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(CORRECTED COPY)

P.L. 2019, CHAPTER 363, *approved January 20, 2020*  
Senate No. 48 (*Third Reprint*)

1 AN ACT concerning incarceration and parole of juveniles and  
2 amending, supplementing, and repealing various parts of the  
3 statutory law.

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

7  
8 1. Section 2 of P.L.1982, c.77 (C.2A:4A-21) is amended to  
9 read as follows:

10 2. Purposes. This act shall be construed so as to effectuate the  
11 following purposes:

12 a. To preserve the unity of the family whenever possible and to  
13 provide for the care, protection, and wholesome mental and  
14 physical development of juveniles coming within the provisions of  
15 this act;

16 b. Consistent with the protection of the public interest, to  
17 remove from children committing delinquent acts certain statutory  
18 consequences of criminal behavior, and to substitute therefor an  
19 adequate program of supervision, care and rehabilitation, and a  
20 range of sanctions designed to promote accountability and protect  
21 the public;

22 c. To separate juveniles from the family environment only  
23 when necessary for their health, safety, or welfare or in the interests  
24 of public safety;

25 d. To secure for each child coming under the jurisdiction of the  
26 court the care, guidance, and control, preferably in his own home,  
27 as will conduce to the child's welfare and the best interests of the  
28 State; and when the child is removed from his own family, to secure  
29 for him custody, care, and discipline as nearly as possible  
30 equivalent to that which should have been given by his parents;

31 e. To insure that children under the jurisdiction of the court are  
32 wards of the State, subject to the discipline and entitled to the  
33 protection of the State, which may intervene to safeguard them from  
34 neglect or injury and to enforce the legal obligations due to them  
35 and from them;

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted December 5, 2019.

<sup>2</sup>Senate floor amendments adopted December 16, 2019.

<sup>3</sup>Senate floor amendments adopted January 9, 2020.

- 1 f. Consistent with the protection of the public interest, to  
2 insure that any services and sanctions for juveniles provide  
3 balanced attention to the protection of the community, the  
4 imposition of accountability for offenses committed, fostering  
5 interaction and dialogue between the offender, victim, and  
6 community, and the development of competencies to enable  
7 children to become responsible and productive members of the  
8 community;
- 9 g. To insure protection and a safe environment for those  
10 sexually exploited juveniles who are charged with prostitution or  
11 who are alleged to be victims of human trafficking; and to provide  
12 these juveniles with the appropriate shelter, care, counseling, and  
13 crisis intervention services from the time they are taken into  
14 custody and for the duration of any legal proceedings; **[and]**
- 15 h. To insure that in any action undertaken within the provisions  
16 of this act, the best interests of the child shall be a primary  
17 consideration; and
- 18 i. To ensure a **['smarter,']** fairer<sup>1</sup>**['.']** and more efficient and  
19 effective juvenile justice system by incorporating the following  
20 **['successful']** principles and strategies **['of the Juvenile Detention**  
21 **Alternative Initiative (J.D.A.I.)']** into every stage of the  
22 delinquency action:
- 23 (1) promoting collaboration between juvenile court officials,  
24 probation agencies, prosecutors, defense attorneys, schools,  
25 community organizations, and advocates;
- 26 (2) using rigorous data collection and analysis to guide decision  
27 making;
- 28 (3) utilizing objective <sup>1</sup>criteria, processes, and tools, such as<sup>1</sup>  
29 risk-assessment instruments<sup>1,1</sup> to replace subjective decision-  
30 making processes to determine:
- 31 (a) whether a juvenile should be incarcerated; and  
32 (b) the length of time a juvenile should remain in custody;
- 33 (4) implementing new or expanded community-based  
34 alternatives that can be used in lieu of incarceration;
- 35 (5) reducing delays in processing and corresponding length of  
36 stay in all stages of a delinquency action, including parole and  
37 revocation proceedings, to ensure that juveniles do not remain in  
38 out-of-home placements longer than necessary or are unnecessarily  
39 returned to custody;
- 40 (6) reserving the use of incarceration for only those cases in  
41 which it is necessary to eliminate a substantial threat to public  
42 safety <sup>1</sup>or as required by the Interstate Compact for Juveniles<sup>1</sup>;
- 43 (7) combatting racial and ethnic disparities by collecting and  
44 examining data to identify policies and practices that may  
45 disadvantage minority juveniles at various stages of the process and  
46 pursuing strategies to eliminate those disparities; and

1     (8) monitoring and improving conditions of confinement in  
2 secure facilities.

3 (cf: P.L.2015, c.255, s.1)

4

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

7     24. Disposition of delinquency cases. a. In determining the  
8 appropriate disposition for a juvenile adjudicated delinquent the  
9 court shall weigh the following factors:

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

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

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

15     (4) Whether the disposition supports family strength,  
16 responsibility and unity and the well-being and physical safety of  
17 the juvenile;

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

23     (6) Whether the disposition recognizes and treats the unique  
24 physical, psychological, and social characteristics and needs of the  
25 child;

26     (7) Whether the disposition contributes to the developmental  
27 needs of the child, including the academic and social needs of the  
28 child where the child has intellectual disabilities or learning  
29 disabilities;

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

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

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

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

36     b. If a juvenile is adjudged delinquent, **and except to the**  
37 **extent that an additional specific disposition is required pursuant to**  
38 **subsection e. or f. of this section, and except to the extent that an**  
39 **additional specific disposition is required pursuant to this section,**<sup>1</sup> **the**  
40 **court, in accordance with subsection i. of section 2 of P.L.1982,**  
41 **c.77 (C.2A:4A-21), may order incarceration **[as a last resort]****<sup>1</sup>  
42 **pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court**  
43 **may order any one or more of the following dispositions:**

44     (1) Adjourn formal entry of disposition of the case for a period  
45 not to exceed 12 months for the purpose of determining whether the  
46 juvenile makes a satisfactory adjustment, and if during the period of  
47 continuance the juvenile makes such an adjustment, dismiss the  
48 complaint; provided that if the court adjourns formal entry of

1 disposition of delinquency for a violation of an offense defined in  
2 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
3 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
4 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
5 juveniles adjudicated delinquent;

6 (2) Release the juvenile to the supervision of the juvenile's  
7 parent or guardian;

8 (3) Place the juvenile on probation to the chief probation officer  
9 of the county or to any other suitable person who agrees to accept  
10 the duty of probation supervision for a period not to exceed three  
11 years upon such written conditions as the court deems will aid  
12 rehabilitation of the juvenile;

13 (4) Transfer custody of the juvenile to any relative or other  
14 person determined by the court to be qualified to care for the  
15 juvenile;

16 (5) Place the juvenile under the care and responsibility of the  
17 Department of Children and Families so that the commissioner may  
18 designate a division or organizational unit in the department  
19 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of  
20 providing services in or out of the home. Within 14 days, unless for  
21 good cause shown, but not later than 30 days, the Department of  
22 Children and Families shall submit to the court a service plan,  
23 which shall be presumed valid, detailing the specifics of any  
24 disposition order. The plan shall be developed within the limits of  
25 fiscal and other resources available to the department. If the court  
26 determines that the service plan is inappropriate, given existing  
27 resources, the department may request a hearing on that  
28 determination;

29 (6) Place the juvenile under the care and custody of the  
30 Commissioner of Children and Families for the purpose of  
31 receiving the services of the Division of Children's System of Care  
32 of that department, provided that the juvenile has been determined  
33 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-  
34 25.4);

35 (7) Commit the juvenile, pursuant to applicable laws and the  
36 Rules of Court governing civil commitment, to the Department of  
37 Children and Families under the responsibility of the Division of  
38 Children's System of Care for the purpose of placement in a suitable  
39 public or private hospital or other residential facility for the  
40 treatment of persons who are mentally ill, on the ground that the  
41 juvenile is in need of involuntary commitment;

42 (8) **F**ine the juvenile an amount not to exceed the maximum  
43 provided by law for such a crime or offense if committed by an  
44 adult and which is consistent with the juvenile's income or ability to  
45 pay and financial responsibility to the juvenile's family, provided  
46 that the fine is specially adapted to the rehabilitation of the juvenile  
47 or to the deterrence of the type of crime or offense. If the fine is  
48 not paid due to financial limitations, the fine may be satisfied by

1 requiring the juvenile to submit to any other appropriate disposition  
2 provided for in this section;] (Deleted by amendment,  
3 P.L. , c. ) (pending before the Legislature as this bill)

4 (9) Order the juvenile to make restitution to a person or entity  
5 who has suffered loss resulting from personal injuries or damage to  
6 property as a result of the offense for which the juvenile has been  
7 adjudicated delinquent. The court may determine the reasonable  
8 amount, terms, and conditions of restitution. If the juvenile  
9 participated in the offense with other persons, the participants shall  
10 be jointly and severally responsible for the payment of restitution.  
11 The court shall not require a juvenile to make full or partial  
12 restitution if the juvenile reasonably satisfies the court that the  
13 juvenile does not have the means to make restitution and could not  
14 reasonably acquire the means to pay restitution;

15 (10) Order that the juvenile perform community services under  
16 the supervision of a probation division or other agency or individual  
17 deemed appropriate by the court. Such services shall be  
18 compulsory and reasonable in terms of nature and duration. Such  
19 services may be performed without compensation, provided that any  
20 money earned by the juvenile from the performance of community  
21 services may be applied towards any payment of restitution or fine  
22 which the court has ordered the juvenile to pay;

23 (11) Order that the juvenile participate in work programs which  
24 are designed to provide job skills and specific employment training  
25 to enhance the employability of job participants. Such programs  
26 may be without compensation, provided that any money earned by  
27 the juvenile from participation in a work program may be applied  
28 towards any payment of restitution or fine which the court has  
29 ordered the juvenile to pay;

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

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

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

42 (15) Order the parent or guardian of the juvenile to participate in  
43 appropriate programs or services when the court has found either  
44 that such person's omission or conduct was a significant  
45 contributing factor towards the commission of the delinquent act,  
46 or, under its authority to enforce litigant's rights, that such person's  
47 omission or conduct has been a significant contributing factor

1 towards the ineffective implementation of a court order previously  
2 entered in relation to the juvenile;

3 (16) (a) Place the juvenile in a nonresidential program operated  
4 by a public or private agency, providing intensive services to  
5 juveniles for specified hours, which may include education,  
6 counseling to the juvenile and the juvenile's family if appropriate,  
7 vocational training, employment counseling, work, or other  
8 services;

9 (b) Place the juvenile under the custody of the Juvenile Justice  
10 Commission established pursuant to section 2 of P.L.1995, c.284  
11 (C.52:17B-170) for placement with any private group home or  
12 private residential facility with which the commission has entered  
13 into a purchase of service contract;

14 (17) Instead of or in addition to any disposition made according  
15 to this section, the court may postpone, suspend, or revoke for a  
16 period not to exceed two years the driver's license, registration  
17 certificate, or both of any juvenile who used a motor vehicle in the  
18 course of committing an act for which the juvenile was adjudicated  
19 delinquent. In imposing this disposition and in deciding the duration  
20 of the postponement, suspension, or revocation, the court shall  
21 consider the severity of the delinquent act and the potential effect of  
22 the loss of driving privileges on the juvenile's ability to be  
23 rehabilitated. Any postponement, suspension, or revocation shall be  
24 imposed consecutively with any custodial commitment;

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

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

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

36 c. (1) **【**Except as otherwise provided in subsections e. and f. of  
37 this section, **if】** If the county in which the juvenile has been  
38 adjudicated delinquent has a juvenile detention facility meeting the  
39 physical and program standards established pursuant to this  
40 subsection by the Juvenile Justice Commission, the court may, in  
41 addition to any of the dispositions not involving placement out of  
42 the home enumerated in this section, incarcerate the juvenile in the  
43 youth detention facility in that county for a term not to exceed 60  
44 consecutive days. The decision by the court to incarcerate a  
45 juvenile shall be made in accordance with subsection i. of section 2  
46 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate  
47 their own juvenile detention facilities may contract for the use of  
48 approved commitment programs with counties with which they



1 have established agreements for the use of pre-disposition juvenile  
2 detention facilities. The Juvenile Justice Commission shall  
3 promulgate such rules and regulations from time to time as deemed  
4 necessary to establish minimum physical facility and program  
5 standards for the use of juvenile detention facilities pursuant to this  
6 subsection.

7 (2) ~~【No】~~ A juvenile ~~【may】~~ shall not be incarcerated in any  
8 county detention facility unless the county has entered into an  
9 agreement with the Juvenile Justice Commission concerning the use  
10 of the facility for sentenced juveniles. Upon agreement with the  
11 county, the Juvenile Justice Commission shall certify detention  
12 facilities which may receive juveniles sentenced pursuant to this  
13 subsection and shall specify the capacity of the facility that may be  
14 made available to receive such juveniles; provided, however, that in  
15 no event shall the number of juveniles incarcerated pursuant to this  
16 subsection exceed 50% of the maximum capacity of the facility.

17 (3) The court may fix a term of incarceration under this  
18 subsection ~~【where】~~ that is in accordance with subsection i. of  
19 section 2 of P.L.1982, c.77 (C.2A:4A-21) and:

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

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

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

30 (4) If as a result of incarceration of adjudicated juveniles  
31 pursuant to this subsection, a county is required to transport a  
32 predisposition juvenile to a juvenile detention facility in another  
33 county, the costs of such transportation shall be borne by the  
34 Juvenile Justice Commission.

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

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

1 (1) An **[**order of incarceration for a term of the duration  
2 authorized pursuant to this section or section 25 of P.L.1982, c.77  
3 (C.2A:4A-44) or an**]** order to perform community service pursuant  
4 to paragraph (10) of subsection b. of this section for a period of at  
5 least 60 days, if the juvenile has been adjudicated delinquent for an  
6 act which, if committed by an adult, would constitute the crime of  
7 theft of a motor vehicle, or the crime of unlawful taking of a motor  
8 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third  
9 degree crime of eluding in violation of subsection b. of  
10 N.J.S.2C:29-2; and

11 (2) **[**An order of incarceration for a term of the duration  
12 authorized pursuant to this section or section 25 of P.L.1982, c.77  
13 (C.2A:4A-44) which shall include a minimum term of 60 days  
14 during which the juvenile shall be ineligible for parole, if the  
15 juvenile has been adjudicated delinquent for an act which, if  
16 committed by an adult, would constitute the crime of aggravated  
17 assault in violation of paragraph (6) of subsection b. of  
18 N.J.S.2C:12-1, the second degree crime of eluding in violation of  
19 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case  
20 in which the juvenile has previously been adjudicated delinquent for  
21 an act, which if committed by an adult, would constitute unlawful  
22 taking of a motor vehicle or theft of a motor vehicle;**]** (Deleted by  
23 amendment, P.L. , c. ) (pending before the Legislature as this  
24 bill)

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

31 (4) **[**An order of incarceration for a term of the duration  
32 authorized pursuant to this section or section 25 of P.L.1982, c.77  
33 (C.2A:4A-44) which shall include a minimum term of 30 days  
34 during which the juvenile shall be ineligible for parole, if the  
35 juvenile has been adjudicated delinquent for an act which, if  
36 committed by an adult, would constitute the crime of unlawful  
37 taking of a motor vehicle in violation 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 if the juvenile has previously been adjudicated  
40 delinquent for an act which, if committed by an adult, would  
41 constitute either theft of a motor vehicle, the unlawful taking of a  
42 motor vehicle or eluding.**]** (Deleted by amendment, P.L. , c. )  
43 (pending before the Legislature as this bill)

44 f. (1) **[**The minimum terms of incarceration required pursuant  
45 to subsection e. of this section shall be imposed regardless of the  
46 weight or balance of factors set forth in this section or in section 25  
47 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of

1 those factors shall determine the length of the term of incarceration  
 2 appropriate, if any, beyond any mandatory minimum term required  
 3 pursuant to subsection e. of this section. **】** (Deleted by amendment,  
 4 P.L. , c. ) (pending before the Legislature as this bill)

5 (2) **【**When a court in a county that does not have a juvenile  
 6 detention facility or a contractual relationship permitting  
 7 incarceration pursuant to subsection c. of this section is required to  
 8 impose a term of incarceration pursuant to subsection e. of this  
 9 section, the court may, subject to limitations on commitment to  
 10 State correctional facilities of juveniles who are under the age of 11  
 11 or developmentally disabled, set a term of incarceration consistent  
 12 with subsection c. which shall be served in a State correctional  
 13 facility. When a juvenile who because of age or developmental  
 14 disability cannot be committed to a State correctional facility or  
 15 cannot be incarcerated in a county facility, the court shall order a  
 16 disposition appropriate as an alternative to any incarceration  
 17 required pursuant to subsection e. **】** (Deleted by amendment, P.L. ,  
 18 c. ) (pending before the Legislature as this bill)

19 (3) **【**For purposes of subsection e. of this section, in the event  
 20 that a "boot camp" program for juvenile offenders should be  
 21 developed and is available, a term of commitment to such a  
 22 program shall be considered a term of incarceration. **】** Deleted by  
 23 amendment, P.L. , c. ) (pending before the Legislature as this  
 24 bill)

25 g. Whenever the court imposes a disposition upon an  
 26 adjudicated delinquent which requires the juvenile to perform a  
 27 community service, restitution, or to participate in any other  
 28 program provided for in this section, the order shall include  
 29 provisions which provide balanced attention to the protection of the  
 30 community, accountability for offenses committed, fostering  
 31 interaction and dialogue between the offender, victim and  
 32 community and the development of competencies to enable the  
 33 child to become a responsible and productive member of the  
 34 community.

35 <sup>1</sup>**【**h. When the court imposes a term of incarceration pursuant to  
 36 section 25 of P.L.1982, c.77 (C.2A:4A-44), it may order the  
 37 Juvenile Justice Commission to provide the juvenile with specific  
 38 services, as the court deems appropriate. <sup>1</sup>】

39 (cf: P.L.2012, c.16, s.1)

40

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

43 25. Incarceration--Aggravating and mitigating factors

44 a. (1) **【**Except as provided in subsections e. and f. of section  
 45 24 of P.L.1982, c.77 (C.2A:4A-43), in **】** In determining whether  
 46 incarceration is an appropriate disposition <sup>1</sup>and in addition to the  
 47 considerations set forth in subsection i. of section 2 of P.L.1982,

- 1 c.77 (C.2A:4A-21)<sup>1</sup>, the court shall consider the following  
2 aggravating circumstances:
- 3 (a) The fact that the nature and circumstances of the act, and the  
4 role of the juvenile therein, was committed in an especially heinous,  
5 cruel, or depraved manner;
- 6 (b) The fact that there was grave and serious harm inflicted on  
7 the victim and that based upon the juvenile's age or mental capacity  
8 the juvenile knew or reasonably should have known that the victim  
9 was particularly vulnerable or incapable of resistance due to  
10 advanced age, disability, ill-health, or extreme youth, or was for any  
11 other reason substantially incapable;
- 12 (c) The character and attitude of the juvenile indicate that the  
13 juvenile is likely to commit another delinquent or criminal act;
- 14 (d) The juvenile's prior record and the seriousness of any acts  
15 for which the juvenile has been adjudicated delinquent;
- 16 (e) The fact that the juvenile committed the act pursuant to an  
17 agreement that the juvenile either pay or be paid for the commission  
18 of the act and that the pecuniary incentive was beyond that inherent  
19 in the act itself;
- 20 (f) The fact that the juvenile committed the act against a  
21 policeman or other law enforcement officer, correctional employee  
22 or fireman, acting in the performance of his duties while in uniform  
23 or exhibiting evidence of his authority, or the juvenile committed  
24 the act because of the status of the victim as a public servant;
- 25 (g) The need for deterring the juvenile and others from violating  
26 the law;
- 27 (h) The fact that the juvenile knowingly conspired with others as  
28 an organizer, supervisor, or manager to commit continuing criminal  
29 activity in concert with two or more persons and the circumstances  
30 of the crime show that he has knowingly devoted himself to  
31 criminal activity as part of an ongoing business activity;
- 32 (i) The fact that the juvenile on two separate occasions was  
33 adjudged a delinquent on the basis of acts which if committed by an  
34 adult would constitute crimes;
- 35 (j) The impact of the offense on the victim or victims;
- 36 (k) The impact of the offense on the community; and
- 37 (l) The threat to the safety of the public or any individual posed  
38 by the child.
- 39 (2) In determining whether incarceration is an appropriate  
40 disposition the court shall consider the following mitigating  
41 circumstances:
- 42 (a) The child is under the age of 14;
- 43 (b) The juvenile's conduct neither caused nor threatened serious  
44 harm;
- 45 (c) The juvenile did not contemplate that the juvenile's conduct  
46 would cause or threaten serious harm;
- 47 (d) The juvenile acted under a strong provocation;

- 1 (e) There were substantial grounds tending to excuse or justify  
2 the juvenile's conduct, though failing to establish a defense;
- 3 (f) The victim of the juvenile's conduct induced or facilitated its  
4 commission;
- 5 (g) The juvenile has compensated or will compensate the victim  
6 for the damage or injury that the victim has sustained, or will  
7 participate in a program of community service;
- 8 (h) The juvenile has no history of prior delinquency or criminal  
9 activity or has led a law-abiding life for a substantial period of time  
10 before the commission of the present act;
- 11 (i) The juvenile's conduct was the result of circumstances  
12 unlikely to recur;
- 13 (j) The character and attitude of the juvenile indicate that the  
14 juvenile is unlikely to commit another delinquent or criminal act;
- 15 (k) The juvenile is particularly likely to respond affirmatively to  
16 noncustodial treatment;
- 17 (l) The separation of the juvenile from the juvenile's family by  
18 incarceration of the juvenile would entail excessive hardship to the  
19 juvenile or the juvenile's family;
- 20 (m) The willingness of the juvenile to cooperate with law  
21 enforcement authorities;
- 22 (n) The conduct of the juvenile was substantially influenced by  
23 another person more mature than the juvenile.
- 24 b. (1) There shall be a presumption of nonincarceration for any  
25 crime or offense of the fourth degree or less committed by a  
26 juvenile who has not previously been adjudicated delinquent or  
27 convicted of a crime or offense.
- 28 (2) Where incarceration is imposed, the court <sup>2</sup>and the Juvenile  
29 Justice Commission <sup>1</sup>, in consultation with a member of the State  
30 Parole Board, <sup>1</sup> and a panel comprised of at least two members of  
31 the Juvenile Justice Commission designated by the executive  
32 director and a member of the State Parole Board designated by the  
33 chairman<sup>2</sup> shall consider the juvenile's eligibility for release **under**  
34 **the law governing parole** pursuant to the provisions of subsection  
35 d. of this section.
- 36 c. The following juveniles shall not be committed to a State  
37 juvenile facility:
- 38 (1) Juveniles age 11 or under unless adjudicated delinquent for  
39 the crime of arson or a crime which, if committed by an adult,  
40 would be a crime of the first or second degree; and
- 41 (2) Juveniles who are developmentally disabled as defined in  
42 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82  
43 (C.30:6D-3).
- 44 d. (1) When the court determines that, based on the  
45 consideration of all the factors set forth in subsection a., the  
46 juvenile shall be incarcerated, unless it orders the incarceration  
47 pursuant to subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-

1 43), it shall state on the record the reasons for imposing  
 2 incarceration, including any findings with regard to these factors,  
 3 and commit the juvenile to the custody of the Juvenile Justice  
 4 Commission which shall provide for the juvenile's placement in a  
 5 suitable juvenile facility pursuant to the conditions set forth in this  
 6 subsection and for terms not to exceed the maximum terms as  
 7 provided herein for what would constitute the following crimes if  
 8 committed by an adult:

- |    |  |          |
|----|--|----------|
| 9  | (a) Murder under 2C:11-3a(1) or (2)          | 20 years |
| 10 | (b) Murder under 2C:11-3a(3)                 | 10 years |
| 11 | (c) Crime of the first degree, except murder | 4 years  |
| 12 | (d) Crime of the second degree               | 3 years  |
| 13 | (e) Crime of the third degree                | 2 years  |
| 14 | (f) Crime of the fourth degree               | 1 year   |
| 15 | (g) Disorderly persons offense               | 6 months |

16 (2) **[**Except as provided in subsection e. of section 24 of  
 17 P.L.1982, c.77 (C.2A:4A-43), the**]**

18 <sup>1</sup>[Any juvenile sentenced to an indeterminate term shall be  
 19 immediately eligible for parole.]<sup>1</sup> The period of confinement shall  
 20 continue until the [appropriate paroling authority] <sup>2</sup>[commission <sup>1</sup>,  
 21 in consultation with a member of the State Parole Board,<sup>1</sup>] panel  
 22 established pursuant to subsection b. of this section<sup>2</sup> determines that  
 23 [such a] the person [should be paroled] is eligible for early release  
 24 <sup>1</sup>on parole<sup>1</sup> or until expiration of the term of confinement,  
 25 whichever shall <sup>1</sup>[first]<sup>1</sup> occur <sup>1</sup>first<sup>1</sup>; except that in no case shall  
 26 the period of confinement and parole exceed the maximum provided  
 27 by law for [such] the offense. A juvenile shall be granted early  
 28 release on parole when it appears that the juvenile <sup>1</sup>[, if released,  
 29 would not pose a serious risk of physical injury to persons or  
 30 substantial injury to property] has made substantial progress toward  
 31 positive behavioral adjustment and rehabilitative goals articulated  
 32 by the <sup>2</sup>[commission and parole board member] panel established  
 33 pursuant to subsection b. of this section<sup>2</sup> to the juvenile<sup>1</sup>. However,  
 34 if a juvenile is approved for parole by the <sup>2</sup>[commission <sup>1</sup>and the  
 35 parole board member<sup>1</sup>] panel established pursuant to subsection b.  
 36 of this section<sup>2</sup> prior to serving one-third of any term imposed for  
 37 any crime of the first, second, or third degree, including any  
 38 extended term imposed pursuant to paragraph (3) or (4) of this  
 39 subsection, or one-fourth of any term imposed for any other crime  
 40 the granting of parole shall be subject to approval of the sentencing  
 41 court. Prior to approving parole, the court shall give the  
 42 prosecuting attorney notice and an opportunity to be heard. If the  
 43 court denies the parole of a juvenile pursuant to this paragraph it  
 44 shall state its reasons in writing and notify the [parole board]  
 45 <sup>2</sup>[commission] panel established pursuant to subsection b. of this  
 46 section<sup>2</sup>, the juvenile, and the juvenile's attorney. The court shall

1 have 30 days from the date of notice of the pending parole to  
2 exercise the power granted under this paragraph. If the court does  
3 not respond within that time period, the parole will be deemed  
4 approved.

5 The <sup>2</sup>【commission <sup>1</sup>and the parole board member<sup>1</sup>】 panel  
6 established pursuant to subsection b. of this section<sup>2</sup> shall determine  
7 at the time of release the conditions of parole, which shall be  
8 appropriately tailored to the needs of each juvenile. Any conditions  
9 imposed <sup>1</sup>at the time of release or modified thereafter as a graduated  
10 intervention in lieu of initiating parole revocation proceedings<sup>1</sup>  
11 shall constitute the least restrictive alternatives necessary to  
12 promote the successful return of the juvenile to the community.  
13 The <sup>1</sup>【commission】 juvenile<sup>1</sup> shall not <sup>1</sup>【require the juvenile】 be  
14 required<sup>1</sup> to enter or complete a residential community release  
15 program, residential treatment program, or other out-of-home  
16 placement as a condition of parole unless <sup>1</sup>【the commission  
17 determines】 it is determined<sup>1</sup> that the condition is necessary to  
18 protect the safety of the juvenile.

19 Any juvenile committed under **【this act】** P.L.1982, c.77  
20 (C:2A:4A-20 et seq.) who is released on parole prior to the  
21 expiration of the juvenile's maximum term may be retained under  
22 parole supervision for a period not exceeding the unserved portion  
23 of the term **【and any term of post-incarceration supervision**  
24 **imposed pursuant to paragraph (5) of this subsection】**. The **【Parole**  
25 **Board】** <sup>2</sup>【commission <sup>1</sup>and the parole board member<sup>1</sup>】 panel  
26 established pursuant to subsection b. of this section<sup>2</sup>, the juvenile,  
27 the juvenile's attorney, the juvenile's parent or guardian or, with  
28 leave of the court any other interested party, may make a motion to  
29 the court, with notice to the prosecuting attorney, for the return of  
30 the **【child】** juvenile from a juvenile facility prior to **【his】** the  
31 juvenile's parole and provide for an alternative disposition which  
32 would not exceed the duration of the original time to be served in  
33 the facility. **【Nothing contained in this paragraph shall be**  
34 **construed to limit the authority of the Parole Board as set forth in**  
35 **section 15 of P.L.1979, c.441 (C.30:4-123.59).】**

36 (3) Upon application by the prosecutor, the court may sentence a  
37 juvenile who has been convicted of a crime of the first, second, or  
38 third degree if committed by an adult, to an extended term of  
39 incarceration beyond the maximum set forth in paragraph (1) of this  
40 subsection, if it finds that the juvenile was previously adjudged  
41 delinquent on at least two separate occasions, for offenses which, if  
42 committed by an adult, would constitute a crime of the first or  
43 second degree. The extended term shall not exceed five additional  
44 years for an act which would constitute murder and shall not exceed  
45 three additional years for all other crimes of the first degree and  
46 shall not exceed two additional years for a crime of the second

1 degree, if committed by an adult, and one additional year for a  
2 crime of the third degree, if committed by an adult.

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

11 (5) ~~Every disposition that includes a term of incarceration shall~~  
12 ~~include~~ The <sup>2</sup>commission <sup>1</sup>, in consultation with a member of the  
13 State Parole Board,<sup>1</sup> panel established pursuant to subsection b. of  
14 this section<sup>2</sup> may impose a term of post-incarceration supervision  
15 [equivalent to one-third of the term of incarceration imposed]  
16 following the juvenile's release from custody only if <sup>1</sup>[the  
17 commission deems it] it is deemed<sup>1</sup> necessary to effectuate the  
18 juvenile's rehabilitation and reintegration into society. Post-  
19 incarceration supervision shall not exceed six months, except the  
20 <sup>1</sup>[commission may extend the term] term may be extended<sup>1</sup> for an  
21 additional six months if <sup>1</sup>[it deems it] the <sup>2</sup>[commission and parole  
22 board member deem] panel established pursuant to subsection b. of  
23 this section deems<sup>2</sup> continuation of the post-incarceration  
24 supervision<sup>1</sup> necessary to <sup>1</sup>[prevent serious harm to the juvenile or  
25 the community] effectuate the juvenile's rehabilitation and  
26 reintegration into society<sup>1</sup>. Post-incarceration supervision shall not  
27 exceed one year. Post-incarceration supervision shall not be  
28 imposed on any juvenile who has completed a period of parole  
29 supervision of six months or more. The term of post-incarceration  
30 supervision shall commence on the date of the expiration of the  
31 juvenile's maximum sentence. During the term of post-  
32 incarceration supervision the juvenile shall remain in the  
33 community and in the legal custody of the [Juvenile Justice  
34 Commission established pursuant to section 2 of P.L.1995, c.284  
35 (C.52:17B-170) in accordance with the rules of the parole board,  
36 unless the appropriate parole board panel determines that post-  
37 incarceration supervision should be revoked and the juvenile  
38 returned to custody in accordance with the procedures and standards  
39 set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-  
40 123.59 through C.30:4-123.65). The term of post-incarceration  
41 supervision shall commence upon release from incarceration or  
42 parole, whichever is later] commission. The <sup>1</sup>[commission]  
43 juvenile<sup>1</sup> shall not <sup>1</sup>[require the juvenile] be required<sup>1</sup> to enter or  
44 complete a residential community release program, residential  
45 treatment program, or other out-of-home placement as a condition  
46 of post-incarceration supervision. A term of post-incarceration



1 supervision imposed pursuant to this paragraph may be terminated  
2 by the ~~appropriate parole board panel~~ <sup>2</sup>~~commission~~ <sup>1</sup>~~and parole~~  
3 ~~board member~~ <sup>1</sup> panel established pursuant to subsection b. of this  
4 ~~section~~ <sup>2</sup> or court if the juvenile has made a satisfactory adjustment  
5 in the community while ~~on parole or~~ under ~~such~~ supervision ~~,~~  
6 and if continued supervision is not required ~~and if the juvenile has~~  
7 made full payment of any fine or restitution ~~].~~

8 (6) ~~The commission shall review the case of each juvenile~~  
9 ~~sentenced to~~ <sup>1</sup>~~incarceration or an out-of-home placement~~ a term  
10 of commitment <sup>1</sup> with the commission at least every three months  
11 and submit a status report to the court, the prosecutor, and the  
12 counsel for the juvenile. The commission's review and status report  
13 shall include, but not be limited to:

14 (a) ~~information on the treatment, care, and custody of the~~  
15 ~~juvenile;~~

16 (b) ~~whether the juvenile is receiving the mental health,~~  
17 ~~substance abuse, educational, and other rehabilitative services~~  
18 ~~necessary to promote the juvenile's successful reintegration into the~~  
19 ~~community;~~

20 (c) ~~any incidents of violence involving the juvenile; and~~

21 (d) ~~the juvenile's eligibility for parole.~~

22 ~~Counsel for the juvenile shall have the opportunity to respond to~~  
23 ~~the report required pursuant to this paragraph.~~

24 ~~The commission shall continue to submit quarterly reports to the~~  
25 ~~court until the juvenile is paroled or released at the expiration of the~~  
26 ~~term of incarceration and shall resume the quarterly reviews if the~~  
27 ~~juvenile is returned to the custody of the commission. The court~~  
28 ~~may conduct a hearing at any time to determine whether~~  
29 <sup>1</sup>~~incarceration or an out-of-home placement~~ commitment with the  
30 commission <sup>1</sup> continues to be appropriate pursuant to section 24 of  
31 P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77  
32 (C.2A:4A-44), and may release the juvenile or otherwise modify the  
33 dispositional order. Nothing in this paragraph shall abrogate the  
34 court's retention of jurisdiction pursuant to section 26 of P.L.1982,  
35 c.77 (C.2A:4A-45).

36 e. ~~If the~~ <sup>2</sup>~~commission~~ <sup>1</sup>, in consultation with a member of the  
37 ~~State Parole Board,~~ <sup>1</sup> panel established pursuant to subsection b. of  
38 ~~this section~~ <sup>2</sup> determines there is probable cause to believe that the  
39 juvenile has seriously or persistently violated the terms and  
40 conditions of parole, the commission shall conduct a hearing to  
41 determine if the juvenile's parole should be revoked. The juvenile  
42 shall be represented by counsel at the hearing. The hearing shall be  
43 conducted by a hearing officer who is licensed as an attorney-at-law  
44 in this State. The juvenile shall not be incarcerated prior to the  
45 hearing unless the <sup>2</sup>~~commission~~ <sup>1</sup>~~determines~~ and the parole  
46 board member determine <sup>1</sup> panel established pursuant to subsection

1 b. of this section determines<sup>2</sup> by objective and credible evidence  
2 that the juvenile poses an immediate and substantial danger to  
3 public safety. If the juvenile is incarcerated prior to the hearing, the  
4 hearing shall be held within 72 hours of the juvenile's return to  
5 custody and a written decision made and transmitted to the juvenile  
6 and the juvenile's counsel within 48 hours of the hearing. Upon  
7 request of counsel for the juvenile, the hearing officer shall adjourn  
8 the hearing for not more than 72 hours. Subsequent adjournments  
9 may be granted upon request of the juvenile and good cause shown.

10 The <sup>2</sup>【commission <sup>1</sup>and the parole board member<sup>1</sup>】 panel  
11 established pursuant to subsection b. of this section<sup>2</sup> shall not  
12 revoke the parole of a juvenile unless the hearing officer  
13 determines, by clear and convincing evidence, that:

14 (1) the juvenile has seriously or persistently violated the  
15 conditions of parole;

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

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

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

25 Notwithstanding a determination that the juvenile violated a  
26 condition of parole, the <sup>2</sup>【commission <sup>1</sup>and the parole board  
27 member<sup>1</sup>】 panel established pursuant to subsection b. of this  
28 section<sup>2</sup> may modify those conditions.

29 f. The <sup>2</sup>【commission <sup>1</sup>, in consultation with a member of the  
30 State Parole Board,<sup>1</sup>】 panel established pursuant to subsection b. of  
31 this section<sup>2</sup> may relieve a juvenile of any parole conditions, and  
32 may permit a parolee to reside outside the State pursuant to the  
33 provisions of the Interstate Compact on Juveniles, P.L.1955, c.55  
34 (C.9:23-1 to 9:23-4), and after providing notice to the Attorney  
35 General, <sup>1</sup>may consent to the supervision of a parolee by the federal  
36 government pursuant to<sup>1</sup> the federal Witness Security Reform Act,  
37 <sup>1</sup>【if the commission is satisfied that the change will not result in a  
38 substantial likelihood that the juvenile will commit an offense  
39 which would be a crime under the laws of this State】 Pub.L.98-473  
40 (18 U.S.C. s.3521 et seq.)<sup>1</sup>. The <sup>2</sup>【commission <sup>1</sup>and the parole  
41 board member<sup>1</sup>】 panel established pursuant to subsection b. of this  
42 section<sup>2</sup> may revoke permission, except in the case of a juvenile  
43 under the Witness Security Reform Act, or reinstate relieved parole  
44 conditions for any period of time during which a juvenile is under  
45 its jurisdiction.

1 g. The commission shall promulgate rules and regulations  
2 governing the commission's duties and responsibilities concerning  
3 parole eligibility, supervision, and revocation.

4 <sup>1</sup>h. The member of the State Parole Board <sup>2</sup>[with whom the  
5 commission is required to consult pursuant to the provisions of this  
6 section] who is designated by the chairman to be on the panel  
7 established pursuant to subsection b. of this section<sup>2</sup> shall have  
8 experience in juvenile justice or have successfully completed a  
9 juvenile justice training program to be established by the chairman.  
10 The training program shall be comprised of seven hours of  
11 instruction including, but not <sup>2</sup>[be]<sup>2</sup> limited to: emerging scientific  
12 knowledge concerning adolescent development, particularly  
13 adolescent brain function and how adolescent development relates  
14 to incarcerated youth, the influence of peer relationships among  
15 adolescents and peer contagion effects, and the effects of juvenile  
16 crime on victims.<sup>1</sup>

17 <sup>3</sup>i. Any decision concerning parole made by the panel  
18 established pursuant to subsection b. of this section shall be  
19 unanimous.<sup>3</sup>

20 (cf: P.L.2015, c.89, s.3)

21  
22 4. N.J.S.2C:35-15 is amended to read as follows:

23 2C:35-15. a. (1) In addition to any disposition authorized by  
24 this title, [the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-  
25 43), or any other statute indicating the dispositions that can be  
26 ordered for an adjudication of delinquency,] every person convicted  
27 of [or adjudicated delinquent for] a violation of any offense  
28 defined in this chapter or chapter 36 of this title shall be assessed  
29 for each [such] offense a penalty fixed at:

30 (a) [~~\$3,000.00~~] \$3,000 in the case of a crime of the first degree;

31 (b) [~~\$2,000.00~~] \$2,000 in the case of a crime of the second  
32 degree;

33 (c) [~~\$1,000.00~~] \$1,000 in the case of a crime of the third  
34 degree;

35 (d) [~~\$750.00~~] \$750 in the case of a crime of the fourth degree;

36 (e) [~~\$500.00~~] \$500 in the case of a disorderly persons or petty  
37 disorderly persons offense.

38 (2) A person being sentenced for more than one offense set forth  
39 in subsection a. of this section who is [neither] not placed in  
40 supervisory treatment pursuant to this section [nor] or ordered to  
41 perform reformatory service pursuant to subsection f. of this section  
42 may, in the discretion of the court, be assessed a single penalty  
43 applicable to the highest degree offense for which the person is  
44 convicted [or adjudicated delinquent], if the court finds that the  
45 defendant has established the following:

1 (a) the imposition of multiple penalties would constitute a  
2 serious hardship that outweighs the need to deter the defendant  
3 from future criminal activity; and

4 (b) the imposition of a single penalty would foster the  
5 defendant's rehabilitation.

6 Every person placed in supervisory treatment pursuant to the  
7 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of  
8 any offense defined in this chapter or chapter 36 of this title shall be  
9 assessed the penalty prescribed **【herein】** in this section and  
10 applicable to the degree of the offense charged, except that the court  
11 shall not impose more than one such penalty regardless of the  
12 number of offenses charged. If the person is charged with more than  
13 one offense, the court shall impose as a condition of supervisory  
14 treatment the penalty applicable to the highest degree offense for  
15 which the person is charged.

16 All penalties provided for in this section shall be in addition to  
17 and not in lieu of any fine authorized by law or required to be  
18 imposed pursuant to the provisions of N.J.S.2C:35-12.

19 b. All penalties provided for in this section shall be collected as  
20 provided for collection of fines and restitutions in section 3 of  
21 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
22 Department of the Treasury as provided in subsection c. of this  
23 section.

24 c. All moneys collected pursuant to this section shall be  
25 forwarded to the Department of the Treasury to be deposited in a  
26 nonlapsing revolving fund to be known as the "Drug Enforcement  
27 and Demand Reduction Fund." Moneys in the fund shall be  
28 appropriated by the Legislature on an annual basis for the purposes  
29 of funding in the following order of priority: (1) the Alliance to  
30 Prevent Alcoholism and Drug Abuse and its administration by the  
31 Governor's Council on Alcoholism and Drug Abuse; (2) the  
32 "Alcoholism and Drug Abuse Program for the Deaf, Hard of  
33 Hearing and Disabled" established pursuant to section 2 of  
34 P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free  
35 New Jersey," the State affiliate of the "Partnership for a Drug Free  
36 America"; and (4) other alcohol and drug abuse programs.

