prospective covered
11 person's gender identity or expression, or for the reason that the
12 covered person or prospective covered person is a transgender
13 person;

14 (3) designating a covered person's or prospective covered
15 person's gender identity or expression, or the fact that a covered
16 person or prospective covered person is a transgender person, as a
17 preexisting condition for which coverage will be denied or limited;
18 or

19 (4) denying or limiting coverage, or denying a claim, for
20 services including but not limited to the following, due to a covered
21 person's gender identity or expression or for the reason that the
22 covered person is a transgender person:

23 (a) health care services related to gender transition if coverage
24 is available for those services under the contract when the services
25 are not related to gender transition, including but not limited to
26 hormone therapy, hysterectomy, mastectomy, and vocal training; or

27 (b) health care services that are ordinarily or exclusively
28 available to individuals of one sex when the denial or limitation is
29 due only to the fact that the covered person is enrolled as belonging
30 to the other sex or has undergone, or is in the process of
31 undergoing, gender transition.

32 c. For the purposes of this section:

33 "Gender expression" means a person's gender-related appearance
34 and behavior, whether or not stereotypically associated with the
35 person's assigned sex at birth.

36 "Gender identity" means a person's internal sense of their own
37 gender, regardless of the sex the person was assigned at birth.

38 "Gender transition" means the process of changing a person's
39 outward appearance, including physical sex characteristics, to
40 accord with the person's actual gender identity.

41 "Transgender person" means a person who identifies as a gender
42 different from the sex assigned to the person at birth.

43 d. Nothing in this section shall preclude a State or local entity
44 contracting for services pursuant to this section from performing
45 utilization review, including periodic review of the medical
46 necessity of a particular service.

47 (cf: P.L.2017, c.176, s.11)

1 53. Section 3 of P.L.1997, c.81 (C.30:8-63) is amended to read
2 as follows:

3 3. As used in this act:

4 "Commission" means the **【Juvenile】 Youth** Justice Commission
5 established pursuant to section 2 of P.L.1995, c.284
6 (C.52:17B-170).

7 "Juvenile offender" means a person under the age of 18 who has
8 been adjudicated delinquent for an act which, if committed by an
9 adult, would constitute a crime of the third or fourth degree,
10 excluding an adjudication for any act which would constitute a
11 crime under chapter 14 of Title 2C of the New Jersey Statutes.
12 (cf: P.L.1997, c.81, s.3)

13

14 54. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to
15 read as follows:

16 4. There is established in the Department of Children and
17 Families the New Jersey Youth Suicide Prevention Advisory
18 Council.

19 a. The purpose of the council shall be to: examine existing
20 needs and services and make recommendations to the division for
21 youth suicide reporting, prevention and intervention; advise the
22 division on the content of informational materials to be made
23 available to persons who report attempted or completed suicides;
24 and advise the division in the development of regulations required
25 pursuant to this act.

26 b. The council shall consist of 18 members as follows:

27 (1) the Commissioners of Human Services, Children and
28 Families, Health and Senior Services, and Education, the executive
29 director of the **【Juvenile】 Youth** Justice Commission established
30 pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the
31 chairman of the Community Mental Health Citizens Advisory
32 Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.),
33 or their designees, who shall serve ex officio;

34 (2) six public members appointed by the Governor, as follows:
35 one person who is a current member of a county mental health
36 advisory board, one person with personal or family experience with
37 suicide, one person who is a current or retired primary or secondary
38 school teacher, one person who is a current or former member of a
39 local board of education, one psychiatrist and one person with
40 professional experience in the collection and reporting of social
41 science data;

42 (3) three public members appointed by the President of the
43 Senate, no more than two of whom are members of the same
44 political party, one of whom has volunteer or paid experience in the
45 provision of services to survivors of suicide or youth at risk of
46 attempting suicide, one of whom is an alcohol and drug counselor,
47 and one of whom is a representative of the New Jersey Traumatic
48 Loss Coalition; and

1 (4) three public members appointed by the Speaker of the
2 General Assembly, no more than two of whom are members of the
3 same political party, one of whom has knowledge of and interest in
4 the prevention of youth suicide and the provision of education about
5 suicide to high-risk populations, including religious, racial, ethnic
6 or sexual minorities, one of whom is a pediatrician, and one of
7 whom is a school-based counselor.

8 c. The public members shall be appointed no later than 60 days
9 after the date of enactment of this act.

10 d. The public members shall serve for a term of five years; but,
11 of the members first appointed, three shall serve for a term of two
12 years, three for a term of three years, three for a term of four years
13 and three for a term of five years. Members are eligible for
14 reappointment upon the expiration of their terms. Vacancies in the
15 membership of the council shall be filled in the same manner
16 provided for the original appointments.

17 e. The council shall organize as soon as practicable following
18 the appointment of its members and shall select a chairperson and
19 vice-chairperson from among the members. The chairperson shall
20 appoint a secretary who need not be a member of the council.

21 f. The public members shall serve without compensation, but
22 shall be reimbursed for necessary expenses incurred in the
23 performance of their duties and within the limits of funds available
24 to the council.

25 g. The council shall be entitled to call to its assistance and avail
26 itself of the services of the employees of any State, county or
27 municipal department, board, bureau, commission or agency as it
28 may require and as may be available to it for its purposes.

29 h. The Department of Children and Families shall provide staff
30 support to the council.

31 (cf: P.L.2006, c.47, s.175)

32

33 55. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to
34 read as follows:

35 9. The commission shall:

36 a. Issue the New Jersey Unified Workforce Investment Plan
37 pursuant to the provisions of the Workforce Investment Act of
38 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
39 P.L.1989, c.293 (C.34:15C-7);

40 b. Establish performance standards for workforce investment
41 programs pursuant to the Workforce Investment Act of 1998,
42 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
43 P.L.1989, c.293 (C.34:15C-8);

44 c. Act to ensure the full participation of Workforce Investment
45 Boards in the planning and supervision of local workforce
46 investment systems. The commission shall be responsible to
47 oversee and develop appropriate standards to ensure Workforce
48 Investment Board compliance with State and federal law, the State

- 1 plan, and other relevant requirements regarding membership,
2 staffing, meetings, and functions;
- 3 d. Foster and coordinate initiatives of the Department of
4 Education and Commission on Higher Education to enhance the
5 contributions of public schools and institutions of higher education
6 to the implementation of the State workforce investment policy;
- 7 e. Examine federal and State laws and regulations to assess
8 whether those laws and regulations present barriers to achieving any
9 of the goals of this act. The commission shall, from time to time as
10 it deems appropriate, issue to the Governor and the Legislature
11 reports on its findings, including recommendations for changes in
12 State or federal laws or regulations concerning workforce
13 investment programs or services, including, when appropriate,
14 recommendations to merge other State advisory structures and
15 functions into the commission;
- 16 f. Perform the duties assigned to a State Workforce Investment
17 Board pursuant to subsection (d) of section 111 of the Workforce
18 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);
- 19 g. Have the authority to enter into agreements with the head of
20 each State department or commission which administers or funds
21 education, employment or training programs, including, but not
22 limited to, the Departments of Labor and Workforce Development,
23 Community Affairs, Education, and Human Services and the
24 Commission on Higher Education, the New Jersey Economic
25 Development Authority, and the **【Juvenile】** Youth Justice
26 Commission, which agreements are for the purpose of assigning
27 planning, policy guidance and oversight functions to each
28 Workforce Investment Board with respect to any workforce
29 investment program funded or administered by the State department
30 or commission within the Workforce Investment Board's respective
31 labor market area or local area, as the case may be; and
- 32 h. Establish guidelines to be used by the Workforce Investment
33 Boards in performing the planning, policy guidance, and oversight
34 functions assigned to the boards under any agreement reached by
35 the commission with a department or commission pursuant to
36 subsection g. of this section. The commission shall approve all
37 local Workforce Investment Board plans that meet the criteria
38 established by the commission for the establishment of One-Stop
39 systems. The Department of Labor and Workforce Development
40 shall approve the operational portion of the plans for programs
41 administered by the department.
- 42 The commission shall have access to all files and records of
43 other State agencies and may require any officer or employee
44 therein to provide such information as it may deem necessary in the
45 performance of its functions.
- 46 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
47 construed as affecting the authority of the State Treasurer to review

1 and approve training programs for State employees pursuant to
2 N.J.S.11A:6-25.
3 (cf: P.L.2008, c.29, s.91)
4

5 56. Section 1 of P.L.2001, c.446 (C.34:15F-12) is amended to
6 read as follows:

7 1. a. There is established in the Department of Labor and
8 Workforce Development a Youth Employment and After School
9 Incentive Pilot Program which shall be administered by the
10 Commissioner of Labor and Workforce Development, pursuant to
11 the provisions of P.L.2001, c.446 (C.34:15F-12 et seq.). The
12 program shall provide for employment opportunities for
13 disadvantaged youth with private and nonprofit employers. The
14 purpose of the program shall be to enable disadvantaged youth to
15 acquire job knowledge and skills and an understanding of the
16 linkage between the skills, behaviors, and attitudes necessary to
17 function as an adult in the workplace.