37 Moneys appropriated for the purpose of funding the "Alcoholism  
38 and Drug Abuse Program for the Deaf, Hard of Hearing and  
39 Disabled" shall not be used to supplant moneys that are available to  
40 the Department of Health and Senior Services as of the effective  
41 date of P.L.1995, c.318 (C.26:2B-36 et al.), and that would  
42 otherwise have been made available to provide alcoholism and drug  
43 abuse services for the deaf, hard of hearing and disabled, nor shall  
44 the moneys be used for the administrative costs of the program.

45 d. (Deleted by amendment, P.L.1991, c.329).

46 e. The court may suspend the collection of a penalty imposed  
47 pursuant to this section; provided the person is ordered by the court  
48 to participate in a drug or alcohol rehabilitation program approved

1 by the court; and further provided that the person agrees to pay for  
2 all or some portion of the costs associated with the rehabilitation  
3 program. In this case, the collection of a penalty imposed pursuant  
4 to this section shall be suspended during the person's participation  
5 in the approved, court-ordered rehabilitation program. Upon  
6 successful completion of the program, as determined by the court  
7 upon the recommendation of the treatment provider, the person may  
8 apply to the court to reduce the penalty imposed pursuant to this  
9 section by any amount actually paid by the person for **[his**  
10 **participation]** participating in the program. The court shall not  
11 reduce the penalty pursuant to this subsection unless the person  
12 establishes to the satisfaction of the court that **[he]** the person has  
13 successfully completed the rehabilitation program. If the person's  
14 participation is for any reason terminated before **[his]** successful  
15 completion of the rehabilitation program, collection of the entire  
16 penalty imposed pursuant to this section shall be enforced. Nothing  
17 in this section shall be deemed to affect or suspend any other  
18 criminal sanctions imposed pursuant to this chapter or chapter 36 of  
19 this title.

20 f. A person required to pay a penalty under this section may  
21 propose to the court and the prosecutor a plan to perform  
22 reformatory service in lieu of payment of up to one-half of the  
23 penalty amount imposed under this section. The reformatory  
24 service plan option shall not be available if the provisions of  
25 paragraph (2) of subsection a. of this section apply or if the person  
26 is placed in supervisory treatment pursuant to the provisions of  
27 N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section,  
28 "reformatory service" shall include training, education or work, in  
29 which regular attendance and participation is required, supervised,  
30 and recorded, and which would assist in the defendant's  
31 rehabilitation and reintegration. "Reformatory service" shall  
32 include, but not be limited to, substance abuse treatment or services,  
33 other therapeutic treatment, educational or vocational services,  
34 employment training or services, family counseling, service to the  
35 community and volunteer work. For the purposes of this section, an  
36 application to participate in a court-administered alcohol and drug  
37 rehabilitation program shall have the same effect as the submission  
38 of a reformatory service plan to the court.

39 The court, in its discretion, shall determine whether to accept the  
40 plan, after considering the position of the prosecutor, the plan's  
41 appropriateness and practicality, the defendant's ability to pay, and  
42 the effect of the proposed service on the defendant's rehabilitation  
43 and reintegration into society. The court shall determine the amount  
44 of the credit that would be applied against the penalty upon  
45 successful completion of the reformatory service, not to exceed one-  
46 half of the amount assessed, except that the court may, in the case  
47 of an extreme financial hardship, waive additional amounts of the  
48 penalty owed by a person who has completed a court administered

1 alcohol and drug rehabilitation program if necessary to aid the  
2 person's rehabilitation and reintegration into society. The court shall  
3 not apply the credit against the penalty unless the person establishes  
4 to the satisfaction of the court that **【he】** the person has successfully  
5 completed the reformatory service. If the person's participation is  
6 for any reason terminated before his successful completion of the  
7 reformatory service, collection of the entire penalty imposed  
8 pursuant to this section shall be enforced. Nothing in this  
9 subsection shall be deemed to affect or suspend any other criminal  
10 sanctions imposed pursuant to this chapter or chapter 36 of this  
11 title.

12 Any reformatory service ordered pursuant to this section shall be  
13 in addition to and not in lieu of any community service imposed by  
14 the court or otherwise required by law. Nothing in this section shall  
15 limit the court's authority to order a person to participate in any  
16 activity, program, or treatment in addition to those proposed in a  
17 reformatory service plan.

18 (cf: P.L.2008, c.15, s.2)

19

20 5. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to  
21 read as follows:

22 2. a. (1) In addition to any disposition made pursuant to the  
23 provisions of N.J.S.2C:43-2, any person convicted of a crime of  
24 violence, theft of an automobile pursuant to N.J.S.2C:20-2, eluding  
25 a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-  
26 2, or unlawful taking of a motor vehicle pursuant to subsection b.,  
27 c., or d. of N.J.S.2C:20-10 shall be assessed at least **【\$100.00】**  
28 \$100, but not to exceed **【\$10,000.00】** \$10,000 for each **【such】**  
29 crime for which **【he】** the person was convicted which resulted in  
30 the injury or death of another person. In imposing this assessment,  
31 the court shall consider factors such as the severity of the crime, the  
32 defendant's criminal record, defendant's ability to pay, and the  
33 economic impact of the assessment on the defendant's dependents.

34 (2) (a) In addition to any other disposition made pursuant to the  
35 provisions of N.J.S.2C:43-2 or any other statute imposing sentences  
36 for crimes, any person convicted of any disorderly persons offense,  
37 any petty disorderly persons offense, or any crime not resulting in  
38 the injury or death of any other person shall be assessed **【\$50.00】**  
39 \$50 for each **【such】** offense or crime for which **【he】** the person was  
40 convicted.

41 (b) **【In addition to any other disposition made pursuant to the**  
42 **provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any**  
43 **other statute indicating the dispositions that can be ordered for**  
44 **adjudications of delinquency, any juvenile adjudicated delinquent,**  
45 **according to the definition of "delinquency" established in section 4**  
46 **of P.L.1982, c.77 (C.2A:4A-23), shall be assessed at least \$30.00**  
47 **for each such adjudication, but not to exceed the amount which**

1 could be assessed pursuant to paragraph (1) or paragraph (2) (a) of  
2 subsection a. of this section if the offense was committed by an  
3 adult.】 (Deleted by amendment, P.L. c. ) (pending before the  
4 Legislature as this bill)

5 (c) In addition to any other assessment imposed pursuant to the  
6 provisions of R.S.39:4-50, the provisions of section 12 of P.L.1990,  
7 c.103 (C.39:3-10.20) relating to a violation of section 5 of  
8 P.L.1990, c.103 (C.39:3-10.13), the provisions of section 19 of  
9 P.L.1954, c.236 (C.12:7-34.19) or the provisions of section 3 of  
10 P.L.1952, c.157 (C.12:7-46), any person convicted of operating a  
11 motor vehicle, commercial motor vehicle or vessel while under the  
12 influence of liquor or drugs shall be assessed **【\$50.00】** \$50.

13 (d) In addition to any term or condition that may be included in  
14 an agreement for supervisory treatment pursuant to N.J.S.2C:43-13  
15 or imposed as a term or condition of conditional discharge pursuant  
16 to N.J.S.2C:36A-1, a participant in either program shall be required  
17 to pay an assessment of **【\$50.00】** \$50.

18 (3) All assessments provided for in this section shall be  
19 collected as provided in section 3 of P.L.1979, c.396 (C.2C:46-4)  
20 and the court shall so order at the time of sentencing. When a  
21 defendant who is sentenced to incarceration in a State correctional  
22 facility has not, at the time of sentencing, paid an assessment for the  
23 crime for which **【he】** the defendant is being sentenced or an  
24 assessment imposed for a previous crime, the court shall  
25 specifically order the Department of Corrections to collect the  
26 assessment during the period of incarceration and to deduct the  
27 assessment from any income the inmate receives as a result of labor  
28 performed at the institution or on any work release program or from  
29 any personal account established in the institution for the benefit of  
30 the inmate. All moneys collected, whether in part or in full  
31 payment of any assessment imposed pursuant to this section, shall  
32 be forwarded monthly by the parties responsible for collection,  
33 together with a monthly accounting on forms prescribed by the  
34 Victims of Crime Compensation Board pursuant to section 19 of  
35 P.L.1991, c.329 (C.52:4B-8.1), to the Victims of Crime  
36 Compensation Board.

37 (4) The Victims of Crime Compensation Board shall forward  
38 monthly all moneys received from assessments collected pursuant  
39 to this section to the State Treasury for deposit as follows:

40 (a) Of moneys collected on assessments imposed pursuant to  
41 paragraph **【a.】** (1) of subsection a. of this section:

42 (i) the first **【\$72.00】** \$72 collected for deposit in the Victims of  
43 Crime Compensation Board Account,

44 (ii) the next **【\$3.00】** \$3 collected for deposit in the Criminal  
45 Disposition and Revenue Collection Fund,

46 (iii) the next **【\$25.00】** \$25 collected for deposit in the Victim  
47 Witness Advocacy Fund, and

- 1 (iv) moneys collected in excess of **[\$100.00]** \$100 for deposit in  
2 the Victims of Crime Compensation Board Account;
- 3 (b) Of moneys collected on assessments imposed pursuant to  
4 **[paragraph a. (2)]** subparagraphs (a), (c), or (d) of paragraph (2) of  
5 subsection a. of this section:
- 6 (i) the first **[\$39.00]** \$39 collected for deposit in the Victims of  
7 Crime Compensation Board Account,
- 8 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
9 Disposition and Revenue Collection Fund, and
- 10 (iii) the next **[\$8.00]** \$8 collected for deposit in the Victim and  
11 Witness Advocacy Fund;
- 12 (c) Of moneys collected on assessments imposed pursuant to  
13 **[paragraph a. (2) (b)]** subparagraph (b) of paragraph (2) of  
14 subsection a. of this section:
- 15 (i) the first **[\$17.00]** \$17 for deposit in the Victims of Crime  
16 Compensation Board Account, and
- 17 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
18 Disposition and Revenue Collection Fund, and
- 19 (iii) the next **[\$10.00]** \$10 for deposit in the Victim and Witness  
20 Advocacy Fund, and
- 21 (iv) moneys collected in excess of **[\$30.00]** \$30 for deposit in  
22 the Victims of Crime Compensation Board Account.
- 23 (5) The Victims of Crime Compensation Board shall provide the  
24 Attorney General with a monthly accounting of moneys received,  
25 deposited and identified as receivable, on forms prescribed pursuant  
26 to section 19 of P.L.1991, c.329 (C.52:4B-8.1).
- 27 (6) (a) The Victims of Crime Compensation Board Account  
28 shall be a separate, nonlapsing, revolving account that shall be  
29 administered by the Victims of Crime Compensation Board. All  
30 moneys deposited in that Account shall be used in satisfying claims  
31 pursuant to the provisions of the "Criminal Injuries Compensation  
32 Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) and for related  
33 administrative costs.
- 34 (b) The Criminal Disposition and Revenue Collection Fund shall  
35 be a separate, nonlapsing, revolving account that shall be  
36 administered by the Victims of Crime Compensation Board. All  
37 moneys deposited in that Fund shall be used as provided in section  
38 19 of P.L.1991, c.329 (C.52:4B-8.1).
- 39 (c) The Victim and Witness Advocacy Fund shall be a separate,  
40 nonlapsing, revolving fund and shall be administered by the  
41 Division of Criminal Justice, Department of Law and Public Safety  
42 and all moneys deposited in that Fund pursuant to this section shall  
43 be used for the benefit of victims and witnesses of crime as  
44 provided in section 20 of P.L.1991, c.329 (C.52:4B-43.1) and for  
45 related administrative costs.
- 46 b. (Deleted by amendment, P.L.1991, c.329).
- 47 c. (Deleted by amendment, P.L.1991, c.329).



1 d. (Deleted by amendment, P.L.1991, c.329).  
2 (cf: P.L.1995, c.135, s.1)

3

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

6 3. a. 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),<sub>2</sub> and restitution shall be collected  
14 as follows:

15 (1) All fines, assessments imposed pursuant to section 2 of  
16 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
17 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
18 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
19 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
20 penalties imposed pursuant to section 1 of P.L.2009, c.143  
21 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
22 P.L.2013, c.214 (C.30:4-123.97),<sub>2</sub> and restitution imposed by the  
23 Superior Court or otherwise imposed at the county level, shall be  
24 collected by the county probation division except when **[such]** the  
25 fine, assessment,<sub>2</sub> or restitution is imposed in conjunction with a  
26 custodial sentence to a State correctional facility or in conjunction  
27 with a term of incarceration imposed pursuant to section 25 of  
28 P.L.1982, c.77 (C.2A:4A-44) in which event **[such]** the fine,  
29 assessment,<sub>2</sub> or restitution shall be collected by the Department of  
30 Corrections **[or the Juvenile Justice Commission established**  
31 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)]** <sup>1</sup>or the  
32 Juvenile Justice Commission established pursuant to section 2 of  
33 P.L.1995, c.284 (C.52:17B-170)<sup>1</sup>. An adult prisoner of a State  
34 correctional institution **[or a juvenile serving a term of**  
35 **incarceration imposed pursuant to section 25 of P.L.1982, c.77**  
36 **(C.2A:4A-44)]** <sup>1</sup>or a juvenile serving a term of incarceration imposed  
37 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)<sup>1</sup> who has not  
38 paid an assessment imposed pursuant to section 2 of P.L.1979,  
39 c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of  
40 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
41 section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed  
42 pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty  
43 imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97),<sub>2</sub>  
44 or restitution shall have the assessment, penalty, fine,<sub>2</sub> or restitution  
45 deducted from any income the inmate receives as a result of labor  
46 performed at the institution or on any type of work release program  
47 or, pursuant to regulations promulgated by the Commissioner of the

1 Department of Corrections **【or the Juvenile Justice Commission】**  
2 'or the Juvenile Justice Commission'<sup>1</sup>, from any personal account  
3 established in the institution for the benefit of the inmate.

4 (a) A payment of restitution collected by the Department of  
5 Corrections pursuant to this paragraph shall be maintained by the  
6 department for two years during which the department shall attempt  
7 to locate the victim to whom the restitution is owed. If the  
8 department has not located the victim and the victim has not come  
9 forward to claim the payment within this two-year period, the  
10 payment shall be transferred to the Victims of Crime Compensation  
11 Office Account to be used in satisfying claims pursuant to the  
12 provisions of the "Criminal Injuries Compensation Act of 1971,"  
13 P.L.1971, c.317 (C.52:4B-1 et seq.).

14 (b) If the Department of Corrections has transferred a payment  
15 of restitution to the Victims of Crime Compensation Office  
16 pursuant to subparagraph (a) of this paragraph, the department shall  
17 provide the office with the order for restitution and any other  
18 information regarding the identity of the victim to whom the  
19 payment is owed. The office shall be responsible for maintaining  
20 this information and for distributing payments of restitution to  
21 victims who can prove they are owed the payments.

22 (2) All fines, assessments imposed pursuant to section 2 of  
23 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to  
24 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed  
25 by a municipal court shall be collected by the municipal court  
26 administrator except if **【such】** the fine, assessments imposed  
27 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
28 restitution is ordered as a condition of probation in which event it  
29 shall be collected by the county probation division.

30 b. Except as provided in subsection c. with respect to fines  
31 imposed on appeals following convictions in municipal courts and  
32 except as provided in subsection i. with respect to restitution  
33 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et  
34 al.), all fines imposed by the Superior Court or otherwise imposed  
35 at the county level, shall be paid over by the officer entitled to  
36 collect **【same】** the fines to:

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

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

43 c. All fines imposed by municipal courts, except a central  
44 municipal court established pursuant to N.J.S.2B:12-1 on  
45 defendants convicted of crimes, disorderly persons offenses, and  
46 petty disorderly persons offenses, and all fines imposed following  
47 conviction on appeal therefrom, and all forfeitures of bail shall be

1 paid over by the officer entitled to collect **[same]** the fines to the  
2 treasury of the municipality wherein the municipal court is located.

3 In the case of an intermunicipal court, fines shall be paid into the  
4 municipal treasury of the municipality in which the offense was  
5 committed, and costs, fees, and forfeitures of bail shall be  
6 apportioned among the several municipalities to which the court's  
7 jurisdiction extends according to the ratios of the municipalities'  
8 contributions to the total expense of maintaining the court.

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

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

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

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

22 g. All restitution ordered to be paid to the Victims of Crime  
23 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded  
24 to the office for deposit in the Victims of Crime Compensation  
25 Office Account.

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

29 i. All restitution imposed on defendants under the provisions  
30 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law  
31 enforcement entity in extraditing the defendant from another  
32 jurisdiction shall be paid over by the officer entitled to collect  
33 **[same]** the restitution to the law enforcement entities which  
34 participated in the extradition of the defendant.

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

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

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

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

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

4 (cf: P.L.2015, c.55, s.1)

5  
6 7. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to  
7 read as follows:

8 3. a. There is hereby created and established within the  
9 Department of Corrections a State Parole Board which shall consist  
10 of a chairman, 14 associate members and three alternate board  
11 members. The chairman, associate members and alternate board  
12 members shall be appointed by the Governor with the advice and  
13 consent of the Senate from qualified persons with training or  
14 experience in law, sociology, criminal justice, [juvenile justice] or  
15 related branches of the social sciences. Members of the board and  
16 the alternate board members shall be appointed for terms of six  
17 years and the terms of their successors shall be calculated from the  
18 expiration of the incumbent's term. Members shall serve until their  
19 successors are appointed and have qualified.

20 The Governor shall designate a vice-chairman from among the  
21 associate members. The vice-chairman shall assume the duties of  
22 the chairman when the chairman is absent, unavailable or otherwise  
23 unable to perform his duties, or, in the case of removal or a  
24 permanent incapacity, until the qualification of a successor  
25 chairman appointed by the Governor.

26 Any alternate board member may assume the duties of an  
27 associate member when the associate member is absent, unavailable  
28 or otherwise unable to perform his duties, or the associate member  
29 assumes the duties of the chairman, and shall perform those duties  
30 only until the associate resumes his duties, or, in the case of  
31 removal or a permanent incapacity, the qualification of a successor  
32 appointed by the Governor.

33 b. (1) Any vacancy occurring in the membership of the board,  
34 otherwise than by expiration of term, shall be filled in the same  
35 manner as one occurring by expiration of term, but for the  
36 unexpired term only. Any member of the board, including any  
37 alternate board member, may be removed from office by the  
38 Governor for cause.

39 (2) Upon certification of the chairman that additional parole  
40 panels are needed on a temporary basis for the efficient processing  
41 of parole decisions, the Governor also may appoint not more than  
42 four temporary acting parole board members from qualified persons  
43 with training or experience in law, sociology, criminal justice,  
44 juvenile justice or related branches of the social sciences. A  
45 temporary acting member shall be appointed for a term of three  
46 months. The Governor may extend the appointment of any or all of  
47 the temporary acting members for additional terms of three months,  
48 upon certification of the chairman that additional parole panels are

1 needed on a temporary basis for the efficient processing of parole  
2 decisions. A temporary acting member shall be authorized to  
3 participate in administrative review of initial parole hearing  
4 decisions, parole consideration hearings and determinations  
5 concerning revocation or rescission of parole.

6 c. The members of the board shall devote their full time to the  
7 performance of their duties and be compensated pursuant to section  
8 2 of P.L.1974, c.55 (C.52:14-15.108). Any alternate member and  
9 any temporary acting members shall be entitled to compensation.  
10 The amount of such compensation shall be determined by  
11 multiplying the rate an associate member would be paid on a per  
12 diem basis times the number of days the alternate board member or  
13 temporary acting member actually performed the duties of an  
14 associate member in accordance with the provisions of this section.

15 d. [At the time of appointment, the Governor shall designate  
16 two associate members of the board to serve on a panel on juvenile  
17 commitments. The remaining 12] The associate members of the  
18 board shall be appointed by the Governor to panels on adult  
19 sentences and assigned by the chairman of the board to six panels  
20 on adult sentences. The chairman of the board shall be a member of  
21 each panel. Nothing provided herein shall prohibit the chairman  
22 from reassigning any member appointed to a panel on adult  
23 sentences to facilitate the efficient function of the board. Nothing  
24 provided herein shall prohibit the chairman from temporarily  
25 reassigning any member appointed [to a panel on juvenile  
26 commitments] to a panel on adult sentences or a panel on young  
27 adult sentences to facilitate the efficient function of the board. The  
28 alternate board member may assume, in accordance with the  
29 provisions of this section, the duties of any associate member[,  
30 regardless of whether that associate member serves on a panel on  
31 juvenile commitments or panels on adult sentences]. The chairman  
32 may assign a temporary acting member to a panel on adult  
33 sentences [or juvenile commitments].

34 e. Of the associate members first appointed to the four  
35 positions created pursuant to the provisions of P.L.2001, c.141, one  
36 shall be appointed for a term of six years; one shall be appointed for  
37 a term of five years; one shall be appointed for a term of four years  
38 and one shall be appointed for a term of three years.

39 (cf: P.L.2001, c.141, s.1)

40

41 8. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to  
42 read as follows:

43 4. a. All policies and determinations of the Parole Board shall  
44 be made by the majority vote of the members.

45 b. Except where otherwise noted, parole determinations on  
46 individual cases pursuant to this act shall be made by the majority

1 vote of a quorum of the appropriate board panel established  
2 pursuant to this section.

3 c. The chairman of the board shall be the chief executive  
4 officer of the board and, after consulting with the board, shall be  
5 responsible for designating the time and place of all board  
6 meetings, for appointing the board's employees, for organizing,  
7 controlling and directing the work of the board and its employees,  
8 and for preparation and justification of the board's budget. Only the  
9 employees in those titles and positions as are designated by the  
10 Civil Service Commission shall serve at the pleasure of the  
11 chairman and shall not be subject to the provisions of Title 11A of  
12 the New Jersey Statutes. All other employees, including hearing  
13 officers, shall be in the career service and subject to the provisions  
14 of Title 11A of the New Jersey Statutes. All such career service  
15 employees who are employed by the State Parole Board on  
16 September 5, 2001, and in the case of hearing officers, those who  
17 have been employed by the State Parole Board for a period of at  
18 least one year prior to the effective date of P.L.2005, c.344, shall  
19 have permanent career service status with seniority awarded from  
20 the date of their appointments. Parole officers assigned to supervise  
21 adult parolees and all supervisory titles associated with the  
22 supervision of adult parolees in the parole officer series shall be  
23 classified employees subject to the provisions of Title 11A of the  
24 New Jersey Statutes. Parole officers assigned to supervise adult  
25 parolees and all supervisory titles associated with the supervision of  
26 adult parolees in the parole officer job classification series shall be  
27 organizationally assigned to the State Parole Board with a sworn  
28 member of the Division of Parole appointed to act as director of  
29 parole supervision. The director of parole supervision shall report  
30 directly to the Chairman of the State Parole Board or to such person  
31 as the chairman may designate.

32 d. The board shall promulgate **【such】** reasonable rules and  
33 regulations, consistent with this act, as may be necessary for the  
34 proper discharge of its responsibilities. The chairman shall file  
35 **【such】** the rules and regulations with the Secretary of State. The  
36 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
37 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and  
38 regulations concerning policy and administration, but not to other  
39 actions taken under this act, such as parole hearings, parole  
40 revocation hearings and review of parole cases. In determination of  
41 its rules and regulations concerning policy and administration, the  
42 board shall consult the Governor**【,】** and the Commissioner of  
43 Corrections **【and the Juvenile Justice Commission established**  
44 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)】**.

45 e. The board, in conjunction with the Department of  
46 Corrections **【and the Juvenile Justice Commission】**, shall develop a  
47 uniform information system in order to closely monitor the parole

1 process. **【Such】** The system shall include participation in the  
2 Uniform Parole Reports of the National Council on Crime and  
3 Delinquency.

4 f. The board annually shall transmit a report of its work for the  
5 preceding fiscal year, including information on the causes and  
6 extent of parole recidivism**【,】** to the Governor**【,】** and the  
7 Legislature **【and the Juvenile Justice Commission annually】**. The  
8 report shall include information regarding medical parole including,  
9 but not limited to, the number of inmates who applied for medical  
10 parole, the number of inmates who were granted medical parole,  
11 and the number of inmates who were denied medical parole. The  
12 report also may include relevant information on compliance with  
13 established time frames in the processing of parole eligibility  
14 determinations, the effectiveness of any pertinent legislative or  
15 administrative measures, and any recommendations to enhance  
16 board operations or to effectuate the purposes of the "Parole Act of  
17 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

18 g. The board shall give public notice prior to considering any  
19 adult inmate for release.

20 h. **【The board shall give notice to the appropriate prosecutor's**  
21 **office and to the committing court prior to the initial consideration**  
22 **of any juvenile inmate for release.】** Deleted by amendment,  
23 P.L. c. (pending before the Legislature as this bill)  
24 (cf: P.L.2017, c.235, s.2)

25  
26 9. Section 5 of P.L.1979, c.441 (C.30:4-123.49) is amended to  
27 read as follows:

28 5. a. The chairman of the board, after consulting with the  
29 board, shall assign any case not otherwise assigned, such as county  
30 jail, workhouse, or penitentiary cases, to a special panel composed  
31 of any two members or any one member and one hearing officer as  
32 necessary for the efficient functioning of the board.

33 b. Nothing contained in this act shall be deemed to preclude a  
34 member of any board panel from exercising all the functions,  
35 powers, and duties of a hearing officer upon designation by the  
36 chairman; provided, however, that no member so designated shall  
37 participate in the disposition of a panel or board review of his initial  
38 decision.

39 c. **【No hearing officer assigned to review adult cases shall be**  
40 **assigned to review juvenile cases pursuant to sections 13 and 19 of**  
41 **P.L.1979, c.441 (C.30:4-123.57 and 30:4-123.63), nor shall any**  
42 **hearing officer assigned to review juvenile cases be assigned to**  
43 **review adult cases】** (Deleted by amendment, P.L. c. )  
44 (pending before the Legislature as this bill)

45 d. Representatives of the board or the chairman designated  
46 pursuant to this act may include employees of the board and  
47 employees of other agencies such as the Department of Corrections

1 **【or the Juvenile Justice Commission established pursuant to section**  
2 **2 of P.L.1995, c.284 (C.52:17B-170)】, provided that no employee**  
3 **of the Department of Corrections 【or the Juvenile Justice**  
4 **Commission】 shall be so designated without the approval of the**  
5 **Commissioner of Corrections 【or the Executive Director of the**  
6 **Commission】. Such representatives shall not participate in the**  
7 **disposition of parole cases.**

8 (cf: P.L.2001, c.79, s.17)

9

10 10. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to  
11 read as follows:

12 7. a. Each adult inmate sentenced to a term of incarceration in  
13 a county penal institution, or to a specific term of years at the State  
14 Prison or the correctional institution for women shall become  
15 primarily eligible for parole after having served any judicial or  
16 statutory mandatory minimum term, or one-third of the sentence  
17 imposed where no mandatory minimum term has been imposed less  
18 commutation time for good behavior pursuant to N.J.S.2A:164-24  
19 or R.S.30:4-140 and credits for diligent application to work and  
20 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-  
21 28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the  
22 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
23 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
24 way reduce any judicial or statutory mandatory minimum term and  
25 such credits accrued shall only be awarded subsequent to the  
26 expiration of the term.

27 b. Each adult inmate sentenced to a term of life imprisonment  
28 shall become primarily eligible for parole after having served any  
29 judicial or statutory mandatory minimum term, or 25 years where  
30 no mandatory minimum term has been imposed less commutation  
31 time for good behavior and credits for diligent application to work  
32 and other institutional assignments. If an inmate sentenced to a  
33 specific term or terms of years is eligible for parole on a date later  
34 than the date upon which he would be eligible if a life sentence had  
35 been imposed, then in such case the inmate shall be eligible for  
36 parole after having served 25 years, less commutation time for good  
37 behavior and credits for diligent application to work and other  
38 institutional assignments. Consistent with the provisions of the  
39 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
40 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
41 way reduce any judicial or statutory mandatory minimum term and  
42 such credits accrued shall only be awarded subsequent to the  
43 expiration of the term.

44 c. Each adult inmate sentenced to a specific term of years  
45 pursuant to the "Controlled Dangerous Substances Act," P.L.1970,  
46 c.226 (C.24:21-1 et al.) shall become primarily eligible for parole  
47 after having served one-third of the sentence imposed less



1 commutation time for good behavior and credits for diligent  
2 application to work and other institutional assignments.

3 d. Each adult inmate sentenced to an indeterminate term of  
4 years as a young adult offender pursuant to N.J.S.2C:43-5 shall  
5 become primarily eligible for parole consideration pursuant to a  
6 schedule of primary eligibility dates developed by the board, less  
7 adjustment for program participation. In no case shall the board  
8 schedule require that the primary parole eligibility date for a young  
9 adult offender be greater than the primary parole eligibility date  
10 required pursuant to this section for the presumptive term for the  
11 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

12 e. Each adult inmate sentenced for an offense specified in  
13 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

14 (1) If the court finds that the offender's conduct was not  
15 characterized by a pattern of repetitive, compulsive behavior or  
16 finds that the offender is not amenable to sex offender treatment, or  
17 if after sentencing the Department of Corrections in its most recent  
18 examination determines that the offender is not amenable to sex  
19 offender treatment, the offender shall become primarily eligible for  
20 parole after having served any judicial or statutory mandatory  
21 minimum term or one-third of the sentence imposed where no  
22 mandatory minimum term has been imposed. Neither such term  
23 shall be reduced by commutation time for good behavior pursuant  
24 to R.S.30:4-140 or credits for diligent application to work and other  
25 institutional assignments pursuant to R.S.30:4-92.

26 (2) **【All other】** Young adult offenders shall be eligible for  
27 parole pursuant to the provisions of N.J.S.2C:47-5, except no  
28 offender shall become primarily eligible for parole prior to the  
29 expiration of any judicial or statutory mandatory minimum term.

30 f. **【Each juvenile inmate committed to an indeterminate term**  
31 **shall be immediately eligible for parole】** (Deleted by amendment,  
32 P.L. c. ) (pending before the Legislature as this bill)

33 g. Each adult inmate of a county jail, workhouse, or  
34 penitentiary shall become primarily eligible for parole upon service  
35 of 60 days of his aggregate sentence or as provided for in  
36 subsection a. of this section, whichever is greater. Whenever any  
37 such inmate's parole eligibility is within six months of the date of  
38 such sentence, the judge shall state such eligibility on the record  
39 which shall satisfy all public and inmate notice requirements. The  
40 chief executive officer of the institution in which county inmates  
41 are held shall generate all reports pursuant to subsection d. of  
42 section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board  
43 shall have the authority to promulgate time periods applicable to the  
44 parole processing of inmates of county penal institutions, except  
45 that no inmate may be released prior to the primary eligibility date  
46 established by this subsection, unless consented to by the  
47 sentencing judge. No inmate sentenced to a specific term of years  
48 at the State Prison or the correctional institution for women shall

1 become primarily eligible for parole until service of a full nine  
2 months of his aggregate sentence.

3 h. When an inmate is sentenced to more than one term of  
4 imprisonment, the primary parole eligibility terms calculated  
5 pursuant to this section shall be aggregated by the board for the  
6 purpose of determining the primary parole eligibility date<sup>1</sup>, except  
7 that no juvenile commitment shall be aggregated with any adult  
8 sentence<sup>2</sup>. The board shall promulgate rules and regulations to  
9 govern aggregation under this subsection.

10 i. The primary eligibility date shall be computed by a  
11 designated representative of the board and made known to the  
12 inmate in writing not later than 90 days following the  
13 commencement of the sentence. In the case of an inmate sentenced  
14 to a county penal institution such notice shall be made pursuant to  
15 subsection g. of this section. Each inmate shall be given the  
16 opportunity to acknowledge in writing the receipt of such  
17 computation. Failure or refusal by the inmate to acknowledge the  
18 receipt of such computation shall be recorded by the board but shall  
19 not constitute a violation of this subsection.

20 j. Except as provided in this subsection, each inmate sentenced  
21 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
22 N.J.S.2A:164-17 for a fixed minimum and maximum term or  
23 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for  
24 parole on a date computed pursuant to this section, but shall be  
25 primarily eligible on a date computed pursuant to P.L.1948, c.84  
26 (C.30:4-123.1 et seq.), which is continued in effect for this purpose.  
27 Inmates classified as second, third or fourth offenders pursuant to  
28 section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become  
29 primarily eligible for parole after serving one-third, one-half<sup>2</sup>, or  
30 two-thirds of the maximum sentence imposed, respectively, less in  
31 each instance commutation time for good behavior and credits for  
32 diligent application to work and other institutional assignments;  
33 provided, however, that if the prosecuting attorney or the  
34 sentencing court advises the board that the punitive aspects of the  
35 sentence imposed on such inmates will not have been fulfilled by  
36 the time of parole eligibility calculated pursuant to this subsection,  
37 then the inmate shall not become primarily eligible for parole until  
38 serving an additional period which shall be one-half of the  
39 difference between the primary parole eligibility date calculated  
40 pursuant to this subsection and the parole eligibility date calculated  
41 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
42 prosecuting attorney or the sentencing court advises the board that  
43 the punitive aspects of the sentence have not been fulfilled, such  
44 advice need not be supported by reasons and will be deemed  
45 conclusive and final. Any such decision shall not be subject to  
46 judicial review except to the extent mandated by the New Jersey  
47 and United States Constitutions. The board shall, reasonably prior  
48 to considering any such case, advise the prosecuting attorney and

1 the sentencing court of all information relevant to such inmate's  
2 parole eligibility.

3 k. Notwithstanding any provisions of this section to the  
4 contrary, a person sentenced to imprisonment pursuant to paragraph  
5 (2), (3), or (4) of subsection b. of N.J.S.2C:11-3 shall not be  
6 eligible for parole.

7 l. Notwithstanding the provisions of subsections a. through j.  
8 of this section, the appropriate board panel, as provided in section 1  
9 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving  
10 a sentence of imprisonment on medical parole at any time.

11 (cf: P.L.2007, c.204, s.6)

12

13 11. Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is amended to  
14 read as follows:

15 1. a. As used in this act: "Prosecutor" means the county  
16 prosecutor of the county in which the defendant was convicted  
17 unless the matter was prosecuted by the Attorney General, in which  
18 case "prosecutor" means the Attorney General.

19 "Office of Victim Witness Advocacy" means the Office of  
20 Victim Witness Advocacy of the county in which the defendant was  
21 convicted.

22 b. Notwithstanding any other provision of law to the contrary,  
23 the State shall provide written notice to the prosecutor of the  
24 anticipated release from incarceration in a county or State penal  
25 institution or the Adult Diagnostic and Treatment Center of a  
26 person convicted of murder; manslaughter; aggravated sexual  
27 assault; sexual assault; aggravated assault; aggravated criminal  
28 sexual contact; kidnapping pursuant to paragraph (2) of subsection  
29 c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging  
30 in sexual conduct which would impair or debauch the morals of the  
31 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the  
32 welfare of a child pursuant to paragraph (4) of subsection b. of  
33 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,  
34 c.291 (C.2C:13-6); any other offense involving serious bodily  
35 injury or an attempt to commit any of the aforementioned offenses.  
36 In cases involving a release on parole, the State Parole Board shall  
37 provide the notice required by this subsection. In all other cases,  
38 including but not limited to release upon expiration of sentence or  
39 release from incarceration due to a change in sentence, the  
40 Department of Corrections shall provide the notice required by this  
41 subsection.

42 c. [Notwithstanding any other provision of law to the contrary,  
43 the Juvenile Justice Commission established pursuant to section 2  
44 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to  
45 the prosecutor of the anticipated release from incarceration of a  
46 juvenile adjudicated delinquent on the basis of an offense which, if  
47 committed by an adult, would constitute murder; manslaughter;  
48 aggravated sexual assault; sexual assault; aggravated assault;

1 aggravated criminal sexual contact; kidnapping pursuant to  
2 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
3 welfare of a child by engaging in sexual conduct which would  
4 impair or debauch the morals of the child pursuant to subsection a.  
5 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
6 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing  
7 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other  
8 offense involving serious bodily injury or an attempt to commit any  
9 of the aforementioned offenses】 (Deleted by amendment,  
10 P.L. c. ) (pending before the Legislature as this bill)

11 d. If available, the notice shall be provided to the prosecutor 90  
12 days before the inmate's anticipated release; provided however, the  
13 notice shall be provided at least 30 days before release. The notice  
14 shall include the person's name, identifying factors, offense history,  
15 and anticipated future residence. The prosecutor shall notify the  
16 Office of Victim Witness Advocacy and that office shall use any  
17 reasonable means available to them to notify the victim of the  
18 anticipated release, unless the victim has requested not to be  
19 notified. The Office of Victim Witness Advocacy shall use any  
20 reasonable means available to also notify witnesses and other  
21 appropriate persons, as determined by the prosecutor in accordance  
22 with the directive issued by the Attorney General, who have  
23 requested notification of the anticipated release.

24 e. Upon receipt of notice, the prosecutor shall provide notice to  
25 the law enforcement agency responsible for the municipality where  
26 the inmate will reside, the municipality in which any victim resides,  
27 and such other State and local law enforcement agencies as  
28 appropriate for public safety.

29 (cf: P.L.2013, c.270, s.2)

30

31 12. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to  
32 read as follows:

33 15. a. Each adult parolee shall at all times remain in the legal  
34 custody of the Commissioner of Corrections and under the  
35 supervision of the State Parole Board 【and each juvenile parolee  
36 shall at all times remain in the legal custody of the Juvenile Justice  
37 Commission established pursuant to section 2 of P.L.1995, c.284  
38 (C.52:17B-170)】, except that the Commissioner of Corrections 【or  
39 the Executive Director of the Juvenile Justice Commission】, after  
40 providing notice to the Attorney General, may consent to the  
41 supervision of a parolee by the federal government pursuant to the  
42 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521 et  
43 seq.). An adult parolee, except those under the Witness Security  
44 Reform Act, shall remain under the supervision of the State Parole  
45 Board and in the legal custody of the Department of Corrections【,  
46 and a juvenile parolee, except those under the Witness Security  
47 Reform Act, shall remain under the supervision of the Juvenile

1 Justice Commission, as appropriate,] in accordance with the  
2 policies and rules of the board.

3 b. (1) Each parolee shall agree, as evidenced by his signature  
4 to abide by specific conditions of parole established by the  
5 appropriate board panel which shall be enumerated in writing in a  
6 certificate of parole and shall be given to the parolee upon release.  
7 Such conditions shall include, among other things, a requirement  
8 that the parolee conduct himself in society in compliance with all  
9 laws and refrain from committing any crime, a requirement that the  
10 parolee will not own or possess any firearm as defined in subsection  
11 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.  
12 of N.J.S.2C:39-1, a requirement that the parolee refrain from the  
13 use, possession or distribution of a controlled dangerous substance,  
14 controlled substance analog or imitation controlled dangerous  
15 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a  
16 requirement that the parolee obtain permission from his parole  
17 officer for any change in his residence, and a requirement that the  
18 parolee report at reasonable intervals to an assigned parole officer.  
19 In addition, based on prior history of the parolee or information  
20 provided by a victim or a member of the family of a murder victim,  
21 the member or board panel certifying parole release pursuant to  
22 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any  
23 other specific conditions of parole deemed reasonable in order to  
24 reduce the likelihood of recurrence of criminal or delinquent  
25 behavior, including a requirement that the parolee comply with the  
26 Internet access conditions set forth in paragraph (2) of this  
27 subsection. Such special conditions may include, among other  
28 things, a requirement that the parolee make full or partial  
29 restitution, the amount of which restitution shall be set by the  
30 sentencing court upon request of the board. In addition, the member  
31 or board panel certifying parole release may, giving due regard to a  
32 victim's request, impose a special condition that the parolee have no  
33 contact with the victim, which special condition may include, but  
34 need not be limited to, restraining the parolee from entering the  
35 victim's residence, place of employment, business or school, and  
36 from harassing or stalking the victim or victim's relatives in any  
37 way. Further, the member, board panel or board certifying parole  
38 release may impose a special condition that the person shall not  
39 own or possess an animal for an unlawful purpose or to interfere in  
40 the performance of duties by a parole officer.

41 (2) In addition, the member or board panel certifying parole  
42 release may impose on any person who has been convicted [or  
43 adjudicated delinquent] for the commission of a sex offense as  
44 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2),  
45 and who is required to register as provided in subsections c. and d.  
46 of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been  
47 convicted [or adjudicated delinquent] for a violation of  
48 N.J.S.2C:34-3 any of the following Internet access conditions:

- 1 (a) Prohibit the person from accessing or using a computer or  
2 any other device with Internet capability without the prior written  
3 approval of the court, except the person may use a computer or any  
4 other device with Internet capability in connection with that  
5 person's employment or search for employment with the prior  
6 approval of the person's parole officer;
- 7 (b) Require the person to submit to periodic unannounced  
8 examinations of the person's computer or any other device with  
9 Internet capability by a parole officer, law enforcement officer or  
10 assigned computer or information technology specialist, including  
11 the retrieval and copying of all data from the computer or device  
12 and any internal or external peripherals and removal of such  
13 information, equipment or device to conduct a more thorough  
14 inspection;
- 15 (c) Require the person to submit to the installation on the  
16 person's computer or device with Internet capability, at the person's  
17 expense, one or more hardware or software systems to monitor the  
18 Internet use; and
- 19 (d) Require the person to submit to any other appropriate  
20 restrictions concerning the person's use or access of a computer or  
21 any other device with Internet capability.
- 22 c. The appropriate board panel may in writing relieve a parolee  
23 of any parole conditions, and may permit a parolee to reside outside  
24 the State pursuant to the provisions of the Uniform Act for Out-of-  
25 State Parolee Supervision (N.J.S.2A:168-14 et seq.)**】, the Interstate**  
26 **Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),** and,  
27 with the consent of the Commissioner of the Department of  
28 Corrections **【or the Executive Director of the Juvenile Justice**  
29 **Commission】** after providing notice to the Attorney General, the  
30 federal Witness Security Reform Act, if satisfied that **【such】** the  
31 change will not result in a substantial likelihood that the parolee  
32 will commit an offense which would be a crime under the laws of  
33 this State. The appropriate board panel may revoke **【such】**  
34 permission, except in the case of a parolee under the Witness  
35 Security Reform Act, or reinstate relieved parole conditions for any  
36 period of time during which a parolee is under its jurisdiction.
- 37 d. The appropriate board panel may parole an inmate to any  
38 residential facility funded in whole or in part by the State if the  
39 inmate would not otherwise be released pursuant to section 9 of  
40 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the  
41 residential facility provides treatment for mental illness or mental  
42 retardation, the board panel only may parole the inmate to the  
43 facility pursuant to the laws and admissions policies that otherwise  
44 govern the admission of persons to that facility, and the facility  
45 shall have the authority to discharge the inmate according to the  
46 laws and policies that otherwise govern the discharge of persons  
47 from the facility, on 10 days' prior notice to the board panel. The

1 board panel shall acknowledge receipt of this notice in writing prior  
2 to the discharge. Upon receipt of the notice the board panel shall  
3 resume jurisdiction over the inmate.