18 As used in P.L.2001, c.446 (C.34:15F-12 et seq.),
19 "disadvantaged youth" means public and nonpublic school students
20 as well as youth who are not students who reside in municipalities
21 where both the rates of unemployment and violent crime
22 significantly exceed the Statewide rates of unemployment and
23 violent crime by percentages which shall be designated by the
24 commissioner. The term shall include youth in these municipalities
25 who are participating in a program of aftercare following their
26 release from juvenile detention or community facilities.

27 b. There is established in, but not of, the Department of Labor
28 and Workforce Development the Disadvantaged Youth Employment
29 Opportunities Council. Notwithstanding the allocation of the
30 council to the Department of Labor and Workforce Development,
31 the council shall directly report to the Chairperson of the State
32 Employment and Training Commission established by section 5 of
33 P.L.1989, c.293 (C.34:15C-2). The council shall consist of 18
34 members: the Commissioner of Labor and Workforce Development,
35 the Commissioner of Education, the Executive Director of the New
36 Jersey Commission on Higher Education, the Chief Executive
37 Officer and Secretary of the New Jersey Commerce, Economic
38 Growth and Tourism Commission, the Secretary of State and the
39 Executive Director of the **【Juvenile】 Youth** Justice Commission, or
40 their designees, who shall serve ex officio and as nonvoting
41 members; and 12 public members appointed by the Governor, the
42 President of the Senate and the Speaker of the General Assembly.
43 The Governor shall appoint two religious leaders and two
44 representatives of education organizations. The President of the
45 Senate and the Speaker of the Assembly shall each appoint a leader
46 of the business community, a labor leader, a representative of a
47 county vocational-technical school, and a person representing
48 organizations that have expertise serving the needs of

1 disadvantaged youth. The public members shall serve for terms of
2 three years, may be reappointed and may serve until a successor has
3 been appointed. Of the public members first appointed, six shall be
4 appointed for terms of three years, and six shall be appointed for
5 terms of two years. A vacancy in the membership, occurring other
6 than by expiration of a term, shall be filled in the same manner as
7 the original appointment, but for the unexpired term only. The
8 members shall serve without compensation, but the council may,
9 within the limits of funds appropriated or otherwise made available
10 to it, reimburse members for actual expenses necessarily incurred in
11 the discharge of their official duties.

12 The council shall organize as soon as its members are appointed
13 and shall select a chairman and vice-chairman from among its
14 members and may select a secretary, who need not be a member of
15 the council. The council shall meet monthly, and at such other
16 times as may be necessary.

17 The council may employ, prescribe the duties and fix and pay the
18 compensation of such persons it may deem necessary to carry out
19 the duties of the council within the limits of available
20 appropriations.

21 It shall be the duty of the council to:

22 (1) Develop a master plan to increase employment opportunities
23 for disadvantaged youth;

24 (2) Enlist the commitment of the State's business leadership to
25 provide employment opportunities for disadvantaged youth;

26 (3) Enlist the support of the State's key unions which operate
27 apprenticeship and similar programs;

28 (4) Develop proposals for innovative efforts to assist
29 economically disadvantaged youth to enroll in and successfully
30 complete employment programs;

31 (5) Involve all sectors of the community, including high level
32 representatives of business, youth-serving agencies, foundations,
33 local school systems, the communications media, and the religious
34 community in an effort to promote and coordinate employment
35 opportunities for disadvantaged youth; and

36 (6) In conjunction with the Department of Labor and Workforce
37 Development and the Commerce, Economic Growth and Tourism
38 Commission, seek to identify and maximize any available federal
39 funding for the purpose of enhancing employment opportunities
40 provided under P.L.2001, c.446 (C.34:15F-12 et seq.).

41 The council shall be entitled to call to its assistance and avail
42 itself of the services of such employees of any State, county or
43 municipal department, board, bureau, commission, or agency as it
44 may require and as may be available to it for these purposes.

45 The Commissioner of Labor and Workforce Development, in
46 consultation with the State Employment and Training Commission
47 and the council, may promulgate rules and regulations necessary to

1 effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).
 2 (cf: P.L.2007, c.189, s.1)

3
 4 57. Section 2 P.L.2001, c.446 (C.34:15F-13) is amended to read
 5 as follows:

6 2. a. In cooperation with the Disadvantaged Youth Employment
 7 Opportunities Council established in section 1 of P.L.2001, c.446
 8 (C.34:15F-12), the Commissioner of Labor and Workforce
 9 Development, in consultation with the State Employment and
 10 Training Commission shall develop and administer the employment
 11 program established under this act. The commissioner shall, to the
 12 greatest extent feasible, attempt to achieve a balance of enrolled
 13 disadvantaged youth from the northern, central, and southern parts
 14 of the State.

15 b. The Commissioner of Labor and Workforce Development, in
 16 consultation with the State Employment and Training Commission,
 17 the Department of Education, the **【Juvenile】 Youth** Justice
 18 Commission, and the council, shall develop procedures relating to
 19 the program referral process; establish the selection criteria for
 20 participants which shall include the identification of local
 21 disadvantaged youths assessed by local law enforcement and
 22 juvenile corrections authorities as being at risk of gang membership
 23 or involvement or reinvolvement in the criminal justice system and
 24 students who are not meeting minimal district standards of behavior
 25 and academic achievement; provide a listing of employers who have
 26 agreed to participate in the program; and establish the process
 27 which will be utilized for matching disadvantaged youth to
 28 employment opportunities that will enhance the self-esteem and
 29 assimilation of life skills necessary for productive functioning in the
 30 school setting and society.

31 (cf: P.L.2007, c.189, s.2)

32
 33 58. Section 1 of P.L.2009, c.16 (C.40A:14-200) is amended to
 34 read as follows:

35 1. As used in this act:

36 "Law enforcement agency" or "agency" means any public
 37 agency, other than the Department of Law and Public Safety, but
 38 not including the **【Juvenile】 Youth** Justice Commission, any police
 39 force, department, or division within the State, or any county or
 40 municipality thereof, which is empowered by statute to act for the
 41 detection, investigation, arrest, conviction, detention, or
 42 rehabilitation of persons violating the criminal laws of this State.

43 "Law enforcement officer" or "officer" means any person who is
 44 employed as a permanent full-time member of any State, county, or
 45 municipal law enforcement agency, department, or division of those
 46 governments who is statutorily empowered to act for the detection,
 47 investigation, arrest, conviction, detention, or rehabilitation of
 48 persons violating the criminal laws of this State and statutorily

1 required to successfully complete a training course approved by, or
2 certified as being substantially equivalent to such an approved
3 course, by the Police Training Commission pursuant to P.L.1961,
4 c.56 (C.52:17B-66 et seq.).

5 "Paid firefighter" or "firefighter" means any full-time paid
6 firefighter employed by a public fire department.

7 "Public fire department" or "department" means any department
8 of a municipality, county, fire district or the State or any agency
9 thereof having employees engaged in firefighting provided that such
10 firefighting employees are included in a negotiating unit exclusively
11 comprised of firefighting employees.

12 (cf: P.L.2009, c.16, s.1)

13
14 59. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
15 read as follow:

16 19. a. The Victims of Crime Compensation Agency, after
17 consultation with the Attorney General, the Department of
18 Corrections, and the Administrative Office of the Courts, on behalf
19 of the county probation divisions and the municipal court clerks,
20 shall continue to develop the existing uniform system for recording
21 all information necessary to ensure proper identification, tracking,
22 collection and disposition of moneys owed for:

23 (1) assessments imposed pursuant to section 2 of P.L.1979,
24 c.396 (C.2C:43-3.1);

25 (2) fines and restitutions imposed in accordance with provisions
26 of Title 2C of the New Jersey Statutes;

27 (3) fees imposed pursuant to N.J.S.2C:35-20;

28 (4) penalties imposed pursuant to N.J.S.2C:35-15.

29 b. The Victims of Crime Compensation Agency shall use the
30 moneys deposited in the Criminal Disposition and Revenue
31 Collection Fund to defray the costs incurred by the agency in
32 developing, implementing, operating and improving the agency's
33 component of the uniform system for tracking and collecting
34 revenues described in subsection a. of this section.