4 e. Parole officers shall provide assistance to the parolee in  
5 obtaining employment, education, or vocational training or in  
6 meeting other obligations to assure the parolee's compliance with  
7 meeting legal requirements related to sex offender notification,  
8 address changes and participation in rehabilitation programs as  
9 directed by the assigned parole officer.

10 f. **【The board panel on juvenile commitments and the assigned**  
11 **parole officer shall insure that the least restrictive available**  
12 **alternative is used for any juvenile parolee】** (Deleted by  
13 amendment, P.L. c. ) (pending before the Legislature as this  
14 bill)

15 g. If the board has granted parole to any inmate from a State  
16 correctional facility **【or juvenile facility】** and the court has imposed  
17 a fine on **【such】** the inmate, the appropriate board panel shall  
18 release **【such】** the inmate on condition that the parolee make  
19 specified fine payments to the State Parole Board **【or the Juvenile**  
20 **Justice Commission】**. For violation of **【such】** these conditions, or  
21 for violation of a special condition requiring restitution, parole may  
22 be revoked only for refusal or failure to make a good faith effort to  
23 make **【such】** the payment.

24 h. Upon collection of the fine **【the same shall be paid over by】**  
25 **the Department of Corrections** shall forward it **【or by the Juvenile**  
26 **Justice Commission】** to the State Treasury.  
27 (cf: P.L.2007, c.219, s.5)  
28

29 13. Section 16 of L.1979, c.441 (C.30:4-123.60) is amended to  
30 read as follows:

31 16. a. Any parolee who violates a condition of parole may be  
32 subject to an order pursuant to section 17 of P.L.1979, c.441  
33 (C.30:4-123.61) providing for one or more of the following: (1)  
34 That he be required to conform to one or more additional conditions  
35 of parole; (2) That he forfeit all or a part of commutation time  
36 credits granted pursuant to R.S.30:4-140.

37 b. Any parolee who has seriously or persistently violated the  
38 conditions of his parole, may have his parole revoked and may be  
39 returned to custody pursuant to sections 18 and 19 of P.L.1979,  
40 c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified  
41 immediately upon the arrest or indictment of a parolee or upon the  
42 filing of charges that the parolee committed an act which, if  
43 committed by an adult, would constitute a crime. The board shall  
44 not revoke parole on the basis of new charges which have not  
45 resulted in a disposition at the trial level except that upon  
46 application by the prosecuting authority**【,** the Juvenile Justice  
47 Commission established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170)] or the Director of the State Parole Board's  
2 Division of Parole or his designee, the chairman of the board or his  
3 designee may at any time detain the parolee and commence  
4 revocation proceedings pursuant to sections 18 and 19 of P.L.1979,  
5 c.441 (C.30:4-123.62 and 30:4-123.63) when the chairman  
6 determines that the new charges against the parolee are of a serious  
7 nature and it appears that the parolee otherwise poses a danger to  
8 the public safety. In such cases, a parolee shall be informed that, if  
9 he testifies at the revocation proceedings, his testimony and the  
10 evidence derived therefrom shall not be used against him in a  
11 subsequent criminal prosecution [or delinquency adjudication].

12 c. [Any] The parole of any parolee who is convicted of a  
13 crime [or adjudicated delinquent for an act which, if committed by  
14 an adult, would constitute a crime,] committed while on parole  
15 shall [have his parole] be revoked and the parolee shall be returned  
16 to custody unless the parolee demonstrates, by clear and convincing  
17 evidence at a hearing pursuant to section 19 of P.L.1979, c.441  
18 (C.30:4-123.63), that good cause exists why [he] the parolee  
19 should not be returned to confinement.

20 (cf: P.L.2001, c.141, s.5)

21

22 14. Section 18 of P.L.1979, c.441 (C.30:4-123.62) is amended to  
23 read as follows:

24 18. a. (1) If a parole officer assigned to supervise a parolee has  
25 probable cause to believe that the parolee has violated a condition  
26 of [his] parole, [such] the violation being a basis for return to  
27 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
28 (C.30:4-123.60), a designated representative of the chairman of the  
29 board may issue a warrant for the arrest of the parolee if evidence  
30 indicates that the parolee may not appear at the preliminary hearing  
31 or if the parolee poses a danger to the public safety. [With the  
32 parole warrant, a law enforcement officer may apprehend the  
33 delinquent parolee.]

34 (2) If a parole officer assigned to supervise a parolee has  
35 probable cause to believe that the parolee has committed a crime[,  
36 has committed an act or is about to commit an act which, if  
37 committed by an adult, would constitute a crime], is about to  
38 commit a crime, or is about to flee the jurisdiction, which violation  
39 is a basis for return to custody pursuant to subsection b. of section  
40 16 of P.L.1979, c.441 (C.30:4-123.60), and the situation is one of  
41 immediate emergency that cannot await the issuance of a warrant by  
42 a designated representative, the parole officer, by the parole  
43 officer's own warrant, may apprehend the parolee and cause [his]  
44 the parolee's detention in a suitable facility designated by the  
45 Department of Corrections [or the Juvenile Justice Commission  
46 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-



1 170), as appropriate,] or cause the parolee's confinement in an  
2 appropriate institution pending return to a facility designated by the  
3 Department of Corrections [or the Juvenile Justice Commission, as  
4 appropriate,] to await the conduction of a preliminary hearing. The  
5 warrant shall be in the form prescribed [, as appropriate, by the  
6 Juvenile Justice Commission or] by the State Parole Board and,  
7 when signed by the officer in charge of the case, shall be a  
8 sufficient instrument and authority to all peace officers to assist in  
9 the apprehension of the parolee. It shall also be sufficient authority  
10 for detention of the parolee in a suitable facility, to await the  
11 conduction of the preliminary hearing. Upon enforcement of the  
12 warrant, the appropriate board panel shall be promptly notified. No  
13 parolee held in custody on a parole warrant shall be entitled to  
14 release on bail.

15 b. A parolee retaken under this section shall within 14 days be  
16 granted a preliminary hearing to be conducted by a hearing officer  
17 not previously involved in the case, unless the parolee, the hearing  
18 officer, or the parole officer requests postponement of the  
19 preliminary hearing, which may be granted by the appropriate board  
20 panel for good cause, but in no event shall such postponement, if  
21 requested by the hearing officer or the parole officer, exceed 14  
22 days.

23 c. The preliminary hearing shall be for the purpose of  
24 determining:

25 (1) Whether there is probable cause to believe that the parolee  
26 violated a condition of his parole being the basis for return to  
27 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
28 (C.30:4-123.60), and

29 (2) Whether revocation and return to custody is desirable in the  
30 instant matter.

31 d. Prior to the preliminary hearing the parolee shall be provided  
32 with written notice of:

33 (1) The conditions of parole alleged to have been violated;

34 (2) The time, date, place and circumstances of the alleged  
35 violation;

36 (3) The possible action which may be taken by the board after a  
37 parole revocation hearing;

38 (4) The time, date and place of the preliminary hearing;

39 (5) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
40 seq.), to representation by an attorney or such other qualified person  
41 as the parolee may retain; and

42 (6) The right to confront and cross-examine witnesses.

43 e. The hearing officer who conducts the hearing shall make a  
44 summary or other record of said hearing.

45 f. If the evidence presented at the preliminary hearing does not  
46 support a finding of probable cause to believe that the parolee has  
47 violated a condition of his parole, such violation being a basis for

1 return to custody pursuant to subsection b. of section 16 of  
2 P.L.1979, c.441 (C.30:4-123.60), or if it is otherwise determined  
3 that revocation is not desirable, the hearing officer may, in  
4 accordance with the provisions of subsection a. of section 16 of  
5 P.L.1979, c.441 (C.30:4-123.60) and section 17 of P.L.1979, c.441  
6 (C.30:4-123.61), issue an order modifying parole and releasing the  
7 offender, or continuing parole and releasing the offender.

8 g. If the evidence presented at the preliminary hearing supports  
9 a finding of probable cause to believe that the parolee has violated a  
10 condition of his parole, the hearing officer shall determine whether  
11 the parolee shall be retained in custody or released on specific  
12 conditions pending action by the appropriate board panel.

13 h. Conviction of a crime committed while on parole [or  
14 adjudication of delinquency for an act which, if committed by an  
15 adult, would constitute a crime] shall be deemed to constitute  
16 probable cause to believe that the parolee has violated a condition  
17 of parole.

18 (cf: P.L.2001, c.79, s.12)

19

20 15. Section 19 of P.L.1979, c.441 (C.30:4-123.63) is amended to  
21 read as follows:

22 19. a. If the hearing officer finds probable cause pursuant to  
23 subsection c. (1) of section 18 of P.L.1979, c.441 (C.30:4-123.62)  
24 and finds that revocation is desirable pursuant to subsection c. (2)  
25 of section 18 of P.L.1979, c.441 (C.30:4-123.62), or if the parolee is  
26 convicted of a criminal offense committed while on parole [or is  
27 adjudicated delinquent for an act which, if committed by an adult,  
28 would constitute a crime], the board shall cause a revocation  
29 hearing to be conducted by a hearing officer, other than the hearing  
30 officer previously designated pursuant to section 18 of P.L.1979,  
31 c.441 (C.30:4-123.62), within 60 days after the date a parolee is  
32 taken into custody as a parole violator unless the parolee or the  
33 hearing officer requests postponement of the revocation hearing,  
34 which may be granted by appropriate board panel for good cause,  
35 but in no event shall such postponement, if requested by the hearing  
36 officer, exceed 120 days.

37 b. Prior to the revocation hearing, the parolee shall be given  
38 written notice of:

39 (1) The time, date and place of the parole revocation hearing;

40 (2) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
41 seq.), to representation by an attorney or such other qualified person  
42 as the parolee chooses;

43 (3) The right to confront and cross-examine witnesses, and to  
44 rebut adverse documentary evidence [against him]; and

45 (4) The right to testify, to present evidence and to [subpena]  
46 subpoena witnesses [in his] on the parolee's own behalf, provided

1 a prima facie showing is made that the prospective witnesses will  
2 provide material testimony.

3 c. The hearing officer shall maintain a full and complete record  
4 of the parole revocation hearing.

5 d. After consideration of all evidence presented, if there is clear  
6 and convincing evidence that a parolee has violated the conditions  
7 of his parole, such violation being a basis for return to custody  
8 pursuant to subsection b. or c. of section 16 of P.L.1979, c.441  
9 (C.30:4-123.60), and if revocation and return to custody is desirable  
10 in the instant matter, the appropriate board panel may revoke parole  
11 and return such parolee to custody, for a specified length of time, or  
12 in accordance with the provisions of sections 16 and 17 of  
13 P.L.1979, c.441 (C.30:4-123.60 and 30:4-123.61), or the  
14 appropriate board panel may issue an order modifying parole and  
15 releasing the offender or continuing parole and releasing the  
16 offender.

17 e. Not more than 21 days following the hearing conducted  
18 pursuant to this section, the parolee and his representative shall be  
19 informed in writing of the decision, the particular reasons therefor,  
20 and the facts relied on.

21 (cf: P.L.1995, c.280, s.43)

22

23 16. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is amended to  
24 read as follows:

25 23. a. The appropriate board panel and the Department of  
26 Corrections **【**or the Juvenile Justice Commission established  
27 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)**】** shall  
28 enter into formal parole contract agreements with officials of the  
29 board **【,** and officials of the Department of Corrections **【**or the  
30 Juvenile Justice Commission**】** and individual parolees or inmates  
31 reduced to writing and signed by all parties **【,which】**. The parole  
32 contract agreements shall stipulate individual programs of  
33 education, training, or other activity which shall result in a specified  
34 reduction of the parolee's parole term pursuant to section 22 of  
35 P.L.1979, c.441 (C.30:4-123.66) or the inmate's primary parole  
36 eligibility date pursuant to section 8 of P.L.1979, c.441 (C.30:4-  
37 123.52), upon such successful completion of the program. The  
38 formal parole contract agreements required under this subsection  
39 shall be entered into within two months of an inmate's admission to  
40 a correctional facility.

41 b. Any parolee or inmate shall be permitted to apply to the  
42 board for such an agreement. The board panel shall accept all such  
43 applications. The board panel shall approve any application  
44 consistent with eligibility requirements promulgated by the board  
45 pursuant to section 4 of P.L.1979, c.441 (C.30:4-123.48). **【**The  
46 commission may, by regulation, specify eligibility requirements for  
47 agreements with juvenile parolees and inmates and the procedures

1 for effecting such agreements and reviewing juveniles' application  
2 for such agreements.】

3 c. Upon approval of the parolee or inmate's application, the  
4 board panel shall be responsible for specifying the components  
5 necessary for 【any such】 the agreement. Upon acceptance of the  
6 agreement by the Department of Corrections 【or by the  
7 commission】, by the board panel, and by the parolee or the inmate,  
8 the board panel shall reduce the agreement to writing and monitor  
9 compliance with the parole contract agreement at least once every  
10 12 months. The parolee or inmate and the Department of  
11 Corrections 【or the Juvenile Justice Commission】 shall be given a  
12 copy of 【any such】 the agreement.

13 d. 【Any such】 An agreement shall be terminated by the board  
14 panel in the event the parolee or inmate fails to or refuses to  
15 satisfactorily complete each component of the agreement. The  
16 inmate or parolee shall be notified in writing of 【any such】 a  
17 termination and the reasons 【therefor】 for the termination. 【Any  
18 such】 A termination may be appealed to the full board pursuant to  
19 section 14 of P.L.1979, c.441 (C.30:4-123.58).  
20 (cf: P.L.2009, c.330, s.7)

21  
22 17. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to  
23 read as follows:

24 2. a. A Juvenile Justice Commission is established in, but not  
25 of, the Department of Law and Public Safety. The commission is  
26 allocated to the Department of Law and Public Safety for the  
27 purpose of complying with Article V, Section IV, paragraph 1 of  
28 the New Jersey Constitution. The Attorney General shall be the  
29 request officer for the commission within the meaning of section 6  
30 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that  
31 authority and other administrative functions, powers and duties  
32 consistent with the provisions of this act.

33 b. The commission shall consist of an executive director, an  
34 executive board, an advisory council and such facilities, officers,  
35 employees and organizational units as provided herein or as  
36 otherwise necessary to performance of the commission's duties and  
37 responsibilities.

38 c. The executive director shall be appointed by the Governor  
39 with the advice and consent of the Senate and shall serve at the  
40 pleasure of the Governor during the Governor's term of office and  
41 until a successor is appointed and qualified.

42 d. The executive board shall consist of the following members:  
43 The Attorney General, who shall serve as chair of the executive  
44 board; the Commissioner of Corrections and the Commissioner of  
45 Children and Families, who shall serve as vice-chairs of the  
46 executive board; the Commissioner of Education; the chair of the  
47 Juvenile Justice Commission advisory council, established pursuant

1 to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members  
2 who serve as chairs of a county youth services commission,  
3 established pursuant to P.L.1995, c.282 (C.52:17B-180), to be  
4 appointed by the Governor to serve at the Governor's pleasure. The  
5 Administrative Director of the Administrative Office of the Courts  
6 is invited to participate on the executive board, subject to the  
7 approval of the Supreme Court. A member of the executive board  
8 may name a designee who shall have the authority to act for the  
9 member. Members of the executive board shall serve without  
10 compensation for their services to the commission. The executive  
11 board shall meet at least quarterly and at such other times as  
12 designated by the chair. Except with respect to matters concerning  
13 distribution of funds to counties, four members of the executive  
14 board shall constitute a quorum to transact business of the executive  
15 board and action of the executive board shall require an affirmative  
16 vote of four members. A member of the executive board who is  
17 also a member of a county youth services commission shall not  
18 participate in matters concerning distribution of funds to counties;  
19 in these matters, three members of the executive board shall  
20 constitute a quorum to transact business and an action of the  
21 executive board shall require an affirmative vote of three members.

22 e. The commission shall have the following powers, duties and  
23 responsibilities:

24 (1) To specify qualifications for and to employ, within the limits  
25 of available appropriations and subject to the provisions of  
26 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New  
27 Jersey Statutes, such staff as are necessary to accomplish the work  
28 of the commission or as are needed for the proper performance of  
29 the functions and duties of the commission, including but not  
30 limited to:

31 (a) The number of deputy directors, assistant directors,  
32 superintendents, assistant superintendents and other assistants who  
33 shall be in the unclassified service and shall be deemed confidential  
34 employees for the purposes of the "New Jersey Employer-Employee  
35 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

36 (b) Juvenile corrections officers;

37 (2) To utilize such staff of the Department of Law and Public  
38 Safety as the Attorney General, within the limits of available  
39 appropriations, may make available to the commission;

40 (3) To organize the work of the commission in appropriate  
41 bureaus and other organization units;

42 (4) To enter into contracts and agreements with State, county  
43 and municipal governmental agencies and with private entities for  
44 the purpose of providing services and sanctions for juveniles  
45 adjudicated or charged as delinquent and programs for prevention  
46 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 (C.52:17B-  
11 176);
- 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 Justice Master Plan every third  
27 year which identifies facilities, sanctions and services available for  
28 juveniles adjudicated or charged as delinquent and juvenile  
29 delinquency prevention programs and which identifies additional  
30 needs based upon the extent and nature of juvenile delinquency and  
31 the adequacy and effectiveness of available facilities, services,  
32 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 (C.52:17B-  
35 180);
- 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 proceedings  
4 or processes as may be necessary to enforce properly and give  
5 effect to any of its powers or duties including the authority to  
6 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 for  
15 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 (cf: swP.L.2006, c.47, s.192)

24

25 18. (New section) a. The Juvenile Justice Commission shall  
26 establish a program to collect, record, and analyze data regarding  
27 juveniles who were sentenced to a term of incarceration. In  
28 furtherance of this program, the commission shall collect the  
29 following data:

30 (1) the offense for which the juvenile was incarcerated; the term  
31 of incarceration imposed on the juvenile, including a term of  
32 incarceration imposed for a violation of parole; the age, gender,  
33 race, and ethnicity of the juvenile; the county where the juvenile  
34 was adjudicated delinquent; the classification of the juvenile; and  
35 whether the juvenile was sentenced to an extended term of  
36 incarceration;

37 (2) aggregate data of incidents of violence, suicide, suicide  
38 attempts, hospitalizations, and any form of segregation or isolation  
39 of a juvenile for all facilities where juveniles are placed; and

40 (3) the amount of time remaining on each sentence of  
41 incarceration imposed on a juvenile whose parole <sup>1</sup>【or post-  
42 incarceration supervision】<sup>1</sup> was revoked; whether the violation that  
43 was the basis for the revocation was technical or based upon a new  
44 offense; the age, gender, race, and ethnicity of the juvenile; and the  
45 county where the juvenile's parole <sup>1</sup>【or post-incarceration  
46 supervision】<sup>1</sup> was revoked by the court.

1       b. The commission shall prepare and publish on its Internet  
2 website <sup>1</sup>【and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
3 19.1), prepare and transmit to the Governor and the Legislature】<sup>1</sup>  
4 biennial reports summarizing the <sup>1</sup>aggregated<sup>1</sup> data collected,  
5 recorded, and analyzed pursuant to subsection a. of this section.

6       c. The commission shall publish on its Internet website the  
7 criteria that are used to determine whether a juvenile is granted  
8 parole. The commission also shall provide this information to every  
9 juvenile who is sentenced to a term of incarceration.

10

11       19. Section 13 of P.L.1979, c.441 (C.30:4-123.57) is repealed.

12

13       20. This act shall take effect on the first day of the <sup>1</sup>【seventh】  
14 tenth<sup>1</sup> month after enactment <sup>1</sup>, but the Chairman of the State Parole  
15 Board may take any administrative action in advance of the effective  
16 date as may be necessary<sup>1</sup>.

17

18

19

20

21

\_\_\_\_\_

Concerns juvenile incarceration and parole.



# SENATE, No. 48

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 30, 2019

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senator Singleton**

**SYNOPSIS**

Concerns juvenile incarceration and parole.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/28/2019)**

1 AN ACT concerning incarceration and parole of juveniles and  
2 amending, supplementing, and repealing various parts of the  
3 statutory law.

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

7  
8 1. Section 2 of P.L.1982, c.77 (C.2A:4A-21) is amended to  
9 read as follows:

10 2. Purposes. This act shall be construed so as to effectuate the  
11 following purposes:

12 a. To preserve the unity of the family whenever possible and to  
13 provide for the care, protection, and wholesome mental and  
14 physical development of juveniles coming within the provisions of  
15 this act;

16 b. Consistent with the protection of the public interest, to  
17 remove from children committing delinquent acts certain statutory  
18 consequences of criminal behavior, and to substitute therefor an  
19 adequate program of supervision, care and rehabilitation, and a  
20 range of sanctions designed to promote accountability and protect  
21 the public;

22 c. To separate juveniles from the family environment only  
23 when necessary for their health, safety, or welfare or in the interests  
24 of public safety;

25 d. To secure for each child coming under the jurisdiction of the  
26 court the care, guidance, and control, preferably in his own home,  
27 as will conduce to the child's welfare and the best interests of the  
28 State; and when the child is removed from his own family, to secure  
29 for him custody, care, and discipline as nearly as possible  
30 equivalent to that which should have been given by his parents;

31 e. To insure that children under the jurisdiction of the court are  
32 wards of the State, subject to the discipline and entitled to the  
33 protection of the State, which may intervene to safeguard them from  
34 neglect or injury and to enforce the legal obligations due to them  
35 and from them;

36 f. Consistent with the protection of the public interest, to  
37 insure that any services and sanctions for juveniles provide  
38 balanced attention to the protection of the community, the  
39 imposition of accountability for offenses committed, fostering  
40 interaction and dialogue between the offender, victim, and  
41 community, and the development of competencies to enable  
42 children to become responsible and productive members of the  
43 community;

44 g. To insure protection and a safe environment for those  
45 sexually exploited juveniles who are charged with prostitution or

**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 who are alleged to be victims of human trafficking; and to provide  
2 these juveniles with the appropriate shelter, care, counseling, and  
3 crisis intervention services from the time they are taken into  
4 custody and for the duration of any legal proceedings; **and**

5 h. To insure that in any action undertaken within the provisions  
6 of this act, the best interests of the child shall be a primary  
7 consideration; and

8 i. To ensure a smarter, fairer, and more efficient and effective  
9 juvenile justice system by incorporating the following successful  
10 principles and strategies of the Juvenile Detention Alternative  
11 Initiative (J.D.A.I.) into every stage of the delinquency action:

12 (1) promoting collaboration between juvenile court officials,  
13 probation agencies, prosecutors, defense attorneys, schools,  
14 community organizations, and advocates;

15 (2) using rigorous data collection and analysis to guide decision  
16 making;

17 (3) utilizing objective risk-assessment instruments to replace  
18 subjective decision-making processes to determine:

19 (a) whether a juvenile should be incarcerated; and

20 (b) the length of time a juvenile should remain in custody;

21 (4) implementing new or expanded community-based  
22 alternatives that can be used in lieu of incarceration;

23 (5) reducing delays in processing and corresponding length of  
24 stay in all stages of a delinquency action, including parole and  
25 revocation proceedings, to ensure that juveniles do not remain in  
26 out-of-home placements longer than necessary or are unnecessarily  
27 returned to custody;

28 (6) reserving the use of incarceration for only those cases in  
29 which it is necessary to eliminate a substantial threat to public  
30 safety;

31 (7) combatting racial and ethnic disparities by collecting and  
32 examining data to identify policies and practices that may  
33 disadvantage minority juveniles at various stages of the process and  
34 pursuing strategies to eliminate those disparities; and

35 (8) monitoring and improving conditions of confinement in  
36 secure facilities.

37 (cf: P.L.2015, c.255, s.1)

38

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

41 24. Disposition of delinquency cases. a. In determining the  
42 appropriate disposition for a juvenile adjudicated delinquent the  
43 court shall weigh the following factors:

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

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

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

1 (4) Whether the disposition supports family strength,  
2 responsibility and unity and the well-being and physical safety of  
3 the juvenile;

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

9 (6) Whether the disposition recognizes and treats the unique  
10 physical, psychological, and social characteristics and needs of the  
11 child;

12 (7) Whether the disposition contributes to the developmental  
13 needs of the child, including the academic and social needs of the  
14 child where the child has intellectual disabilities or learning  
15 disabilities;

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

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

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

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

22 b. If a juvenile is adjudged delinquent, [and except to the  
23 extent that an additional specific disposition is required pursuant to  
24 subsection e. or f. of this section,] the court, in accordance with  
25 subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), may  
26 order incarceration as a last resort pursuant to section 25 of  
27 P.L.1982, c.77 (C.2A:4A-44) or the court may order any one or  
28 more of the following dispositions:

29 (1) Adjourn formal entry of disposition of the case for a period  
30 not to exceed 12 months for the purpose of determining whether the  
31 juvenile makes a satisfactory adjustment, and if during the period of  
32 continuance the juvenile makes such an adjustment, dismiss the  
33 complaint; provided that if the court adjourns formal entry of  
34 disposition of delinquency for a violation of an offense defined in  
35 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
36 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
37 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
38 juveniles adjudicated delinquent;

39 (2) Release the juvenile to the supervision of the juvenile's  
40 parent or guardian;

41 (3) Place the juvenile on probation to the chief probation officer  
42 of the county or to any other suitable person who agrees to accept  
43 the duty of probation supervision for a period not to exceed three  
44 years upon such written conditions as the court deems will aid  
45 rehabilitation of the juvenile;

46 (4) Transfer custody of the juvenile to any relative or other  
47 person determined by the court to be qualified to care for the  
48 juvenile;

1 (5) Place the juvenile under the care and responsibility of the  
2 Department of Children and Families so that the commissioner may  
3 designate a division or organizational unit in the department  
4 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of  
5 providing services in or out of the home. Within 14 days, unless for  
6 good cause shown, but not later than 30 days, the Department of  
7 Children and Families shall submit to the court a service plan,  
8 which shall be presumed valid, detailing the specifics of any  
9 disposition order. The plan shall be developed within the limits of  
10 fiscal and other resources available to the department. If the court  
11 determines that the service plan is inappropriate, given existing  
12 resources, the department may request a hearing on that  
13 determination;

14 (6) Place the juvenile under the care and custody of the  
15 Commissioner of Children and Families for the purpose of  
16 receiving the services of the Division of Children's System of Care  
17 of that department, provided that the juvenile has been determined  
18 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-  
19 25.4);

20 (7) Commit the juvenile, pursuant to applicable laws and the  
21 Rules of Court governing civil commitment, to the Department of  
22 Children and Families under the responsibility of the Division of  
23 Children's System of Care for the purpose of placement in a suitable  
24 public or private hospital or other residential facility for the  
25 treatment of persons who are mentally ill, on the ground that the  
26 juvenile is in need of involuntary commitment;

27 (8) **【**Fine the juvenile an amount not to exceed the maximum  
28 provided by law for such a crime or offense if committed by an  
29 adult and which is consistent with the juvenile's income or ability to  
30 pay and financial responsibility to the juvenile's family, provided  
31 that the fine is specially adapted to the rehabilitation of the juvenile  
32 or to the deterrence of the type of crime or offense. If the fine is  
33 not paid due to financial limitations, the fine may be satisfied by  
34 requiring the juvenile to submit to any other appropriate disposition  
35 provided for in this section;**】** (Deleted by amendment, P.L. \_\_\_\_\_,  
36 c. ) (pending before the Legislature as this bill)

37 (9) Order the juvenile to make restitution to a person or entity  
38 who has suffered loss resulting from personal injuries or damage to  
39 property as a result of the offense for which the juvenile has been  
40 adjudicated delinquent. The court may determine the reasonable  
41 amount, terms, and conditions of restitution. If the juvenile  
42 participated in the offense with other persons, the participants shall  
43 be jointly and severally responsible for the payment of restitution.  
44 The court shall not require a juvenile to make full or partial  
45 restitution if the juvenile reasonably satisfies the court that the  
46 juvenile does not have the means to make restitution and could not  
47 reasonably acquire the means to pay restitution;

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

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

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

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

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

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

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

42       (b) Place the juvenile under the custody of the Juvenile Justice  
43 Commission established pursuant to section 2 of P.L.1995, c.284  
44 (C.52:17B-170) for placement with any private group home or  
45 private residential facility with which the commission has entered  
46 into a purchase of service contract;

47       (17) Instead of or in addition to any disposition made according  
48 to this section, the court may postpone, suspend, or revoke for a

1 period not to exceed two years the driver's license, registration  
2 certificate, or both of any juvenile who used a motor vehicle in the  
3 course of committing an act for which the juvenile was adjudicated  
4 delinquent. In imposing this disposition and in deciding the duration  
5 of the postponement, suspension, or revocation, the court shall  
6 consider the severity of the delinquent act and the potential effect of  
7 the loss of driving privileges on the juvenile's ability to be  
8 rehabilitated. Any postponement, suspension, or revocation shall be  
9 imposed consecutively with any custodial commitment;

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

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

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

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

40 (2) **【No】** A juvenile **【may】** shall not be incarcerated in any  
41 county detention facility unless the county has entered into an  
42 agreement with the Juvenile Justice Commission concerning the use  
43 of the facility for sentenced juveniles. Upon agreement with the  
44 county, the Juvenile Justice Commission shall certify detention  
45 facilities which may receive juveniles sentenced pursuant to this  
46 subsection and shall specify the capacity of the facility that may be  
47 made available to receive such juveniles; provided, however, that in

1 no event shall the number of juveniles incarcerated pursuant to this  
2 subsection exceed 50% of the maximum capacity of the facility.

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

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

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

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

16 (4) If as a result of incarceration of adjudicated juveniles  
17 pursuant to this subsection, a county is required to transport a  
18 predisposition juvenile to a juvenile detention facility in another  
19 county, the costs of such transportation shall be borne by the  
20 Juvenile Justice Commission.

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

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

34 (1) An **【order of incarceration for a term of the duration**  
35 **authorized pursuant to this section or section 25 of P.L.1982, c.77**  
36 **(C.2A:4A-44) or an】** order to perform community service pursuant  
37 to 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) **【An order of incarceration for a term of the duration**  
45 **authorized pursuant to this section or section 25 of P.L.1982, c.77**  
46 **(C.2A:4A-44) which shall include a minimum term of 60 days**  
47 **during which the juvenile shall be ineligible for parole, if the**  
48 **juvenile has been adjudicated delinquent for an act which, if**



1 committed by an adult, would constitute the crime of aggravated  
2 assault in violation of paragraph (6) of subsection b. of  
3 N.J.S.2C:12-1, the second degree crime of eluding in violation of  
4 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case  
5 in which the juvenile has previously been adjudicated delinquent for  
6 an act, which if committed by an adult, would constitute unlawful  
7 taking of a motor vehicle or theft of a motor vehicle; **】** (Deleted by  
8 amendment, P.L. , c. ) (pending before the Legislature as this  
9 bill)

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

16 (4) **【**An order of incarceration for a term of the duration  
17 authorized pursuant to this section or section 25 of P.L.1982, c.77  
18 (C.2A:4A-44) which shall include a minimum term of 30 days  
19 during which the juvenile shall be ineligible for parole, if the  
20 juvenile has been adjudicated delinquent for an act which, if  
21 committed by an adult, would constitute the crime of unlawful  
22 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third  
23 degree crime of eluding in violation of subsection b. of  
24 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated  
25 delinquent for an act which, if committed by an adult, would  
26 constitute either theft of a motor vehicle, the unlawful taking of a  
27 motor vehicle or eluding. **】** (Deleted by amendment, P.L. , c. )  
28 (pending before the Legislature as this bill)

29 f. (1) **【**The minimum terms of incarceration required pursuant  
30 to subsection e. of this section shall be imposed regardless of the  
31 weight or balance of factors set forth in this section or in section 25  
32 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of  
33 those factors shall determine the length of the term of incarceration  
34 appropriate, if any, beyond any mandatory minimum term required  
35 pursuant to subsection e. of this section. **】** (Deleted by amendment,  
36 P.L. , c. ) (pending before the Legislature as this bill)

37 (2) **【**When a court in a county that does not have a juvenile  
38 detention facility or a contractual relationship permitting  
39 incarceration pursuant to subsection c. of this section is required to  
40 impose a term of incarceration pursuant to subsection e. of this  
41 section, the court may, subject to limitations on commitment to  
42 State correctional facilities of juveniles who are under the age of 11  
43 or developmentally disabled, set a term of incarceration consistent  
44 with subsection c. which shall be served in a State correctional  
45 facility. When a juvenile who because of age or developmental  
46 disability cannot be committed to a State correctional facility or  
47 cannot be incarcerated in a county facility, the court shall order a

1 disposition appropriate as an alternative to any incarceration  
2 required pursuant to subsection e.】 (Deleted by amendment, P.L. ,  
3 c. ) (pending before the Legislature as this bill)

4 (3) 【For purposes of subsection e. of this section, in the event  
5 that a "boot camp" program for juvenile offenders should be  
6 developed and is available, a term of commitment to such a  
7 program shall be considered a term of incarceration.】 Deleted by  
8 amendment, P.L. , c. ) (pending before the Legislature as this  
9 bill)

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

20 h. When the court imposes a term of incarceration pursuant to  
21 section 25 of P.L.1982, c.77 (C.2A:4A-44), it may order the  
22 Juvenile Justice Commission to provide the juvenile with specific  
23 services, as the court deems appropriate.

24 (cf: P.L.2012, c.16, s.1)

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

28 25. Incarceration--Aggravating and mitigating factors

29 a. (1) 【Except as provided in subsections e. and f. of section  
30 24 of P.L.1982, c.77 (C.2A:4A-43), in】 In determining whether  
31 incarceration is an appropriate disposition, the court shall consider  
32 the following aggravating circumstances:

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

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

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

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

46 (e) The fact that the juvenile committed the act pursuant to an  
47 agreement that the juvenile either pay or be paid for the commission

- 1 of the act and that the pecuniary incentive was beyond that inherent  
2 in the act itself;
- 3 (f) The fact that the juvenile committed the act against a  
4 policeman or other law enforcement officer, correctional employee  
5 or fireman, acting in the performance of his duties while in uniform  
6 or exhibiting evidence of his authority, or the juvenile committed  
7 the act because of the status of the victim as a public servant;
- 8 (g) The need for deterring the juvenile and others from violating  
9 the law;
- 10 (h) The fact that the juvenile knowingly conspired with others as  
11 an organizer, supervisor, or manager to commit continuing criminal  
12 activity in concert with two or more persons and the circumstances  
13 of the crime show that he has knowingly devoted himself to  
14 criminal activity as part of an ongoing business activity;
- 15 (i) The fact that the juvenile on two separate occasions was  
16 adjudged a delinquent on the basis of acts which if committed by an  
17 adult would constitute crimes;
- 18 (j) The impact of the offense on the victim or victims;
- 19 (k) The impact of the offense on the community; and
- 20 (l) The threat to the safety of the public or any individual posed  
21 by the child.
- 22 (2) In determining whether incarceration is an appropriate  
23 disposition the court shall consider the following mitigating  
24 circumstances:
- 25 (a) The child is under the age of 14;
- 26 (b) The juvenile's conduct neither caused nor threatened serious  
27 harm;
- 28 (c) The juvenile did not contemplate that the juvenile's conduct  
29 would cause or threaten serious harm;
- 30 (d) The juvenile acted under a strong provocation;
- 31 (e) There were substantial grounds tending to excuse or justify  
32 the juvenile's conduct, though failing to establish a defense;
- 33 (f) The victim of the juvenile's conduct induced or facilitated its  
34 commission;
- 35 (g) The juvenile has compensated or will compensate the victim  
36 for the damage or injury that the victim has sustained, or will  
37 participate in a program of community service;
- 38 (h) The juvenile has no history of prior delinquency or criminal  
39 activity or has led a law-abiding life for a substantial period of time  
40 before the commission of the present act;
- 41 (i) The juvenile's conduct was the result of circumstances  
42 unlikely to recur;
- 43 (j) The character and attitude of the juvenile indicate that the  
44 juvenile is unlikely to commit another delinquent or criminal act;
- 45 (k) The juvenile is particularly likely to respond affirmatively to  
46 noncustodial treatment;

1 (l) The separation of the juvenile from the juvenile's family by  
2 incarceration of the juvenile would entail excessive hardship to the  
3 juvenile or the juvenile's family;

4 (m) The willingness of the juvenile to cooperate with law  
5 enforcement authorities;

6 (n) The conduct of the juvenile was substantially influenced by  
7 another person more mature than the juvenile.

8 b. (1) There shall be a presumption of nonincarceration for any  
9 crime or offense of the fourth degree or less committed by a  
10 juvenile who has not previously been adjudicated delinquent or  
11 convicted of a crime or offense.

12 (2) Where incarceration is imposed, the court and the Juvenile  
13 Justice Commission shall consider the juvenile's eligibility for  
14 release **【under the law governing parole】** pursuant to the provisions  
15 of subsection d. of this section.

16 c. The following juveniles shall not be committed to a State  
17 juvenile facility:

18 (1) Juveniles age 11 or under unless adjudicated delinquent for  
19 the crime of arson or a crime which, if committed by an adult,  
20 would be a crime of the first or second degree; and

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

24 d. (1) When the court determines that, based on the  
25 consideration of all the factors set forth in subsection a., the  
26 juvenile shall be incarcerated, unless it orders the incarceration  
27 pursuant to subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-  
28 43), it shall state on the record the reasons for imposing  
29 incarceration, including any findings with regard to these factors,  
30 and commit the juvenile to the custody of the Juvenile Justice  
31 Commission which shall provide for the juvenile's placement in a  
32 suitable juvenile facility pursuant to the conditions set forth in this  
33 subsection and for terms not to exceed the maximum terms as  
34 provided herein for what would constitute the following crimes if  
35 committed by an adult:

- |   |          |
|---|----------|
| 36 (a) Murder under 2C:11-3a(1) or (2)          | 20 years |
| 37 (b) Murder under 2C:11-3a(3)                 | 10 years |
| 38 (c) Crime of the first degree, except murder | 4 years  |
| 39 (d) Crime of the second degree               | 3 years  |
| 40 (e) Crime of the third degree                | 2 years  |
| 41 (f) Crime of the fourth degree               | 1 year   |
| 42 (g) Disorderly persons offense               | 6 months |

43 (2) **【Except as provided in subsection e. of section 24 of**  
44 **P.L.1982, c.77 (C.2A:4A-43), the】**

45 Any juvenile sentenced to an indeterminate term shall be  
46 immediately eligible for parole. The period of confinement shall  
47 continue until the 【appropriate paroling authority】 commission

1 determines that **【such a】** the person **【should be paroled】** is eligible  
2 for early release or until expiration of the term of confinement,  
3 whichever shall first occur; except that in no case shall the period of  
4 confinement and parole exceed the maximum provided by law for  
5 **【such】** the offense. A juvenile shall be granted early release on  
6 parole when it appears that the juvenile, if released, would not pose  
7 a serious risk of physical injury to persons or substantial injury to  
8 property. However, if a juvenile is approved for parole by the  
9 commission prior to serving one-third of any term imposed for any  
10 crime of the first, second, or third degree, including any extended  
11 term imposed pursuant to paragraph (3) or (4) of this subsection, or  
12 one-fourth of any term imposed for any other crime the granting of  
13 parole shall be subject to approval of the sentencing court. Prior to  
14 approving parole, the court shall give the prosecuting attorney  
15 notice and an opportunity to be heard. If the court denies the parole  
16 of a juvenile pursuant to this paragraph it shall state its reasons in  
17 writing and notify the **【parole board】** commission, the juvenile, and  
18 the juvenile's attorney. The court shall have 30 days from the date  
19 of notice of the pending parole to exercise the power granted under  
20 this paragraph. If the court does not respond within that time  
21 period, the parole will be deemed approved.

22 The commission shall determine at the time of release the  
23 conditions of parole, which shall be appropriately tailored to the  
24 needs of each juvenile. Any conditions imposed shall constitute the  
25 least restrictive alternatives necessary to promote the successful  
26 return of the juvenile to the community. The commission shall not  
27 require the juvenile to enter or complete a residential community  
28 release program, residential treatment program, or other out-of-  
29 home placement as a condition of parole unless the commission  
30 determines that the condition is necessary to protect the safety of  
31 the juvenile.