35 c. The **【Juvenile】** Youth Justice Commission established
36 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the
37 Department of Corrections, and the Administrative Office of the
38 Courts, on behalf of the county probation divisions and the
39 municipal court clerks, shall file such reports with the Victims of
40 Crime Compensation Agency as required for the operation of the
41 uniform system described in subsection a. of this section.

42 d. The Victims of Crime Compensation Agency shall report
43 annually to the Governor, the Attorney General, the Administrative
44 Director of the Administrative Office of the Courts, the
45 Commissioner of the Department of Corrections, the **【Juvenile】**
46 Youth Justice Commission and the Legislature on the development,
47 implementation, improvement and effectiveness of the uniform

1 system and on moneys received, deposited and identified as
2 receivable.

3 (cf: P.L.2007, c.95, s.10)

4

5 60. Section 1 of P.L.2019, c.115 (C.52:16A-26.10) is amended
6 to read as follows:

7 1. a. The New Jersey State Council on the Arts shall publish on
8 its website and disseminate to any organization in this State that
9 expresses to the council an intent to develop or expand an arts
10 program for youth at risk of juvenile delinquency a guide
11 containing best practices for such programs. Under the best
12 practices guidelines, programs should:

13 (1) recognize that art is a vehicle that can be used to engage
14 youth in activities that will increase their self-esteem;

15 (2) provide for collaborative effort among the artist, social
16 service provider, teacher, agency staff, youth, and family, as
17 appropriate, in delivery of the program;

18 (3) recognize and involve the families of the youth and the
19 communities in which the youth live;

20 (4) include age-appropriate curriculum;

21 (5) emphasize dynamic teaching tactics, such as hands-on
22 learning, apprentice relationships, and the use of technology;

23 (6) to the extent possible, culminate in a public performance or
24 exhibition with a focus on building participants' self-esteem through
25 public recognition;

26 (7) during the planning stage, address program goals, site
27 selection, population, the development of relationships among team
28 members, the methods for youth involvement in planning,
29 curriculum design, transportation, safety, incentives, behavioral
30 requirements, program growth, the balance between arts program
31 and other program objectives, the balance between process and
32 product, student recognition of achievements, and the involvement
33 of families, communities, and volunteers;

34 (8) incorporate an evaluation system early into the program;

35 (9) train teams, collaboratively, that work with youth in team
36 building, communication skills, and organizational skills;

37 (10) train teams in effective methods for working with youth
38 from special populations, including in behavior management,
39 adolescent psychology, and familiarization with the juvenile justice
40 system;

41 (11) train teams in designing a curriculum or involving a trained
42 curriculum specialist;

43 (12) adopt training that is practical, addresses issues identified
44 by team members, incorporates advice from a variety of trainers
45 with expertise in relevant issue areas, provides opportunities for
46 team members to share in successes and failures and engage in peer
47 training, and integrates specialized training into ongoing training
48 sessions whenever possible;

1 (13) require program staff to clearly define program goals and
2 intended outcomes in evaluating an arts program, and to monitor
3 and document program implementation and the service-delivery
4 process;

5 (14) utilize "process evaluations," which examine program
6 implementation and service delivery, to describe and refine a
7 program, measuring the impact on youth and identifying ways to
8 improve a program;

9 (15) employ journals, portfolios, surveys, and artist observations
10 as evaluation measures to determine the effects of arts programs on
11 at-risk youth, incorporating those measures into program activities
12 when possible;

13 (16) document program-specific factors, such as staff ratios,
14 hours of contact, and duration of contact, in process evaluations;

15 (17) account for the impact of individual, family, and
16 community factors on program effectiveness; and

17 (18) incorporate activities that recognize individual efforts and
18 provide opportunities for youth to learn new skills, which activities
19 are designed to reduce the influence of risk factors associated with
20 adolescent problem behaviors, such as low neighborhood
21 attachment, lack of commitment to school, alienation and
22 rebelliousness, and friends who engage in problem behavior.

23 The council shall make periodic revisions to the guide as
24 necessary.

25 b. The council shall provide technical and consultative
26 assistance to any State agency or local government unit requesting
27 such assistance to implement a program adopting the elements
28 listed in subsection a. of this section. The council shall, upon
29 completion or revision, deliver, by electronic or other means, the
30 guide to the **【Juvenile】 Youth** Justice Commission and the Division
31 of Child Protection and Permanency in the Department of Children
32 and Families.

33 As used in this subsection, "State agency" means any agency in
34 the Executive branch of State government, including, but not
35 limited to, any department, board, bureau, commission, division,
36 office, council, or instrumentality thereof, or independent agency,
37 public authority or public benefit corporation, and any State college
38 or public institution of higher education. "Local government unit"
39 means a county, municipality, board of education, or county college
40 as defined in section 2 of P.L.1982, c.189 (C.18A:64A-25.2).
41 (cf: P.L.2019, c.115, s.1)
42

43 61. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
44 read as follows:

45 2. As used in this act:

46 "Applicant" means an individual who applies to the Police
47 Training Commission to become licensed as a law enforcement
48 officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

1 "Approved school" shall mean a school approved and authorized
2 by the Police Training Commission to give police training courses
3 or a training course for State and county correctional police officers
4 and juvenile detention officers as prescribed in this act.

5 "Commission" shall mean the Police Training Commission or
6 officers or employees thereof acting on its behalf.

7 "County" shall mean any county which within its jurisdiction has
8 or shall have a law enforcement unit as defined in this act.

9 "Discipline subject to appeal" means a removal, disciplinary
10 demotion, suspension, or fine of more than five days, or fewer
11 where the aggregate number of days the employee was suspended
12 or fined in any one calendar year is 15 or more days, or where the
13 employee received more than three suspensions or fines of five days
14 or fewer in one calendar year.

15 "Law enforcement officer" means any person who is employed
16 as a sworn member of any State, county, or municipal law
17 enforcement agency, department, division, or instrumentality of
18 those governments who is statutorily empowered to act for the
19 detection, investigation, arrest, conviction, detention, or
20 rehabilitation of persons violating the criminal laws of the State.
21 This term shall include, but is not limited to, sworn members of the
22 New Jersey State Police, the Division of Criminal Justice, and the
23 **【Juvenile】** Youth Justice Commission; State correctional police
24 officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4);
25 county correctional police officers pursuant to N.J.S.2A:154-3;
26 State Parole officers pursuant to section 1 of P.L.1968, c.427
27 (C.2A:154-4); special law enforcement officers of all classes
28 pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law
29 enforcement officers appointed pursuant to section 25 of P.L.2017,
30 c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4);
31 transit police officers appointed by New Jersey Transit pursuant to
32 section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police
33 officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
34 seq.).

35 "Law enforcement unit" shall mean any State, county or
36 municipal law enforcement agency, department, division, or
37 instrumentality of such government that is statutorily empowered to
38 act for the detection, investigation, arrest, conviction, detention, or
39 rehabilitation of persons violating the criminal laws of the State,
40 and shall include all agencies that employ law enforcement officers
41 as defined in this section.

42 "Licensing committee" means the committee established by the
43 Police Training Commission to perform duties with respect to law
44 enforcement officer licensing as set forth in subsection c. of section
45 9 of P.L.2022, c.65 (C.52:17B-71a).

46 "Municipality" shall mean a city of any class, township, borough,
47 village, or any other type of municipality in this State which, within

1 its jurisdiction, has or shall have a law enforcement unit as defined
2 in this act.

3 "National Decertification Index" shall mean the national registry
4 of law enforcement officer decertification or license revocations
5 maintained by the International Association of Directors of Law
6 Enforcement Standards and Training, or a successor database.

7 "Permanent appointment" shall mean an appointment having
8 permanent status as a law enforcement officer in a law enforcement
9 unit as prescribed by Title 11A of the New Jersey Statutes, Civil
10 Service Commission Rules and Regulations, or of any other law of
11 this State, municipal ordinance, or rules and regulations adopted
12 thereunder.

13 "Police training course" means a training course approved by the
14 Police Training Commission and conducted at an approved school.

15 "Probationary law enforcement license" means a license issued
16 by the Police Training Commission to a person appointed by a law
17 enforcement unit on a probationary or temporary basis which
18 authorizes the person to perform the functions of a permanent law
19 enforcement officer during the person's probationary or temporary
20 appointment term.

21 "Sustained finding" shall mean a determination by an employing
22 law enforcement unit that a law enforcement officer violated a law;
23 regulation; directive, guideline, policy, or procedure issued by the
24 Attorney General or County Prosecutor; agency protocol; standing
25 operating procedure; rule; or training.

26 (cf: P.L.2022, c.65, s.2)

27

28 62. Section 1 of P.L.1995, c.284 (C.52:17B-169) is amended to
29 read as follows:

30 1. The Legislature finds and declares:

31 a. The public safety requires reform of the juvenile justice
32 system;

33 b. Juvenile arrests for murder, robbery, aggravated sexual
34 assault, sexual assault and aggravated assault have increased 38
35 percent between 1988 and 1993 and New Jersey ranks near the top
36 nationally in the number of juvenile arrests for serious violent
37 crimes;

38 c. Juvenile crime has become a leading cause of injury and
39 death among young people;

40 d. Currently, preventive, deterrent and rehabilitative services
41 and sanctions for juveniles are the responsibility of no less than
42 three State departments: The Department of Law and Public Safety
43 deals with county prosecutors and local police and implements
44 prevention programs; the Department of Corrections operates the
45 New Jersey Training School for Boys and the Juvenile Medium
46 Security Facility, and its Bureau of Parole supervises juvenile
47 parolees; and the Department of Human Services operates

- 1 residential and day programs in facilities for juveniles adjudicated
2 delinquent;
- 3 e. The division of responsibility for the juvenile justice
4 population and the limitations on resources available to meet ever-
5 increasing demands for services provided by the Departments of
6 Human Services and Corrections have prevented the departments
7 from maximizing efforts to meet the special needs of the juvenile
8 justice population;
- 9 f. The juvenile justice system lacks services and sanctions
10 short of incarceration, particularly in urban areas and for that
11 reason, many juveniles are not held accountable until they have
12 committed a series of increasingly serious criminal acts;
- 13 g. The special needs of juveniles can be addressed through
14 services and sanctions provided at the county and local level;
- 15 h. The need to protect the public from criminal acts by juvenile
16 offenders requires a comprehensive program and concerted action
17 of governmental agencies and private organizations at the State,
18 county and local level that permit effective response and avoid
19 waste of scarce resources;
- 20 i. (1) The comprehensive program should provide a range of
21 services and sanctions for juveniles sufficient to protect the public
22 through prevention; early intervention; and a range of meaningful
23 sanctions that ensure accountability, provide training, education,
24 treatment and, when necessary, confinement followed by
25 community supervision that is adequate to protect the public and
26 promote successful reintegration into the community;
- 27 (2) Consistent with the need to protect the public, services and
28 sanctions for juveniles shall provide balanced attention to the
29 protection of the community, the imposition of accountability for
30 offenses committed, fostering interaction and dialogue between the
31 offender, victim and community and the development of
32 competencies to enable juvenile offenders to become responsible
33 and productive members of the community.
- 34 j. The most efficient and effective use of available resources
35 requires fixing responsibility for the comprehensive program in a
36 single State agency and providing incentives to encourage the
37 development and provision of appropriate services and sanctions at
38 the county and local level; and
- 39 k. It is, therefore, necessary to establish a **【Juvenile】 Youth**
40 Justice Commission responsible for operating State services and
41 sanctions for juveniles involved in the juvenile justice system and
42 responsible for developing a Statewide plan for effective provision
43 of juvenile justice services and sanctions at the State, county and
44 local level; to establish a State/Community Partnership Grant
45 Program through which the State will provide incentives to county
46 and local governments to encourage the provision of services and
47 sanctions for juveniles adjudicated or charged as delinquent and
48 programs for the prevention of juvenile delinquency, and to

1 establish county youth services commissions responsible for
2 planning and implementing the Partnership at the local level.
3 (cf: P.L.2001, c.408, s.7)

4
5 63. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
6 read as follows:

7 2. a. A **【Juvenile】** Youth Justice Commission is established in,
8 but not of, the Department of Law and Public Safety. The
9 commission is allocated to the Department of Law and Public
10 Safety for the purpose of complying with Article V, Section IV,
11 paragraph 1 of the New Jersey Constitution. The Attorney General
12 shall be the request officer for the commission within the meaning
13 of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall
14 exercise that authority and other administrative functions, powers
15 and duties consistent with the provisions of this act.

16 b. The commission shall consist of an executive director, an
17 executive board, an advisory council and such facilities, officers,
18 employees and organizational units as provided herein or as
19 otherwise necessary to performance of the commission's duties and
20 responsibilities.

21 c. The executive director shall be appointed by the Governor
22 with the advice and consent of the Senate and shall serve at the
23 pleasure of the Governor during the Governor's term of office and
24 until a successor is appointed and qualified.

25 d. The executive board shall consist of the following members:
26 The Attorney General, who shall serve as chair of the executive
27 board; the Commissioner of Corrections and the Commissioner of
28 Children and Families, who shall serve as vice-chairs of the
29 executive board; the Commissioner of Education; the chair of the
30 **【Juvenile】** Youth Justice Commission advisory council, established
31 pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two
32 members who serve as chairs of a county youth services
33 commission, established pursuant to P.L.1995, c.282 (C.52:17B-
34 180), to be appointed by the Governor to serve at the Governor's
35 pleasure. The Administrative Director of the Administrative Office
36 of the Courts is invited to participate on the executive board,
37 subject to the approval of the Supreme Court. A member of the
38 executive board may name a designee who shall have the authority
39 to act for the member. Members of the executive board shall serve
40 without compensation for their services to the commission. The
41 executive board shall meet at least quarterly and at such other times
42 as designated by the chair. Except with respect to matters
43 concerning distribution of funds to counties, four members of the
44 executive board shall constitute a quorum to transact business of the
45 executive board and action of the executive board shall require an
46 affirmative vote of four members. A member of the executive
47 board who is also a member of a county youth services commission
48 shall not participate in matters concerning distribution of funds to

1 counties; in these matters, three members of the executive board
2 shall constitute a quorum to transact business and an action of the
3 executive board shall require an affirmative vote of three members.

4 e. The commission shall have the following powers, duties and
5 responsibilities:

6 (1) To specify qualifications for and to employ, within the limits
7 of available appropriations and subject to the provisions of
8 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
9 Jersey Statutes, such staff as are necessary to accomplish the work
10 of the commission or as are needed for the proper performance of
11 the functions and duties of the commission, including but not
12 limited to:

13 (a) The number of deputy directors, assistant directors,
14 superintendents, assistant superintendents and other assistants who
15 shall be in the unclassified service and shall be deemed confidential
16 employees for the purposes of the "New Jersey Employer-Employee
17 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

18 (b) Juvenile corrections officers;

19 (2) To utilize such staff of the Department of Law and Public
20 Safety as the Attorney General, within the limits of available
21 appropriations, may make available to the commission;

22 (3) To organize the work of the commission in appropriate
23 bureaus and other organization units;

24 (4) To enter into contracts and agreements with State, county
25 and municipal governmental agencies and with private entities for
26 the purpose of providing services and sanctions for juveniles
27 adjudicated or charged as delinquent and programs for prevention
28 of juvenile delinquency;

29 (5) To contract for the services of professional and technical
30 personnel and consultants as necessary to fulfill the statutory
31 responsibilities of the commission;

32 (6) To establish minimum standards for the care, treatment,
33 government and discipline of juveniles confined pending, or as a
34 result of, an adjudication of delinquency;

35 (7) To assume the custody and care of all juveniles committed
36 by court order, law, classification, regulation or contract to the
37 custody of the commission or transferred to the custody of the
38 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-
39 176);

40 (8) To manage and operate all State secure juvenile facilities
41 which shall include the New Jersey Training School for Boys
42 created pursuant to R.S.30:1-7 and transferred to the Commissioner
43 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
44 and the Juvenile Medium Security Facility created pursuant to
45 R.S.30:1-7 and both transferred to the commission pursuant to
46 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
47 other secure juvenile facility established by the commission in the
48 future;