32 Any juvenile committed under **【this act】** P.L.1982, c.77  
33 (C:2A:4A-20 et seq.) who is released on parole prior to the  
34 expiration of the juvenile's maximum term may be retained under  
35 parole supervision for a period not exceeding the unserved portion  
36 of the term **【and any term of post-incarceration supervision**  
37 **imposed pursuant to paragraph (5) of this subsection】.** The **【Parole**  
38 **Board】** commission, the juvenile, the juvenile's attorney, the  
39 juvenile's parent or guardian or, with leave of the court any other  
40 interested party, may make a motion to the court, with notice to the  
41 prosecuting attorney, for the return of the **【child】** juvenile from a  
42 juvenile facility prior to **【his】** the juvenile's parole and provide for  
43 an alternative disposition which would not exceed the duration of  
44 the original time to be served in the facility. **【Nothing contained in**  
45 **this paragraph shall be construed to limit the authority of the Parole**  
46 **Board as set forth in section 15 of P.L.1979, c.441 (C.30:4-**  
47 **123.59).】**

1 (3) Upon application by the prosecutor, the court may sentence a  
2 juvenile who has been convicted of a crime of the first, second, or  
3 third degree if committed by an adult, to an extended term of  
4 incarceration beyond the maximum set forth in paragraph (1) of this  
5 subsection, if it finds that the juvenile was previously adjudged  
6 delinquent on at least two separate occasions, for offenses which, if  
7 committed by an adult, would constitute a crime of the first or  
8 second degree. The extended term shall not exceed five additional  
9 years for an act which would constitute murder and shall not exceed  
10 three additional years for all other crimes of the first degree and  
11 shall not exceed two additional years for a crime of the second  
12 degree, if committed by an adult, and one additional year for a  
13 crime of the third degree, if committed by an adult.

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

22 (5) **【Every disposition that includes a term of incarceration shall**  
23 **include】** The commission may impose a term of post-incarceration  
24 supervision [equivalent to one-third of the term of incarceration  
25 imposed] following the juvenile's release from custody only if the  
26 commission deems it necessary to effectuate the juvenile's  
27 rehabilitation and reintegration into society. Post-incarceration  
28 supervision shall not exceed six months, except the commission  
29 may extend the term for an additional six months if it deems it  
30 necessary to prevent serious harm to the juvenile or the community.  
31 Post-incarceration supervision shall not exceed one year. Post-  
32 incarceration supervision shall not be imposed on any juvenile who  
33 has completed a period of parole supervision of six months or more.  
34 The term of post-incarceration supervision shall commence on the  
35 date of the expiration of the juvenile's maximum sentence. During  
36 the term of post-incarceration supervision the juvenile shall remain  
37 in the community and in the legal custody of the [Juvenile Justice  
38 Commission established pursuant to section 2 of P.L.1995, c.284  
39 (C.52:17B-170) in accordance with the rules of the parole board,  
40 unless the appropriate parole board panel determines that post-  
41 incarceration supervision should be revoked and the juvenile  
42 returned to custody in accordance with the procedures and standards  
43 set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-  
44 123.59 through C.30:4-123.65). The term of post-incarceration  
45 supervision shall commence upon release from incarceration or  
46 parole, whichever is later】 commission. The commission shall not  
47 require the juvenile to enter or complete a residential community

1 release program, residential treatment program, or other out-of-  
2 home placement as a condition of post-incarceration supervision. A  
3 term of post-incarceration supervision imposed pursuant to this  
4 paragraph may be terminated by the **【appropriate parole board**  
5 **panel】** commission or court if the juvenile has made a satisfactory  
6 adjustment in the community while **【on parole or】** under **【such】**  
7 supervision【,】 and if continued supervision is not required **【and if**  
8 **the juvenile has made full payment of any fine or restitution】**.

9 (6) The commission shall review the case of each juvenile  
10 sentenced to incarceration or an out-of-home placement with the  
11 commission at least every three months and submit a status report to  
12 the court, the prosecutor, and the counsel for the juvenile. The  
13 commission's review and status report shall include, but not be  
14 limited to:

15 (a) information on the treatment, care, and custody of the  
16 juvenile;

17 (b) whether the juvenile is receiving the mental health,  
18 substance abuse, educational, and other rehabilitative services  
19 necessary to promote the juvenile's successful reintegration into the  
20 community;

21 (c) any incidents of violence involving the juvenile; and

22 (d) the juvenile's eligibility for parole.

23 Counsel for the juvenile shall have the opportunity to respond to  
24 the report required pursuant to this paragraph.

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

36 e. If the commission determines there is probable cause to  
37 believe that the juvenile has seriously or persistently violated the  
38 terms and conditions of parole, the commission shall conduct a  
39 hearing to determine if the juvenile's parole should be revoked.  
40 The juvenile shall be represented by counsel at the hearing. The  
41 hearing shall be conducted by a hearing officer who is licensed as  
42 an attorney-at-law in this State. The juvenile shall not be  
43 incarcerated prior to the hearing unless the commission determines  
44 by objective and credible evidence that the juvenile poses an  
45 immediate and substantial danger to public safety. If the juvenile is  
46 incarcerated prior to the hearing, the hearing shall be held within 72  
47 hours of the juvenile's return to custody and a written decision

1 made and transmitted to the juvenile and the juvenile's counsel  
2 within 48 hours of the hearing. Upon request of counsel for the  
3 juvenile, the hearing officer shall adjourn the hearing for not more  
4 than 72 hours. Subsequent adjournments may be granted upon  
5 request of the juvenile and good cause shown.

6 The commission shall not revoke the parole of a juvenile unless  
7 the hearing officer determines, by clear and convincing evidence,  
8 that:

9 (1) the juvenile has seriously or persistently violated the  
10 conditions of parole;

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

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

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

20 Notwithstanding a determination that the juvenile violated a  
21 condition of parole, the commission may modify those conditions.

22 f. The commission may relieve a juvenile of any parole  
23 conditions, and may permit a parolee to reside outside the State  
24 pursuant to the provisions of the Interstate Compact on Juveniles,  
25 P.L.1955, c.55 (C.9:23-1 to 9:23-4), and after providing notice to  
26 the Attorney General, the federal Witness Security Reform Act, if  
27 the commission is satisfied that the change will not result in a  
28 substantial likelihood that the juvenile will commit an offense  
29 which would be a crime under the laws of this State. The  
30 commission may revoke permission, except in the case of a juvenile  
31 under the Witness Security Reform Act, or reinstate relieved parole  
32 conditions for any period of time during which a juvenile is under  
33 its jurisdiction.

34 g. The commission shall promulgate rules and regulations  
35 governing the commission's duties and responsibilities concerning  
36 parole eligibility, supervision, and revocation.

37 (cf: P.L.2015, c.89, s.3)

38  
39 4. N.J.S.2C:35-15 is amended to read as follows:

40 2C:35-15. a. (1) In addition to any disposition authorized by  
41 this title, **the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-**  
42 **43), or any other statute indicating the dispositions that can be**  
43 **ordered for an adjudication of delinquency, every person convicted**  
44 **of [or adjudicated delinquent for] a violation of any offense**  
45 **defined in this chapter or chapter 36 of this title shall be assessed**  
46 **for each [such] offense a penalty fixed at:**

47 (a) **[\$3,000.00] \$3,000** in the case of a crime of the first degree;



1 (b) ~~[\$2,000.00]~~ \$2,000 in the case of a crime of the second  
2 degree;

3 (c) ~~[\$1,000.00]~~ \$1,000 in the case of a crime of the third  
4 degree;

5 (d) ~~[\$750.00]~~ \$750 in the case of a crime of the fourth degree;

6 (e) ~~[\$500.00]~~ \$500 in the case of a disorderly persons or petty  
7 disorderly persons offense.

8 (2) A person being sentenced for more than one offense set forth  
9 in subsection a. of this section who is ~~[neither]~~ not placed in  
10 supervisory treatment pursuant to this section ~~[nor]~~ or ordered to  
11 perform reformatory service pursuant to subsection f. of this section  
12 may, in the discretion of the court, be assessed a single penalty  
13 applicable to the highest degree offense for which the person is  
14 convicted ~~[or adjudicated delinquent]~~, if the court finds that the  
15 defendant has established the following:

16 (a) the imposition of multiple penalties would constitute a  
17 serious hardship that outweighs the need to deter the defendant  
18 from future criminal activity; and

19 (b) the imposition of a single penalty would foster the  
20 defendant's rehabilitation.

21 Every person placed in supervisory treatment pursuant to the  
22 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of  
23 any offense defined in this chapter or chapter 36 of this title shall be  
24 assessed the penalty prescribed ~~[herein]~~ in this section and  
25 applicable to the degree of the offense charged, except that the court  
26 shall not impose more than one such penalty regardless of the  
27 number of offenses charged. If the person is charged with more than  
28 one offense, the court shall impose as a condition of supervisory  
29 treatment the penalty applicable to the highest degree offense for  
30 which the person is charged.

31 All penalties provided for in this section shall be in addition to  
32 and not in lieu of any fine authorized by law or required to be  
33 imposed pursuant to the provisions of N.J.S.2C:35-12.

34 b. All penalties provided for in this section shall be collected as  
35 provided for collection of fines and restitutions in section 3 of  
36 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
37 Department of the Treasury as provided in subsection c. of this  
38 section.

39 c. All moneys collected pursuant to this section shall be  
40 forwarded to the Department of the Treasury to be deposited in a  
41 nonlapsing revolving fund to be known as the "Drug Enforcement  
42 and Demand Reduction Fund." Moneys in the fund shall be  
43 appropriated by the Legislature on an annual basis for the purposes  
44 of funding in the following order of priority: (1) the Alliance to  
45 Prevent Alcoholism and Drug Abuse and its administration by the  
46 Governor's Council on Alcoholism and Drug Abuse; (2) the  
47 "Alcoholism and Drug Abuse Program for the Deaf, Hard of

1 Hearing and Disabled" established pursuant to section 2 of  
2 P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free  
3 New Jersey," the State affiliate of the "Partnership for a Drug Free  
4 America"; and (4) other alcohol and drug abuse programs.

5 Moneys appropriated for the purpose of funding the "Alcoholism  
6 and Drug Abuse Program for the Deaf, Hard of Hearing and  
7 Disabled" shall not be used to supplant moneys that are available to  
8 the Department of Health and Senior Services as of the effective  
9 date of P.L.1995, c.318 (C.26:2B-36 et al.), and that would  
10 otherwise have been made available to provide alcoholism and drug  
11 abuse services for the deaf, hard of hearing and disabled, nor shall  
12 the moneys be used for the administrative costs of the program.

13 d. (Deleted by amendment, P.L.1991, c.329).

14 e. The court may suspend the collection of a penalty imposed  
15 pursuant to this section; provided the person is ordered by the court  
16 to participate in a drug or alcohol rehabilitation program approved  
17 by the court; and further provided that the person agrees to pay for  
18 all or some portion of the costs associated with the rehabilitation  
19 program. In this case, the collection of a penalty imposed pursuant  
20 to this section shall be suspended during the person's participation  
21 in the approved, court-ordered rehabilitation program. Upon  
22 successful completion of the program, as determined by the court  
23 upon the recommendation of the treatment provider, the person may  
24 apply to the court to reduce the penalty imposed pursuant to this  
25 section by any amount actually paid by the person for **【his**  
26 **participation】** participating in the program. The court shall not  
27 reduce the penalty pursuant to this subsection unless the person  
28 establishes to the satisfaction of the court that **【he】** the person has  
29 successfully completed the rehabilitation program. If the person's  
30 participation is for any reason terminated before **【his】** successful  
31 completion of the rehabilitation program, collection of the entire  
32 penalty imposed pursuant to this section shall be enforced. Nothing  
33 in this section shall be deemed to affect or suspend any other  
34 criminal sanctions imposed pursuant to this chapter or chapter 36 of  
35 this title.

36 f. A person required to pay a penalty under this section may  
37 propose to the court and the prosecutor a plan to perform  
38 reformatory service in lieu of payment of up to one-half of the  
39 penalty amount imposed under this section. The reformatory  
40 service plan option shall not be available if the provisions of  
41 paragraph (2) of subsection a. of this section apply or if the person  
42 is placed in supervisory treatment pursuant to the provisions of  
43 N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section,  
44 "reformatory service" shall include training, education or work, in  
45 which regular attendance and participation is required, supervised,  
46 and recorded, and which would assist in the defendant's  
47 rehabilitation and reintegration. "Reformatory service" shall  
48 include, but not be limited to, substance abuse treatment or services,

1 other therapeutic treatment, educational or vocational services,  
2 employment training or services, family counseling, service to the  
3 community and volunteer work. For the purposes of this section, an  
4 application to participate in a court-administered alcohol and drug  
5 rehabilitation program shall have the same effect as the submission  
6 of a reformatory service plan to the court.

7 The court, in its discretion, shall determine whether to accept the  
8 plan, after considering the position of the prosecutor, the plan's  
9 appropriateness and practicality, the defendant's ability to pay, and  
10 the effect of the proposed service on the defendant's rehabilitation  
11 and reintegration into society. The court shall determine the amount  
12 of the credit that would be applied against the penalty upon  
13 successful completion of the reformatory service, not to exceed one-  
14 half of the amount assessed, except that the court may, in the case  
15 of an extreme financial hardship, waive additional amounts of the  
16 penalty owed by a person who has completed a court administered  
17 alcohol and drug rehabilitation program if necessary to aid the  
18 person's rehabilitation and reintegration into society. The court shall  
19 not apply the credit against the penalty unless the person establishes  
20 to the satisfaction of the court that **【he】** the person has successfully  
21 completed the reformatory service. If the person's participation is  
22 for any reason terminated before his successful completion of the  
23 reformatory service, collection of the entire penalty imposed  
24 pursuant to this section shall be enforced. Nothing in this  
25 subsection shall be deemed to affect or suspend any other criminal  
26 sanctions imposed pursuant to this chapter or chapter 36 of this  
27 title.

28 Any reformatory service ordered pursuant to this section shall be  
29 in addition to and not in lieu of any community service imposed by  
30 the court or otherwise required by law. Nothing in this section shall  
31 limit the court's authority to order a person to participate in any  
32 activity, program, or treatment in addition to those proposed in a  
33 reformatory service plan.

34 (cf: P.L.2008, c.15, s.2)

35

36 5. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to  
37 read as follows:

38 2. a. (1) In addition to any disposition made pursuant to the  
39 provisions of N.J.S.2C:43-2, any person convicted of a crime of  
40 violence, theft of an automobile pursuant to N.J.S.2C:20-2, eluding  
41 a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-  
42 2, or unlawful taking of a motor vehicle pursuant to subsection b.,  
43 c., or d. of N.J.S.2C:20-10 shall be assessed at least **【\$100.00】**  
44 \$100, but not to exceed **【\$10,000.00】** \$10,000 for each **【such】**  
45 crime for which **【he】** the person was convicted which resulted in  
46 the injury or death of another person. In imposing this assessment,  
47 the court shall consider factors such as the severity of the crime, the

1 defendant's criminal record, defendant's ability to pay, and the  
2 economic impact of the assessment on the defendant's dependents.

3 (2) (a) In addition to any other disposition made pursuant to the  
4 provisions of N.J.S.2C:43-2 or any other statute imposing sentences  
5 for crimes, any person convicted of any disorderly persons offense,  
6 any petty disorderly persons offense, or any crime not resulting in  
7 the injury or death of any other person shall be assessed ~~[\$50.00]~~  
8 \$50 for each ~~[such]~~ offense or crime for which ~~[he]~~ the person was  
9 convicted.

10 (b) ~~[In addition to any other disposition made pursuant to the~~  
11 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any~~  
12 ~~other statute indicating the dispositions that can be ordered for~~  
13 ~~adjudications of delinquency, any juvenile adjudicated delinquent,~~  
14 ~~according to the definition of "delinquency" established in section 4~~  
15 ~~of P.L.1982, c.77 (C.2A:4A-23), shall be assessed at least \$30.00~~  
16 ~~for each such adjudication, but not to exceed the amount which~~  
17 ~~could be assessed pursuant to paragraph (1) or paragraph (2) (a) of~~  
18 ~~subsection a. of this section if the offense was committed by an~~  
19 ~~adult.] (Deleted by amendment, P.L. c. ) (pending before the~~  
20 Legislature as this bill)

21 (c) In addition to any other assessment imposed pursuant to the  
22 provisions of R.S.39:4-50, the provisions of section 12 of P.L.1990,  
23 c.103 (C.39:3-10.20) relating to a violation of section 5 of  
24 P.L.1990, c.103 (C.39:3-10.13), the provisions of section 19 of  
25 P.L.1954, c.236 (C.12:7-34.19) or the provisions of section 3 of  
26 P.L.1952, c.157 (C.12:7-46), any person convicted of operating a  
27 motor vehicle, commercial motor vehicle or vessel while under the  
28 influence of liquor or drugs shall be assessed ~~[\$50.00]~~ \$50.

29 (d) In addition to any term or condition that may be included in  
30 an agreement for supervisory treatment pursuant to N.J.S.2C:43-13  
31 or imposed as a term or condition of conditional discharge pursuant  
32 to N.J.S.2C:36A-1, a participant in either program shall be required  
33 to pay an assessment of ~~[\$50.00]~~ \$50.

34 (3) All assessments provided for in this section shall be  
35 collected as provided in section 3 of P.L.1979, c.396 (C.2C:46-4)  
36 and the court shall so order at the time of sentencing. When a  
37 defendant who is sentenced to incarceration in a State correctional  
38 facility has not, at the time of sentencing, paid an assessment for the  
39 crime for which ~~[he]~~ the defendant is being sentenced or an  
40 assessment imposed for a previous crime, the court shall  
41 specifically order the Department of Corrections to collect the  
42 assessment during the period of incarceration and to deduct the  
43 assessment from any income the inmate receives as a result of labor  
44 performed at the institution or on any work release program or from  
45 any personal account established in the institution for the benefit of  
46 the inmate. All moneys collected, whether in part or in full  
47 payment of any assessment imposed pursuant to this section, shall

1 be forwarded monthly by the parties responsible for collection,  
2 together with a monthly accounting on forms prescribed by the  
3 Victims of Crime Compensation Board pursuant to section 19 of  
4 P.L.1991, c.329 (C.52:4B-8.1), to the Victims of Crime  
5 Compensation Board.

6 (4) The Victims of Crime Compensation Board shall forward  
7 monthly all moneys received from assessments collected pursuant  
8 to this section to the State Treasury for deposit as follows:

9 (a) Of moneys collected on assessments imposed pursuant to  
10 paragraph **[a.]** (1) of subsection a. of this section:

11 (i) the first **[\$72.00]** \$72 collected for deposit in the Victims of  
12 Crime Compensation Board Account,

13 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
14 Disposition and Revenue Collection Fund,

15 (iii) the next **[\$25.00]** \$25 collected for deposit in the Victim  
16 Witness Advocacy Fund, and

17 (iv) moneys collected in excess of **[\$100.00]** \$100 for deposit in  
18 the Victims of Crime Compensation Board Account;

19 (b) Of moneys collected on assessments imposed pursuant to  
20 **[paragraph a. (2)]** subparagraphs (a), (c), or (d) of paragraph (2) of  
21 subsection a. of this section:

22 (i) the first **[\$39.00]** \$39 collected for deposit in the Victims of  
23 Crime Compensation Board Account,

24 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
25 Disposition and Revenue Collection Fund, and

26 (iii) the next **[\$8.00]** \$8 collected for deposit in the Victim and  
27 Witness Advocacy Fund;

28 (c) Of moneys collected on assessments imposed pursuant to  
29 **[paragraph a. (2) (b)]** subparagraph (b) of paragraph (2) of  
30 subsection a. of this section:

31 (i) the first **[\$17.00]** \$17 for deposit in the Victims of Crime  
32 Compensation Board Account, and

33 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
34 Disposition and Revenue Collection Fund, and

35 (iii) the next **[\$10.00]** \$10 for deposit in the Victim and Witness  
36 Advocacy Fund, and

37 (iv) moneys collected in excess of **[\$30.00]** \$30 for deposit in  
38 the Victims of Crime Compensation Board Account.

39 (5) The Victims of Crime Compensation Board shall provide the  
40 Attorney General with a monthly accounting of moneys received,  
41 deposited and identified as receivable, on forms prescribed pursuant  
42 to section 19 of P.L.1991, c.329 (C.52:4B-8.1).

43 (6) (a) The Victims of Crime Compensation Board Account  
44 shall be a separate, nonlapsing, revolving account that shall be  
45 administered by the Victims of Crime Compensation Board. All  
46 moneys deposited in that Account shall be used in satisfying claims  
47 pursuant to the provisions of the "Criminal Injuries Compensation

1 Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) and for related  
2 administrative costs.

3 (b) The Criminal Disposition and Revenue Collection Fund shall  
4 be a separate, nonlapsing, revolving account that shall be  
5 administered by the Victims of Crime Compensation Board. All  
6 moneys deposited in that Fund shall be used as provided in section  
7 19 of P.L.1991, c.329 (C.52:4B-8.1).

8 (c) The Victim and Witness Advocacy Fund shall be a separate,  
9 nonlapsing, revolving fund and shall be administered by the  
10 Division of Criminal Justice, Department of Law and Public Safety  
11 and all moneys deposited in that Fund pursuant to this section shall  
12 be used for the benefit of victims and witnesses of crime as  
13 provided in section 20 of P.L.1991, c.329 (C.52:4B-43.1) and for  
14 related administrative costs.

15 b. (Deleted by amendment, P.L.1991, c.329).

16 c. (Deleted by amendment, P.L.1991, c.329).

17 d. (Deleted by amendment, P.L.1991, c.329).

18 (cf: P.L.1995, c.135, s.1)

19

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

22 3. a. All fines, assessments imposed pursuant to section 2 of  
23 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
24 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
25 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
26 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
27 penalties imposed pursuant to section 1 of P.L.2009, c.143  
28 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
29 P.L.2013, c.214 (C.30:4-123.97),<sub>2</sub> and restitution shall be collected  
30 as follows:

31 (1) All fines, assessments imposed pursuant to section 2 of  
32 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
33 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
34 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
35 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
36 penalties imposed pursuant to section 1 of P.L.2009, c.143  
37 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
38 P.L.2013, c.214 (C.30:4-123.97),<sub>2</sub> and restitution imposed by the  
39 Superior Court or otherwise imposed at the county level, shall be  
40 collected by the county probation division except when **[such]** the  
41 fine, assessment,<sub>2</sub> or restitution is imposed in conjunction with a  
42 custodial sentence to a State correctional facility or in conjunction  
43 with a term of incarceration imposed pursuant to section 25 of  
44 P.L.1982, c.77 (C.2A:4A-44) in which event **[such]** the fine,  
45 assessment,<sub>2</sub> or restitution shall be collected by the Department of  
46 Corrections **[or the Juvenile Justice Commission established**  
47 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)]. An adult

1 prisoner of a State correctional institution **【**or a juvenile serving a  
2 term of incarceration imposed pursuant to section 25 of P.L.1982,  
3 c.77 (C.2A:4A-44)**】** who has not paid an assessment imposed  
4 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty  
5 imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a  
6 penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-  
7 10), a penalty imposed pursuant to section 1 of P.L.2009, c.143  
8 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013,  
9 c.214 (C.30:4-123.97),<sub>2</sub> or restitution shall have the assessment,  
10 penalty, fine,<sub>2</sub> or restitution deducted from any income the inmate  
11 receives as a result of labor performed at the institution or on any  
12 type of work release program or, pursuant to regulations  
13 promulgated by the Commissioner of the Department of Corrections  
14 **【**or the Juvenile Justice Commission**】**, from any personal account  
15 established in the institution for the benefit of the inmate.

16 (a) A payment of restitution collected by the Department of  
17 Corrections pursuant to this paragraph shall be maintained by the  
18 department for two years during which the department shall attempt  
19 to locate the victim to whom the restitution is owed. If the  
20 department has not located the victim and the victim has not come  
21 forward to claim the payment within this two-year period, the  
22 payment shall be transferred to the Victims of Crime Compensation  
23 Office Account to be used in satisfying claims pursuant to the  
24 provisions of the "Criminal Injuries Compensation Act of 1971,"  
25 P.L.1971, c.317 (C.52:4B-1 et seq.).

26 (b) If the Department of Corrections has transferred a payment  
27 of restitution to the Victims of Crime Compensation Office  
28 pursuant to subparagraph (a) of this paragraph, the department shall  
29 provide the office with the order for restitution and any other  
30 information regarding the identity of the victim to whom the  
31 payment is owed. The office shall be responsible for maintaining  
32 this information and for distributing payments of restitution to  
33 victims who can prove they are owed the payments.

34 (2) All fines, assessments imposed pursuant to section 2 of  
35 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to  
36 section 1 of P.L.1999, c.295 (C.2C:43-3.5),<sub>2</sub> and restitution imposed  
37 by a municipal court shall be collected by the municipal court  
38 administrator except if **【**such**】** the fine, assessments imposed  
39 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
40 restitution is ordered as a condition of probation in which event it  
41 shall be collected by the county probation division.

42 b. Except as provided in subsection c. with respect to fines  
43 imposed on appeals following convictions in municipal courts and  
44 except as provided in subsection i. with respect to restitution  
45 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et  
46 al.), all fines imposed by the Superior Court or otherwise imposed

1 at the county level, shall be paid over by the officer entitled to  
2 collect **【same】** the fines to:

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

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

9 c. All fines imposed by municipal courts, except a central  
10 municipal court established pursuant to N.J.S.2B:12-1 on  
11 defendants convicted of crimes, disorderly persons offenses, and  
12 petty disorderly persons offenses, and all fines imposed following  
13 conviction on appeal therefrom, and all forfeitures of bail shall be  
14 paid over by the officer entitled to collect **【same】** the fines to the  
15 treasury of the municipality wherein the municipal court is located.

16 In the case of an intermunicipal court, fines shall be paid into the  
17 municipal treasury of the municipality in which the offense was  
18 committed, and costs, fees, and forfeitures of bail shall be  
19 apportioned among the several municipalities to which the court's  
20 jurisdiction extends according to the ratios of the municipalities'  
21 contributions to the total expense of maintaining the court.

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

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

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

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

35 g. All restitution ordered to be paid to the Victims of Crime  
36 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded  
37 to the office for deposit in the Victims of Crime Compensation  
38 Office Account.

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

42 i. All restitution imposed on defendants under the provisions  
43 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law  
44 enforcement entity in extraditing the defendant from another  
45 jurisdiction shall be paid over by the officer entitled to collect  
46 **【same】** the restitution to the law enforcement entities which  
47 participated in the extradition of the defendant.



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

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

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

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

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

16 (cf: P.L.2015, c.55, s.1)

17  
18 7. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to  
19 read as follows:

20 3. a. There is hereby created and established within the  
21 Department of Corrections a State Parole Board which shall consist  
22 of a chairman, 14 associate members and three alternate board  
23 members. The chairman, associate members and alternate board  
24 members shall be appointed by the Governor with the advice and  
25 consent of the Senate from qualified persons with training or  
26 experience in law, sociology, criminal justice, **[juvenile justice]** or  
27 related branches of the social sciences. Members of the board and  
28 the alternate board members shall be appointed for terms of six  
29 years and the terms of their successors shall be calculated from the  
30 expiration of the incumbent's term. Members shall serve until their  
31 successors are appointed and have qualified.

32 The Governor shall designate a vice-chairman from among the  
33 associate members. The vice-chairman shall assume the duties of  
34 the chairman when the chairman is absent, unavailable or otherwise  
35 unable to perform his duties, or, in the case of removal or a  
36 permanent incapacity, until the qualification of a successor  
37 chairman appointed by the Governor.

38 Any alternate board member may assume the duties of an  
39 associate member when the associate member is absent, unavailable  
40 or otherwise unable to perform his duties, or the associate member  
41 assumes the duties of the chairman, and shall perform those duties  
42 only until the associate resumes his duties, or, in the case of  
43 removal or a permanent incapacity, the qualification of a successor  
44 appointed by the Governor.

45 b. (1) Any vacancy occurring in the membership of the board,  
46 otherwise than by expiration of term, shall be filled in the same  
47 manner as one occurring by expiration of term, but for the  
48 unexpired term only. Any member of the board, including any

1 alternate board member, may be removed from office by the  
2 Governor for cause.

3 (2) Upon certification of the chairman that additional parole  
4 panels are needed on a temporary basis for the efficient processing  
5 of parole decisions, the Governor also may appoint not more than  
6 four temporary acting parole board members from qualified persons  
7 with training or experience in law, sociology, criminal justice,  
8 juvenile justice or related branches of the social sciences. A  
9 temporary acting member shall be appointed for a term of three  
10 months. The Governor may extend the appointment of any or all of  
11 the temporary acting members for additional terms of three months,  
12 upon certification of the chairman that additional parole panels are  
13 needed on a temporary basis for the efficient processing of parole  
14 decisions. A temporary acting member shall be authorized to  
15 participate in administrative review of initial parole hearing  
16 decisions, parole consideration hearings and determinations  
17 concerning revocation or rescission of parole.

18 c. The members of the board shall devote their full time to the  
19 performance of their duties and be compensated pursuant to section  
20 2 of P.L.1974, c.55 (C.52:14-15.108). Any alternate member and  
21 any temporary acting members shall be entitled to compensation.  
22 The amount of such compensation shall be determined by  
23 multiplying the rate an associate member would be paid on a per  
24 diem basis times the number of days the alternate board member or  
25 temporary acting member actually performed the duties of an  
26 associate member in accordance with the provisions of this section.

27 d. **【**At the time of appointment, the Governor shall designate  
28 two associate members of the board to serve on a panel on juvenile  
29 commitments. The remaining 12**】** The associate members of the  
30 board shall be appointed by the Governor to panels on adult  
31 sentences and assigned by the chairman of the board to six panels  
32 on adult sentences. The chairman of the board shall be a member of  
33 each panel. Nothing provided herein shall prohibit the chairman  
34 from reassigning any member appointed to a panel on adult  
35 sentences to facilitate the efficient function of the board. Nothing  
36 provided herein shall prohibit the chairman from temporarily  
37 reassigning any member appointed **【**to a panel on juvenile  
38 commitments**】** to a panel on adult sentences or a panel on young  
39 adult sentences to facilitate the efficient function of the board. The  
40 alternate board member may assume, in accordance with the  
41 provisions of this section, the duties of any associate member**【**,  
42 regardless of whether that associate member serves on a panel on  
43 juvenile commitments or panels on adult sentences**】**. The chairman  
44 may assign a temporary acting member to a panel on adult  
45 sentences **【**or juvenile commitments**】**.

46 e. Of the associate members first appointed to the four  
47 positions created pursuant to the provisions of P.L.2001, c.141, one

1 shall be appointed for a term of six years; one shall be appointed for  
2 a term of five years; one shall be appointed for a term of four years  
3 and one shall be appointed for a term of three years.

4 (cf: P.L.2001, c.141, s.1)

5

6 8. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to  
7 read as follows:

8 4. a. All policies and determinations of the Parole Board shall  
9 be made by the majority vote of the members.

10 b. Except where otherwise noted, parole determinations on  
11 individual cases pursuant to this act shall be made by the majority  
12 vote of a quorum of the appropriate board panel established  
13 pursuant to this section.

14 c. The chairman of the board shall be the chief executive  
15 officer of the board and, after consulting with the board, shall be  
16 responsible for designating the time and place of all board  
17 meetings, for appointing the board's employees, for organizing,  
18 controlling and directing the work of the board and its employees,  
19 and for preparation and justification of the board's budget. Only the  
20 employees in those titles and positions as are designated by the  
21 Civil Service Commission shall serve at the pleasure of the  
22 chairman and shall not be subject to the provisions of Title 11A of  
23 the New Jersey Statutes. All other employees, including hearing  
24 officers, shall be in the career service and subject to the provisions  
25 of Title 11A of the New Jersey Statutes. All such career service  
26 employees who are employed by the State Parole Board on  
27 September 5, 2001, and in the case of hearing officers, those who  
28 have been employed by the State Parole Board for a period of at  
29 least one year prior to the effective date of P.L.2005, c.344, shall  
30 have permanent career service status with seniority awarded from  
31 the date of their appointments. Parole officers assigned to supervise  
32 adult parolees and all supervisory titles associated with the  
33 supervision of adult parolees in the parole officer series shall be  
34 classified employees subject to the provisions of Title 11A of the  
35 New Jersey Statutes. Parole officers assigned to supervise adult  
36 parolees and all supervisory titles associated with the supervision of  
37 adult parolees in the parole officer job classification series shall be  
38 organizationally assigned to the State Parole Board with a sworn  
39 member of the Division of Parole appointed to act as director of  
40 parole supervision. The director of parole supervision shall report  
41 directly to the Chairman of the State Parole Board or to such person  
42 as the chairman may designate.

43 d. The board shall promulgate **【such】** reasonable rules and  
44 regulations, consistent with this act, as may be necessary for the  
45 proper discharge of its responsibilities. The chairman shall file  
46 **【such】** the rules and regulations with the Secretary of State. The  
47 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
48 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and

1 regulations concerning policy and administration, but not to other  
2 actions taken under this act, such as parole hearings, parole  
3 revocation hearings and review of parole cases. In determination of  
4 its rules and regulations concerning policy and administration, the  
5 board shall consult the Governor~~[,]~~ and the Commissioner of  
6 Corrections ~~and the Juvenile Justice Commission established~~  
7 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)].

8 e. The board, in conjunction with the Department of  
9 Corrections ~~and the Juvenile Justice Commission~~, shall develop a  
10 uniform information system in order to closely monitor the parole  
11 process. ~~Such~~ The system shall include participation in the  
12 Uniform Parole Reports of the National Council on Crime and  
13 Delinquency.

14 f. The board annually shall transmit a report of its work for the  
15 preceding fiscal year, including information on the causes and  
16 extent of parole recidivism~~[,]~~ to the Governor~~[,]~~ and the  
17 Legislature ~~and the Juvenile Justice Commission annually~~. The  
18 report shall include information regarding medical parole including,  
19 but not limited to, the number of inmates who applied for medical  
20 parole, the number of inmates who were granted medical parole,  
21 and the number of inmates who were denied medical parole. The  
22 report also may include relevant information on compliance with  
23 established time frames in the processing of parole eligibility  
24 determinations, the effectiveness of any pertinent legislative or  
25 administrative measures, and any recommendations to enhance  
26 board operations or to effectuate the purposes of the "Parole Act of  
27 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

28 g. The board shall give public notice prior to considering any  
29 adult inmate for release.

30 h. ~~The board shall give notice to the appropriate prosecutor's~~  
31 ~~office and to the committing court prior to the initial consideration~~  
32 ~~of any juvenile inmate for release.] Deleted by amendment,~~  
33 P.L. c. (pending before the Legislature as this bill)  
34 (cf: P.L.2017, c.235, s.2)

35  
36 9. Section 5 of P.L.1979, c.441 (C.30:4-123.49) is amended to  
37 read as follows:

38 5. a. The chairman of the board, after consulting with the  
39 board, shall assign any case not otherwise assigned, such as county  
40 jail, workhouse, or penitentiary cases, to a special panel composed  
41 of any two members or any one member and one hearing officer as  
42 necessary for the efficient functioning of the board.

43 b. Nothing contained in this act shall be deemed to preclude a  
44 member of any board panel from exercising all the functions,  
45 powers, and duties of a hearing officer upon designation by the  
46 chairman; provided, however, that no member so designated shall

1 participate in the disposition of a panel or board review of his initial  
2 decision.

3 c. **【No hearing officer assigned to review adult cases shall be**  
4 **assigned to review juvenile cases pursuant to sections 13 and 19 of**  
5 **P.L.1979, c.441 (C.30:4-123.57 and 30:4-123.63), nor shall any**  
6 **hearing officer assigned to review juvenile cases be assigned to**  
7 **review adult cases】** (Deleted by amendment, P.L. c. )  
8 (pending before the Legislature as this bill)

9 d. Representatives of the board or the chairman designated  
10 pursuant to this act may include employees of the board and  
11 employees of other agencies such as the Department of Corrections  
12 **【or the Juvenile Justice Commission established pursuant to section**  
13 **2 of P.L.1995, c.284 (C.52:17B-170)】**, provided that no employee  
14 of the Department of Corrections **【or the Juvenile Justice**  
15 **Commission】** shall be so designated without the approval of the  
16 Commissioner of Corrections **【or the Executive Director of the**  
17 **Commission】**. Such representatives shall not participate in the  
18 disposition of parole cases.

19 (cf: P.L.2001, c.79, s.17)

20

21 10. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to  
22 read as follows:

23 7. a. Each adult inmate sentenced to a term of incarceration in  
24 a county penal institution, or to a specific term of years at the State  
25 Prison or the correctional institution for women shall become  
26 primarily eligible for parole after having served any judicial or  
27 statutory mandatory minimum term, or one-third of the sentence  
28 imposed where no mandatory minimum term has been imposed less  
29 commutation time for good behavior pursuant to N.J.S.2A:164-24  
30 or R.S.30:4-140 and credits for diligent application to work and  
31 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-  
32 28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the  
33 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
34 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
35 way reduce any judicial or statutory mandatory minimum term and  
36 such credits accrued shall only be awarded subsequent to the  
37 expiration of the term.

38 b. Each adult inmate sentenced to a term of life imprisonment  
39 shall become primarily eligible for parole after having served any  
40 judicial or statutory mandatory minimum term, or 25 years where  
41 no mandatory minimum term has been imposed less commutation  
42 time for good behavior and credits for diligent application to work  
43 and other institutional assignments. If an inmate sentenced to a  
44 specific term or terms of years is eligible for parole on a date later  
45 than the date upon which he would be eligible if a life sentence had  
46 been imposed, then in such case the inmate shall be eligible for  
47 parole after having served 25 years, less commutation time for good

1 behavior and credits for diligent application to work and other  
2 institutional assignments. Consistent with the provisions of the  
3 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
4 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
5 way reduce any judicial or statutory mandatory minimum term and  
6 such credits accrued shall only be awarded subsequent to the  
7 expiration of the term.

8 c. Each adult inmate sentenced to a specific term of years  
9 pursuant to the "Controlled Dangerous Substances Act," P.L.1970,  
10 c.226 (C.24:21-1 et al.) shall become primarily eligible for parole  
11 after having served one-third of the sentence imposed less  
12 commutation time for good behavior and credits for diligent  
13 application to work and other institutional assignments.

14 d. Each adult inmate sentenced to an indeterminate term of  
15 years as a young adult offender pursuant to N.J.S.2C:43-5 shall  
16 become primarily eligible for parole consideration pursuant to a  
17 schedule of primary eligibility dates developed by the board, less  
18 adjustment for program participation. In no case shall the board  
19 schedule require that the primary parole eligibility date for a young  
20 adult offender be greater than the primary parole eligibility date  
21 required pursuant to this section for the presumptive term for the  
22 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

23 e. Each adult inmate sentenced for an offense specified in  
24 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

25 (1) If the court finds that the offender's conduct was not  
26 characterized by a pattern of repetitive, compulsive behavior or  
27 finds that the offender is not amenable to sex offender treatment, or  
28 if after sentencing the Department of Corrections in its most recent  
29 examination determines that the offender is not amenable to sex  
30 offender treatment, the offender shall become primarily eligible for  
31 parole after having served any judicial or statutory mandatory  
32 minimum term or one-third of the sentence imposed where no  
33 mandatory minimum term has been imposed. Neither such term  
34 shall be reduced by commutation time for good behavior pursuant  
35 to R.S.30:4-140 or credits for diligent application to work and other  
36 institutional assignments pursuant to R.S.30:4-92.

37 (2) **【All other】** Young adult offenders shall be eligible for  
38 parole pursuant to the provisions of N.J.S.2C:47-5, except no  
39 offender shall become primarily eligible for parole prior to the  
40 expiration of any judicial or statutory mandatory minimum term.

41 f. **【Each juvenile inmate committed to an indeterminate term**  
42 **shall be immediately eligible for parole】** (Deleted by amendment,  
43 P.L. c. ) (pending before the Legislature as this bill)

44 g. Each adult inmate of a county jail, workhouse, or  
45 penitentiary shall become primarily eligible for parole upon service  
46 of 60 days of his aggregate sentence or as provided for in  
47 subsection a. of this section, whichever is greater. Whenever any  
48 such inmate's parole eligibility is within six months of the date of

1 such sentence, the judge shall state such eligibility on the record  
2 which shall satisfy all public and inmate notice requirements. The  
3 chief executive officer of the institution in which county inmates  
4 are held shall generate all reports pursuant to subsection d. of  
5 section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board  
6 shall have the authority to promulgate time periods applicable to the  
7 parole processing of inmates of county penal institutions, except  
8 that no inmate may be released prior to the primary eligibility date  
9 established by this subsection, unless consented to by the  
10 sentencing judge. No inmate sentenced to a specific term of years  
11 at the State Prison or the correctional institution for women shall  
12 become primarily eligible for parole until service of a full nine  
13 months of his aggregate sentence.

14 h. When an inmate is sentenced to more than one term of  
15 imprisonment, the primary parole eligibility terms calculated  
16 pursuant to this section shall be aggregated by the board for the  
17 purpose of determining the primary parole eligibility date<sup>1</sup>, except  
18 that no juvenile commitment shall be aggregated with any adult  
19 sentence<sup>2</sup>. The board shall promulgate rules and regulations to  
20 govern aggregation under this subsection.

21 i. The primary eligibility date shall be computed by a  
22 designated representative of the board and made known to the  
23 inmate in writing not later than 90 days following the  
24 commencement of the sentence. In the case of an inmate sentenced  
25 to a county penal institution such notice shall be made pursuant to  
26 subsection g. of this section. Each inmate shall be given the  
27 opportunity to acknowledge in writing the receipt of such  
28 computation. Failure or refusal by the inmate to acknowledge the  
29 receipt of such computation shall be recorded by the board but shall  
30 not constitute a violation of this subsection.