- 1 (9) To manage and operate all State juvenile facilities or
2 juvenile programs for juveniles adjudicated delinquent which shall
3 include facilities and programs transferred to the commission
4 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
5 established or contracted for in the future by the commission;
- 6 (10) To prepare a State **【Juvenile】** Youth Justice Master Plan
7 every third year which identifies facilities, sanctions and services
8 available for juveniles adjudicated or charged as delinquent and
9 juvenile delinquency prevention programs and which identifies
10 additional needs based upon the extent and nature of juvenile
11 delinquency and the adequacy and effectiveness of available
12 facilities, services, sanctions and programs;
- 13 (11) To approve plans for each county submitted by the county
14 youth services commission pursuant to P.L.1995, c.282
15 (C.52:17B-180);
- 16 (12) To administer the State/Community Partnership Grant
17 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 18 (13) To accept from any governmental department or agency,
19 public or private body or any other source, grants or contributions
20 to be used in exercising its power, and in meeting its duties and
21 responsibilities;
- 22 (14) To formulate and adopt standards and rules for the efficient
23 conduct of the work of the commission, the facilities, services,
24 sanctions and programs within its jurisdiction, and its officers and
25 employees;
- 26 (15) To provide for the development of the facilities, services,
27 sanctions and programs within its jurisdiction and to promote the
28 integration of State, county and local facilities, sanctions, services
29 and programs, including probation and parole;
- 30 (16) To institute, or cause to be instituted, such legal
31 proceedings or processes as may be necessary to enforce properly
32 and give effect to any of its powers or duties including the authority
33 to compel by subpoena, subject to the sanction for contempt of
34 subpoena issued by a court, attendance and production of records;
- 35 (17) To provide for the timely and efficient collection and
36 analysis of data regarding the juvenile justice system to insure the
37 continuing review and evaluation of services, policies and
38 procedures;
- 39 (18) To receive and classify juveniles committed to the custody
40 of the commission;
- 41 (19) To determine whether an incarcerated juvenile is eligible
42 for parole and to supervise compliance with conditions of parole;
- 43 (20) To establish appropriate dispositions of juveniles for whom
44 parole has been revoked;
- 45 (21) To perform such other functions as may be prescribed by
46 law; and

(22) To promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement and effectuate the purposes of this act.

f. Whenever the term "Juvenile Justice Commission" occurs or any reference is made thereto in any law, contract or document, the same shall be deemed to mean or refer to the "Youth Justice Commission" established and designated therein.

(cf: P.L.2019, c.363, s.17)

64. Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is amended to read as follows:

1. The **【Juvenile】 Youth** Justice Commission shall establish standards for suicide and mental health screening in county juvenile detention facilities in accordance with the provisions of this act. The standards shall require that each county detention facility develop written policies concerning mental health screening, suicide screening, suicide prevention protocols and other mental and emotional health-related issues and that each county juvenile detention facility make psychological or psychiatric services available to juveniles as needed.

(cf: P.L.2007, c.315, s.1)

65. Section 2 of P.L.2007, c.315 (C.52:17B-171.2) is amended to read as follows:

2. a. Upon admission to a county juvenile detention facility, a juvenile shall be screened for risk of suicide in accordance with the facility's suicide prevention protocols and written policies required by section 1 of this act. The suicide risk screening shall include, but not be limited to, the use of a standardized suicide risk questionnaire designated and made available by the **【Juvenile】 Youth** Justice Commission. The findings shall be recorded and brought to the attention of the appropriate medical or mental health staff as soon as possible.

b. If a juvenile shows evidence of suicide risk, the facility's suicide prevention protocols shall be immediately implemented. The policies shall include an increased level of supervision of a juvenile showing evidence of suicide risk until appropriate mental health services can be obtained. The facility administrator, or the administrator's designee, shall be immediately notified if a juvenile:

(1) is suspected of being at risk of attempting suicide or in emotional distress;

(2) has made a suicidal gesture or attempt; or

(3) scores in a suicide caution or warning range in a screening.

c. Every suicide gesture or attempt shall be reported to the **【Juvenile】 Youth** Justice Commission.

(cf: P.L.2007, c.315, s.2)

1 66. Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is amended
2 to read as follows:

3 3. Between 24 and 48 hours following admission to a county
4 juvenile detention facility, a juvenile shall undergo mental health
5 screening using a mental health screening tool designated by the
6 **【Juvenile】 Youth** Justice Commission and in accordance with the
7 facility's written policies required by section 1 of this act. If the
8 screening tool indicates that a referral for additional screening or
9 mental health services is appropriate, that referral shall occur as
10 soon as possible. If the screening indicates a warning or caution,
11 the juvenile shall be placed on, and remain under, increased
12 supervision until it is determined by a mental health clinician that a
13 heightened level of supervision is no longer needed to ensure the
14 safety of the juvenile.

15 (cf: P.L.2007, c.315, s.3)

16

17 67. Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is amended
18 to read as follows:

19 6. No person shall perform a suicide risk screening pursuant to
20 section 2 of this act or a mental health screening pursuant to section
21 3 of this act unless that person has been certified by the **【Juvenile】**
22 **Youth** Justice Commission as qualified to perform such screening.

23 (cf: P.L.2007, c.315, s.6)

24

25 68. Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is amended
26 to read as follows:

27 7. The **【Juvenile】 Youth** Justice Commission, in conjunction
28 with the Department of Children and Families, shall establish and
29 maintain a confidential Statewide database of the suicide risk
30 screenings required by section 2 of this act and the mental health
31 screenings required by section 3 of this act to be used exclusively
32 by persons performing suicide risk and mental health screenings.

33 (cf: P.L.2007, c.315, s.7)

34

35 69. Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is amended
36 to read as follows:

37 8. a. The **【Juvenile】 Youth** Justice Commission shall monitor
38 the number of suicides that occur at each county juvenile detention
39 facility.

40 b. Upon an initial suicide at a facility, the commission shall
41 conduct an evaluation of the facility's compliance with the
42 provisions of this act, an accountability assessment and an action
43 report.

44 c. If a second suicide occurs within seven years of the initial
45 suicide, the **【Juvenile】 Youth** Justice Commission shall, within 30
46 days, and with the approval of the Attorney General, evaluate the
47 facility for compliance with the provisions of this act. A facility

1 shall not admit additional juveniles until the Attorney General has
2 certified that the facility is in compliance with the provisions of this
3 act.

4 d. If a third or subsequent suicide occurs within seven years of
5 an initial suicide, the facility shall be immediately closed and shall
6 not reopen until the Governor determines that it shall reopen. A
7 task force comprised of the following seven members shall assist
8 the Governor in making this determination: the Executive Director
9 of the **【Juvenile】 Youth** Justice Commission, or a designee; the
10 Attorney General, or a designee; the Child Advocate, or a designee;
11 the Commissioner of Children and Families, or a designee; one
12 public member; a director of a county juvenile detention facility,
13 but not of the county facility being evaluated; and a member of the
14 board of chosen freeholders of the county within which the facility
15 being evaluated is located.

16 (cf: P.L.2007, c.315, s.8)

17

18 70. Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is amended
19 to read as follows:

20 9. The **【Juvenile】 Youth** Justice Commission shall include the
21 following information on the commission's website:

22 a. All reports monitoring the operations of county juvenile
23 detention centers, including, but not limited to, any corrective
24 actions taken against or penalties imposed on a center, if applicable;
25 and

26 b. The rated census capacity and the average monthly
27 population for each county juvenile detention center.

28 (cf: P.L.2007, c.315, s.9)

29

30 71. Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is amended
31 to read as follows:

32 10. The **【Juvenile】 Youth** Justice Commission shall, in
33 conjunction with the Police Training Commission and mental health
34 experts, develop a training curriculum for juvenile detention
35 officers and youth workers focusing on the mental health needs of
36 the juvenile detention population.

37 (cf: P.L.2007, c.315, s.10)

38

39 72. Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is
40 amended to read as follows:

41 11. The **【Juvenile】 Youth** Justice Commission, in conjunction
42 with the Department of Children and Families, shall annually
43 submit to the Governor and the Legislature, for seven years
44 following the effective date of this act, a report detailing:

45 a. the number of suicides and suicide attempts at each county
46 juvenile detention facility;

b. the number of suicide and mental health screenings that have been conducted at each facility and the number of juveniles whose screenings have indicated a warning or caution;

c. the number of juveniles who have been referred for additional screening or evaluation; and

d. a summary of the diagnoses for juveniles who have received treatment.

(cf: P.L.2007, c.315, s.11)

73. Section 12 of P.L.2007, c.315 (C.52:17B-171.11) is amended to read as follows:

12. The **【Juvenile】 Youth** Justice Commission, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to implement the provisions of this act, which may include:

a. penalties for continued violations of the manual of standards applicable to county detention centers; and

b. a graduated system of intermediate fines and penalties for violations of the provisions of the act.

(cf: P.L.2007, c.315, s.12)

74. Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is amended to read as follows:

8. The **【Juvenile】 Youth** Justice Commission shall ensure that prior to the scheduled date of release of a juvenile from a detention facility or a facility in which the juvenile was incarcerated, the appropriate staff at the facility notify the applicable county welfare agency to process the reinstatement of the juvenile in the Medicaid program if the juvenile was enrolled in Medicaid prior to detention or incarceration and continues to meet eligibility requirements for the program.

As used in this act, "Medicaid" means the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

(cf: P.L.2009, c.329, s.8)

75. Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is amended to read as follows:

5. a. A juvenile detained in, or sentenced to, a State juvenile correctional facility or county juvenile detention center shall not be subject to room restriction unless the juvenile poses an immediate and substantial risk of harm to others or to the security of the facility, and all other less-restrictive options have been exhausted.

b. A juvenile may be subject to room restriction only for the minimum time required to address the safety risk and for a period that does not compromise the mental and physical health of the juvenile, but in no case shall a juvenile be held in room restriction for more than eight consecutive waking hours without being released for at least two hours for recreation and exercise.

1 c. A juvenile who is 15 years of age or younger shall not be
 2 subject to room restriction for more than two consecutive days. A
 3 juvenile who is 16 years of age or older but younger than 18 years
 4 of age shall not be subject to room restriction for more than three
 5 consecutive days. A juvenile who is 18 years of age or older shall
 6 not be subject to room restriction for more than five consecutive
 7 days. A juvenile shall not be subject to room restriction for more
 8 than 10 total days in a calendar month.

9 d. Juveniles subject to room restriction shall continue to
 10 receive health, mental health, and educational services.

11 e. Each State correctional facility or county juvenile detention
 12 facility shall document, in aggregate, the use of room restriction,
 13 including the dates and duration of each occurrence, the reason for
 14 placement in room restriction, and the race, age, and gender of the
 15 juvenile placed in room restriction. If any health or mental health
 16 clinical evaluations were performed, it shall be affirmatively
 17 certified that the results of those evaluations were considered in any
 18 decision to place the juvenile in room restriction or to continue
 19 room restriction.

20 The aggregate data compiled pursuant to this subsection shall be:

21 (1) made available for public inspection pursuant to P.L.1963,
 22 c.73 (C.47:1A-1 et seq.), commonly known as the open public
 23 records act; and

24 (2) published on the official Internet website of the **【Juvenile】**
 25 Youth Justice Commission.

26 f. This section shall not prohibit the use of single-person
 27 rooms or cells for the housing of juveniles in State correctional or
 28 county juvenile detention centers.

29 g. This section does not apply to juveniles in court holding
 30 facilities or adult facilities.

31 h. Nothing in this section shall be construed to conflict with
 32 any law providing greater or additional protections to juveniles.

33 i. For the purposes of this section, "room restriction" shall
 34 mean the placement of a juvenile in a State juvenile correctional
 35 facility or county juvenile detention center in a locked room or cell,
 36 alone or with one other person, for 22 to 24 hours per day. Room
 37 restriction shall not include confinement of a juvenile in a single-
 38 person room or cell for brief periods of locked-room confinement
 39 necessary for institutional operations, including, but not limited to,
 40 shift changes, showering, and unit movements.
 41 (cf: P.L.2015, c.89, s.5)

42
 43 76. Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is
 44 amended to read as follows:

45 18. a. The **【Juvenile】** Youth Justice Commission shall establish
 46 a program to collect, record, and analyze data regarding juveniles
 47 who were sentenced to a term of incarceration. In furtherance of
 48 this program, the commission shall collect the following data:

1 (1) the offense for which the juvenile was incarcerated; the term
2 of incarceration imposed on the juvenile, including a term of
3 incarceration imposed for a violation of parole; the age, gender,
4 race, and ethnicity of the juvenile; the county where the juvenile
5 was adjudicated delinquent; the classification of the juvenile; and
6 whether the juvenile was sentenced to an extended term of
7 incarceration;

8 (2) aggregate data of incidents of violence, suicide, suicide
9 attempts, hospitalizations, and any form of segregation or isolation
10 of a juvenile for all facilities where juveniles are placed; and

11 (3) the amount of time remaining on each sentence of
12 incarceration imposed on a juvenile whose parole was revoked;
13 whether the violation that was the basis for the revocation was
14 technical or based upon a new offense; the age, gender, race, and
15 ethnicity of the juvenile; and the county where the juvenile's parole
16 was revoked by the court.

17 b. The commission shall prepare and publish on its Internet
18 website biennial reports summarizing the aggregated data collected,
19 recorded, and analyzed pursuant to subsection a. of this section.

20 c. The commission shall publish on its Internet website the
21 criteria that are used to determine whether a juvenile is granted
22 parole. The commission also shall provide this information to every
23 juvenile who is sentenced to a term of incarceration.
24 (cf: P.L.2019, c.363, s.18)

25

26 77. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to
27 read as follows:

28 4. a. The advisory council to the **【Juvenile】** Youth Justice
29 Commission shall consist of the following members:

30 (1) The Commissioner of the Department of Labor and
31 Workforce Development, the Commissioner of the Department of
32 Health **【and Senior Services】**, the Commissioner of the Department
33 of Community Affairs, the Chairperson of the Civil Service
34 Commission, the Public Defender and a county prosecutor selected
35 by and serving at the pleasure of the Governor or a person
36 designated by one of the forenamed officers to serve in that officer's
37 place;

38 (2) Nine members who shall be selected for their knowledge,
39 competence, experience or interest in the juvenile justice system.
40 Appointments shall be made as follows: three by the President of
41 the Senate, no more than two of whom shall be of the same political
42 party; three by the Speaker of the General Assembly, no more than
43 two of whom shall be of the same political party and three by the
44 Governor, no more than two of whom shall be of the same political
45 party.

46 b. The term of office of each public member of the advisory
47 council shall be three years; except that of the first members
48 appointed, one appointed by the Governor, one by the President of

1 the Senate and one by the Speaker of the General Assembly shall be
2 appointed for a term of one year, one appointed by the Governor,
3 one by the President of the Senate and one by the Speaker of the
4 General Assembly shall be appointed for a term of two years and
5 the remaining three members shall be appointed for a term of three
6 years. Each member shall serve until a successor has been
7 appointed and qualified, and vacancies shall be filled in the same
8 manner as the original appointments for the remainder of the
9 unexpired term. A member is eligible for reappointment to the
10 council.

11 c. The Governor shall appoint the chair of the advisory council
12 from among the members of the council. The chair shall serve at
13 the pleasure of the Governor during the Governor's term of office
14 and until the appointment and qualification of the chair's successor.
15 The members of the council shall elect a vice-chair from among the
16 members of the council.

17 d. The members of the council shall receive no compensation
18 for their services.

19 (cf: P.L.2008, c.29, s.110)
20

21 78. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
22 read as follows:

23 6. a. The **【Juvenile】** Youth Justice Commission shall employ,
24 within the limits of available funds, juvenile corrections officers to
25 staff each State secure juvenile facility and to provide security for
26 other State juvenile facilities and programs including parole
27 programs as deemed appropriate and to perform all other duties
28 related to enforcement of confinement and conditions of release
29 including execution of warrants and legal process. Juvenile
30 corrections officers shall be in the competitive division of the career
31 service established pursuant to N.J.S.11A:3-2, "policemen" within
32 the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and
33 members of the Police and Firemen's Retirement System of New
34 Jersey established pursuant to section 2 of P.L.1944, c.255
35 (C.43:16A-2), and shall be "employees" within the meaning of
36 section 3 of P.L.1941, c.100 (C.34:13A-3).

37 b. Except as provided in subsection c. of this section, no person
38 shall be appointed as a juvenile corrections officer unless that
39 person:

- 40 (1) Is a citizen of the United States;
- 41 (2) Is able to read, write and speak the English language well
42 and intelligently;
- 43 (3) Has a high school diploma or its equivalent;
- 44 (4) Is sound in body and of good health;
- 45 (5) Is of good moral character;
- 46 (6) Has not been convicted of any offense which would make
47 the person unfit to perform the duties of a juvenile corrections
48 officer;

1 (7) Has successfully completed the training course approved by
2 the Police Training Commission and required by section 5 of
3 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
4 provisions of that section; and

5 (8) Meets such other qualifications, including education and
6 training, as may be specified by the commission in consultation
7 with the Civil Service Commission.