31 j. Except as provided in this subsection, each inmate sentenced  
32 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
33 N.J.S.2A:164-17 for a fixed minimum and maximum term or  
34 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for  
35 parole on a date computed pursuant to this section, but shall be  
36 primarily eligible on a date computed pursuant to P.L.1948, c.84  
37 (C.30:4-123.1 et seq.), which is continued in effect for this purpose.  
38 Inmates classified as second, third or fourth offenders pursuant to  
39 section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become  
40 primarily eligible for parole after serving one-third, one-half<sup>3</sup> or  
41 two-thirds of the maximum sentence imposed, respectively, less in  
42 each instance commutation time for good behavior and credits for  
43 diligent application to work and other institutional assignments;  
44 provided, however, that if the prosecuting attorney or the  
45 sentencing court advises the board that the punitive aspects of the  
46 sentence imposed on such inmates will not have been fulfilled by  
47 the time of parole eligibility calculated pursuant to this subsection,  
48 then the inmate shall not become primarily eligible for parole until

1 serving an additional period which shall be one-half of the  
2 difference between the primary parole eligibility date calculated  
3 pursuant to this subsection and the parole eligibility date calculated  
4 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
5 prosecuting attorney or the sentencing court advises the board that  
6 the punitive aspects of the sentence have not been fulfilled, such  
7 advice need not be supported by reasons and will be deemed  
8 conclusive and final. Any such decision shall not be subject to  
9 judicial review except to the extent mandated by the New Jersey  
10 and United States Constitutions. The board shall, reasonably prior  
11 to considering any such case, advise the prosecuting attorney and  
12 the sentencing court of all information relevant to such inmate's  
13 parole eligibility.

14 k. Notwithstanding any provisions of this section to the  
15 contrary, a person sentenced to imprisonment pursuant to paragraph  
16 (2), (3), or (4) of subsection b. of N.J.S.2C:11-3 shall not be  
17 eligible for parole.

18 l. Notwithstanding the provisions of subsections a. through j.  
19 of this section, the appropriate board panel, as provided in section 1  
20 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving  
21 a sentence of imprisonment on medical parole at any time.

22 (cf: P.L.2007, c.204, s.6)

23

24 11. Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is amended to  
25 read as follows:

26 1. a. As used in this act: "Prosecutor" means the county  
27 prosecutor of the county in which the defendant was convicted  
28 unless the matter was prosecuted by the Attorney General, in which  
29 case "prosecutor" means the Attorney General.

30 "Office of Victim Witness Advocacy" means the Office of  
31 Victim Witness Advocacy of the county in which the defendant was  
32 convicted.

33 b. Notwithstanding any other provision of law to the contrary,  
34 the State shall provide written notice to the prosecutor of the  
35 anticipated release from incarceration in a county or State penal  
36 institution or the Adult Diagnostic and Treatment Center of a  
37 person convicted of murder; manslaughter; aggravated sexual  
38 assault; sexual assault; aggravated assault; aggravated criminal  
39 sexual contact; kidnapping pursuant to paragraph (2) of subsection  
40 c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging  
41 in sexual conduct which would impair or debauch the morals of the  
42 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the  
43 welfare of a child pursuant to paragraph (4) of subsection b. of  
44 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,  
45 c.291 (C.2C:13-6); any other offense involving serious bodily  
46 injury or an attempt to commit any of the aforementioned offenses.  
47 In cases involving a release on parole, the State Parole Board shall  
48 provide the notice required by this subsection. In all other cases,



1 including but not limited to release upon expiration of sentence or  
2 release from incarceration due to a change in sentence, the  
3 Department of Corrections shall provide the notice required by this  
4 subsection.

5 c. **【**Notwithstanding any other provision of law to the contrary,  
6 the Juvenile Justice Commission established pursuant to section 2  
7 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to  
8 the prosecutor of the anticipated release from incarceration of a  
9 juvenile adjudicated delinquent on the basis of an offense which, if  
10 committed by an adult, would constitute murder; manslaughter;  
11 aggravated sexual assault; sexual assault; aggravated assault;  
12 aggravated criminal sexual contact; kidnapping pursuant to  
13 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
14 welfare of a child by engaging in sexual conduct which would  
15 impair or debauch the morals of the child pursuant to subsection a.  
16 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
17 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing  
18 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other  
19 offense involving serious bodily injury or an attempt to commit any  
20 of the aforementioned offenses**】** (Deleted by amendment,  
21 P.L. c. ) (pending before the Legislature as this bill)

22 d. If available, the notice shall be provided to the prosecutor 90  
23 days before the inmate's anticipated release; provided however, the  
24 notice shall be provided at least 30 days before release. The notice  
25 shall include the person's name, identifying factors, offense history,  
26 and anticipated future residence. The prosecutor shall notify the  
27 Office of Victim Witness Advocacy and that office shall use any  
28 reasonable means available to them to notify the victim of the  
29 anticipated release, unless the victim has requested not to be  
30 notified. The Office of Victim Witness Advocacy shall use any  
31 reasonable means available to also notify witnesses and other  
32 appropriate persons, as determined by the prosecutor in accordance  
33 with the directive issued by the Attorney General, who have  
34 requested notification of the anticipated release.

35 e. Upon receipt of notice, the prosecutor shall provide notice to  
36 the law enforcement agency responsible for the municipality where  
37 the inmate will reside, the municipality in which any victim resides,  
38 and such other State and local law enforcement agencies as  
39 appropriate for public safety.

40 (cf: P.L.2013, c.270, s.2)

41

42 12. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to  
43 read as follows:

44 15. a. Each adult parolee shall at all times remain in the legal  
45 custody of the Commissioner of Corrections and under the  
46 supervision of the State Parole Board **【**and each juvenile parolee  
47 shall at all times remain in the legal custody of the Juvenile Justice  
48 Commission established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170)], except that the Commissioner of Corrections [or  
2 the Executive Director of the Juvenile Justice Commission], after  
3 providing notice to the Attorney General, may consent to the  
4 supervision of a parolee by the federal government pursuant to the  
5 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521 et  
6 seq.). An adult parolee, except those under the Witness Security  
7 Reform Act, shall remain under the supervision of the State Parole  
8 Board and in the legal custody of the Department of Corrections[,  
9 and a juvenile parolee, except those under the Witness Security  
10 Reform Act, shall remain under the supervision of the Juvenile  
11 Justice Commission, as appropriate,] in accordance with the  
12 policies and rules of the board.

13 b. (1) Each parolee shall agree, as evidenced by his signature  
14 to abide by specific conditions of parole established by the  
15 appropriate board panel which shall be enumerated in writing in a  
16 certificate of parole and shall be given to the parolee upon release.  
17 Such conditions shall include, among other things, a requirement  
18 that the parolee conduct himself in society in compliance with all  
19 laws and refrain from committing any crime, a requirement that the  
20 parolee will not own or possess any firearm as defined in subsection  
21 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.  
22 of N.J.S.2C:39-1, a requirement that the parolee refrain from the  
23 use, possession or distribution of a controlled dangerous substance,  
24 controlled substance analog or imitation controlled dangerous  
25 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a  
26 requirement that the parolee obtain permission from his parole  
27 officer for any change in his residence, and a requirement that the  
28 parolee report at reasonable intervals to an assigned parole officer.  
29 In addition, based on prior history of the parolee or information  
30 provided by a victim or a member of the family of a murder victim,  
31 the member or board panel certifying parole release pursuant to  
32 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any  
33 other specific conditions of parole deemed reasonable in order to  
34 reduce the likelihood of recurrence of criminal or delinquent  
35 behavior, including a requirement that the parolee comply with the  
36 Internet access conditions set forth in paragraph (2) of this  
37 subsection. Such special conditions may include, among other  
38 things, a requirement that the parolee make full or partial  
39 restitution, the amount of which restitution shall be set by the  
40 sentencing court upon request of the board. In addition, the member  
41 or board panel certifying parole release may, giving due regard to a  
42 victim's request, impose a special condition that the parolee have no  
43 contact with the victim, which special condition may include, but  
44 need not be limited to, restraining the parolee from entering the  
45 victim's residence, place of employment, business or school, and  
46 from harassing or stalking the victim or victim's relatives in any  
47 way. Further, the member, board panel or board certifying parole  
48 release may impose a special condition that the person shall not

1 own or possess an animal for an unlawful purpose or to interfere in  
2 the performance of duties by a parole officer.

3 (2) In addition, the member or board panel certifying parole  
4 release may impose on any person who has been convicted [or  
5 adjudicated delinquent] for the commission of a sex offense as  
6 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2),  
7 and who is required to register as provided in subsections c. and d.  
8 of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been  
9 convicted [or adjudicated delinquent] for a violation of  
10 N.J.S.2C:34-3 any of the following Internet access conditions:

11 (a) Prohibit the person from accessing or using a computer or  
12 any other device with Internet capability without the prior written  
13 approval of the court, except the person may use a computer or any  
14 other device with Internet capability in connection with that  
15 person's employment or search for employment with the prior  
16 approval of the person's parole officer;

17 (b) Require the person to submit to periodic unannounced  
18 examinations of the person's computer or any other device with  
19 Internet capability by a parole officer, law enforcement officer or  
20 assigned computer or information technology specialist, including  
21 the retrieval and copying of all data from the computer or device  
22 and any internal or external peripherals and removal of such  
23 information, equipment or device to conduct a more thorough  
24 inspection;

25 (c) Require the person to submit to the installation on the  
26 person's computer or device with Internet capability, at the person's  
27 expense, one or more hardware or software systems to monitor the  
28 Internet use; and

29 (d) Require the person to submit to any other appropriate  
30 restrictions concerning the person's use or access of a computer or  
31 any other device with Internet capability.

32 c. The appropriate board panel may in writing relieve a parolee  
33 of any parole conditions, and may permit a parolee to reside outside  
34 the State pursuant to the provisions of the Uniform Act for Out-of-  
35 State Parolee Supervision (N.J.S.2A:168-14 et seq.)[, the Interstate  
36 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),] and,  
37 with the consent of the Commissioner of the Department of  
38 Corrections [or the Executive Director of the Juvenile Justice  
39 Commission] after providing notice to the Attorney General, the  
40 federal Witness Security Reform Act, if satisfied that [such] the  
41 change will not result in a substantial likelihood that the parolee  
42 will commit an offense which would be a crime under the laws of  
43 this State. The appropriate board panel may revoke [such]  
44 permission, except in the case of a parolee under the Witness  
45 Security Reform Act, or reinstate relieved parole conditions for any  
46 period of time during which a parolee is under its jurisdiction.

1 d. The appropriate board panel may parole an inmate to any  
2 residential facility funded in whole or in part by the State if the  
3 inmate would not otherwise be released pursuant to section 9 of  
4 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the  
5 residential facility provides treatment for mental illness or mental  
6 retardation, the board panel only may parole the inmate to the  
7 facility pursuant to the laws and admissions policies that otherwise  
8 govern the admission of persons to that facility, and the facility  
9 shall have the authority to discharge the inmate according to the  
10 laws and policies that otherwise govern the discharge of persons  
11 from the facility, on 10 days' prior notice to the board panel. The  
12 board panel shall acknowledge receipt of this notice in writing prior  
13 to the discharge. Upon receipt of the notice the board panel shall  
14 resume jurisdiction over the inmate.

15 e. Parole officers shall provide assistance to the parolee in  
16 obtaining employment, education, or vocational training or in  
17 meeting other obligations to assure the parolee's compliance with  
18 meeting legal requirements related to sex offender notification,  
19 address changes and participation in rehabilitation programs as  
20 directed by the assigned parole officer.

21 f. **【The board panel on juvenile commitments and the assigned**  
22 **parole officer shall insure that the least restrictive available**  
23 **alternative is used for any juvenile parolee】** (Deleted by  
24 amendment, P.L. c. ) (pending before the Legislature as this  
25 bill)

26 g. If the board has granted parole to any inmate from a State  
27 correctional facility **【or juvenile facility】** and the court has imposed  
28 a fine on **【such】** the inmate, the appropriate board panel shall  
29 release **【such】** the inmate on condition that the parolee make  
30 specified fine payments to the State Parole Board **【or the Juvenile**  
31 **Justice Commission】**. For violation of **【such】** these conditions, or  
32 for violation of a special condition requiring restitution, parole may  
33 be revoked only for refusal or failure to make a good faith effort to  
34 make **【such】** the payment.

35 h. Upon collection of the fine **【the same shall be paid over by】**  
36 **the Department of Corrections** shall forward it **【or by the Juvenile**  
37 **Justice Commission】** to the State Treasury.

38 (cf: P.L.2007, c.219, s.5)

39

40 13. Section 16 of L.1979, c.441 (C.30:4-123.60) is amended to  
41 read as follows:

42 16. a. Any parolee who violates a condition of parole may be  
43 subject to an order pursuant to section 17 of P.L.1979, c.441  
44 (C.30:4-123.61) providing for one or more of the following: (1)  
45 That he be required to conform to one or more additional conditions  
46 of parole; (2) That he forfeit all or a part of commutation time  
47 credits granted pursuant to R.S.30:4-140.

1       b. Any parolee who has seriously or persistently violated the  
2 conditions of his parole, may have his parole revoked and may be  
3 returned to custody pursuant to sections 18 and 19 of P.L.1979,  
4 c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified  
5 immediately upon the arrest or indictment of a parolee or upon the  
6 filing of charges that the parolee committed an act which, if  
7 committed by an adult, would constitute a crime. The board shall  
8 not revoke parole on the basis of new charges which have not  
9 resulted in a disposition at the trial level except that upon  
10 application by the prosecuting authority【, the Juvenile Justice  
11 Commission established pursuant to section 2 of P.L.1995, c.284  
12 (C.52:17B-170)】 or the Director of the State Parole Board's  
13 Division of Parole or his designee, the chairman of the board or his  
14 designee may at any time detain the parolee and commence  
15 revocation proceedings pursuant to sections 18 and 19 of P.L.1979,  
16 c.441 (C.30:4-123.62 and 30:4-123.63) when the chairman  
17 determines that the new charges against the parolee are of a serious  
18 nature and it appears that the parolee otherwise poses a danger to  
19 the public safety. In such cases, a parolee shall be informed that, if  
20 he testifies at the revocation proceedings, his testimony and the  
21 evidence derived therefrom shall not be used against him in a  
22 subsequent criminal prosecution 【or delinquency adjudication】.

23       c. 【Any】 The parole of any parolee who is convicted of a  
24 crime 【or adjudicated delinquent for an act which, if committed by  
25 an adult, would constitute a crime,】 committed while on parole  
26 shall 【have his parole】 be revoked and the parolee shall be returned  
27 to custody unless the parolee demonstrates, by clear and convincing  
28 evidence at a hearing pursuant to section 19 of P.L.1979, c.441  
29 (C.30:4-123.63), that good cause exists why 【he】 the parolee  
30 should not be returned to confinement.  
31 (cf: P.L.2001, c.141, s.5)  
32

33       14. Section 18 of P.L.1979, c.441 (C.30:4-123.62) is amended to  
34 read as follows:

35       18. a. (1) If a parole officer assigned to supervise a parolee has  
36 probable cause to believe that the parolee has violated a condition  
37 of 【his】 parole, 【such】 the violation being a basis for return to  
38 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
39 (C.30:4-123.60), a designated representative of the chairman of the  
40 board may issue a warrant for the arrest of the parolee if evidence  
41 indicates that the parolee may not appear at the preliminary hearing  
42 or if the parolee poses a danger to the public safety. 【With the  
43 parole warrant, a law enforcement officer may apprehend the  
44 delinquent parolee.】

45       (2) If a parole officer assigned to supervise a parolee has  
46 probable cause to believe that the parolee has committed a crime【,  
47 has committed an act or is about to commit an act which, if

1 committed by an adult, would constitute a crime<sup>1</sup>], is about to  
2 commit a crime<sup>2</sup>, or is about to flee the jurisdiction, which violation  
3 is a basis for return to custody pursuant to subsection b. of section  
4 16 of P.L.1979, c.441 (C.30:4-123.60), and the situation is one of  
5 immediate emergency that cannot await the issuance of a warrant by  
6 a designated representative, the parole officer, by the parole  
7 officer's own warrant, may apprehend the parolee and cause [his]  
8 the parolee's detention in a suitable facility designated by the  
9 Department of Corrections [or the Juvenile Justice Commission  
10 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-  
11 170), as appropriate,] or cause the parolee's confinement in an  
12 appropriate institution pending return to a facility designated by the  
13 Department of Corrections [or the Juvenile Justice Commission, as  
14 appropriate,] to await the conduction of a preliminary hearing. The  
15 warrant shall be in the form prescribed [ , as appropriate, by the  
16 Juvenile Justice Commission or] by the State Parole Board and,  
17 when signed by the officer in charge of the case, shall be a  
18 sufficient instrument and authority to all peace officers to assist in  
19 the apprehension of the parolee. It shall also be sufficient authority  
20 for detention of the parolee in a suitable facility, to await the  
21 conduction of the preliminary hearing. Upon enforcement of the  
22 warrant, the appropriate board panel shall be promptly notified. No  
23 parolee held in custody on a parole warrant shall be entitled to  
24 release on bail.

25 b. A parolee retaken under this section shall within 14 days be  
26 granted a preliminary hearing to be conducted by a hearing officer  
27 not previously involved in the case, unless the parolee, the hearing  
28 officer, or the parole officer requests postponement of the  
29 preliminary hearing, which may be granted by the appropriate board  
30 panel for good cause, but in no event shall such postponement, if  
31 requested by the hearing officer or the parole officer, exceed 14  
32 days.

33 c. The preliminary hearing shall be for the purpose of  
34 determining:

35 (1) Whether there is probable cause to believe that the parolee  
36 violated a condition of his parole being the basis for return to  
37 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
38 (C.30:4-123.60), and

39 (2) Whether revocation and return to custody is desirable in the  
40 instant matter.

41 d. Prior to the preliminary hearing the parolee shall be provided  
42 with written notice of:

43 (1) The conditions of parole alleged to have been violated;

44 (2) The time, date, place and circumstances of the alleged  
45 violation;

46 (3) The possible action which may be taken by the board after a  
47 parole revocation hearing;

- 1 (4) The time, date and place of the preliminary hearing;
- 2 (5) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
3 seq.), to representation by an attorney or such other qualified person  
4 as the parolee may retain; and
- 5 (6) The right to confront and cross-examine witnesses.
- 6 e. The hearing officer who conducts the hearing shall make a  
7 summary or other record of said hearing.
- 8 f. If the evidence presented at the preliminary hearing does not  
9 support a finding of probable cause to believe that the parolee has  
10 violated a condition of his parole, such violation being a basis for  
11 return to custody pursuant to subsection b. of section 16 of  
12 P.L.1979, c.441 (C.30:4-123.60), or if it is otherwise determined  
13 that revocation is not desirable, the hearing officer may, in  
14 accordance with the provisions of subsection a. of section 16 of  
15 P.L.1979, c.441 (C.30:4-123.60) and section 17 of P.L.1979, c.441  
16 (C.30:4-123.61), issue an order modifying parole and releasing the  
17 offender, or continuing parole and releasing the offender.
- 18 g. If the evidence presented at the preliminary hearing supports  
19 a finding of probable cause to believe that the parolee has violated a  
20 condition of his parole, the hearing officer shall determine whether  
21 the parolee shall be retained in custody or released on specific  
22 conditions pending action by the appropriate board panel.
- 23 h. Conviction of a crime committed while on parole [or  
24 adjudication of delinquency for an act which, if committed by an  
25 adult, would constitute a crime] shall be deemed to constitute  
26 probable cause to believe that the parolee has violated a condition  
27 of parole.  
28 (cf: P.L.2001, c.79, s.12)

29  
30 15. Section 19 of P.L.1979, c.441 (C.30:4-123.63) is amended to  
31 read as follows:

- 32 19. a. If the hearing officer finds probable cause pursuant to  
33 subsection c. (1) of section 18 of P.L.1979, c.441 (C.30:4-123.62)  
34 and finds that revocation is desirable pursuant to subsection c. (2)  
35 of section 18 of P.L.1979, c.441 (C.30:4-123.62), or if the parolee is  
36 convicted of a criminal offense committed while on parole [or is  
37 adjudicated delinquent for an act which, if committed by an adult,  
38 would constitute a crime], the board shall cause a revocation  
39 hearing to be conducted by a hearing officer, other than the hearing  
40 officer previously designated pursuant to section 18 of P.L.1979,  
41 c.441 (C.30:4-123.62), within 60 days after the date a parolee is  
42 taken into custody as a parole violator unless the parolee or the  
43 hearing officer requests postponement of the revocation hearing,  
44 which may be granted by appropriate board panel for good cause,  
45 but in no event shall such postponement, if requested by the hearing  
46 officer, exceed 120 days.
- 47 b. Prior to the revocation hearing, the parolee shall be given  
48 written notice of:

- 1 (1) The time, date and place of the parole revocation hearing;
- 2 (2) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
3 seq.), to representation by an attorney or such other qualified person  
4 as the parolee chooses;
- 5 (3) The right to confront and cross-examine witnesses, and to  
6 rebut adverse documentary evidence **【against him】**; and
- 7 (4) The right to testify, to present evidence and to **【subpena】**  
8 subpoena witnesses **【in his】** on the parolee's own behalf, provided  
9 a prima facie showing is made that the prospective witnesses will  
10 provide material testimony.
- 11 c. The hearing officer shall maintain a full and complete record  
12 of the parole revocation hearing.
- 13 d. After consideration of all evidence presented, if there is clear  
14 and convincing evidence that a parolee has violated the conditions  
15 of his parole, such violation being a basis for return to custody  
16 pursuant to subsection b. or c. of section 16 of P.L.1979, c.441  
17 (C.30:4-123.60), and if revocation and return to custody is desirable  
18 in the instant matter, the appropriate board panel may revoke parole  
19 and return such parolee to custody, for a specified length of time, or  
20 in accordance with the provisions of sections 16 and 17 of  
21 P.L.1979, c.441 (C.30:4-123.60 and 30:4-123.61), or the  
22 appropriate board panel may issue an order modifying parole and  
23 releasing the offender or continuing parole and releasing the  
24 offender.
- 25 e. Not more than 21 days following the hearing conducted  
26 pursuant to this section, the parolee and his representative shall be  
27 informed in writing of the decision, the particular reasons therefor,  
28 and the facts relied on.  
29 (cf: P.L.1995, c.280, s.43)

30  
31 16. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is amended to  
32 read as follows:

33 23. a. The appropriate board panel and the Department of  
34 Corrections **【or the Juvenile Justice Commission established**  
35 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)】** shall  
36 enter into formal parole contract agreements with officials of the  
37 board **【,】** and officials of the Department of Corrections **【or the**  
38 **Juvenile Justice Commission】** and individual parolees or inmates  
39 reduced to writing and signed by all parties **【,which】**. The parole  
40 contract agreements shall stipulate individual programs of  
41 education, training, or other activity which shall result in a specified  
42 reduction of the parolee's parole term pursuant to section 22 of  
43 P.L.1979, c.441 (C.30:4-123.66) or the inmate's primary parole  
44 eligibility date pursuant to section 8 of P.L.1979, c.441 (C.30:4-  
45 123.52), upon such successful completion of the program. The  
46 formal parole contract agreements required under this subsection



1 shall be entered into within two months of an inmate's admission to  
2 a correctional facility.

3 b. Any parolee or inmate shall be permitted to apply to the  
4 board for such an agreement. The board panel shall accept all such  
5 applications. The board panel shall approve any application  
6 consistent with eligibility requirements promulgated by the board  
7 pursuant to section 4 of P.L.1979, c.441 (C.30:4-123.48). **【The**  
8 **commission may, by regulation, specify eligibility requirements for**  
9 **agreements with juvenile parolees and inmates and the procedures**  
10 **for effecting such agreements and reviewing juveniles' application**  
11 **for such agreements.】**

12 c. Upon approval of the parolee or inmate's application, the  
13 board panel shall be responsible for specifying the components  
14 necessary for **【any such】** the agreement. Upon acceptance of the  
15 agreement by the Department of Corrections **【or by the**  
16 **commission】**, by the board panel, and by the parolee or the inmate,  
17 the board panel shall reduce the agreement to writing and monitor  
18 compliance with the parole contract agreement at least once every  
19 12 months. The parolee or inmate and the Department of  
20 Corrections **【or the Juvenile Justice Commission】** shall be given a  
21 copy of **【any such】** the agreement.

22 d. **【Any such】** An agreement shall be terminated by the board  
23 panel in the event the parolee or inmate fails to or refuses to  
24 satisfactorily complete each component of the agreement. The  
25 inmate or parolee shall be notified in writing of **【any such】** a  
26 termination and the reasons **【therefor】** for the termination. **【Any**  
27 **such】** A termination may be appealed to the full board pursuant to  
28 section 14 of P.L.1979, c.441 (C.30:4-123.58).

29 (cf: P.L.2009, c.330, s.7)

30

31 17. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to  
32 read as follows:

33 2. a. A Juvenile Justice Commission is established in, but not  
34 of, the Department of Law and Public Safety. The commission is  
35 allocated to the Department of Law and Public Safety for the  
36 purpose of complying with Article V, Section IV, paragraph 1 of  
37 the New Jersey Constitution. The Attorney General shall be the  
38 request officer for the commission within the meaning of section 6  
39 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that  
40 authority and other administrative functions, powers and duties  
41 consistent with the provisions of this act.

42 b. The commission shall consist of an executive director, an  
43 executive board, an advisory council and such facilities, officers,  
44 employees and organizational units as provided herein or as  
45 otherwise necessary to performance of the commission's duties and  
46 responsibilities.

1 c. The executive director shall be appointed by the Governor  
2 with the advice and consent of the Senate and shall serve at the  
3 pleasure of the Governor during the Governor's term of office and  
4 until a successor is appointed and qualified.

5 d. The executive board shall consist of the following members:  
6 The Attorney General, who shall serve as chair of the executive  
7 board; the Commissioner of Corrections and the Commissioner of  
8 Children and Families, who shall serve as vice-chairs of the  
9 executive board; the Commissioner of Education; the chair of the  
10 Juvenile Justice Commission advisory council, established pursuant  
11 to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members  
12 who serve as chairs of a county youth services commission,  
13 established pursuant to P.L.1995, c.282 (C.52:17B-180), to be  
14 appointed by the Governor to serve at the Governor's pleasure. The  
15 Administrative Director of the Administrative Office of the Courts  
16 is invited to participate on the executive board, subject to the  
17 approval of the Supreme Court. A member of the executive board  
18 may name a designee who shall have the authority to act for the  
19 member. Members of the executive board shall serve without  
20 compensation for their services to the commission. The executive  
21 board shall meet at least quarterly and at such other times as  
22 designated by the chair. Except with respect to matters concerning  
23 distribution of funds to counties, four members of the executive  
24 board shall constitute a quorum to transact business of the executive  
25 board and action of the executive board shall require an affirmative  
26 vote of four members. A member of the executive board who is  
27 also a member of a county youth services commission shall not  
28 participate in matters concerning distribution of funds to counties;  
29 in these matters, three members of the executive board shall  
30 constitute a quorum to transact business and an action of the  
31 executive board shall require an affirmative vote of three members.

32 e. The commission shall have the following powers, duties and  
33 responsibilities:

34 (1) To specify qualifications for and to employ, within the limits  
35 of available appropriations and subject to the provisions of  
36 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New  
37 Jersey Statutes, such staff as are necessary to accomplish the work  
38 of the commission or as are needed for the proper performance of  
39 the functions and duties of the commission, including but not  
40 limited to:

41 (a) The number of deputy directors, assistant directors,  
42 superintendents, assistant superintendents and other assistants who  
43 shall be in the unclassified service and shall be deemed confidential  
44 employees for the purposes of the "New Jersey Employer-Employee  
45 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

46 (b) Juvenile corrections officers;

- 1       (2) To utilize such staff of the Department of Law and Public  
2 Safety as the Attorney General, within the limits of available  
3 appropriations, may make available to the commission;
- 4       (3) To organize the work of the commission in appropriate  
5 bureaus and other organization units;
- 6       (4) To enter into contracts and agreements with State, county  
7 and municipal governmental agencies and with private entities for  
8 the purpose of providing services and sanctions for juveniles  
9 adjudicated or charged as delinquent and programs for prevention  
10 of juvenile delinquency;
- 11       (5) To contract for the services of professional and technical  
12 personnel and consultants as necessary to fulfill the statutory  
13 responsibilities of the commission;
- 14       (6) To establish minimum standards for the care, treatment,  
15 government and discipline of juveniles confined pending, or as a  
16 result of, an adjudication of delinquency;
- 17       (7) To assume the custody and care of all juveniles committed  
18 by court order, law, classification, regulation or contract to the  
19 custody of the commission or transferred to the custody of the  
20 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-  
21 176);
- 22       (8) To manage and operate all State secure juvenile facilities  
23 which shall include the New Jersey Training School for Boys  
24 created pursuant to R.S.30:1-7 and transferred to the Commissioner  
25 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)  
26 and the Juvenile Medium Security Facility created pursuant to  
27 R.S.30:1-7 and both transferred to the commission pursuant to  
28 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any  
29 other secure juvenile facility established by the commission in the  
30 future;
- 31       (9) To manage and operate all State juvenile facilities or  
32 juvenile programs for juveniles adjudicated delinquent which shall  
33 include facilities and programs transferred to the commission  
34 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or  
35 established or contracted for in the future by the commission;
- 36       (10) To prepare a State Juvenile Justice Master Plan every third  
37 year which identifies facilities, sanctions and services available for  
38 juveniles adjudicated or charged as delinquent and juvenile  
39 delinquency prevention programs and which identifies additional  
40 needs based upon the extent and nature of juvenile delinquency and  
41 the adequacy and effectiveness of available facilities, services,  
42 sanctions and programs;
- 43       (11) To approve plans for each county submitted by the county  
44 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-  
45 180);
- 46       (12) To administer the State/Community Partnership Grant  
47 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

1 (13) To accept from any governmental department or agency,  
2 public or private body or any other source, grants or contributions  
3 to be used in exercising its power, and in meeting its duties and  
4 responsibilities;

5 (14) To formulate and adopt standards and rules for the efficient  
6 conduct of the work of the commission, the facilities, services,  
7 sanctions and programs within its jurisdiction, and its officers and  
8 employees;

9 (15) To provide for the development of the facilities, services,  
10 sanctions and programs within its jurisdiction and to promote the  
11 integration of State, county and local facilities, sanctions, services  
12 and programs, including probation and parole;

13 (16) To institute, or cause to be instituted, such legal proceedings  
14 or processes as may be necessary to enforce properly and give  
15 effect to any of its powers or duties including the authority to  
16 compel by subpoena, subject to the sanction for contempt of  
17 subpoena issued by a court, attendance and production of records;

18 (17) To provide for the timely and efficient collection and  
19 analysis of data regarding the juvenile justice system to insure the  
20 continuing review and evaluation of services, policies and  
21 procedures;

22 (18) To receive and classify juveniles committed to the custody  
23 of the commission;

24 (19) To determine whether an incarcerated juvenile is eligible for  
25 parole and to supervise compliance with conditions of parole;

26 (20) To establish appropriate dispositions of juveniles for whom  
27 parole has been revoked;

28 (21) To perform such other functions as may be prescribed by  
29 law; and

30 (22) To promulgate, pursuant to the "Administrative Procedure  
31 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
32 necessary to implement and effectuate the purposes of this act.

33 (cf: P.L.2006, c.47, s.192)

34

35 18. (New section) a. The Juvenile Justice Commission shall  
36 establish a program to collect, record, and analyze data regarding  
37 juveniles who were sentenced to a term of incarceration. In  
38 furtherance of this program, the commission shall collect the  
39 following data:

40 (1) the offense for which the juvenile was incarcerated; the term  
41 of incarceration imposed on the juvenile, including a term of  
42 incarceration imposed for a violation of parole; the age, gender,  
43 race, and ethnicity of the juvenile; the county where the juvenile  
44 was adjudicated delinquent; the classification of the juvenile; and  
45 whether the juvenile was sentenced to an extended term of  
46 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 or post-  
6 incarceration supervision was revoked; whether the violation that  
7 was the basis for the revocation was technical or based upon a new  
8 offense; the age, gender, race, and ethnicity of the juvenile; and the  
9 county where the juvenile's parole or post-incarceration supervision  
10 was revoked by the court.

11 b. The commission shall prepare and publish on its Internet  
12 website and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
13 19.1), prepare and transmit to the Governor and the Legislature  
14 biennial reports summarizing the data collected, recorded, and  
15 analyzed pursuant to subsection a. of this section.

16 c. The commission shall publish on its Internet website the  
17 criteria that are used to determine whether a juvenile is granted  
18 parole. The commission also shall provide this information to every  
19 juvenile who is sentenced to a term of incarceration.

20

21 19. Section 13 of P.L.1979, c.441 (C.30:4-123.57) is repealed.

22

23 20. This act shall take effect on the first day of the seventh  
24 month after enactment.

25

26

27

#### STATEMENT

28

29 This bill incorporates the Juvenile Detention Alternative  
30 Initiative (J.D.A.I.) principles into the Code of Juvenile Justice;  
31 imposes restrictions on the incarceration of juveniles; vests parole  
32 decisions concerning juveniles in the Juvenile Justice Commission  
33 (JJC); makes discretionary the post-incarceration period currently  
34 imposed on juveniles; eliminates certain fines imposed on juveniles;  
35 and imposes transparency requirements on the JJC.

36 The specific J.D.A.I. principles the bill incorporates into the  
37 Code of Juvenile Justice include: 1) promoting collaboration  
38 between juvenile court officials, probation agencies, prosecutors,  
39 defense attorneys, schools, community organizations, and  
40 advocates; 2) using rigorous data collection and analysis to guide  
41 decision making; 3) utilizing objective risk-assessment instruments  
42 to replace subjective decision-making processes to determine if  
43 juveniles should be incarcerated and if so, the length of time they  
44 spend in custody; 4) implementing new or expanded community-  
45 based alternatives to incarceration; 5) reducing delays in processing  
46 and length of delinquency actions, including parole and revocation  
47 proceedings, so that juveniles are not in out-of-home placements  
48 any longer than is necessary or unnecessarily returned to custody;

1 6) incarcerating juveniles only when they pose a substantial threat  
2 to public safety; 7) combatting racial and ethnic disparities by  
3 collecting and examining data on policies and practices that may  
4 disadvantage minority juveniles; and 8) monitoring and improving  
5 conditions of confinement in secure facilities.

6 This bill specifically limits when a juvenile may be incarcerated.  
7 Under current law, the court may order a juvenile adjudicated  
8 delinquent to be incarcerated or the court may order another  
9 enumerated disposition, such as releasing the juvenile to the  
10 supervision of the juvenile's parent or guardian or placing the  
11 juvenile on probation. Under the bill, the court may order a  
12 juvenile to be incarcerated as a last resort and in accordance with  
13 the J.D.A.I. principles, including incarceration in county youth  
14 detention centers. The bill also removes the requirement that a  
15 juvenile convicted of certain crimes related to theft of a motor  
16 vehicle or eluding a police officer be incarcerated. If the court does  
17 impose a term of incarceration, it may order the JJC to provide the  
18 juvenile with specific services. Imposing fines on delinquent  
19 juveniles as a penalty is eliminated as a disposition under the bill.

20 Under the bill, responsibility for determining whether a juvenile  
21 should be paroled is transferred from the State Parole Board to the  
22 JJC. A juvenile who is sentenced to a term of incarceration is  
23 immediately eligible for parole. Juveniles are to be granted early  
24 release on parole when it appears they would not pose a serious risk  
25 of physical injury to persons or substantial injury to property. The  
26 bill directs the JJC to determine the conditions of parole and to  
27 ensure that the conditions are to be appropriately tailored to the  
28 juvenile and be the least restrictive necessary for the juvenile's  
29 successful return to the community. A juvenile is not to be sent to a  
30 halfway house, residential treatment program, or other out-of-home  
31 placement unless it is necessary to protect the juvenile's safety.

32 Current law requires a juvenile to receive a term of post-  
33 incarceration supervision of one-third of the sentence of  
34 incarceration. Under the bill, the JJC is given the discretion to  
35 impose a term of post-incarceration supervision, but only if it is  
36 deemed necessary to effectuate the juvenile's rehabilitation and  
37 reintegration into society. The term of supervision is not to exceed  
38 six months, unless the JJC deems a longer term is necessary to  
39 prevent serious harm to the juvenile or the community. The longer  
40 term is not to exceed one year.

41 The bill requires the JJC to review the case of a juvenile who is  
42 incarcerated or is in an out-of-home placement every three months  
43 and submit a status report to the court, the prosecutor, and the  
44 juvenile's counsel. The status report is to contain information on  
45 the treatment, care, and custody of the juvenile; whether the  
46 juvenile is receiving the mental health, substance abuse,  
47 educational, and other rehabilitative services necessary to promote  
48 the juvenile's successful reintegration into the community;

1 incidents of violence involving the juvenile; and the juvenile's  
2 eligibility for parole. The juvenile's counsel is to be granted an  
3 opportunity to respond to the report. The JJC is to continue to  
4 submit the status reports to the court until the juvenile is paroled or  
5 released. The court may conduct a hearing at any time to determine  
6 whether incarceration or an out-of-home placement continues to be  
7 appropriate and may release the juvenile or otherwise modify the  
8 dispositional order.

9 Under the bill, the parole of a juvenile who violates a condition  
10 of that parole could be revoked under certain conditions. If there is  
11 probable cause that the juvenile has seriously or persistently  
12 violated the terms and conditions of parole, the JJC is to conduct a  
13 hearing to determine if parole should be revoked. A hearing officer  
14 who is a State-licensed attorney is to conduct the hearing and the  
15 juvenile is to be represented by counsel. Pre-hearing incarceration  
16 of the juvenile is prohibited unless there is objective and credible  
17 evidence that the juvenile poses an immediate and substantial  
18 danger to public safety. If a juvenile is incarcerated, the hearing is  
19 to be held within 72 hours of incarceration and a decision made  
20 within 48 hours of the hearing. Parole may be revoked only if the  
21 hearing officer determines, by clear and convincing evidence, that  
22 the juvenile has seriously or persistently violated the conditions of  
23 parole, the juvenile poses a substantial danger to public safety  
24 which no form of community-based supervision would alleviate,  
25 and revocation is consistent with J.D.A.I. principles. The juvenile  
26 is entitled to all the rights and protections afforded adult parolees  
27 during the parole or post-incarceration supervision revocation  
28 process.

29 The bill further eliminates the court's discretion to impose  
30 criminal fines on juveniles under the juvenile code and eliminates  
31 for juveniles the Drug Enforcement and Demand Reduction  
32 (DEDR) and Victims of Crime Compensation Office penalties.

33 Finally, the bill requires the JJC to establish a program to collect,  
34 record, and analyze certain data regarding juveniles who were  
35 sentenced to a term of incarceration. The JJC is to prepare a  
36 biennial report summarizing the data collected, recorded, and  
37 analyzed, which is to be published on its Internet website and  
38 transmitted to the Governor and the Legislature. The JJC also is  
39 required to publish on the website the criteria that are used to  
40 determine whether a juvenile is granted parole and to provide this  
41 information to every juvenile who is sentenced to a term of  
42 incarceration.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 48

# STATE OF NEW JERSEY

DATED: JUNE 6, 2019

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 48.

As reported by the committee, this bill incorporates the Juvenile Detention Alternative Initiative (J.D.A.I.) principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests parole decisions concerning juveniles in the Juvenile Justice Commission (JJC); makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The specific J.D.A.I. principles the bill incorporates into the Code of Juvenile Justice include: 1) promoting collaboration between juvenile court officials, probation agencies, prosecutors, defense attorneys, schools, community organizations, and advocates; 2) using rigorous data collection and analysis to guide decision making; 3) utilizing objective risk-assessment instruments to replace subjective decision-making processes to determine if juveniles should be incarcerated and, if so, the length of time they spend in custody; 4) implementing new or expanded community-based alternatives to incarceration; 5) reducing delays in processing and length of delinquency actions, including parole and revocation proceedings, so that juveniles are not in out-of-home placements any longer than is necessary or unnecessarily returned to custody; 6) incarcerating juveniles only when they pose a substantial threat to public safety; 7) combatting racial and ethnic disparities by collecting and examining data on policies and practices that may disadvantage minority juveniles; and 8) monitoring and improving conditions of confinement in secure facilities.

This bill limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the bill, the court may order a juvenile to be incarcerated only as a last resort and in accordance with the J.D.A.I. principles, including incarceration in county youth detention centers. The bill also removes the requirement that a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer



be incarcerated. If the court does impose a term of incarceration, it may order the JJC to provide the juvenile with specific services. Imposing fines on delinquent juveniles as a penalty is eliminated as a disposition under the bill.

Under the bill, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to the JJC. A juvenile who is sentenced to a term of incarceration is immediately eligible for parole. Juveniles are to be granted early release on parole when it appears they would not pose a serious risk of physical injury to persons or substantial injury to property. The bill directs the JJC to determine the conditions of parole and to ensure that the conditions are to be appropriately tailored to the juvenile and be the least restrictive necessary for the juvenile's successful return to the community. A juvenile is not to be sent to a halfway house, residential treatment program, or other out-of-home placement unless it is necessary to protect the juvenile's safety.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the bill, the JJC is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society. The term of supervision is not to exceed six months, unless the JJC deems a longer term is necessary to prevent serious harm to the juvenile or the community. The longer term is not to exceed one year.