8 c. (1) Pending appointment of a full complement of juvenile
9 corrections officers who meet the requirements of subsection b. of
10 this section, the commission and the Commissioner of Corrections
11 shall arrange through agreement for the assignment of corrections
12 officers necessary to fill the positions transferred pursuant to
13 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
14 assigned to the commission pursuant to such an agreement shall be
15 under the supervision of the commission during the period of
16 assignment as provided by the agreement between the commission
17 and the Commissioner of Corrections. The primary concerns of all
18 agreements governing assignment and supervision shall be public
19 safety and safety within the facilities and programs. No officer
20 assigned pursuant to such an agreement shall, by virtue of such
21 assignment, be considered an employee of the commission or lose
22 or suffer any diminution of any right, power, privilege or benefit to
23 which the employee would otherwise be entitled pursuant to the
24 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
25 Revised Statutes, or Title 43 of the Revised Statutes, including any
26 rights, powers, privileges or benefits as to salary, seniority,
27 promotion, re-employment, retirement, pension or representation
28 for purposes of collective bargaining;

29 (2) Notwithstanding the provisions of subsection b. of this
30 section, a corrections officer assigned to the commission pursuant
31 to this section shall not be considered ineligible for the position of
32 juvenile corrections officer solely because the officer does not meet
33 any educational or training requirement the commission may
34 establish and may be appointed as a juvenile corrections officer if
35 the officer applies for such position within 18 months of the
36 effective date of this act. A juvenile corrections officer appointed
37 pursuant to this subsection shall not be deprived of any right or
38 protection provided by Title 11A of the New Jersey Statutes or any
39 pension or retirement system and, notwithstanding any law or
40 regulation to the contrary, shall be eligible to compete for vacant
41 positions within the Department of Corrections with full credit for
42 experience, service and rank earned as an employee of the
43 Department of Corrections and such credit for experience, service
44 and rank earned as an employee of the commission as the
45 Commissioner of Corrections, after consultation with the Civil
46 Service Commission, deems appropriate.

47 d. Each juvenile corrections officer shall by virtue of such
48 employment and in addition to any other power or authority, be

1 empowered to act as an officer for the detection, apprehension,
2 arrest and adjudication of offenders against the law and, subject to
3 regulations promulgated by the commission and conditions set forth
4 in N.J.S.2C:39-6, shall have the authority to possess and carry a
5 firearm.

6 (cf: P.L.2008, c.29, s.111)

7
8 79. Section 8 of P.L.1995, c.284 (C.52:17B-176) is amended to
9 read as follows:

10 8. a. The following are transferred to the **【Juvenile】 Youth**
11 Justice Commission:

12 (1) The custody and care of any juvenile adjudicated delinquent
13 and committed or classified to the custody of the Department of
14 Corrections or committed or classified to the custody or care of the
15 Division of Juvenile Services of the Department of Human
16 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as
17 modified by Reorganization Plan No. 001-1993, P.L.1993, c.283,
18 and Executive Order No. 93 of 1993, or serving a term of
19 incarceration in a county detention facility pursuant to section 1 of
20 P.L.1992, c.211 (C.2A:4A-44.1);

21 (2) The New Jersey Training School for Boys created pursuant
22 to R.S.30:1-7 and transferred to the Commissioner of Corrections
23 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile
24 Medium Security Facility created pursuant to R.S.30:1-7;

25 (3) All residential and day care facilities and programs
26 established pursuant to the powers delegated to the Division of
27 Juvenile Services, Department of Corrections, by the Commissioner
28 of the Department of Corrections pursuant to his powers contained
29 in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth
30 committed to participate therein by court order, law, classification,
31 regulation or contract which were subsequently transferred to the
32 Division of Juvenile Services, Department of Human Services by
33 Reorganization Plan No. 001-1993;

34 (4) All furnishings and equipment presently located in the
35 institutions and programs of the Division of Juvenile Services and
36 in the institutions and programs of the Department of Corrections
37 transferred to the commission pursuant to subsections b. and c. of
38 this section, and, except as provided in section 6 of P.L.1995, c.284
39 (C.52:17B-174), all staff assigned to those institutions and
40 programs, including administrative and support staff;

41 (5) All operating and capital funding demarcated for the
42 institutions and programs set forth in this section, including funding
43 from bonds and funding for administrative costs associated with the
44 institutions and programs;

45 (6) All functions, powers, duties and authority of the
46 Commissioner of Corrections, including any transferred to the
47 Commissioner of Human Services pursuant to Reorganization Plan
48 No. 001-1993, with respect to all juvenile detention facilities

1 throughout the State pursuant to section 18 of P.L.1982, c.77
2 (C.2A:4A-37);

3 (7) The powers, duties and responsibilities of the Commissioner
4 of Corrections for establishing standards and monitoring of juvenile
5 detention facilities pursuant to section 18 of P.L.1982, c.77
6 (C.2A:4A-37), transferred to the Commissioner of Human Services
7 by Reorganization Plan No. 001-1993;

8 (8) All existing written agreements made between county
9 governments and the Department of Corrections or the Department
10 of Human Services concerning juvenile detention centers are hereby
11 modified to transfer the responsibilities, duties and obligations
12 specified in these agreements between the county governments and
13 the commission;

14 (9) The Juvenile Detention Monitoring Unit, Department of
15 Corrections, established pursuant to the powers of the
16 Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-
17 1 et seq.), to fulfill the obligations of the Department of Corrections
18 in monitoring juvenile detention centers throughout the State
19 pursuant to the Federal "Juvenile Justice and Delinquency
20 Prevention Act of 1974," as amended, and pursuant to section 18 of
21 P.L.1982, c.77 (C.2A:4A-37), which was transferred to the
22 Department of Human Services by Reorganization Plan No. 001-
23 1993, along with its staff, powers, duties and responsibilities;

24 (10) The legal custody and supervision of each juvenile parolee;
25 the functions, powers, duties and authority of the State Parole Board
26 established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.),
27 regarding juvenile offenders are continued, but the State Parole
28 Board shall file all of its reports and recommendations regarding
29 juveniles with the commission;

30 (11) All funding, programs and positions created or dedicated to
31 provide juvenile parole services by the Bureau of Parole within the
32 Department of Corrections in accordance with an agreement
33 between the Executive Director of the commission and the
34 Commissioner of Corrections in consultation with the State Parole
35 Board when an orderly transfer of the function has been completed
36 including appropriate changes in the reporting requirements,
37 funding, positions, and administrative housing and support;

38 (12) The powers, duties, and responsibilities of the Office of
39 Education created and established in the Departments of
40 Corrections and Human Services pursuant to the "State Facilities
41 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
42 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
43 offenders whose custody is transferred to the commission pursuant
44 to this act is transferred to the Office of Education established in the
45 commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-
46 178) along with staff, existing and future moneys and other
47 educational resources demarcated for juveniles whose custody is
48 transferred pursuant to this act, including funds collected pursuant

1 to the authority granted in the "State Facilities Education Act of
2 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State
3 educational grants and contract funds received for the benefit of
4 juvenile offenders whose custody is transferred pursuant to this act;

5 (13) The powers, duties, and responsibilities of the Bureau of
6 Juvenile Justice, including the Juvenile Justice and Delinquency
7 Prevention Unit, in the Division of Criminal Justice, Department of
8 Law and Public Safety established pursuant to section 4 of
9 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
10 and responsibilities; and

11 (14) All funding appropriated to the Department of Human
12 Services and demarcated for distribution by the department for
13 youth services commission funding.

14 b. Whenever in any law, rule, regulation, order, contract, lease,
15 document, judicial or administrative proceeding or otherwise,
16 reference is made to the Commissioner of the Department of
17 Corrections regarding a juvenile or juvenile offender as defined in
18 P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of
19 Juvenile Services transferred from the Department of Corrections to
20 the Department of Human Services by Reorganization Plan No.001
21 1993 the same shall mean and refer to the commission.

22 (cf: P.L.1995, c.284, s.8)

23

24 80. Section 10 of P.L.1995, c.284 (C.52:17B-178) is amended to
25 read as follows:

26 10. There is hereby created and established in the **【Juvenile】**
27 Youth Justice Commission an Office of Education to be headed by a
28 Director of Educational Services who shall supervise the
29 educational programs in all juvenile facilities operated by the
30 **【Juvenile】** Youth Justice Commission and shall approve, except as
31 provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all
32 personnel to be hired for such programs.

33 The director shall hold the appropriate certificate issued by the
34 State Board of Examiners and shall be qualified by training and
35 experience for his position and shall be appointed by the executive
36 director with the approval of the executive board. The director shall
37 serve at the pleasure of the executive board.

38 The director shall establish primary, secondary, and vocational
39 programs which meet the educational needs of school age persons
40 for whom the commission is responsible. Appropriate credit and
41 certification shall be given for the successful completion of such
42 programs.

43 (cf: P.L.1995, c.284, s.10)

44

45 81. Section 1 of P.L.1995, c.283 (C.52:17B-179) is amended to
46 read as follows:

1 1. a. A State/Community Partnership Grant Program is
2 established within the **【Juvenile】 Youth** Justice Commission
3 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
4 to support, through grants allocated to county youth services
5 commissions established pursuant to P.L.1995, c.282 (C.52:17B-
6 180), facilities, sanctions and services for juveniles adjudicated or
7 charged as delinquent and programs for prevention of juvenile
8 delinquency. This program is established in order to:

9 (1) Encourage development of sanctions and services for
10 juveniles adjudicated and charged as delinquent and programs for
11 prevention of juvenile delinquency that protect the public, ensure
12 accountability and foster rehabilitation;

13 (2) Increase the range of sanctions for juveniles adjudicated
14 delinquent;

15 (3) Reduce overcrowding in State juvenile institutions and other
16 facilities to ensure adequate bedspace for serious, violent and
17 repetitive offenders;

18 (4) Reduce overcrowding in county detention facilities;

19 (5) Provide greater access to community-based sanctions and
20 services for minority and female offenders;

21 (6) Expand programs designed to prevent juvenile delinquency;
22 and

23 (7) Promote public safety by reducing recidivism.

24 b. The **【Juvenile】 Youth** Justice Commission shall administer
25 the State/Community Partnership Grant Program and shall:

26 (1) Establish criteria and procedures for grant applications and
27 disbursement by regulation;

28 (2) Determine how best to allocate Partnership funds;

29 (3) Set standards and procedures for eligibility, operation,
30 supervision and evaluation;

31 (4) Advise and assist county youth services commissions in
32 preparation of county plans and grant applications;

33 (5) Award grants;

34 (6) Set standards for and determine eligibility for continued
35 Partnership funding;

36 (7) Collect and provide information about community-based
37 services and sanctions; and

38 (8) Monitor and evaluate implementation of county plans and
39 the provision of services, sanctions and programs provided pursuant
40 to this act.

41 (cf: P.L.1995, c.283, s.1)

42
43 82. Section 1 of P.L.1995, c.282 (C.52:17B-180) is amended to
44 read as follows:

45 1. a. In order to qualify for award of State/Community
46 Partnership Grant funds established pursuant to P.L.1995, c.283
47 (C.52:17B-179) a county shall:

- 1 (1) Establish a county youth services commission in accordance
2 with regulations promulgated by the **【Juvenile】 Youth** Justice
3 Commission established pursuant to section 2 of P.L.1995, c.284
4 (C.52:17B-170);
- 5 (2) Submit and obtain **【Juvenile】 Youth** Justice Commission
6 approval of a triennial comprehensive plan for services and
7 sanctions for juveniles adjudicated or charged as delinquent and
8 programs for the prevention of juvenile delinquency which:
9 (a) are designed to promote the goals of P.L.1995, c.283
10 (C.52:17B-179);
11 (b) provide recommendations for funding of programs, sanctions
12 and services that enhance and expand the range of sanctions and
13 services for juveniles adjudicated or charged as delinquent and
14 programs designed to prevent delinquency;
15 (c) make services available in geographical locations within the
16 county where juveniles in need reside; and
17 (d) provide for distribution of State/Community Partnership
18 Grant funds by the county in accordance with contracts or
19 agreements executed by the appropriate county officials in
20 accordance with applicable law.
- 21 b. The **【Juvenile】 Youth** Justice Commission shall establish by
22 regulation:
23 (1) Specific guidelines as to membership of a county youth
24 services commission;
25 (2) Specific requirements for the administration of the
26 State/Community Partnership Grant funds awarded by the county.
- 27 c. Notwithstanding the provisions of subsection a. of this
28 section, the county governing body may elect, upon annual written
29 request approved by the executive director, to designate a
30 commission, council or agency to assume the responsibilities of a
31 county youth services commission in that county. Approval of such
32 a request shall be contingent upon the governing body
33 demonstrating that the membership of the designated entity is
34 sufficiently representative of persons and agencies interested in the
35 juvenile justice system to permit the entity to perform the duties and
36 responsibilities of a county youth services commission, that the
37 members of the designated entity are otherwise qualified to perform
38 the duties and responsibilities of members of a county youth
39 services commission, and that the designated entity has the
40 authority and responsibility to carry out the duties and
41 responsibilities of a county youth services commission.
- 42 d. A county youth services commission shall:
43 (1) Recommend to the governing body of the county the
44 approval or disapproval of contracts with local government or
45 private agencies that desire participation in the State/Community
46 Partnership Grant Program;

(2) Monitor the operations of programs receiving State/Community Partnership Grant funds with reference to compliance with standards, policies and rules established by the **【Juvenile】 Youth** Justice Commission;

(3) Monitor and evaluate the impact of the programs receiving State/Community Partnership Grant funds, including the nature of the offender or at risk populations served by the funded programs, and prepare a written report with relevant documentation, on an annual basis, to be submitted to the **【Juvenile】 Youth** Justice Commission as part of the commission's triennial plan and annual update; and

(4) Perform such other duties as may be established by the **【Juvenile】 Youth** Justice Commission to achieve the purposes of P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the **【Juvenile】 Youth** Justice Commission and P.L.1995, c.283 (C.52:17B-179) which creates the State/Community Partnership Grant Program.

e. No county may use funds received pursuant to this section to supplant or replace existing funds or other resources from federal, State or county government for existing juvenile justice-related programs or for purposes of capital construction or renovation.

f. If a county elects not to participate in the State/Community Partnership Grant Program, the commission is authorized to allocate and expend that county's share of Partnership funding in a manner consistent with the commission's Juvenile Justice Master Plan.

(cf: P.L.2005, c.164, s.2)

83. Section 3 of P.L.1995, c.330 (C.52:17B-183) is amended to read as follows:

3. As used in this act:

a. "Commission" means the **【Juvenile】 Youth** Justice Commission in, but not of, the Department of Law and Public Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.).

b. "Commissioner" means the Commissioner of the Department of Corrections.

c. "Juvenile offender" means a person at least 14 years old at the time of disposition who has been adjudicated delinquent for an act which, if committed by an adult, would constitute a crime, excluding an adjudication for any act which would constitute a crime of the first degree or a crime under chapter 14 of Title 2C of the New Jersey Statutes.

d. "Youthful offender" means a person between 18 and 30 years of age who has been convicted of a crime, excluding any person convicted of:

(1) a crime of the first degree;

1 (2) a crime under chapter 14 of Title 2C of the New Jersey
2 Statutes;

3 (3) a crime which requires the imposition of a mandatory term
4 of imprisonment without eligibility for parole, unless the person has
5 less than one year of the mandatory portion of the sentence
6 remaining; or

7 (4) a crime of the second degree under any of the following:
8 N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1,
9 N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the
10 purpose of using it unlawfully against the person of another.

11 (cf: P.L.1997, c.55, s.1)

12

13 84. Section 45 of P.L.1996, c.62 (C.55:19-60) is amended to
14 read as follows:

15 45. a. There is established in, but not of, the Department of
16 Community Affairs an Urban Coordinating Council.

17 b. The Urban Coordinating Council shall be comprised of the
18 Governor, the chief officer of each department of the executive
19 branch, and the executive directors of the New Jersey
20 Redevelopment Authority, the New Jersey Economic Development
21 Authority, the Casino Reinvestment Development Authority, the
22 State Planning Commission, the New Jersey Housing and Mortgage
23 Finance Agency, the **【Juvenile】** Youth Justice Commission and the
24 Commission on Higher Education. The council shall be chaired by
25 the Governor. Members of the council may be represented on the
26 council by their designees.

27 (cf: P.L.1996, c.62, s.45)

28

29 85. This act shall take effect immediately.

ASSEMBLY PUBLIC SAFETY AND PREPAREDNESS
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3678

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2024

The Assembly Public Safety and Preparedness Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3678.

As substituted by the committee, this bill renames the Juvenile Justice Commission as the Youth Justice Commission. The bill also updates statutory references from the “New Jersey Code of Juvenile Justice” to the “New Jersey Code of Youth Justice.”

Governor Murphy Takes Action on Legislation

03/17/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

S-2423/ACS for A-3678 (Pou, McKnight/Reynolds-Jackson, Wimberly, Moen) - Renames Juvenile Justice Commission as Youth Justice Commission

S-3466/A-4627 (McKeon, Greenstein/Collazos-Gill, DiMaio) - Extends expiration date of special appraisal process for Green Acres and farmland preservation program; provides aid for watershed lands

AJR-159/SJR-109 (Sumter, Verrelli, Wimberly/McKnight, Mukherji) - Designates November 14 of each year as Ruby Bridges Walk to School Day

Governor Murphy conditionally vetoed the following bills:

ACS for A-3540/SS for S-2544 (Conaway, Greenwald, Park/Moriarty, Corrado) –CONDITIONAL - Establishes criminal penalties for production or dissemination of deceptive audio or visual media, commonly known as “deepfakes”

[Copy of Statement](#)

A-3881/S-2513 (Quijano, Park/Stack, McKnight) – CONDITIONAL - Prohibits dissemination of certain criminal history background information

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Governor Murphy issued an absolute veto on the following bill:

A-3667/S-1138 (Freiman, Park/McKeon) - ABSOLUTE - Permits dental service corporations to be subsidiaries of nonprofit parent companies

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