The bill requires the JJC to review the case of a juvenile who is incarcerated or is in an out-of-home placement every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody of the juvenile; whether the juvenile is receiving the mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

The juvenile's counsel is to be granted an opportunity to respond to the report. The JJC is to continue to submit the status reports to the court until the juvenile is paroled or released. The court may conduct a hearing at any time to determine whether incarceration or an out-of-home placement continues to be appropriate and may release the juvenile or otherwise modify the dispositional order.

Under the bill, the parole of a juvenile who violates a condition of that parole could be revoked under certain conditions. If there is probable cause that the juvenile has seriously or persistently violated the terms and conditions of parole, the JJC is to conduct a hearing to determine if parole should be revoked. A hearing officer

who is a State-licensed attorney is to conduct the hearing and the juvenile is to be represented by counsel.

Pre-hearing incarceration of the juvenile is prohibited unless there is objective and credible evidence that the juvenile poses an immediate and substantial danger to public safety. If a juvenile is incarcerated, the hearing is to be held within 72 hours of incarceration and a decision made within 48 hours of the hearing. Parole may be revoked only if the hearing officer determines, by clear and convincing evidence, that the juvenile has seriously or persistently violated the conditions of parole, the juvenile poses a substantial danger to public safety which no form of community-based supervision would alleviate, and revocation is consistent with J.D.A.I. principles. The juvenile is entitled to all the rights and protections afforded adult parolees during the parole revocation process.

The bill further eliminates the court's discretion to impose criminal fines on juveniles under the juvenile code and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties.

Finally, the bill requires the JJC to establish a program to collect, record, and analyze certain data regarding juveniles who were sentenced to a term of incarceration. The JJC is to prepare a biennial report summarizing the data collected, recorded, and analyzed, which is to be published on its Internet website and transmitted to the Governor and the Legislature. The JJC also is required to publish on the website the criteria that are used to determine whether a juvenile is granted parole and to provide this information to every juvenile who is sentenced to a term of incarceration.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 48**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 17, 2019

The Senate Budget and Appropriations Committee reports favorably Senate No. 48, with committee amendments.

As amended and reported by the committee, this bill incorporates certain principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests parole decisions concerning juveniles in the Juvenile Justice Commission (JJC), in consultation with the State Parole Board; makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The specific principles the amended bill incorporates into the Code of Juvenile Justice include: 1) promoting collaboration between juvenile court officials, probation agencies, prosecutors, defense attorneys, schools, community organizations, and advocates; 2) using rigorous data collection and analysis to guide decision making; 3) utilizing objective criteria, processes, and tools, such as risk-assessment instruments, to replace subjective decision-making processes to determine if juveniles should be incarcerated and, if so, the length of time they spend in custody; 4) implementing new or expanded community-based alternatives to incarceration; 5) reducing delays in processing and length of delinquency actions, including parole and revocation proceedings, so that juveniles are not in out-of-home placements any longer than is necessary or are unnecessarily returned to custody; 6) incarcerating juveniles only when they pose a substantial threat to public safety; 7) combatting racial and ethnic disparities by collecting and examining data on policies and practices that may disadvantage minority juveniles; and 8) monitoring and improving conditions of confinement in secure facilities.

The amended bill limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the amended bill, the court may order a juvenile to be incarcerated in accordance with the principles incorporated into the amended bill. The amended bill also removes the requirement that

a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer be incarcerated. Furthermore, the bill eliminates as a disposition the imposition of fines on delinquent juveniles.

Under the amended bill, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to the JJC, but the determination is to be made in consultation with a member of the State Parole Board who is experienced in juvenile justice or has received appropriate training. Juveniles are to be granted early release on parole when it appears they have made substantial progress toward positive behavioral adjustment and rehabilitative goals articulated by the JJC to the juvenile. The amended bill directs the JJC, in consultation with a member of the State Parole Board, to determine the conditions of parole which are to be appropriately tailored to the needs of the juvenile. In addition, any conditions imposed at the time of release or modified thereafter as a graduated intervention in lieu of initiating parole revocation proceedings are to be the least restrictive necessary for the juvenile's successful return to the community. A juvenile is not to be sent to a halfway house, residential treatment program, or other out-of-home placement unless it is necessary to protect the juvenile's safety.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the amended bill, the JJC, in consultation with a member of the State Parole Board, is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society. The term of supervision is not to exceed six months, unless it is deemed that a longer term is necessary to effectuate the juvenile's rehabilitation and reintegration into society. The longer term is not to exceed one year.

The amended bill requires the JJC to review the case of a juvenile who is sentenced to a term of commitment every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody of the juvenile; whether the juvenile is receiving the mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

The juvenile's counsel is to be granted an opportunity to respond to the report. The JJC is to continue to submit the status reports to the court until the juvenile is paroled or released. The court may conduct a hearing at any time to determine whether commitment with the commission continues to be appropriate and may release the juvenile or otherwise modify the dispositional order.

Under the amended bill, the parole of a juvenile who violates a condition of that parole could be revoked under certain conditions. If there is probable cause that the juvenile has seriously or persistently violated the terms and conditions of parole, the JJC and parole board member are to conduct a hearing to determine if parole should be revoked. A hearing officer who is a State-licensed attorney is to conduct the hearing and the juvenile is to be represented by counsel.

Pre-hearing incarceration of the juvenile is prohibited unless there is objective and credible evidence that the juvenile poses an immediate and substantial danger to public safety. If a juvenile is incarcerated, the hearing is to be held within 72 hours of incarceration and a decision made within 48 hours of the hearing. Parole may be revoked only if the hearing officer determines, by clear and convincing evidence, that the juvenile has seriously or persistently violated the conditions of parole, the juvenile poses a substantial danger to public safety which no form of community-based supervision would alleviate, and revocation is consistent with the enumerated principles under the bill. The juvenile is entitled to all the rights and protections afforded adult parolees during the parole revocation process.

The amended bill further eliminates the court's discretion to impose criminal fines on juveniles under the juvenile code and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties.

Finally, the amended bill requires the JJC to establish a program to collect, record, and analyze certain data regarding juveniles who were sentenced to a term of incarceration. The JJC is to prepare a biennial report summarizing the aggregated data collected, recorded, and analyzed, which is to be published on its Internet website. The JJC also is required to publish on the website the criteria that are used to determine whether a juvenile is granted parole and to provide this information to every juvenile who is sentenced to a term of incarceration.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) remove the provision allowing the court to order the JJC to provide a juvenile with specific services when the court imposes a term of incarceration;

2) provide that a juvenile is to 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 JJC and member of the State Parole Board to the juvenile; as introduced, a juvenile was to be granted early release on parole when it appeared that the juvenile, if released, would not pose a serious risk of physical injury to persons or substantial injury to property;

3) provide that any conditions of parole imposed on a juvenile at the time of release or modified thereafter as a graduated intervention in

lieu of initiating parole revocation proceedings are to constitute the least restrictive alternatives necessary to promote the successful return of the juvenile to the community; as introduced, the bill provided that any conditions imposed are to constitute the least restrictive alternatives necessary to promote the successful return of the juvenile to the community;

4) provide that the JJC, in consultation with a member of the State Parole Board, may extend a term of post-incarceration supervision for an additional six months if it deems continuation necessary to effectuate the juvenile's rehabilitation and reintegration into society; as introduced, the bill provided that the JJC may extend the term of post-incarceration supervision if it deems it necessary to prevent serious harm to the juvenile or the community;

5) clarify that the JJC is to review the case of each juvenile sentenced to a term of commitment with the commission at least every three months and that the court may conduct a hearing at any time to determine whether commitment with the commission continues to be appropriate; as introduced, the bill provided that the JJC was to review the case of each juvenile sentenced to incarceration or an out-of-home placement and allowed the court to conduct a hearing to determine whether incarceration or an out-of-home placement continues to be appropriate;

6) allow the JJC, in consultation with a member of the State Parole Board, to relieve a juvenile of any parole conditions and permit the juvenile to reside outside of the State pursuant to the Interstate Compact on Juveniles and consent to supervision of the juvenile by the federal government pursuant to the federal Witness Security Reform Act without requiring that the JJC be satisfied that the change will not result in a substantial likelihood that the juvenile will commit an offense which would be a crime under the laws of this State;

7) remove the requirement for the JJC to transmit to the Governor and the Legislature a report summarizing data collected regarding certain juveniles; as introduced, the bill required the JJC to both publish the report on its Internet website and transmit it to the Governor and the Legislature;

8) clarify that the report required to be published by the JJC is to summarize the aggregated data required to be collected, recorded, and analyzed; as introduced, the bill required the report to summarize the data required to be collected, recorded, and analyzed;

9) remove the reference to the Juvenile Detention Alternative Initiative (J.D.A.I.);

10) remove the provision providing that a juvenile sentenced to an indeterminate term is to be immediately eligible for parole;

11) remove the provision providing that the court may order incarceration as a "last resort";

12) provide that the JJC, in consultation with a member of the State Parole Board, is to determine parole eligibility, supervision, and

revocation and make determinations regarding post-incarceration supervision; as introduced, the JJC was solely responsible for making these determinations;

13) provide that the member of the State Parole Board who the JJC is required to consult with under the amended bill is to have experience in juvenile justice or complete a training program on juvenile justice established by the chairman, and impose requirements for the training program; and

14) change the effective date from the first day of the seventh month after enactment to the first day of the tenth month after enactment and provide that the Chairman of the State Parole Board may take any anticipatory action in advance of the effective date as may be necessary; and

15) make other clarifying and technical changes.

FISCAL IMPACT:

The bill will have indeterminate impact on State and local finances.

# STATEMENT TO

[First Reprint]

## **SENATE, No. 48**

with Senate Floor Amendments  
(Proposed by Senator POU)

ADOPTED: DECEMBER 16, 2019

Senate Bill No. 48 (1R) concerns juvenile incarceration and parole. Under the bill, the Juvenile Justice Commission (JJC), in consultation with a member of the State Parole Board, is responsible for making determinations regarding parole eligibility, supervision, and revocation and post-incarceration supervision for juveniles.

These Senate amendments provide that a panel comprised of at least two members of the JJC designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board is responsible for making these determinations for juveniles.



# STATEMENT TO

[Second Reprint]

## **SENATE, No. 48**

with Senate Floor Amendments  
(Proposed by Senator POU)

ADOPTED: JANUARY 9, 2020

Senate Bill No. 48 (2R) concerns juvenile incarceration and parole. Under the bill, a panel comprised of at least two members of the Juvenile Justice Commission designated by the executive director and a member of the State Parole Board designated by the chairman is responsible for making determinations regarding parole eligibility, supervision, and revocation and post-incarceration supervision for juveniles.

These Senate amendments provide that any decision concerning parole made by the panel is to be unanimous.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**SENATE, No. 48**

## **STATE OF NEW JERSEY 218th LEGISLATURE**

DATED: JANUARY 10, 2020

### **SUMMARY**

- Synopsis:** Concerns juvenile incarceration and parole.
- Type of Impact:** Expenditure increases and decreases to State, municipal, and county governments. Annual revenue decrease to State and municipal governments.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; Superior and Municipal Courts; County Juvenile Detention Facilities.

#### **Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Net Expenditure Impact</b>		Indeterminate	
<b>State Revenue Decrease</b>		Indeterminate	
<b>Local Net Expenditure Impact</b>		Indeterminate	
<b>Local Revenue Decrease</b>		Indeterminate	

- The Office of Legislative Services (OLS) concludes that the Juvenile Justice Commission (JJC) in the Department of Law and Public Safety will experience recurring workload increases from the: a) incorporation of certain principles into the Code of Juvenile Justice; b) establishment of the juvenile parole panel and corresponding requirements; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles.
- State Parole Board costs will decrease by an indeterminate amount since the board's responsibilities for juvenile parole proceedings will be shared with the JJC through a new panel.
- The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions. The OLS anticipates decreased costs to the JJC and counties, which as a result of the bill may be required to hold fewer juvenile offenders and for shorter periods of time.

- The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties. The OLS anticipates decreased State and municipal revenue from the mandatory elimination of certain fees and fines associated with juvenile crimes.
- The bill transitions the responsibility for determining parole eligibility, supervision and revocation and post incarceration supervision for juveniles from the State Parole Board to a newly established panel comprised of at least two members of the JJC and a member of the State Parole Board.
- The bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The OLS estimates that there may be additional workload created by this new provision.

## **BILL DESCRIPTION**

This bill incorporates certain principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests parole decisions concerning juveniles in a panel comprised of two members of the JJC and a member of the State Parole Board; makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The bill limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the bill, the court may order a juvenile to be incarcerated in accordance with the principles incorporated into the bill. The bill also removes the requirement that a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer be incarcerated.

The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the DEDR and Victims of Crime Compensation Office penalties.

Under the bill, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to a newly established panel comprised of at least two members of the JJC designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board. The panel member designated from the State Parole Board is required to have experience in juvenile justice or have received appropriate training.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the bill, the panel is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society.

Currently, juveniles are not required to have legal representation at parole revocation hearings. The bill requires that the juveniles are represented during these hearings.

The bill requires the JJC to review the case of a juvenile who is sentenced to a term of commitment every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody

of the juvenile; whether the juvenile is receiving the mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

Finally, the bill requires the JJC to establish a program to collect, record, and analyze certain data regarding juveniles who were sentenced to a term of incarceration. The JJC is to prepare a biennial report summarizing the aggregated data collected, recorded, and analyzed, which is to be published on its Internet website. The JJC also is required to publish on its website the criteria that are used to determine whether a juvenile is granted parole and to provide this information to every juvenile who is sentenced to a term of incarceration.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the implementation of the bill's provisions will result in an indeterminate impact on State expenditures, with a potential decrease in State Parole Board costs and an uncertain impact on Juvenile Justice Commission costs. The OLS anticipates decreased costs to the JJC facilities as well as the county juvenile detention facilities as a result of fewer juvenile offenders being sentenced to county juvenile detention facilities and for shorter periods of time. Additionally, the OLS anticipates decreased State and municipal revenue from the mandatory elimination of certain fees and fines associated with juvenile crimes.

**State and Local Expenditures** – The OLS concludes that the JJC will experience recurring workload increases from the: a) incorporation of certain principles into the Code of Juvenile Justice; b) establishment of the juvenile parole panel and corresponding requirements; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles.

The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions. This presumption may lead to fewer juveniles being held in county juvenile detention facilities and sentenced to JJC. According to data provided in the Governor's proposed budget, as of 2015, the average daily cost per inmate for JJC institutions is \$611.61 per day. The marginal daily cost per additional inmate will fluctuate depending on how many juveniles are sentenced to each of the respective facilities.

The bill transitions the responsibility for determining whether a juvenile should be paroled from the State Parole Board to a newly established panel comprised of at least two members of the JJC and a member of the State Parole Board.

Currently, juveniles are not required to have legal representation at parole revocation hearings. The bill requires that the juveniles are represented during these hearings. The OLS estimates that the Office of the Public Defender will represent anyone who cannot afford representation, thus increasing the workload of the office.

Lastly, the bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The bill requires specific data to be collected and it is

unknown what, if any, technology the JJC and county facilities may require to meet this requirement. The OLS estimates that there may be additional workload created by this new provision.

**State and Local Revenue** – Currently, criminal fines and penalties are assessed on juvenile offenders. The bill eliminates the court’s discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the DEDR and Victims of Crime Compensation Office penalties. The OLS cannot determine the amount of State or local revenue currently collected, however notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

**SENATE, No. 48**

## **STATE OF NEW JERSEY 218th LEGISLATURE**

DATED: JANUARY 16, 2020

### **SUMMARY**

- Synopsis:** Concerns juvenile incarceration and parole.
- Type of Impact:** Expenditure increases and decreases to State, municipal, and county governments. Annual revenue decrease to State and municipal governments.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; Superior and Municipal Courts; County Juvenile Detention Facilities.

#### **Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Net Expenditure Impact</b>		Indeterminate	
<b>State Revenue Decrease</b>		Indeterminate	
<b>Local Net Expenditure Impact</b>		Indeterminate	
<b>Local Revenue Decrease</b>		Indeterminate	

- The Office of Legislative Services (OLS) concludes that the Juvenile Justice Commission (JJC) in the Department of Law and Public Safety will experience recurring workload increases from the: a) incorporation of certain principles into the Code of Juvenile Justice; b) establishment of the juvenile parole panel and corresponding requirements; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles.
- State Parole Board costs will decrease by an indeterminate amount since the board's responsibilities for juvenile parole proceedings will be shared with the JJC through a new panel.
- The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions. The OLS anticipates decreased costs to the JJC and counties, which as a result of the bill may be required to hold fewer juvenile offenders and for shorter periods of time.

- The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties. The OLS anticipates decreased State and municipal revenue from the mandatory elimination of certain fees and fines associated with juvenile crimes.
- The bill transitions the responsibility for determining parole eligibility, supervision and revocation and post incarceration supervision for juveniles from the State Parole Board to a newly established panel comprised of at least two members of the JJC and a member of the State Parole Board.
- The bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The OLS estimates that there may be additional workload created by this new provision.

## **BILL DESCRIPTION**

This bill incorporates certain principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests parole decisions concerning juveniles in a panel comprised of two members of the JJC and a member of the State Parole Board; makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The bill limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the bill, the court may order a juvenile to be incarcerated in accordance with the principles incorporated into the bill. The bill also removes the requirement that a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer be incarcerated.

The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the DEDR and Victims of Crime Compensation Office penalties.

Under the bill, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to a newly established panel comprised of at least two members of the JJC designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board. The panel member designated from the State Parole Board is required to have experience in juvenile justice or have received appropriate training. Any parole decision made by the panel is required to be unanimous.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the bill, the panel is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society.

Currently, juveniles are not required to have legal representation at parole revocation hearings. The bill requires that the juveniles are represented during these hearings.

The bill requires the JJC to review the case of a juvenile who is sentenced to a term of commitment every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody of the juvenile; whether the juvenile is receiving the mental health, substance abuse, educational,

and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

Finally, the bill requires the JJC to establish a program to collect, record, and analyze certain data regarding juveniles who were sentenced to a term of incarceration. The JJC is to prepare a biennial report summarizing the aggregated data collected, recorded, and analyzed, which is to be published on its Internet website. The JJC also is required to publish on its website the criteria that are used to determine whether a juvenile is granted parole and to provide this information to every juvenile who is sentenced to a term of incarceration.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the implementation of the bill's provisions will result in an indeterminate impact on State expenditures, with a potential decrease in State Parole Board costs and an uncertain impact on Juvenile Justice Commission costs. The OLS anticipates decreased costs to the JJC facilities as well as the county juvenile detention facilities as a result of fewer juvenile offenders being sentenced to county juvenile detention facilities and for shorter periods of time. Additionally, the OLS anticipates decreased State and municipal revenue from the mandatory elimination of certain fees and fines associated with juvenile crimes.

**State and Local Expenditures** – The OLS concludes that the JJC will experience recurring workload increases from the: a) incorporation of certain principles into the Code of Juvenile Justice; b) establishment of the juvenile parole panel and corresponding requirements; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles.

The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions. This presumption may lead to fewer juveniles being held in county juvenile detention facilities and sentenced to JJC. According to data provided in the Governor's proposed budget, as of 2015, the average daily cost per inmate for JJC institutions is \$611.61 per day. The marginal daily cost per additional inmate will fluctuate depending on how many juveniles are sentenced to each of the respective facilities.

The bill transitions the responsibility for determining whether a juvenile should be paroled from the State Parole Board to a newly established panel comprised of at least two members of the JJC and a member of the State Parole Board.

Currently, juveniles are not required to have legal representation at parole revocation hearings. The bill requires that the juveniles are represented during these hearings. The OLS estimates that the Office of the Public Defender will represent anyone who cannot afford representation, thus increasing the workload of the office.

Lastly, the bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The bill requires specific data to be collected and it is



unknown what, if any, technology the JJC and county facilities may require to meet this requirement. The OLS estimates that there may be additional workload created by this new provision.

**State and Local Revenue** – Currently, criminal fines and penalties are assessed on juvenile offenders. The bill eliminates the court’s discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the DEDR and Victims of Crime Compensation Office penalties. The OLS cannot determine the amount of State or local revenue currently collected, however notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 5586

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 13, 2019

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttle**

**SYNOPSIS**

Concerns juvenile incarceration and parole.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/18/2019)**

A5586 WIMBERLY, QUIJANO

2

1 AN ACT concerning incarceration and parole of juveniles and  
2 amending, supplementing, and repealing various parts of the  
3 statutory law.

4

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

7

8 1. Section 2 of P.L.1982, c.77 (C.2A:4A-21) is amended to  
9 read as follows:

10 2. Purposes. This act shall be construed so as to effectuate the  
11 following purposes:

12 a. To preserve the unity of the family whenever possible and to  
13 provide for the care, protection, and wholesome mental and  
14 physical development of juveniles coming within the provisions of  
15 this act;

16 b. Consistent with the protection of the public interest, to  
17 remove from children committing delinquent acts certain statutory  
18 consequences of criminal behavior, and to substitute therefor an  
19 adequate program of supervision, care and rehabilitation, and a  
20 range of sanctions designed to promote accountability and protect  
21 the public;

22 c. To separate juveniles from the family environment only  
23 when necessary for their health, safety, or welfare or in the interests  
24 of public safety;

25 d. To secure for each child coming under the jurisdiction of the  
26 court the care, guidance, and control, preferably in his own home,  
27 as will conduce to the child's welfare and the best interests of the  
28 State; and when the child is removed from his own family, to secure  
29 for him custody, care, and discipline as nearly as possible  
30 equivalent to that which should have been given by his parents;

31 e. To insure that children under the jurisdiction of the court are  
32 wards of the State, subject to the discipline and entitled to the  
33 protection of the State, which may intervene to safeguard them from  
34 neglect or injury and to enforce the legal obligations due to them  
35 and from them;

36 f. Consistent with the protection of the public interest, to  
37 insure that any services and sanctions for juveniles provide  
38 balanced attention to the protection of the community, the  
39 imposition of accountability for offenses committed, fostering  
40 interaction and dialogue between the offender, victim, and  
41 community, and the development of competencies to enable  
42 children to become responsible and productive members of the  
43 community;

44 g. To insure protection and a safe environment for those  
45 sexually exploited juveniles who are charged with prostitution or

**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 who are alleged to be victims of human trafficking; and to provide  
2 these juveniles with the appropriate shelter, care, counseling, and  
3 crisis intervention services from the time they are taken into  
4 custody and for the duration of any legal proceedings; **and**

5 h. To insure that in any action undertaken within the provisions  
6 of this act, the best interests of the child shall be a primary  
7 consideration; and

8 i. To ensure a smarter, fairer, and more efficient and effective  
9 juvenile justice system by incorporating the following successful  
10 principles and strategies of the Juvenile Detention Alternative  
11 Initiative (J.D.A.I.) into every stage of the delinquency action:

12 (1) promoting collaboration between juvenile court officials,  
13 probation agencies, prosecutors, defense attorneys, schools,  
14 community organizations, and advocates;

15 (2) using rigorous data collection and analysis to guide decision  
16 making;

17 (3) utilizing objective risk-assessment instruments to replace  
18 subjective decision-making processes to determine:

19 (a) whether a juvenile should be incarcerated; and

20 (b) the length of time a juvenile should remain in custody;

21 (4) implementing new or expanded community-based  
22 alternatives that can be used in lieu of incarceration;

23 (5) reducing delays in processing and corresponding length of  
24 stay in all stages of a delinquency action, including parole and  
25 revocation proceedings, to ensure that juveniles do not remain in  
26 out-of-home placements longer than necessary or are unnecessarily  
27 returned to custody;

28 (6) reserving the use of incarceration for only those cases in  
29 which it is necessary to eliminate a substantial threat to public  
30 safety;

31 (7) combatting racial and ethnic disparities by collecting and  
32 examining data to identify policies and practices that may  
33 disadvantage minority juveniles at various stages of the process and  
34 pursuing strategies to eliminate those disparities; and

35 (8) monitoring and improving conditions of confinement in  
36 secure facilities.

37 (cf: P.L.2015, c.255, s.1)

38

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

41 24. Disposition of delinquency cases. a. In determining the  
42 appropriate disposition for a juvenile adjudicated delinquent the  
43 court shall weigh the following factors:

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

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

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

1 (4) Whether the disposition supports family strength,  
2 responsibility and unity and the well-being and physical safety of  
3 the juvenile;

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

9 (6) Whether the disposition recognizes and treats the unique  
10 physical, psychological, and social characteristics and needs of the  
11 child;

12 (7) Whether the disposition contributes to the developmental  
13 needs of the child, including the academic and social needs of the  
14 child where the child has intellectual disabilities or learning  
15 disabilities;

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

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

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

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

22 b. If a juvenile is adjudged delinquent, **【**and except to the  
23 extent that an additional specific disposition is required pursuant to  
24 subsection e. or f. of this section,**】** the court, in accordance with  
25 subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), may  
26 order incarceration as a last resort pursuant to section 25 of  
27 P.L.1982, c.77 (C.2A:4A-44) or the court may order any one or  
28 more of the following dispositions:

29 (1) Adjourn formal entry of disposition of the case for a period  
30 not to exceed 12 months for the purpose of determining whether the  
31 juvenile makes a satisfactory adjustment, and if during the period of  
32 continuance the juvenile makes such an adjustment, dismiss the  
33 complaint; provided that if the court adjourns formal entry of  
34 disposition of delinquency for a violation of an offense defined in  
35 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
36 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
37 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
38 juveniles adjudicated delinquent;

39 (2) Release the juvenile to the supervision of the juvenile's  
40 parent or guardian;

41 (3) Place the juvenile on probation to the chief probation officer  
42 of the county or to any other suitable person who agrees to accept  
43 the duty of probation supervision for a period not to exceed three  
44 years upon such written conditions as the court deems will aid  
45 rehabilitation of the juvenile;

46 (4) Transfer custody of the juvenile to any relative or other  
47 person determined by the court to be qualified to care for the  
48 juvenile;

1 (5) Place the juvenile under the care and responsibility of the  
2 Department of Children and Families so that the commissioner may  
3 designate a division or organizational unit in the department  
4 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of  
5 providing services in or out of the home. Within 14 days, unless for  
6 good cause shown, but not later than 30 days, the Department of  
7 Children and Families shall submit to the court a service plan,  
8 which shall be presumed valid, detailing the specifics of any  
9 disposition order. The plan shall be developed within the limits of  
10 fiscal and other resources available to the department. If the court  
11 determines that the service plan is inappropriate, given existing  
12 resources, the department may request a hearing on that  
13 determination;

14 (6) Place the juvenile under the care and custody of the  
15 Commissioner of Children and Families for the purpose of  
16 receiving the services of the Division of Children's System of Care  
17 of that department, provided that the juvenile has been determined  
18 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-  
19 25.4);

20 (7) Commit the juvenile, pursuant to applicable laws and the  
21 Rules of Court governing civil commitment, to the Department of  
22 Children and Families under the responsibility of the Division of  
23 Children's System of Care for the purpose of placement in a suitable  
24 public or private hospital or other residential facility for the  
25 treatment of persons who are mentally ill, on the ground that the  
26 juvenile is in need of involuntary commitment;

27 (8) **【**Fine the juvenile an amount not to exceed the maximum  
28 provided by law for such a crime or offense if committed by an  
29 adult and which is consistent with the juvenile's income or ability to  
30 pay and financial responsibility to the juvenile's family, provided  
31 that the fine is specially adapted to the rehabilitation of the juvenile  
32 or to the deterrence of the type of crime or offense. If the fine is  
33 not paid due to financial limitations, the fine may be satisfied by  
34 requiring the juvenile to submit to any other appropriate disposition  
35 provided for in this section;**】** (Deleted by amendment,  
36 P.L. , c. ) (pending before the Legislature as this bill)

37 (9) Order the juvenile to make restitution to a person or entity  
38 who has suffered loss resulting from personal injuries or damage to  
39 property as a result of the offense for which the juvenile has been  
40 adjudicated delinquent. The court may determine the reasonable  
41 amount, terms, and conditions of restitution. If the juvenile  
42 participated in the offense with other persons, the participants shall  
43 be jointly and severally responsible for the payment of restitution.  
44 The court shall not require a juvenile to make full or partial  
45 restitution if the juvenile reasonably satisfies the court that the  
46 juvenile does not have the means to make restitution and could not  
47 reasonably acquire the means to pay restitution;

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

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

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

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

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

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

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

42 (b) Place the juvenile under the custody of the Juvenile Justice  
43 Commission established pursuant to section 2 of P.L.1995, c.284  
44 (C.52:17B-170) for placement with any private group home or  
45 private residential facility with which the commission has entered  
46 into a purchase of service contract;

47 (17) Instead of or in addition to any disposition made according  
48 to this section, the court may postpone, suspend, or revoke for a

1 period not to exceed two years the driver's license, registration  
2 certificate, or both of any juvenile who used a motor vehicle in the  
3 course of committing an act for which the juvenile was adjudicated  
4 delinquent. In imposing this disposition and in deciding the duration  
5 of the postponement, suspension, or revocation, the court shall  
6 consider the severity of the delinquent act and the potential effect of  
7 the loss of driving privileges on the juvenile's ability to be  
8 rehabilitated. Any postponement, suspension, or revocation shall be  
9 imposed consecutively with any custodial commitment;

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

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

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

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

40 (2) **【**No**】** A juvenile **【**may**】** shall not be incarcerated in any  
41 county detention facility unless the county has entered into an  
42 agreement with the Juvenile Justice Commission concerning the use  
43 of the facility for sentenced juveniles. Upon agreement with the  
44 county, the Juvenile Justice Commission shall certify detention  
45 facilities which may receive juveniles sentenced pursuant to this  
46 subsection and shall specify the capacity of the facility that may be  
47 made available to receive such juveniles; provided, however, that in



1 no event shall the number of juveniles incarcerated pursuant to this  
2 subsection exceed 50% of the maximum capacity of the facility.

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

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

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

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

16 (4) If as a result of incarceration of adjudicated juveniles  
17 pursuant to this subsection, a county is required to transport a  
18 predisposition juvenile to a juvenile detention facility in another  
19 county, the costs of such transportation shall be borne by the  
20 Juvenile Justice Commission.

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

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

34 (1) An **【order of incarceration for a term of the duration**  
35 **authorized pursuant to this section or section 25 of P.L.1982, c.77**  
36 **(C.2A:4A-44) or an】** order to perform community service pursuant  
37 to 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) **【An order of incarceration for a term of the duration**  
45 **authorized pursuant to this section or section 25 of P.L.1982, c.77**  
46 **(C.2A:4A-44) which shall include a minimum term of 60 days**  
47 **during which the juvenile shall be ineligible for parole, if the**  
48 **juvenile has been adjudicated delinquent for an act which, if**

1 committed by an adult, would constitute the crime of aggravated  
2 assault in violation of paragraph (6) of subsection b. of  
3 N.J.S.2C:12-1, the second degree crime of eluding in violation of  
4 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case  
5 in which the juvenile has previously been adjudicated delinquent for  
6 an act, which if committed by an adult, would constitute unlawful  
7 taking of a motor vehicle or theft of a motor vehicle; **】** (Deleted by  
8 amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the Legislature  
9 as this bill)

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

16 (4) **【**An order of incarceration for a term of the duration  
17 authorized pursuant to this section or section 25 of P.L.1982, c.77  
18 (C.2A:4A-44) which shall include a minimum term of 30 days  
19 during which the juvenile shall be ineligible for parole, if the  
20 juvenile has been adjudicated delinquent for an act which, if  
21 committed by an adult, would constitute the crime of unlawful  
22 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third  
23 degree crime of eluding in violation of subsection b. of  
24 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated  
25 delinquent for an act which, if committed by an adult, would  
26 constitute either theft of a motor vehicle, the unlawful taking of a  
27 motor vehicle or eluding. **】** (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_)  
28 (pending before the Legislature as this bill)

29 f. (1) **【**The minimum terms of incarceration required pursuant  
30 to subsection e. of this section shall be imposed regardless of the  
31 weight or balance of factors set forth in this section or in section 25  
32 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of  
33 those factors shall determine the length of the term of incarceration  
34 appropriate, if any, beyond any mandatory minimum term required  
35 pursuant to subsection e. of this section. **】** (Deleted by amendment,  
36 P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the Legislature as this bill)

37 (2) **【**When a court in a county that does not have a juvenile  
38 detention facility or a contractual relationship permitting  
39 incarceration pursuant to subsection c. of this section is required to  
40 impose a term of incarceration pursuant to subsection e. of this  
41 section, the court may, subject to limitations on commitment to  
42 State correctional facilities of juveniles who are under the age of 11  
43 or developmentally disabled, set a term of incarceration consistent  
44 with subsection c. which shall be served in a State correctional  
45 facility. When a juvenile who because of age or developmental  
46 disability cannot be committed to a State correctional facility or  
47 cannot be incarcerated in a county facility, the court shall order a

1 disposition appropriate as an alternative to any incarceration  
2 required pursuant to subsection e.】 (Deleted by amendment,  
3 P.L. , c. ) (pending before the Legislature as this bill)

4 (3) 【For purposes of subsection e. of this section, in the event  
5 that a "boot camp" program for juvenile offenders should be  
6 developed and is available, a term of commitment to such a  
7 program shall be considered a term of incarceration.】 Deleted by  
8 amendment, P.L. , c. ) (pending before the Legislature as this  
9 bill)

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

20 h. When the court imposes a term of incarceration pursuant to  
21 section 25 of P.L.1982, c.77 (C.2A:4A-44), it may order the  
22 Juvenile Justice Commission to provide the juvenile with specific  
23 services, as the court deems appropriate.  
24 (cf: P.L.2012, c.16, s.1)

25

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

28 25. Incarceration--Aggravating and mitigating factors

29 a. (1) 【Except as provided in subsections e. and f. of section  
30 24 of P.L.1982, c.77 (C.2A:4A-43), in】 In determining whether  
31 incarceration is an appropriate disposition, the court shall consider  
32 the following aggravating circumstances:

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

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

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

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

46 (e) The fact that the juvenile committed the act pursuant to an  
47 agreement that the juvenile either pay or be paid for the commission

- 1 of the act and that the pecuniary incentive was beyond that inherent  
2 in the act itself;
- 3 (f) The fact that the juvenile committed the act against a  
4 policeman or other law enforcement officer, correctional employee  
5 or fireman, acting in the performance of his duties while in uniform  
6 or exhibiting evidence of his authority, or the juvenile committed  
7 the act because of the status of the victim as a public servant;
- 8 (g) The need for deterring the juvenile and others from violating  
9 the law;
- 10 (h) The fact that the juvenile knowingly conspired with others as  
11 an organizer, supervisor, or manager to commit continuing criminal  
12 activity in concert with two or more persons and the circumstances  
13 of the crime show that he has knowingly devoted himself to  
14 criminal activity as part of an ongoing business activity;
- 15 (i) The fact that the juvenile on two separate occasions was  
16 adjudged a delinquent on the basis of acts which if committed by an  
17 adult would constitute crimes;
- 18 (j) The impact of the offense on the victim or victims;
- 19 (k) The impact of the offense on the community; and
- 20 (l) The threat to the safety of the public or any individual posed  
21 by the child.
- 22 (2) In determining whether incarceration is an appropriate  
23 disposition the court shall consider the following mitigating  
24 circumstances:
- 25 (a) The child is under the age of 14;
- 26 (b) The juvenile's conduct neither caused nor threatened serious  
27 harm;
- 28 (c) The juvenile did not contemplate that the juvenile's conduct  
29 would cause or threaten serious harm;
- 30 (d) The juvenile acted under a strong provocation;
- 31 (e) There were substantial grounds tending to excuse or justify  
32 the juvenile's conduct, though failing to establish a defense;
- 33 (f) The victim of the juvenile's conduct induced or facilitated its  
34 commission;
- 35 (g) The juvenile has compensated or will compensate the victim  
36 for the damage or injury that the victim has sustained, or will  
37 participate in a program of community service;
- 38 (h) The juvenile has no history of prior delinquency or criminal  
39 activity or has led a law-abiding life for a substantial period of time  
40 before the commission of the present act;
- 41 (i) The juvenile's conduct was the result of circumstances  
42 unlikely to recur;
- 43 (j) The character and attitude of the juvenile indicate that the  
44 juvenile is unlikely to commit another delinquent or criminal act;
- 45 (k) The juvenile is particularly likely to respond affirmatively to  
46 noncustodial treatment;

1 (l) The separation of the juvenile from the juvenile's family by  
2 incarceration of the juvenile would entail excessive hardship to the  
3 juvenile or the juvenile's family;

4 (m) The willingness of the juvenile to cooperate with law  
5 enforcement authorities;

6 (n) The conduct of the juvenile was substantially influenced by  
7 another person more mature than the juvenile.

8 b. (1) There shall be a presumption of nonincarceration for any  
9 crime or offense of the fourth degree or less committed by a  
10 juvenile who has not previously been adjudicated delinquent or  
11 convicted of a crime or offense.

12 (2) Where incarceration is imposed, the court and the Juvenile  
13 Justice Commission shall consider the juvenile's eligibility for  
14 release **【under the law governing parole】** pursuant to the provisions  
15 of subsection d. of this section.

16 c. The following juveniles shall not be committed to a State  
17 juvenile facility:

18 (1) Juveniles age 11 or under unless adjudicated delinquent for  
19 the crime of arson or a crime which, if committed by an adult,  
20 would be a crime of the first or second degree; and

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

24 d. (1) When the court determines that, based on the  
25 consideration of all the factors set forth in subsection a., the  
26 juvenile shall be incarcerated, unless it orders the incarceration  
27 pursuant to subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-  
28 43) it shall state on the record the reasons for imposing  
29 incarceration, including any findings with regard to these factors,  
30 and commit the juvenile to the custody of the Juvenile Justice  
31 Commission which shall provide for the juvenile's placement in a  
32 suitable juvenile facility pursuant to the conditions set forth in this  
33 subsection and for terms not to exceed the maximum terms as  
34 provided herein for what would constitute the following crimes if  
35 committed by an adult:

- |   |          |
|---|----------|
| 36 (a) Murder under 2C:11-3a(1) or (2)          | 20 years |
| 37 (b) Murder under 2C:11-3a(3)                 | 10 years |
| 38 (c) Crime of the first degree, except murder | 4 years  |
| 39 (d) Crime of the second degree               | 3 years  |
| 40 (e) Crime of the third degree                | 2 years  |
| 41 (f) Crime of the fourth degree               | 1 year   |
| 42 (g) Disorderly persons offense               | 6 months |

43 (2) **【Except as provided in subsection e. of section 24 of**  
44 **P.L.1982, c.77 (C.2A:4A-43), the】**

45 Any juvenile sentenced to an indeterminate term shall be  
46 immediately eligible for parole. The period of confinement shall  
47 continue until the **【appropriate paroling authority】** commission

1 determines that **【such a】** the person **【should be paroled】** is eligible  
2 for early release or until expiration of the term of confinement,  
3 whichever shall first occur; except that in no case shall the period of  
4 confinement and parole exceed the maximum provided by law for  
5 **【such】** the offense. A juvenile shall be granted early release on  
6 parole when it appears that the juvenile, if released, would not pose  
7 a serious risk of physical injury to persons or substantial injury to  
8 property. However, if a juvenile is approved for parole by the  
9 commission prior to serving one-third of any term imposed for any  
10 crime of the first, second, or third degree, including any extended  
11 term imposed pursuant to paragraph (3) or (4) of this subsection, or  
12 one-fourth of any term imposed for any other crime the granting of  
13 parole shall be subject to approval of the sentencing court. Prior to  
14 approving parole, the court shall give the prosecuting attorney  
15 notice and an opportunity to be heard. If the court denies the parole  
16 of a juvenile pursuant to this paragraph it shall state its reasons in  
17 writing and notify the **【parole board】** commission, the juvenile, and  
18 the juvenile's attorney. The court shall have 30 days from the date  
19 of notice of the pending parole to exercise the power granted under  
20 this paragraph. If the court does not respond within that time  
21 period, the parole will be deemed approved.

22 The commission shall determine at the time of release the  
23 conditions of parole, which shall be appropriately tailored to the  
24 needs of each juvenile. Any conditions imposed shall constitute the  
25 least restrictive alternatives necessary to promote the successful  
26 return of the juvenile to the community. The commission shall not  
27 require the juvenile to enter or complete a residential community  
28 release program, residential treatment program, or other out-of-  
29 home placement as a condition of parole unless the commission  
30 determines that the condition is necessary to protect the safety of  
31 the juvenile.

32 Any juvenile committed under **【this act】** P.L.1982, c.77  
33 (C:2A:4A-20 et seq.) who is released on parole prior to the  
34 expiration of the juvenile's maximum term may be retained under  
35 parole supervision for a period not exceeding the unserved portion  
36 of the term **【and any term of post-incarceration supervision**  
37 **imposed pursuant to paragraph (5) of this subsection】.** The **【Parole**  
38 **Board】** commission, the juvenile, the juvenile's attorney, the  
39 juvenile's parent or guardian or, with leave of the court any other  
40 interested party, may make a motion to the court, with notice to the  
41 prosecuting attorney, for the return of the **【child】** juvenile from a  
42 juvenile facility prior to **【his】** the juvenile's parole and provide for  
43 an alternative disposition which would not exceed the duration of  
44 the original time to be served in the facility. **【Nothing contained in**  
45 **this paragraph shall be construed to limit the authority of the Parole**  
46 **Board as set forth in section 15 of P.L.1979, c.441 (C.30:4-**  
47 **123.59).】**

1 (3) Upon application by the prosecutor, the court may sentence a  
2 juvenile who has been convicted of a crime of the first, second, or  
3 third degree if committed by an adult, to an extended term of  
4 incarceration beyond the maximum set forth in paragraph (1) of this  
5 subsection, if it finds that the juvenile was previously adjudged  
6 delinquent on at least two separate occasions, for offenses which, if  
7 committed by an adult, would constitute a crime of the first or  
8 second degree. The extended term shall not exceed five additional  
9 years for an act which would constitute murder and shall not exceed  
10 three additional years for all other crimes of the first degree and  
11 shall not exceed two additional years for a crime of the second  
12 degree, if committed by an adult, and one additional year for a  
13 crime of the third degree, if committed by an adult.

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

22 (5) **【Every disposition that includes a term of incarceration shall**  
23 **include】** The commission may impose a term of post-incarceration  
24 supervision [equivalent to one-third of the term of incarceration  
25 imposed] following the juvenile's release from custody only if the  
26 commission deems it necessary to effectuate the juvenile's  
27 rehabilitation and reintegration into society. Post-incarceration  
28 supervision shall not exceed six months, except the commission  
29 may extend the term for an additional six months if it deems it  
30 necessary to prevent serious harm to the juvenile or the community.  
31 Post-incarceration supervision shall not exceed one year. Post-  
32 incarceration supervision shall not be imposed on any juvenile who  
33 has completed a period of parole supervision of six months or more.  
34 The term of post-incarceration supervision shall commence on the  
35 date of the expiration of the juvenile's maximum sentence. During  
36 the term of post-incarceration supervision the juvenile shall remain  
37 in the community and in the legal custody of the [Juvenile Justice  
38 Commission established pursuant to section 2 of P.L.1995, c.284  
39 (C.52:17B-170) in accordance with the rules of the parole board,  
40 unless the appropriate parole board panel determines that post-  
41 incarceration supervision should be revoked and the juvenile  
42 returned to custody in accordance with the procedures and standards  
43 set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-  
44 123.59 through C.30:4-123.65). The term of post-incarceration  
45 supervision shall commence upon release from incarceration or  
46 parole, whichever is later】 commission. The commission shall not  
47 require the juvenile to enter or complete a residential community

1 release program, residential treatment program, or other out-of-  
2 home placement as a condition of post-incarceration supervision. A  
3 term of post-incarceration supervision imposed pursuant to this  
4 paragraph may be terminated by the **【appropriate parole board**  
5 **panel】** commission or court if the juvenile has made a satisfactory  
6 adjustment in the community while **【on parole or】** under **【such】**  
7 supervision【,】 and if continued supervision is not required **【and if**  
8 **the juvenile has made full payment of any fine or restitution】**.

9 (6) The commission shall review the case of each juvenile  
10 sentenced to incarceration or an out-of-home placement with the  
11 commission at least every three months and submit a status report to  
12 the court, the prosecutor, and the counsel for the juvenile. The  
13 commission's review and status report shall include, but not be  
14 limited to:

15 (a) information on the treatment, care, and custody of the  
16 juvenile;

17 (b) whether the juvenile is receiving the mental health,  
18 substance abuse, educational, and other rehabilitative services  
19 necessary to promote the juvenile's successful reintegration into the  
20 community;

21 (c) any incidents of violence involving the juvenile; and

22 (d) the juvenile's eligibility for parole.

23 Counsel for the juvenile shall have the opportunity to respond to  
24 the report required pursuant to this paragraph.

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

36 e. If the commission determines there is probable cause to  
37 believe that the juvenile has seriously or persistently violated the  
38 terms and conditions of parole, the commission shall conduct a  
39 hearing to determine if the juvenile's parole should be revoked.  
40 The juvenile shall be represented by counsel at the hearing. The  
41 hearing shall be conducted by a hearing officer who is licensed as  
42 an attorney-at-law in this State. The juvenile shall not be  
43 incarcerated prior to the hearing unless the commission determines  
44 by objective and credible evidence that the juvenile poses an  
45 immediate and substantial danger to public safety. If the juvenile is  
46 incarcerated prior to the hearing, the hearing shall be held within 72  
47 hours of the juvenile's return to custody and a written decision



1 made and transmitted to the juvenile and the juvenile's counsel  
2 within 48 hours of the hearing. Upon request of counsel for the  
3 juvenile, the hearing officer shall adjourn the hearing for not more  
4 than 72 hours. Subsequent adjournments may be granted upon  
5 request of the juvenile and good cause shown.

6 The commission shall not revoke the parole of a juvenile unless  
7 the hearing officer determines, by clear and convincing evidence,  
8 that:

9 (1) the juvenile has seriously or persistently violated the  
10 conditions of parole;

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

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

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

20 Notwithstanding a determination that the juvenile violated a  
21 condition of parole, the commission may modify those conditions.

22 f. The commission may relieve a juvenile of any parole  
23 conditions, and may permit a parolee to reside outside the State  
24 pursuant to the provisions of the Interstate Compact on Juveniles,  
25 P.L.1955, c.55 (C.9:23-1 to 9:23-4), and after providing notice to  
26 the Attorney General, the federal Witness Security Reform Act, if  
27 the commission is satisfied that the change will not result in a  
28 substantial likelihood that the juvenile will commit an offense  
29 which would be a crime under the laws of this State. The  
30 commission may revoke permission, except in the case of a juvenile  
31 under the Witness Security Reform Act, or reinstate relieved parole  
32 conditions for any period of time during which a juvenile is under  
33 its jurisdiction.

34 g. The commission shall promulgate rules and regulations  
35 governing the commission's duties and responsibilities concerning  
36 parole eligibility, supervision, and revocation.

37 (cf: P.L.2015, c.89, s.3)

38  
39 4. N.J.S.2C:35-15 is amended to read as follows:

40 2C:35-15. a. (1) In addition to any disposition authorized by  
41 this title, **the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-**  
42 **43) or any other statute indicating the dispositions that can be**  
43 **ordered for an adjudication of delinquency, every person convicted**  
44 **of [or adjudicated delinquent for] a violation of any offense**  
45 **defined in this chapter or chapter 36 of this title shall be assessed**  
46 **for each [such] offense a penalty fixed at:**

47 (a) **[\$3,000.00] \$3,000** in the case of a crime of the first degree;

1 (b) ~~[\$2,000.00]~~ \$2,000 in the case of a crime of the second  
2 degree;

3 (c) ~~[\$1,000.00]~~ \$1,000 in the case of a crime of the third  
4 degree;

5 (d) ~~[\$750.00]~~ \$750 in the case of a crime of the fourth degree;

6 (e) ~~[\$500.00]~~ \$500 in the case of a disorderly persons or petty  
7 disorderly persons offense.

8 (2) A person being sentenced for more than one offense set forth  
9 in subsection a. of this section who is ~~[neither]~~ not placed in  
10 supervisory treatment pursuant to this section ~~[nor]~~ or ordered to  
11 perform reformatory service pursuant to subsection f. of this section  
12 may, in the discretion of the court, be assessed a single penalty  
13 applicable to the highest degree offense for which the person is  
14 convicted ~~[or adjudicated delinquent]~~, if the court finds that the  
15 defendant has established the following:

16 (a) the imposition of multiple penalties would constitute a  
17 serious hardship that outweighs the need to deter the defendant  
18 from future criminal activity; and

19 (b) the imposition of a single penalty would foster the  
20 defendant's rehabilitation.

21 Every person placed in supervisory treatment pursuant to the  
22 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of  
23 any offense defined in this chapter or chapter 36 of this title shall be  
24 assessed the penalty prescribed ~~[herein]~~ in this section and  
25 applicable to the degree of the offense charged, except that the court  
26 shall not impose more than one such penalty regardless of the  
27 number of offenses charged. If the person is charged with more than  
28 one offense, the court shall impose as a condition of supervisory  
29 treatment the penalty applicable to the highest degree offense for  
30 which the person is charged.

31 All penalties provided for in this section shall be in addition to  
32 and not in lieu of any fine authorized by law or required to be  
33 imposed pursuant to the provisions of N.J.S.2C:35-12.

34 b. All penalties provided for in this section shall be collected as  
35 provided for collection of fines and restitutions in section 3 of  
36 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
37 Department of the Treasury as provided in subsection c. of this  
38 section.

39 c. All moneys collected pursuant to this section shall be  
40 forwarded to the Department of the Treasury to be deposited in a  
41 nonlapsing revolving fund to be known as the "Drug Enforcement  
42 and Demand Reduction Fund." Moneys in the fund shall be  
43 appropriated by the Legislature on an annual basis for the purposes  
44 of funding in the following order of priority: (1) the Alliance to  
45 Prevent Alcoholism and Drug Abuse and its administration by the  
46 Governor's Council on Alcoholism and Drug Abuse; (2) the  
47 "Alcoholism and Drug Abuse Program for the Deaf, Hard of

1 Hearing and Disabled" established pursuant to section 2 of  
2 P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free  
3 New Jersey," the State affiliate of the "Partnership for a Drug Free  
4 America"; and (4) other alcohol and drug abuse programs.

5 Moneys appropriated for the purpose of funding the "Alcoholism  
6 and Drug Abuse Program for the Deaf, Hard of Hearing and  
7 Disabled" shall not be used to supplant moneys that are available to  
8 the Department of Health and Senior Services as of the effective  
9 date of P.L.1995, c.318 (C.26:2B-36 et al.), and that would  
10 otherwise have been made available to provide alcoholism and drug  
11 abuse services for the deaf, hard of hearing and disabled, nor shall  
12 the moneys be used for the administrative costs of the program.

13 d. (Deleted by amendment, P.L.1991, c.329).

14 e. The court may suspend the collection of a penalty imposed  
15 pursuant to this section; provided the person is ordered by the court  
16 to participate in a drug or alcohol rehabilitation program approved  
17 by the court; and further provided that the person agrees to pay for  
18 all or some portion of the costs associated with the rehabilitation  
19 program. In this case, the collection of a penalty imposed pursuant  
20 to this section shall be suspended during the person's participation  
21 in the approved, court-ordered rehabilitation program. Upon  
22 successful completion of the program, as determined by the court  
23 upon the recommendation of the treatment provider, the person may  
24 apply to the court to reduce the penalty imposed pursuant to this  
25 section by any amount actually paid by the person for **【his**  
26 **participation】** participating in the program. The court shall not  
27 reduce the penalty pursuant to this subsection unless the person  
28 establishes to the satisfaction of the court that **【he】** the person has  
29 successfully completed the rehabilitation program. If the person's  
30 participation is for any reason terminated before **【his】** successful  
31 completion of the rehabilitation program, collection of the entire  
32 penalty imposed pursuant to this section shall be enforced. Nothing  
33 in this section shall be deemed to affect or suspend any other  
34 criminal sanctions imposed pursuant to this chapter or chapter 36 of  
35 this title.

36 f. A person required to pay a penalty under this section may  
37 propose to the court and the prosecutor a plan to perform  
38 reformatory service in lieu of payment of up to one-half of the  
39 penalty amount imposed under this section. The reformatory  
40 service plan option shall not be available if the provisions of  
41 paragraph (2) of subsection a. of this section apply or if the person  
42 is placed in supervisory treatment pursuant to the provisions of  
43 N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section,  
44 "reformatory service" shall include training, education or work, in  
45 which regular attendance and participation is required, supervised,  
46 and recorded, and which would assist in the defendant's  
47 rehabilitation and reintegration. "Reformatory service" shall  
48 include, but not be limited to, substance abuse treatment or services,

1 other therapeutic treatment, educational or vocational services,  
2 employment training or services, family counseling, service to the  
3 community and volunteer work. For the purposes of this section, an  
4 application to participate in a court-administered alcohol and drug  
5 rehabilitation program shall have the same effect as the submission  
6 of a reformatory service plan to the court.

7 The court, in its discretion, shall determine whether to accept the  
8 plan, after considering the position of the prosecutor, the plan's  
9 appropriateness and practicality, the defendant's ability to pay, and  
10 the effect of the proposed service on the defendant's rehabilitation  
11 and reintegration into society. The court shall determine the amount  
12 of the credit that would be applied against the penalty upon  
13 successful completion of the reformatory service, not to exceed one-  
14 half of the amount assessed, except that the court may, in the case  
15 of an extreme financial hardship, waive additional amounts of the  
16 penalty owed by a person who has completed a court administered  
17 alcohol and drug rehabilitation program if necessary to aid the  
18 person's rehabilitation and reintegration into society. The court shall  
19 not apply the credit against the penalty unless the person establishes  
20 to the satisfaction of the court that **【he】** the person has successfully  
21 completed the reformatory service. If the person's participation is  
22 for any reason terminated before his successful completion of the  
23 reformatory service, collection of the entire penalty imposed  
24 pursuant to this section shall be enforced. Nothing in this  
25 subsection shall be deemed to affect or suspend any other criminal  
26 sanctions imposed pursuant to this chapter or chapter 36 of this  
27 title.

28 Any reformatory service ordered pursuant to this section shall be  
29 in addition to and not in lieu of any community service imposed by  
30 the court or otherwise required by law. Nothing in this section shall  
31 limit the court's authority to order a person to participate in any  
32 activity, program, or treatment in addition to those proposed in a  
33 reformatory service plan.

34 (cf: P.L.2008, c.15, s.2)

35

36 5. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to  
37 read as follows:

38 2. a. (1) In addition to any disposition made pursuant to the  
39 provisions of N.J.S.2C:43-2, any person convicted of a crime of  
40 violence, theft of an automobile pursuant to N.J.S.2C:20-2, eluding  
41 a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-  
42 2, or unlawful taking of a motor vehicle pursuant to subsection b.,  
43 c., or d. of N.J.S.2C:20-10 shall be assessed at least **【\$100.00】**  
44 \$100, but not to exceed **【\$10,000.00】** \$10,000 for each **【such】**  
45 crime for which **【he】** the person was convicted which resulted in  
46 the injury or death of another person. In imposing this assessment,  
47 the court shall consider factors such as the severity of the crime, the

1 defendant's criminal record, defendant's ability to pay, and the  
2 economic impact of the assessment on the defendant's dependents.

3 (2) (a) In addition to any other disposition made pursuant to the  
4 provisions of N.J.S.2C:43-2 or any other statute imposing sentences  
5 for crimes, any person convicted of any disorderly persons offense,  
6 any petty disorderly persons offense, or any crime not resulting in  
7 the injury or death of any other person shall be assessed ~~[\$50.00]~~  
8 \$50 for each ~~[such]~~ offense or crime for which ~~[he]~~ the person was  
9 convicted.

10 (b) ~~[In addition to any other disposition made pursuant to the~~  
11 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any~~  
12 ~~other statute indicating the dispositions that can be ordered for~~  
13 ~~adjudications of delinquency, any juvenile adjudicated delinquent,~~  
14 ~~according to the definition of "delinquency" established in section 4~~  
15 ~~of P.L.1982, c.77 (C.2A:4A-23), shall be assessed at least \$30.00~~  
16 ~~for each such adjudication, but not to exceed the amount which~~  
17 ~~could be assessed pursuant to paragraph (1) or paragraph (2) (a) of~~  
18 ~~subsection a. of this section if the offense was committed by an~~  
19 ~~adult.] (Deleted by amendment, P.L. c. ) (pending before the~~  
20 Legislature as this bill)

21 (c) In addition to any other assessment imposed pursuant to the  
22 provisions of R.S.39:4-50, the provisions of section 12 of P.L.1990,  
23 c.103 (C.39:3-10.20) relating to a violation of section 5 of  
24 P.L.1990, c.103 (C.39:3-10.13), the provisions of section 19 of  
25 P.L.1954, c.236 (C.12:7-34.19) or the provisions of section 3 of  
26 P.L.1952, c.157 (C.12:7-46), any person convicted of operating a  
27 motor vehicle, commercial motor vehicle or vessel while under the  
28 influence of liquor or drugs shall be assessed ~~[\$50.00]~~ \$50.

29 (d) In addition to any term or condition that may be included in  
30 an agreement for supervisory treatment pursuant to N.J.S.2C:43-13  
31 or imposed as a term or condition of conditional discharge pursuant  
32 to N.J.S.2C:36A-1, a participant in either program shall be required  
33 to pay an assessment of ~~[\$50.00]~~ \$50.

34 (3) All assessments provided for in this section shall be  
35 collected as provided in section 3 of P.L.1979, c.396 (C.2C:46-4)  
36 and the court shall so order at the time of sentencing. When a  
37 defendant who is sentenced to incarceration in a State correctional  
38 facility has not, at the time of sentencing, paid an assessment for the  
39 crime for which ~~[he]~~ the defendant is being sentenced or an  
40 assessment imposed for a previous crime, the court shall  
41 specifically order the Department of Corrections to collect the  
42 assessment during the period of incarceration and to deduct the  
43 assessment from any income the inmate receives as a result of labor  
44 performed at the institution or on any work release program or from  
45 any personal account established in the institution for the benefit of  
46 the inmate. All moneys collected, whether in part or in full payment  
47 of any assessment imposed pursuant to this section, shall be

1 forwarded monthly by the parties responsible for collection,  
2 together with a monthly accounting on forms prescribed by the  
3 Victims of Crime Compensation Board pursuant to section 19 of  
4 P.L.1991, c.329 (C.52:4B-8.1), to the Victims of Crime  
5 Compensation Board.

6 (4) The Victims of Crime Compensation Board shall forward  
7 monthly all moneys received from assessments collected pursuant  
8 to this section to the State Treasury for deposit as follows:

9 (a) Of moneys collected on assessments imposed pursuant to  
10 paragraph **[a.]** (1) of subsection a. of this section:

11 (i) the first **[\$72.00]** \$72 collected for deposit in the Victims of  
12 Crime Compensation Board Account,

13 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
14 Disposition and Revenue Collection Fund,

15 (iii) the next **[\$25.00]** \$25 collected for deposit in the Victim  
16 Witness Advocacy Fund, and

17 (iv) moneys collected in excess of **[\$100.00]** \$100 for deposit in  
18 the Victims of Crime Compensation Board Account;

19 (b) Of moneys collected on assessments imposed pursuant to  
20 **[paragraph a. (2)]** subparagraphs (a), (c), or (d) of paragraph (2) of  
21 subsection a. of this section:

22 (i) the first **[\$39.00]** \$39 collected for deposit in the Victims of  
23 Crime Compensation Board Account,

24 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
25 Disposition and Revenue Collection Fund, and

26 (iii) the next **[\$8.00]** \$8 collected for deposit in the Victim and  
27 Witness Advocacy Fund;

28 (c) Of moneys collected on assessments imposed pursuant to  
29 **[paragraph a. (2) (b)]** subparagraph (b) of paragraph (2) of  
30 subsection a. of this section:

31 (i) the first **[\$17.00]** \$17 for deposit in the Victims of Crime  
32 Compensation Board Account, and

33 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
34 Disposition and Revenue Collection Fund, and

35 (iii) the next **[\$10.00]** \$10 for deposit in the Victim and Witness  
36 Advocacy Fund, and

37 (iv) moneys collected in excess of **[\$30.00]** \$30 for deposit in  
38 the Victims of Crime Compensation Board Account.

39 (5) The Victims of Crime Compensation Board shall provide the  
40 Attorney General with a monthly accounting of moneys received,  
41 deposited and identified as receivable, on forms prescribed pursuant  
42 to section 19 of P.L.1991, c.329 (C.52:4B-8.1).

43 (6) (a) The Victims of Crime Compensation Board Account  
44 shall be a separate, nonlapsing, revolving account that shall be  
45 administered by the Victims of Crime Compensation Board. All  
46 moneys deposited in that Account shall be used in satisfying claims  
47 pursuant to the provisions of the "Criminal Injuries Compensation

1 Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) and for related  
2 administrative costs.

3 (b) The Criminal Disposition and Revenue Collection Fund shall  
4 be a separate, nonlapsing, revolving account that shall be  
5 administered by the Victims of Crime Compensation Board. All  
6 moneys deposited in that Fund shall be used as provided in section  
7 19 of P.L.1991, c.329 (C.52:4B-8.1).

8 (c) The Victim and Witness Advocacy Fund shall be a separate,  
9 nonlapsing, revolving fund and shall be administered by the  
10 Division of Criminal Justice, Department of Law and Public Safety  
11 and all moneys deposited in that Fund pursuant to this section shall  
12 be used for the benefit of victims and witnesses of crime as  
13 provided in section 20 of P.L.1991, c.329 (C.52:4B-43.1) and for  
14 related administrative costs.

15 b. (Deleted by amendment, P.L.1991, c.329).

16 c. (Deleted by amendment, P.L.1991, c.329).

17 d. (Deleted by amendment, P.L.1991, c.329).

18 (cf: P.L.1995, c.135, s.1)

19

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

22 3. a. All fines, assessments imposed pursuant to section 2 of  
23 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
24 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
25 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
26 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
27 penalties imposed pursuant to section 1 of P.L.2009, c.143  
28 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
29 P.L.2013, c.214 (C.30:4-123.97),<sub>2</sub> and restitution shall be collected  
30 as follows:

31 (1) All fines, assessments imposed pursuant to section 2 of  
32 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
33 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
34 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
35 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
36 penalties imposed pursuant to section 1 of P.L.2009, c.143  
37 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
38 P.L.2013, c.214 (C.30:4-123.97),<sub>2</sub> and restitution imposed by the  
39 Superior Court or otherwise imposed at the county level, shall be  
40 collected by the county probation division except when **[such]** the  
41 fine, assessment,<sub>2</sub> or restitution is imposed in conjunction with a  
42 custodial sentence to a State correctional facility or in conjunction  
43 with a term of incarceration imposed pursuant to section 25 of  
44 P.L.1982, c.77 (C.2A:4A-44) in which event **[such]** the fine,  
45 assessment,<sub>2</sub> or restitution shall be collected by the Department of  
46 Corrections **[or the Juvenile Justice Commission established**  
47 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)]. An adult

1 prisoner of a State correctional institution **【**or a juvenile serving a  
2 term of incarceration imposed pursuant to section 25 of P.L.1982,  
3 c.77 (C.2A:4A-44)**】** who has not paid an assessment imposed  
4 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty  
5 imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a  
6 penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-  
7 10), a penalty imposed pursuant to section 1 of P.L.2009, c.143  
8 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013,  
9 c.214 (C.30:4-123.97),<sub>2</sub> or restitution shall have the assessment,  
10 penalty, fine,<sub>2</sub> or restitution deducted from any income the inmate  
11 receives as a result of labor performed at the institution or on any  
12 type of work release program or, pursuant to regulations  
13 promulgated by the Commissioner of the Department of Corrections  
14 **【**or the Juvenile Justice Commission**】**, from any personal account  
15 established in the institution for the benefit of the inmate.

16 (a) A payment of restitution collected by the Department of  
17 Corrections pursuant to this paragraph shall be maintained by the  
18 department for two years during which the department shall attempt  
19 to locate the victim to whom the restitution is owed. If the  
20 department has not located the victim and the victim has not come  
21 forward to claim the payment within this two-year period, the  
22 payment shall be transferred to the Victims of Crime Compensation  
23 Office Account to be used in satisfying claims pursuant to the  
24 provisions of the "Criminal Injuries Compensation Act of 1971,"  
25 P.L.1971, c.317 (C.52:4B-1 et seq.).

26 (b) If the Department of Corrections has transferred a payment  
27 of restitution to the Victims of Crime Compensation Office  
28 pursuant to subparagraph (a) of this paragraph, the department shall  
29 provide the office with the order for restitution and any other  
30 information regarding the identity of the victim to whom the  
31 payment is owed. The office shall be responsible for maintaining  
32 this information and for distributing payments of restitution to  
33 victims who can prove they are owed the payments.

34 (2) All fines, assessments imposed pursuant to section 2 of  
35 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to  
36 section 1 of P.L.1999, c.295 (C.2C:43-3.5),<sub>2</sub> and restitution imposed  
37 by a municipal court shall be collected by the municipal court  
38 administrator except if **【**such**】** the fine, assessments imposed  
39 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
40 restitution is ordered as a condition of probation in which event it  
41 shall be collected by the county probation division.

42 b. Except as provided in subsection c. with respect to fines  
43 imposed on appeals following convictions in municipal courts and  
44 except as provided in subsection i. with respect to restitution  
45 imposed under the provisions of P.L.1997, c.253 (C.2C:43-  
46 3.4 et al.), all fines imposed by the Superior Court or otherwise



1 imposed at the county level, shall be paid over by the officer  
2 entitled to collect **【same】** the fines to:

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

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

9 c. All fines imposed by municipal courts, except a central  
10 municipal court established pursuant to N.J.S.2B:12-1 on  
11 defendants convicted of crimes, disorderly persons offenses, and  
12 petty disorderly persons offenses, and all fines imposed following  
13 conviction on appeal therefrom, and all forfeitures of bail shall be  
14 paid over by the officer entitled to collect **【same】** the fines to the  
15 treasury of the municipality wherein the municipal court is located.

16 In the case of an intermunicipal court, fines shall be paid into the  
17 municipal treasury of the municipality in which the offense was  
18 committed, and costs, fees, and forfeitures of bail shall be  
19 apportioned among the several municipalities to which the court's  
20 jurisdiction extends according to the ratios of the municipalities'  
21 contributions to the total expense of maintaining the court.

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

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

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

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

35 g. All restitution ordered to be paid to the Victims of Crime  
36 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded  
37 to the office for deposit in the Victims of Crime Compensation  
38 Office Account.

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

42 i. All restitution imposed on defendants under the provisions  
43 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law  
44 enforcement entity in extraditing the defendant from another  
45 jurisdiction shall be paid over by the officer entitled to collect  
46 **【same】** the restitution to the law enforcement entities which  
47 participated in the extradition of the defendant.

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

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

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

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

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

16 (cf: P.L.2015, c.55, s.1)

17  
18 7. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to  
19 read as follows:

20 3. a. There is hereby created and established within the  
21 Department of Corrections a State Parole Board which shall consist  
22 of a chairman, 14 associate members and three alternate board  
23 members. The chairman, associate members and alternate board  
24 members shall be appointed by the Governor with the advice and  
25 consent of the Senate from qualified persons with training or  
26 experience in law, sociology, criminal justice, **[juvenile justice]** or  
27 related branches of the social sciences. Members of the board and  
28 the alternate board members shall be appointed for terms of six  
29 years and the terms of their successors shall be calculated from the  
30 expiration of the incumbent's term. Members shall serve until their  
31 successors are appointed and have qualified.

32 The Governor shall designate a vice-chairman from among the  
33 associate members. The vice-chairman shall assume the duties of  
34 the chairman when the chairman is absent, unavailable or otherwise  
35 unable to perform his duties, or, in the case of removal or a  
36 permanent incapacity, until the qualification of a successor  
37 chairman appointed by the Governor.

38 Any alternate board member may assume the duties of an  
39 associate member when the associate member is absent, unavailable  
40 or otherwise unable to perform his duties, or the associate member  
41 assumes the duties of the chairman, and shall perform those duties  
42 only until the associate resumes his duties, or, in the case of  
43 removal or a permanent incapacity, the qualification of a successor  
44 appointed by the Governor.

45 b. (1) Any vacancy occurring in the membership of the board,  
46 otherwise than by expiration of term, shall be filled in the same  
47 manner as one occurring by expiration of term, but for the  
48 unexpired term only. Any member of the board, including any

1 alternate board member, may be removed from office by the  
2 Governor for cause.

3 (2) Upon certification of the chairman that additional parole  
4 panels are needed on a temporary basis for the efficient processing  
5 of parole decisions, the Governor also may appoint not more than  
6 four temporary acting parole board members from qualified persons  
7 with training or experience in law, sociology, criminal justice,  
8 juvenile justice or related branches of the social sciences. A  
9 temporary acting member shall be appointed for a term of three  
10 months. The Governor may extend the appointment of any or all of  
11 the temporary acting members for additional terms of three months,  
12 upon certification of the chairman that additional parole panels are  
13 needed on a temporary basis for the efficient processing of parole  
14 decisions. A temporary acting member shall be authorized to  
15 participate in administrative review of initial parole hearing  
16 decisions, parole consideration hearings and determinations  
17 concerning revocation or rescission of parole.

18 c. The members of the board shall devote their full time to the  
19 performance of their duties and be compensated pursuant to section  
20 2 of P.L.1974, c.55 (C.52:14-15.108). Any alternate member and  
21 any temporary acting members shall be entitled to compensation.  
22 The amount of such compensation shall be determined by  
23 multiplying the rate an associate member would be paid on a per  
24 diem basis times the number of days the alternate board member or  
25 temporary acting member actually performed the duties of an  
26 associate member in accordance with the provisions of this section.

27 d. **At the time of appointment, the Governor shall designate**  
28 **two associate members of the board to serve on a panel on juvenile**  
29 **commitments. The remaining 12】** The associate members of the  
30 board shall be appointed by the Governor to panels on adult  
31 sentences and assigned by the chairman of the board to six panels  
32 on adult sentences. The chairman of the board shall be a member of  
33 each panel. Nothing provided herein shall prohibit the chairman  
34 from reassigning any member appointed to a panel on adult  
35 sentences to facilitate the efficient function of the board. Nothing  
36 provided herein shall prohibit the chairman from temporarily  
37 reassigning any member appointed **to a panel on juvenile**  
38 **commitments】** to a panel on adult sentences or a panel on young  
39 adult sentences to facilitate the efficient function of the board. The  
40 alternate board member may assume, in accordance with the  
41 provisions of this section, the duties of any associate member**【,**  
42 **regardless of whether that associate member serves on a panel on**  
43 **juvenile commitments or panels on adult sentences】.** The chairman  
44 may assign a temporary acting member to a panel on adult  
45 sentences **【or juvenile commitments】.**

46 e. Of the associate members first appointed to the four  
47 positions created pursuant to the provisions of P.L.2001, c.141, one

1 shall be appointed for a term of six years; one shall be appointed for  
2 a term of five years; one shall be appointed for a term of four years  
3 and one shall be appointed for a term of three years.  
4 (cf: P.L.2001, c.141, s.1)

5  
6 8. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to  
7 read as follows:

8 4. a. All policies and determinations of the Parole Board shall  
9 be made by the majority vote of the members.

10 b. Except where otherwise noted, parole determinations on  
11 individual cases pursuant to this act shall be made by the majority  
12 vote of a quorum of the appropriate board panel established  
13 pursuant to this section.

14 c. The chairman of the board shall be the chief executive  
15 officer of the board and, after consulting with the board, shall be  
16 responsible for designating the time and place of all board  
17 meetings, for appointing the board's employees, for organizing,  
18 controlling and directing the work of the board and its employees,  
19 and for preparation and justification of the board's budget. Only the  
20 employees in those titles and positions as are designated by the  
21 Civil Service Commission shall serve at the pleasure of the  
22 chairman and shall not be subject to the provisions of Title 11A of  
23 the New Jersey Statutes. All other employees, including hearing  
24 officers, shall be in the career service and subject to the provisions  
25 of Title 11A of the New Jersey Statutes. All such career service  
26 employees who are employed by the State Parole Board on  
27 September 5, 2001, and in the case of hearing officers, those who  
28 have been employed by the State Parole Board for a period of at  
29 least one year prior to the effective date of P.L.2005, c.344, shall  
30 have permanent career service status with seniority awarded from  
31 the date of their appointments. Parole officers assigned to supervise  
32 adult parolees and all supervisory titles associated with the  
33 supervision of adult parolees in the parole officer series shall be  
34 classified employees subject to the provisions of Title 11A of the  
35 New Jersey Statutes. Parole officers assigned to supervise adult  
36 parolees and all supervisory titles associated with the supervision of  
37 adult parolees in the parole officer job classification series shall be  
38 organizationally assigned to the State Parole Board with a sworn  
39 member of the Division of Parole appointed to act as director of  
40 parole supervision. The director of parole supervision shall report  
41 directly to the Chairman of the State Parole Board or to such person  
42 as the chairman may designate.

43 d. The board shall promulgate **【such】** reasonable rules and  
44 regulations, consistent with this act, as may be necessary for the  
45 proper discharge of its responsibilities. The chairman shall file  
46 **【such】** the rules and regulations with the Secretary of State. The  
47 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
48 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and

1 regulations concerning policy and administration, but not to other  
2 actions taken under this act, such as parole hearings, parole  
3 revocation hearings and review of parole cases. In determination of  
4 its rules and regulations concerning policy and administration, the  
5 board shall consult the Governor~~[,]~~ and the Commissioner of  
6 Corrections ~~【and the Juvenile Justice Commission established~~  
7 ~~pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)】~~.

8 e. The board, in conjunction with the Department of  
9 Corrections ~~【and the Juvenile Justice Commission】~~, shall develop a  
10 uniform information system in order to closely monitor the parole  
11 process. ~~【Such】~~ The system shall include participation in the  
12 Uniform Parole Reports of the National Council on Crime and  
13 Delinquency.

14 f. The board annually shall transmit a report of its work for the  
15 preceding fiscal year, including information on the causes and  
16 extent of parole recidivism~~[,]~~ to the Governor~~[,]~~ and the  
17 Legislature ~~【and the Juvenile Justice Commission annually】~~. The  
18 report shall include information regarding medical parole including,  
19 but not limited to, the number of inmates who applied for medical  
20 parole, the number of inmates who were granted medical parole,  
21 and the number of inmates who were denied medical parole. The  
22 report also may include relevant information on compliance with  
23 established time frames in the processing of parole eligibility  
24 determinations, the effectiveness of any pertinent legislative or  
25 administrative measures, and any recommendations to enhance  
26 board operations or to effectuate the purposes of the "Parole Act of  
27 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

28 g. The board shall give public notice prior to considering any  
29 adult inmate for release.

30 h. ~~【The board shall give notice to the appropriate prosecutor's~~  
31 ~~office and to the committing court prior to the initial consideration~~  
32 ~~of any juvenile inmate for release.】~~ Deleted by amendment,  
33 P.L. c. (pending before the Legislature as this bill)  
34 (cf: P.L.2017, c.235, s.2)

35  
36 9. Section 5 of P.L.1979, c.441 (C.30:4-123.49) is amended to  
37 read as follows:

38 5. a. The chairman of the board, after consulting with the  
39 board, shall assign any case not otherwise assigned, such as county  
40 jail, workhouse, or penitentiary cases, to a special panel composed  
41 of any two members or any one member and one hearing officer as  
42 necessary for the efficient functioning of the board.

43 b. Nothing contained in this act shall be deemed to preclude a  
44 member of any board panel from exercising all the functions,  
45 powers, and duties of a hearing officer upon designation by the  
46 chairman; provided, however, that no member so designated shall

1 participate in the disposition of a panel or board review of his initial  
2 decision.

3 c. **【No hearing officer assigned to review adult cases shall be**  
4 **assigned to review juvenile cases pursuant to sections 13 and 19 of**  
5 **P.L.1979, c.441 (C.30:4-123.57 and 30:4-123.63), nor shall any**  
6 **hearing officer assigned to review juvenile cases be assigned to**  
7 **review adult cases】** (Deleted by amendment, P.L. c. )  
8 (pending before the Legislature as this bill)

9 d. Representatives of the board or the chairman designated  
10 pursuant to this act may include employees of the board and  
11 employees of other agencies such as the Department of Corrections  
12 **【or the Juvenile Justice Commission established pursuant to section**  
13 **2 of P.L.1995, c.284 (C.52:17B-170)】**, provided that no employee  
14 of the Department of Corrections **【or the Juvenile Justice**  
15 **Commission】** shall be so designated without the approval of the  
16 Commissioner of Corrections **【or the Executive Director of the**  
17 **Commission】**. Such representatives shall not participate in the  
18 disposition of parole cases.

19 (cf: P.L.2001, c.79, s.17)

20

21 10. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to  
22 read as follows:

23 7. a. Each adult inmate sentenced to a term of incarceration in  
24 a county penal institution, or to a specific term of years at the State  
25 Prison or the correctional institution for women shall become  
26 primarily eligible for parole after having served any judicial or  
27 statutory mandatory minimum term, or one-third of the sentence  
28 imposed where no mandatory minimum term has been imposed less  
29 commutation time for good behavior pursuant to N.J.S.2A:164-24  
30 or R.S.30:4-140 and credits for diligent application to work and  
31 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-  
32 28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the  
33 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
34 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
35 way reduce any judicial or statutory mandatory minimum term and  
36 such credits accrued shall only be awarded subsequent to the  
37 expiration of the term.

38 b. Each adult inmate sentenced to a term of life imprisonment  
39 shall become primarily eligible for parole after having served any  
40 judicial or statutory mandatory minimum term, or 25 years where  
41 no mandatory minimum term has been imposed less commutation  
42 time for good behavior and credits for diligent application to work  
43 and other institutional assignments. If an inmate sentenced to a  
44 specific term or terms of years is eligible for parole on a date later  
45 than the date upon which he would be eligible if a life sentence had  
46 been imposed, then in such case the inmate shall be eligible for  
47 parole after having served 25 years, less commutation time for good

1 behavior and credits for diligent application to work and other  
2 institutional assignments. Consistent with the provisions of the  
3 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
4 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
5 way reduce any judicial or statutory mandatory minimum term and  
6 such credits accrued shall only be awarded subsequent to the  
7 expiration of the term.

8 c. Each adult inmate sentenced to a specific term of years  
9 pursuant to the "Controlled Dangerous Substances Act," P.L.1970,  
10 c.226 (C.24:21-1 et al.) shall become primarily eligible for parole  
11 after having served one-third of the sentence imposed less  
12 commutation time for good behavior and credits for diligent  
13 application to work and other institutional assignments.

14 d. Each adult inmate sentenced to an indeterminate term of  
15 years as a young adult offender pursuant to N.J.S.2C:43-5 shall  
16 become primarily eligible for parole consideration pursuant to a  
17 schedule of primary eligibility dates developed by the board, less  
18 adjustment for program participation. In no case shall the board  
19 schedule require that the primary parole eligibility date for a young  
20 adult offender be greater than the primary parole eligibility date  
21 required pursuant to this section for the presumptive term for the  
22 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

23 e. Each adult inmate sentenced for an offense specified in  
24 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

25 (1) If the court finds that the offender's conduct was not  
26 characterized by a pattern of repetitive, compulsive behavior or  
27 finds that the offender is not amenable to sex offender treatment, or  
28 if after sentencing the Department of Corrections in its most recent  
29 examination determines that the offender is not amenable to sex  
30 offender treatment, the offender shall become primarily eligible for  
31 parole after having served any judicial or statutory mandatory  
32 minimum term or one-third of the sentence imposed where no  
33 mandatory minimum term has been imposed. Neither such term  
34 shall be reduced by commutation time for good behavior pursuant  
35 to R.S.30:4-140 or credits for diligent application to work and other  
36 institutional assignments pursuant to R.S.30:4-92.

37 (2) **【All other】** Young adult offenders shall be eligible for  
38 parole pursuant to the provisions of N.J.S.2C:47-5, except no  
39 offender shall become primarily eligible for parole prior to the  
40 expiration of any judicial or statutory mandatory minimum term.

41 f. **【Each juvenile inmate committed to an indeterminate term  
42 shall be immediately eligible for parole】** (Deleted by amendment,  
43 P.L. c. ) (pending before the Legislature as this bill)

44 g. Each adult inmate of a county jail, workhouse, or  
45 penitentiary shall become primarily eligible for parole upon service  
46 of 60 days of his aggregate sentence or as provided for in  
47 subsection a. of this section, whichever is greater. Whenever any  
48 such inmate's parole eligibility is within six months of the date of

1 such sentence, the judge shall state such eligibility on the record  
2 which shall satisfy all public and inmate notice requirements. The  
3 chief executive officer of the institution in which county inmates  
4 are held shall generate all reports pursuant to subsection d. of  
5 section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board  
6 shall have the authority to promulgate time periods applicable to the  
7 parole processing of inmates of county penal institutions, except  
8 that no inmate may be released prior to the primary eligibility date  
9 established by this subsection, unless consented to by the  
10 sentencing judge. No inmate sentenced to a specific term of years  
11 at the State Prison or the correctional institution for women shall  
12 become primarily eligible for parole until service of a full nine  
13 months of his aggregate sentence.

14 h. When an inmate is sentenced to more than one term of  
15 imprisonment, the primary parole eligibility terms calculated  
16 pursuant to this section shall be aggregated by the board for the  
17 purpose of determining the primary parole eligibility date, except  
18 that no juvenile commitment shall be aggregated with any adult  
19 sentence. The board shall promulgate rules and regulations to  
20 govern aggregation under this subsection.

21 i. The primary eligibility date shall be computed by a  
22 designated representative of the board and made known to the  
23 inmate in writing not later than 90 days following the  
24 commencement of the sentence. In the case of an inmate sentenced  
25 to a county penal institution such notice shall be made pursuant to  
26 subsection g. of this section. Each inmate shall be given the  
27 opportunity to acknowledge in writing the receipt of such  
28 computation. Failure or refusal by the inmate to acknowledge the  
29 receipt of such computation shall be recorded by the board but shall  
30 not constitute a violation of this subsection.

31 j. Except as provided in this subsection, each inmate sentenced  
32 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
33 N.J.S.2A:164-17 for a fixed minimum and maximum term or  
34 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for  
35 parole on a date computed pursuant to this section, but shall be  
36 primarily eligible on a date computed pursuant to P.L.1948, c.84  
37 (C.30:4-123.1 et seq.), which is continued in effect for this purpose.  
38 Inmates classified as second, third or fourth offenders pursuant to  
39 section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become  
40 primarily eligible for parole after serving one-third, one-half, or  
41 two-thirds of the maximum sentence imposed, respectively, less in  
42 each instance commutation time for good behavior and credits for  
43 diligent application to work and other institutional assignments;  
44 provided, however, that if the prosecuting attorney or the  
45 sentencing court advises the board that the punitive aspects of the  
46 sentence imposed on such inmates will not have been fulfilled by  
47 the time of parole eligibility calculated pursuant to this subsection,  
48 then the inmate shall not become primarily eligible for parole until



1 serving an additional period which shall be one-half of the  
2 difference between the primary parole eligibility date calculated  
3 pursuant to this subsection and the parole eligibility date calculated  
4 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
5 prosecuting attorney or the sentencing court advises the board that  
6 the punitive aspects of the sentence have not been fulfilled, such  
7 advice need not be supported by reasons and will be deemed  
8 conclusive and final. Any such decision shall not be subject to  
9 judicial review except to the extent mandated by the New Jersey  
10 and United States Constitutions. The board shall, reasonably prior  
11 to considering any such case, advise the prosecuting attorney and  
12 the sentencing court of all information relevant to such inmate's  
13 parole eligibility.

14 k. Notwithstanding any provisions of this section to the  
15 contrary, a person sentenced to imprisonment pursuant to paragraph  
16 (2), (3), or (4) of subsection b. of N.J.S.2C:11-3 shall not be  
17 eligible for parole.

18 l. Notwithstanding the provisions of subsections a. through j.  
19 of this section, the appropriate board panel, as provided in section 1  
20 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving  
21 a sentence of imprisonment on medical parole at any time.

22 (cf: P.L.2007, c.204, s.6)

23

24 11. Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is amended to  
25 read as follows:

26 1. a. As used in this act: "Prosecutor" means the county  
27 prosecutor of the county in which the defendant was convicted  
28 unless the matter was prosecuted by the Attorney General, in which  
29 case "prosecutor" means the Attorney General.

30 "Office of Victim Witness Advocacy" means the Office of  
31 Victim Witness Advocacy of the county in which the defendant was  
32 convicted.

33 b. Notwithstanding any other provision of law to the contrary,  
34 the State shall provide written notice to the prosecutor of the  
35 anticipated release from incarceration in a county or State penal  
36 institution or the Adult Diagnostic and Treatment Center of a  
37 person convicted of murder; manslaughter; aggravated sexual  
38 assault; sexual assault; aggravated assault; aggravated criminal  
39 sexual contact; kidnapping pursuant to paragraph (2) of subsection  
40 c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging  
41 in sexual conduct which would impair or debauch the morals of the  
42 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the  
43 welfare of a child pursuant to paragraph (4) of subsection b. of  
44 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,  
45 c.291 (C.2C:13-6); any other offense involving serious bodily  
46 injury or an attempt to commit any of the aforementioned offenses.  
47 In cases involving a release on parole, the State Parole Board shall  
48 provide the notice required by this subsection. In all other cases,

1 including but not limited to release upon expiration of sentence or  
2 release from incarceration due to a change in sentence, the  
3 Department of Corrections shall provide the notice required by this  
4 subsection.

5 c. **【**Notwithstanding any other provision of law to the contrary,  
6 the Juvenile Justice Commission established pursuant to section 2  
7 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to  
8 the prosecutor of the anticipated release from incarceration of a  
9 juvenile adjudicated delinquent on the basis of an offense which, if  
10 committed by an adult, would constitute murder; manslaughter;  
11 aggravated sexual assault; sexual assault; aggravated assault;  
12 aggravated criminal sexual contact; kidnapping pursuant to  
13 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
14 welfare of a child by engaging in sexual conduct which would  
15 impair or debauch the morals of the child pursuant to subsection a.  
16 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
17 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing  
18 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other  
19 offense involving serious bodily injury or an attempt to commit any  
20 of the aforementioned offenses**】** (Deleted by amendment,  
21 P.L. c. ) (pending before the Legislature as this bill)

22 d. If available, the notice shall be provided to the prosecutor 90  
23 days before the inmate's anticipated release; provided however, the  
24 notice shall be provided at least 30 days before release. The notice  
25 shall include the person's name, identifying factors, offense history,  
26 and anticipated future residence. The prosecutor shall notify the  
27 Office of Victim Witness Advocacy and that office shall use any  
28 reasonable means available to them to notify the victim of the  
29 anticipated release, unless the victim has requested not to be  
30 notified. The Office of Victim Witness Advocacy shall use any  
31 reasonable means available to also notify witnesses and other  
32 appropriate persons, as determined by the prosecutor in accordance  
33 with the directive issued by the Attorney General, who have  
34 requested notification of the anticipated release.

35 e. Upon receipt of notice, the prosecutor shall provide notice to  
36 the law enforcement agency responsible for the municipality where  
37 the inmate will reside, the municipality in which any victim resides,  
38 and such other State and local law enforcement agencies as  
39 appropriate for public safety.

40 (cf: P.L.2013, c.270, s.2)

41

42 12. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to  
43 read as follows:

44 15. a. Each adult parolee shall at all times remain in the legal  
45 custody of the Commissioner of Corrections and under the  
46 supervision of the State Parole Board **【**and each juvenile parolee  
47 shall at all times remain in the legal custody of the Juvenile Justice  
48 Commission established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170)], except that the Commissioner of Corrections [or  
2 the Executive Director of the Juvenile Justice Commission], after  
3 providing notice to the Attorney General, may consent to the  
4 supervision of a parolee by the federal government pursuant to the  
5 Witness Security Reform Act, Pub.L.98-473  
6 (18 U.S.C. s.3521 et seq.). An adult parolee, except those under the  
7 Witness Security Reform Act, shall remain under the supervision of  
8 the State Parole Board and in the legal custody of the Department of  
9 Corrections], and a juvenile parolee, except those under the  
10 Witness Security Reform Act, shall remain under the supervision of  
11 the Juvenile Justice Commission, as appropriate,] in accordance  
12 with the policies and rules of the board.

13 b. (1) Each parolee shall agree, as evidenced by his signature  
14 to abide by specific conditions of parole established by the  
15 appropriate board panel which shall be enumerated in writing in a  
16 certificate of parole and shall be given to the parolee upon release.  
17 Such conditions shall include, among other things, a requirement  
18 that the parolee conduct himself in society in compliance with all  
19 laws and refrain from committing any crime, a requirement that the  
20 parolee will not own or possess any firearm as defined in subsection  
21 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.  
22 of N.J.S.2C:39-1, a requirement that the parolee refrain from the  
23 use, possession or distribution of a controlled dangerous substance,  
24 controlled substance analog or imitation controlled dangerous  
25 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a  
26 requirement that the parolee obtain permission from his parole  
27 officer for any change in his residence, and a requirement that the  
28 parolee report at reasonable intervals to an assigned parole officer.  
29 In addition, based on prior history of the parolee or information  
30 provided by a victim or a member of the family of a murder victim,  
31 the member or board panel certifying parole release pursuant to  
32 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any  
33 other specific conditions of parole deemed reasonable in order to  
34 reduce the likelihood of recurrence of criminal or delinquent  
35 behavior, including a requirement that the parolee comply with the  
36 Internet access conditions set forth in paragraph (2) of this  
37 subsection. Such special conditions may include, among other  
38 things, a requirement that the parolee make full or partial  
39 restitution, the amount of which restitution shall be set by the  
40 sentencing court upon request of the board. In addition, the member  
41 or board panel certifying parole release may, giving due regard to a  
42 victim's request, impose a special condition that the parolee have no  
43 contact with the victim, which special condition may include, but  
44 need not be limited to, restraining the parolee from entering the  
45 victim's residence, place of employment, business or school, and  
46 from harassing or stalking the victim or victim's relatives in any  
47 way. Further, the member, board panel or board certifying parole  
48 release may impose a special condition that the person shall not

1 own or possess an animal for an unlawful purpose or to interfere in  
2 the performance of duties by a parole officer.

3 (2) In addition, the member or board panel certifying parole  
4 release may impose on any person who has been convicted [or  
5 adjudicated delinquent] for the commission of a sex offense as  
6 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2),  
7 and who is required to register as provided in subsections c. and d.  
8 of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been  
9 convicted [or adjudicated delinquent] for a violation of  
10 N.J.S.2C:34-3 any of the following Internet access conditions:

11 (a) Prohibit the person from accessing or using a computer or  
12 any other device with Internet capability without the prior written  
13 approval of the court, except the person may use a computer or any  
14 other device with Internet capability in connection with that  
15 person's employment or search for employment with the prior  
16 approval of the person's parole officer;

17 (b) Require the person to submit to periodic unannounced  
18 examinations of the person's computer or any other device with  
19 Internet capability by a parole officer, law enforcement officer or  
20 assigned computer or information technology specialist, including  
21 the retrieval and copying of all data from the computer or device  
22 and any internal or external peripherals and removal of such  
23 information, equipment or device to conduct a more thorough  
24 inspection;

25 (c) Require the person to submit to the installation on the  
26 person's computer or device with Internet capability, at the person's  
27 expense, one or more hardware or software systems to monitor the  
28 Internet use; and

29 (d) Require the person to submit to any other appropriate  
30 restrictions concerning the person's use or access of a computer or  
31 any other device with Internet capability.

32 c. The appropriate board panel may in writing relieve a parolee  
33 of any parole conditions, and may permit a parolee to reside outside  
34 the State pursuant to the provisions of the Uniform Act for Out-of-  
35 State Parolee Supervision (N.J.S.2A:168-14 et seq.)[, the Interstate  
36 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),] and,  
37 with the consent of the Commissioner of the Department of  
38 Corrections [or the Executive Director of the Juvenile Justice  
39 Commission] after providing notice to the Attorney General, the  
40 federal Witness Security Reform Act, if satisfied that [such] the  
41 change will not result in a substantial likelihood that the parolee  
42 will commit an offense which would be a crime under the laws of  
43 this State. The appropriate board panel may revoke [such]  
44 permission, except in the case of a parolee under the Witness  
45 Security Reform Act, or reinstate relieved parole conditions for any  
46 period of time during which a parolee is under its jurisdiction.

1 d. The appropriate board panel may parole an inmate to any  
2 residential facility funded in whole or in part by the State if the  
3 inmate would not otherwise be released pursuant to section 9 of  
4 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the  
5 residential facility provides treatment for mental illness or mental  
6 retardation, the board panel only may parole the inmate to the  
7 facility pursuant to the laws and admissions policies that otherwise  
8 govern the admission of persons to that facility, and the facility  
9 shall have the authority to discharge the inmate according to the  
10 laws and policies that otherwise govern the discharge of persons  
11 from the facility, on 10 days' prior notice to the board panel. The  
12 board panel shall acknowledge receipt of this notice in writing prior  
13 to the discharge. Upon receipt of the notice the board panel shall  
14 resume jurisdiction over the inmate.

15 e. Parole officers shall provide assistance to the parolee in  
16 obtaining employment, education, or vocational training or in  
17 meeting other obligations to assure the parolee's compliance with  
18 meeting legal requirements related to sex offender notification,  
19 address changes and participation in rehabilitation programs as  
20 directed by the assigned parole officer.

21 f. **【The board panel on juvenile commitments and the assigned**  
22 **parole officer shall insure that the least restrictive available**  
23 **alternative is used for any juvenile parolee】** (Deleted by  
24 amendment, P.L. c. ) (pending before the Legislature as this  
25 bill)

26 g. If the board has granted parole to any inmate from a State  
27 correctional facility **【or juvenile facility】** and the court has imposed  
28 a fine on **【such】** the inmate, the appropriate board panel shall  
29 release **【such】** the inmate on condition that the parolee make  
30 specified fine payments to the State Parole Board **【or the Juvenile**  
31 **Justice Commission】**. For violation of **【such】** these conditions, or  
32 for violation of a special condition requiring restitution, parole may  
33 be revoked only for refusal or failure to make a good faith effort to  
34 make **【such】** the payment.

35 h. Upon collection of the fine **【the same shall be paid over by】**  
36 **the Department of Corrections** shall forward it **【or by the Juvenile**  
37 **Justice Commission】** to the State Treasury.

38 (cf: P.L.2007, c.219, s.5)

39

40 13. Section 16 of L.1979, c.441 (C.30:4-123.60) is amended to  
41 read as follows:

42 16. a. Any parolee who violates a condition of parole may be  
43 subject to an order pursuant to section 17 of P.L.1979, c.441  
44 (C.30:4-123.61) providing for one or more of the following: (1)  
45 That he be required to conform to one or more additional conditions  
46 of parole; (2) That he forfeit all or a part of commutation time  
47 credits granted pursuant to R.S.30:4-140.

1       b. Any parolee who has seriously or persistently violated the  
2 conditions of his parole, may have his parole revoked and may be  
3 returned to custody pursuant to sections 18 and 19 of P.L.1979,  
4 c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified  
5 immediately upon the arrest or indictment of a parolee or upon the  
6 filing of charges that the parolee committed an act which, if  
7 committed by an adult, would constitute a crime. The board shall  
8 not revoke parole on the basis of new charges which have not  
9 resulted in a disposition at the trial level except that upon  
10 application by the prosecuting authority【, the Juvenile Justice  
11 Commission established pursuant to section 2 of P.L.1995, c.284  
12 (C.52:17B-170)】 or the Director of the State Parole Board's  
13 Division of Parole or his designee, the chairman of the board or his  
14 designee may at any time detain the parolee and commence  
15 revocation proceedings pursuant to sections 18 and 19 of P.L.1979,  
16 c.441 (C.30:4-123.62 and 30:4-123.63) when the chairman  
17 determines that the new charges against the parolee are of a serious  
18 nature and it appears that the parolee otherwise poses a danger to  
19 the public safety. In such cases, a parolee shall be informed that, if  
20 he testifies at the revocation proceedings, his testimony and the  
21 evidence derived therefrom shall not be used against him in a  
22 subsequent criminal prosecution 【or delinquency adjudication】.

23       c. 【Any】 The parole of any parolee who is convicted of a  
24 crime 【or adjudicated delinquent for an act which, if committed by  
25 an adult, would constitute a crime,】 committed while on parole  
26 shall 【have his parole】 be revoked and the parolee shall be returned  
27 to custody unless the parolee demonstrates, by clear and convincing  
28 evidence at a hearing pursuant to section 19 of P.L.1979, c.441  
29 (C.30:4-123.63), that good cause exists why 【he】 the parolee  
30 should not be returned to confinement.  
31 (cf: P.L.2001, c.141, s.5)  
32

33       14. Section 18 of P.L.1979, c.441 (C.30:4-123.62) is amended to  
34 read as follows:

35       18. a. (1) If a parole officer assigned to supervise a parolee has  
36 probable cause to believe that the parolee has violated a condition  
37 of 【his】 parole, 【such】 the violation being a basis for return to  
38 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
39 (C.30:4-123.60), a designated representative of the chairman of the  
40 board may issue a warrant for the arrest of the parolee if evidence  
41 indicates that the parolee may not appear at the preliminary hearing  
42 or if the parolee poses a danger to the public safety. 【With the  
43 parole warrant, a law enforcement officer may apprehend the  
44 delinquent parolee.】

45       (2) If a parole officer assigned to supervise a parolee has  
46 probable cause to believe that the parolee has committed a crime【,  
47 has committed an act or is about to commit an act which, if

1 committed by an adult, would constitute a crime~~],~~ is about to  
2 commit a crime~~,~~ or is about to flee the jurisdiction, which violation  
3 is a basis for return to custody pursuant to subsection b. of section  
4 16 of P.L.1979, c.441 (C.30:4-123.60), and the situation is one of  
5 immediate emergency that cannot await the issuance of a warrant by  
6 a designated representative, the parole officer, by the parole  
7 officer's own warrant, may apprehend the parolee and cause ~~his~~  
8 the parolee's detention in a suitable facility designated by the  
9 Department of Corrections ~~for the Juvenile Justice Commission~~  
10 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-  
11 170), as appropriate,~~]~~ or cause the parolee's confinement in an  
12 appropriate institution pending return to a facility designated by the  
13 Department of Corrections ~~for the Juvenile Justice Commission, as~~  
14 appropriate,~~]~~ to await the conduction of a preliminary hearing. The  
15 warrant shall be in the form prescribed ~~],~~ as appropriate, by the  
16 Juvenile Justice Commission or~~]~~ by the State Parole Board and,  
17 when signed by the officer in charge of the case, shall be a  
18 sufficient instrument and authority to all peace officers to assist in  
19 the apprehension of the parolee. It shall also be sufficient authority  
20 for detention of the parolee in a suitable facility, to await the  
21 conduction of the preliminary hearing. Upon enforcement of the  
22 warrant, the appropriate board panel shall be promptly notified. No  
23 parolee held in custody on a parole warrant shall be entitled to  
24 release on bail.

25 b. A parolee retaken under this section shall within 14 days be  
26 granted a preliminary hearing to be conducted by a hearing officer  
27 not previously involved in the case, unless the parolee, the hearing  
28 officer, or the parole officer requests postponement of the  
29 preliminary hearing, which may be granted by the appropriate board  
30 panel for good cause, but in no event shall such postponement, if  
31 requested by the hearing officer or the parole officer, exceed 14  
32 days.

33 c. The preliminary hearing shall be for the purpose of  
34 determining:

35 (1) Whether there is probable cause to believe that the parolee  
36 violated a condition of his parole being the basis for return to  
37 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
38 (C.30:4-123.60), and

39 (2) Whether revocation and return to custody is desirable in the  
40 instant matter.

41 d. Prior to the preliminary hearing the parolee shall be provided  
42 with written notice of:

43 (1) The conditions of parole alleged to have been violated;

44 (2) The time, date, place and circumstances of the alleged  
45 violation;

46 (3) The possible action which may be taken by the board after a  
47 parole revocation hearing;

- 1 (4) The time, date and place of the preliminary hearing;
- 2 (5) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
3 seq.), to representation by an attorney or such other qualified person  
4 as the parolee may retain; and
- 5 (6) The right to confront and cross-examine witnesses.
- 6 e. The hearing officer who conducts the hearing shall make a  
7 summary or other record of said hearing.
- 8 f. If the evidence presented at the preliminary hearing does not  
9 support a finding of probable cause to believe that the parolee has  
10 violated a condition of his parole, such violation being a basis for  
11 return to custody pursuant to subsection b. of section 16 of  
12 P.L.1979, c.441 (C.30:4-123.60), or if it is otherwise determined  
13 that revocation is not desirable, the hearing officer may, in  
14 accordance with the provisions of subsection a. of section 16 of  
15 P.L.1979, c.441 (C.30:4-123.60) and section 17 of P.L.1979, c.441  
16 (C.30:4-123.61), issue an order modifying parole and releasing the  
17 offender, or continuing parole and releasing the offender.
- 18 g. If the evidence presented at the preliminary hearing supports  
19 a finding of probable cause to believe that the parolee has violated a  
20 condition of his parole, the hearing officer shall determine whether  
21 the parolee shall be retained in custody or released on specific  
22 conditions pending action by the appropriate board panel.
- 23 h. Conviction of a crime committed while on parole [or  
24 adjudication of delinquency for an act which, if committed by an  
25 adult, would constitute a crime] shall be deemed to constitute  
26 probable cause to believe that the parolee has violated a condition  
27 of parole.  
28 (cf: P.L.2001, c.79, s.12)

29  
30 15. Section 19 of P.L.1979, c.441 (C.30:4-123.63) is amended to  
31 read as follows:

- 32 19. a. If the hearing officer finds probable cause pursuant to  
33 subsection c. (1) of section 18 of P.L.1979, c.441 (C.30:4-123.62)  
34 and finds that revocation is desirable pursuant to subsection c. (2)  
35 of section 18 of P.L.1979, c.441 (C.30:4-123.62), or if the parolee is  
36 convicted of a criminal offense committed while on parole [or is  
37 adjudicated delinquent for an act which, if committed by an adult,  
38 would constitute a crime], the board shall cause a revocation  
39 hearing to be conducted by a hearing officer, other than the hearing  
40 officer previously designated pursuant to section 18 of P.L.1979,  
41 c.441 (C.30:4-123.62), within 60 days after the date a parolee is  
42 taken into custody as a parole violator unless the parolee or the  
43 hearing officer requests postponement of the revocation hearing,  
44 which may be granted by appropriate board panel for good cause,  
45 but in no event shall such postponement, if requested by the hearing  
46 officer, exceed 120 days.
- 47 b. Prior to the revocation hearing, the parolee shall be given  
48 written notice of:



- 1 (1) The time, date and place of the parole revocation hearing;
- 2 (2) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
3 seq.), to representation by an attorney or such other qualified person  
4 as the parolee chooses;
- 5 (3) The right to confront and cross-examine witnesses, and to  
6 rebut adverse documentary evidence **【against him】**; and
- 7 (4) The right to testify, to present evidence and to **【subpena】**  
8 subpoena witnesses **【in his】** on the parolee's own behalf, provided  
9 a prima facie showing is made that the prospective witnesses will  
10 provide material testimony.
- 11 c. The hearing officer shall maintain a full and complete record  
12 of the parole revocation hearing.
- 13 d. After consideration of all evidence presented, if there is clear  
14 and convincing evidence that a parolee has violated the conditions  
15 of his parole, such violation being a basis for return to custody  
16 pursuant to subsection b. or c. of section 16 of P.L.1979, c.441  
17 (C.30:4-123.60), and if revocation and return to custody is desirable  
18 in the instant matter, the appropriate board panel may revoke parole  
19 and return such parolee to custody, for a specified length of time, or  
20 in accordance with the provisions of sections 16 and 17 of  
21 P.L.1979, c.441 (C.30:4-123.60 and 30:4-123.61), or the  
22 appropriate board panel may issue an order modifying parole and  
23 releasing the offender or continuing parole and releasing the  
24 offender.
- 25 e. Not more than 21 days following the hearing conducted  
26 pursuant to this section, the parolee and his representative shall be  
27 informed in writing of the decision, the particular reasons therefor,  
28 and the facts relied on.  
29 (cf: P.L.1995, c.280, s.43)

30  
31 16. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is amended to  
32 read as follows:

33 23. a. The appropriate board panel and the Department of  
34 Corrections **【or the Juvenile Justice Commission established**  
35 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)】** shall  
36 enter into formal parole contract agreements with officials of the  
37 board **【,】** and officials of the Department of Corrections **【or the**  
38 **Juvenile Justice Commission】** and individual parolees or inmates  
39 reduced to writing and signed by all parties **【,which】**. The parole  
40 contract agreements shall stipulate individual programs of  
41 education, training, or other activity which shall result in a specified  
42 reduction of the parolee's parole term pursuant to section 22 of  
43 P.L.1979, c.441 (C.30:4-123.66) or the inmate's primary parole  
44 eligibility date pursuant to section 8 of P.L.1979, c.441 (C.30:4-  
45 123.52), upon such successful completion of the program. The  
46 formal parole contract agreements required under this subsection

1 shall be entered into within two months of an inmate's admission to  
2 a correctional facility.

3 b. Any parolee or inmate shall be permitted to apply to the  
4 board for such an agreement. The board panel shall accept all such  
5 applications. The board panel shall approve any application  
6 consistent with eligibility requirements promulgated by the board  
7 pursuant to section 4 of P.L.1979, c.441 (C.30:4-123.48). **【The**  
8 **commission may, by regulation, specify eligibility requirements for**  
9 **agreements with juvenile parolees and inmates and the procedures**  
10 **for effecting such agreements and reviewing juveniles' application**  
11 **for such agreements.】**

12 c. Upon approval of the parolee or inmate's application, the  
13 board panel shall be responsible for specifying the components  
14 necessary for **【any such】** the agreement. Upon acceptance of the  
15 agreement by the Department of Corrections **【or by the**  
16 **commission】**, by the board panel, and by the parolee or the inmate,  
17 the board panel shall reduce the agreement to writing and monitor  
18 compliance with the parole contract agreement at least once every  
19 12 months. The parolee or inmate and the Department of  
20 Corrections **【or the Juvenile Justice Commission】** shall be given a  
21 copy of **【any such】** the agreement.

22 d. **【Any such】** An agreement shall be terminated by the board  
23 panel in the event the parolee or inmate fails to or refuses to  
24 satisfactorily complete each component of the agreement. The  
25 inmate or parolee shall be notified in writing of **【any such】** a  
26 termination and the reasons **【therefor】** for the termination. **【Any**  
27 **such】** A termination may be appealed to the full board pursuant to  
28 section 14 of P.L.1979, c.441 (C.30:4-123.58).

29 (cf: P.L.2009, c.330, s.7)

30

31 17. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to  
32 read as follows:

33 2. a. A Juvenile Justice Commission is established in, but not  
34 of, the Department of Law and Public Safety. The commission is  
35 allocated to the Department of Law and Public Safety for the  
36 purpose of complying with Article V, Section IV, paragraph 1 of  
37 the New Jersey Constitution. The Attorney General shall be the  
38 request officer for the commission within the meaning of section 6  
39 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that  
40 authority and other administrative functions, powers and duties  
41 consistent with the provisions of this act.

42 b. The commission shall consist of an executive director, an  
43 executive board, an advisory council and such facilities, officers,  
44 employees and organizational units as provided herein or as  
45 otherwise necessary to performance of the commission's duties and  
46 responsibilities.

1 c. The executive director shall be appointed by the Governor  
2 with the advice and consent of the Senate and shall serve at the  
3 pleasure of the Governor during the Governor's term of office and  
4 until a successor is appointed and qualified.

5 d. The executive board shall consist of the following members:  
6 The Attorney General, who shall serve as chair of the executive  
7 board; the Commissioner of Corrections and the Commissioner of  
8 Children and Families, who shall serve as vice-chairs of the  
9 executive board; the Commissioner of Education; the chair of the  
10 Juvenile Justice Commission advisory council, established pursuant  
11 to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members  
12 who serve as chairs of a county youth services commission,  
13 established pursuant to P.L.1995, c.282 (C.52:17B-180), to be  
14 appointed by the Governor to serve at the Governor's pleasure. The  
15 Administrative Director of the Administrative Office of the Courts  
16 is invited to participate on the executive board, subject to the  
17 approval of the Supreme Court. A member of the executive board  
18 may name a designee who shall have the authority to act for the  
19 member. Members of the executive board shall serve without  
20 compensation for their services to the commission. The executive  
21 board shall meet at least quarterly and at such other times as  
22 designated by the chair. Except with respect to matters concerning  
23 distribution of funds to counties, four members of the executive  
24 board shall constitute a quorum to transact business of the executive  
25 board and action of the executive board shall require an affirmative  
26 vote of four members. A member of the executive board who is  
27 also a member of a county youth services commission shall not  
28 participate in matters concerning distribution of funds to counties;  
29 in these matters, three members of the executive board shall  
30 constitute a quorum to transact business and an action of the  
31 executive board shall require an affirmative vote of three members.

32 e. The commission shall have the following powers, duties and  
33 responsibilities:

34 (1) To specify qualifications for and to employ, within the limits  
35 of available appropriations and subject to the provisions of  
36 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New  
37 Jersey Statutes, such staff as are necessary to accomplish the work  
38 of the commission or as are needed for the proper performance of  
39 the functions and duties of the commission, including but not  
40 limited to:

41 (a) The number of deputy directors, assistant directors,  
42 superintendents, assistant superintendents and other assistants who  
43 shall be in the unclassified service and shall be deemed confidential  
44 employees for the purposes of the "New Jersey Employer-Employee  
45 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

46 (b) Juvenile corrections officers;

- 1       (2) To utilize such staff of the Department of Law and Public  
2 Safety as the Attorney General, within the limits of available  
3 appropriations, may make available to the commission;
- 4       (3) To organize the work of the commission in appropriate  
5 bureaus and other organization units;
- 6       (4) To enter into contracts and agreements with State, county  
7 and municipal governmental agencies and with private entities for  
8 the purpose of providing services and sanctions for juveniles  
9 adjudicated or charged as delinquent and programs for prevention  
10 of juvenile delinquency;
- 11       (5) To contract for the services of professional and technical  
12 personnel and consultants as necessary to fulfill the statutory  
13 responsibilities of the commission;
- 14       (6) To establish minimum standards for the care, treatment,  
15 government and discipline of juveniles confined pending, or as a  
16 result of, an adjudication of delinquency;
- 17       (7) To assume the custody and care of all juveniles committed  
18 by court order, law, classification, regulation or contract to the  
19 custody of the commission or transferred to the custody of the  
20 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-  
21 176);
- 22       (8) To manage and operate all State secure juvenile facilities  
23 which shall include the New Jersey Training School for Boys  
24 created pursuant to R.S.30:1-7 and transferred to the Commissioner  
25 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)  
26 and the Juvenile Medium Security Facility created pursuant to  
27 R.S.30:1-7 and both transferred to the commission pursuant to  
28 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any  
29 other secure juvenile facility established by the commission in the  
30 future;
- 31       (9) To manage and operate all State juvenile facilities or  
32 juvenile programs for juveniles adjudicated delinquent which shall  
33 include facilities and programs transferred to the commission  
34 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or  
35 established or contracted for in the future by the commission;
- 36       (10) To prepare a State Juvenile Justice Master Plan every third  
37 year which identifies facilities, sanctions and services available for  
38 juveniles adjudicated or charged as delinquent and juvenile  
39 delinquency prevention programs and which identifies additional  
40 needs based upon the extent and nature of juvenile delinquency and  
41 the adequacy and effectiveness of available facilities, services,  
42 sanctions and programs;
- 43       (11) To approve plans for each county submitted by the county  
44 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-  
45 180);
- 46       (12) To administer the State/Community Partnership Grant  
47 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

1 (13) To accept from any governmental department or agency,  
2 public or private body or any other source, grants or contributions  
3 to be used in exercising its power, and in meeting its duties and  
4 responsibilities;

5 (14) To formulate and adopt standards and rules for the  
6 efficient conduct of the work of the commission, the facilities,  
7 services, sanctions and programs within its jurisdiction, and its  
8 officers and employees;

9 (15) To provide for the development of the facilities, services,  
10 sanctions and programs within its jurisdiction and to promote the  
11 integration of State, county and local facilities, sanctions, services  
12 and programs, including probation and parole;

13 (16) To institute, or cause to be instituted, such legal  
14 proceedings or processes as may be necessary to enforce properly  
15 and give effect to any of its powers or duties including the authority  
16 to compel by subpoena, subject to the sanction for contempt of  
17 subpoena issued by a court, attendance and production of records;

18 (17) To provide for the timely and efficient collection and  
19 analysis of data regarding the juvenile justice system to insure the  
20 continuing review and evaluation of services, policies and  
21 procedures;

22 (18) To receive and classify juveniles committed to the custody  
23 of the commission;

24 (19) To determine whether an incarcerated juvenile is eligible  
25 for parole and to supervise compliance with conditions of parole;

26 (20) To establish appropriate dispositions of juveniles for  
27 whom parole has been revoked;

28 (21) To perform such other functions as may be prescribed by  
29 law; and

30 (22) To promulgate, pursuant to the "Administrative Procedure  
31 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
32 necessary to implement and effectuate the purposes of this act.

33 (cf: P.L.2006, c.47, s.192)

34

35 18. (New section) a. The Juvenile Justice Commission shall  
36 establish a program to collect, record, and analyze data regarding  
37 juveniles who were sentenced to a term of incarceration. In  
38 furtherance of this program, the commission shall collect the  
39 following data:

40 (1) the offense for which the juvenile was incarcerated; the term  
41 of incarceration imposed on the juvenile, including a term of  
42 incarceration imposed for a violation of parole; the age, gender,  
43 race, and ethnicity of the juvenile; the county where the juvenile  
44 was adjudicated delinquent; the classification of the juvenile; and  
45 whether the juvenile was sentenced to an extended term of  
46 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 or post-  
6 incarceration supervision was revoked; whether the violation that  
7 was the basis for the revocation was technical or based upon a new  
8 offense; the age, gender, race, and ethnicity of the juvenile; and the  
9 county where the juvenile's parole or post-incarceration supervision  
10 was revoked by the court.

11 b. The commission shall prepare and publish on its Internet  
12 website and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
13 19.1), prepare and transmit to the Governor and the Legislature  
14 biennial reports summarizing the data collected, recorded, and  
15 analyzed pursuant to subsection a. of this section.

16 c. The commission shall publish on its Internet website the  
17 criteria that are used to determine whether a juvenile is granted  
18 parole. The commission also shall provide this information to every  
19 juvenile who is sentenced to a term of incarceration.

20

21 19. Section 13 of P.L.1979, c.441 (C.30:4-123.57) is repealed.

22

23 20. This act shall take effect on the first day of the seventh  
24 month after enactment.

25

26

27

#### STATEMENT

28

29 This bill incorporates the Juvenile Detention Alternative  
30 Initiative (J.D.A.I.) principles into the Code of Juvenile Justice;  
31 imposes restrictions on the incarceration of juveniles; vests parole  
32 decisions concerning juveniles in the Juvenile Justice Commission  
33 (JJC); makes discretionary the post-incarceration period currently  
34 imposed on juveniles; eliminates certain fines imposed on juveniles;  
35 and imposes transparency requirements on the JJC.

36 The specific J.D.A.I. principles the bill incorporates into the  
37 Code of Juvenile Justice include: 1) promoting collaboration  
38 between juvenile court officials, probation agencies, prosecutors,  
39 defense attorneys, schools, community organizations, and  
40 advocates; 2) using rigorous data collection and analysis to guide  
41 decision making; 3) utilizing objective risk-assessment instruments  
42 to replace subjective decision-making processes to determine if  
43 juveniles should be incarcerated and if so, the length of time they  
44 spend in custody; 4) implementing new or expanded community-  
45 based alternatives to incarceration; 5) reducing delays in processing  
46 and length of delinquency actions, including parole and revocation  
47 proceedings, so that juveniles are not in out-of-home placements  
48 any longer than is necessary or unnecessarily returned to custody;

1 6) incarcerating juveniles only when they pose a substantial threat  
2 to public safety; 7) combatting racial and ethnic disparities by  
3 collecting and examining data on policies and practices that may  
4 disadvantage minority juveniles; and 8) monitoring and improving  
5 conditions of confinement in secure facilities.

6 This bill specifically limits when a juvenile may be incarcerated.  
7 Under current law, the court may order a juvenile adjudicated  
8 delinquent to be incarcerated or the court may order another  
9 enumerated disposition, such as releasing the juvenile to the  
10 supervision of the juvenile's parent or guardian or placing the  
11 juvenile on probation. Under the bill, the court may order a  
12 juvenile to be incarcerated as a last resort and in accordance with  
13 the J.D.A.I. principles, including incarceration in county youth  
14 detention centers. The bill also removes the requirement that a  
15 juvenile convicted of certain crimes related to theft of a motor  
16 vehicle or eluding a police officer be incarcerated. If the court does  
17 impose a term of incarceration, it may order the JJC to provide the  
18 juvenile with specific services. Imposing fines on delinquent  
19 juveniles as a penalty is eliminated as a disposition under the bill.

20 Under the bill, responsibility for determining whether a juvenile  
21 should be paroled is transferred from the State Parole Board to the  
22 JJC. A juvenile who is sentenced to a term of incarceration is  
23 immediately eligible for parole. Juveniles are to be granted early  
24 release on parole when it appears they would not pose a serious risk  
25 of physical injury to persons or substantial injury to property. The  
26 bill directs the JJC to determine the conditions of parole and to  
27 ensure that the conditions are to be appropriately tailored to the  
28 juvenile and be the least restrictive necessary for the juvenile's  
29 successful return to the community. A juvenile is not to be sent to a  
30 halfway house, residential treatment program, or other out-of-home  
31 placement unless it is necessary to protect the juvenile's safety.

32 Current law requires a juvenile to receive a term of post-  
33 incarceration supervision of one-third of the sentence of  
34 incarceration. Under the bill, the JJC is given the discretion to  
35 impose a term of post-incarceration supervision, but only if it is  
36 deemed necessary to effectuate the juvenile's rehabilitation and  
37 reintegration into society. The term of supervision is not to exceed  
38 six months, unless the JJC deems a longer term is necessary to  
39 prevent serious harm to the juvenile or the community. The longer  
40 term is not to exceed one year.

41 The bill requires the JJC to review the case of a juvenile who is  
42 incarcerated or is in an out-of-home placement every three months  
43 and submit a status report to the court, the prosecutor, and the  
44 juvenile's counsel. The status report is to contain information on the  
45 treatment, care, and custody of the juvenile; whether the juvenile is  
46 receiving the mental health, substance abuse, educational, and other  
47 rehabilitative services necessary to promote the juvenile's  
48 successful reintegration into the community; incidents of violence

1 involving the juvenile; and the juvenile's eligibility for parole. The  
2 juvenile's counsel is to be granted an opportunity to respond to the  
3 report. The JJC is to continue to submit the status reports to the  
4 court until the juvenile is paroled or released. The court may  
5 conduct a hearing at any time to determine whether incarceration or  
6 an out-of-home placement continues to be appropriate and may  
7 release the juvenile or otherwise modify the dispositional order.

8 Under the bill, the parole of a juvenile who violates a condition  
9 of that parole could be revoked under certain conditions. If there is  
10 probable cause that the juvenile has seriously or persistently  
11 violated the terms and conditions of parole, the JJC is to conduct a  
12 hearing to determine if parole should be revoked. A hearing officer  
13 who is a State-licensed attorney is to conduct the hearing and the  
14 juvenile is to be represented by counsel. Pre-hearing incarceration  
15 of the juvenile is prohibited unless there is objective and credible  
16 evidence that the juvenile poses an immediate and substantial  
17 danger to public safety. If a juvenile is incarcerated, the hearing is  
18 to be held within 72 hours of incarceration and a decision made  
19 within 48 hours of the hearing. Parole may be revoked only if the  
20 hearing officer determines, by clear and convincing evidence, that  
21 the juvenile has seriously or persistently violated the conditions of  
22 parole, the juvenile poses a substantial danger to public safety  
23 which no form of community-based supervision would alleviate,  
24 and revocation is consistent with J.D.A.I. principles. The juvenile  
25 is entitled to all the rights and protections afforded adult parolees  
26 during the parole revocation process.

27 The bill further eliminates the court's discretion to impose  
28 criminal fines on juveniles under the juvenile code and eliminates  
29 for juveniles the Drug Enforcement and Demand Reduction  
30 (DEDR) and Victims of Crime Compensation Office penalties.

31 Finally, the bill requires the JJC to establish a program to collect,  
32 record, and analyze certain data regarding juveniles who were  
33 sentenced to a term of incarceration. The JJC is to prepare a  
34 biennial report summarizing the data collected, recorded, and  
35 analyzed, which is to be published on its Internet website and  
36 transmitted to the Governor and the Legislature. The JJC also is  
37 required to publish on the website the criteria that are used to  
38 determine whether a juvenile is granted parole and to provide this  
39 information to every juvenile who is sentenced to a term of  
40 incarceration.



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 5586

# STATE OF NEW JERSEY

DATED: JANUARY 6, 2020

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 5586.

As reported by the committee, this committee substitute incorporates certain principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests parole decisions concerning juveniles in a panel comprised of at least two members of the Juvenile Justice Commission (JJC) designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board; makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The specific principles the committee substitute incorporates into the Code of Juvenile Justice include: 1) promoting collaboration between juvenile court officials, probation agencies, prosecutors, defense attorneys, schools, community organizations, and advocates; 2) using rigorous data collection and analysis to guide decision making; 3) utilizing objective criteria, processes, and tools, such as risk-assessment instruments, to replace subjective decision-making processes to determine if juveniles should be incarcerated and, if so, the length of time they spend in custody; 4) implementing new or expanded community-based alternatives to incarceration; 5) reducing delays in processing and length of delinquency actions, including parole and revocation proceedings, so that juveniles are not in out-of-home placements any longer than is necessary or are unnecessarily returned to custody; 6) incarcerating juveniles only when they pose a substantial threat to public safety; 7) combatting racial and ethnic disparities by collecting and examining data on policies and practices that may disadvantage minority juveniles; and 8) monitoring and improving conditions of confinement in secure facilities.

The committee substitute limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the committee substitute, the court may order a

juvenile to be incarcerated in accordance with the principles incorporated into the committee substitute. The committee substitute also removes the requirement that a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer be incarcerated. Furthermore, the committee substitute eliminates as a disposition the imposition of fines on delinquent juveniles.

Under the committee substitute, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to a panel comprised of at least two members of the JJC designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board. The member of the State Parole Board who is designated by the chairman to be on the panel is required to have experience in juvenile justice or receive appropriate training.

Juveniles are to be granted early release on parole when it appears they have made substantial progress toward positive behavioral adjustment and rehabilitative goals articulated by the panel established by the committee substitute to the juvenile. The committee substitute directs the panel established by the committee substitute to determine the conditions of parole which are to be appropriately tailored to the needs of the juvenile. In addition, any conditions imposed at the time of release or modified thereafter as a graduated intervention in lieu of initiating parole revocation proceedings are to be the least restrictive necessary for the juvenile's successful return to the community. A juvenile is not to be sent to a halfway house, residential treatment program, or other out-of-home placement unless it is necessary to protect the juvenile's safety.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the committee substitute, the panel established by the committee substitute is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society. The term of supervision is not to exceed six months, unless it is deemed that a longer term is necessary to effectuate the juvenile's rehabilitation and reintegration into society. The longer term is not to exceed one year.

The committee substitute requires the JJC to review the case of a juvenile who is sentenced to a term of commitment every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody of the juvenile; whether the juvenile is receiving the mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

The juvenile's counsel is to be granted an opportunity to respond to the report. The JJC is to continue to submit the status reports to the court until the juvenile is paroled or released. The court may conduct a hearing at any time to determine whether commitment with the commission continues to be appropriate and may release the juvenile or otherwise modify the dispositional order.

Under the committee substitute, the parole of a juvenile who violates a condition of that parole could be revoked under certain conditions. If there is probable cause that the juvenile has seriously or persistently violated the terms and conditions of parole, the panel established by the committee substitute is to conduct a hearing to determine if parole should be revoked. A hearing officer who is a State-licensed attorney is to conduct the hearing and the juvenile is to be represented by counsel.

Pre-hearing incarceration of the juvenile is prohibited unless there is objective and credible evidence that the juvenile poses an immediate and substantial danger to public safety. If a juvenile is incarcerated, the hearing is to be held within 72 hours of incarceration and a decision made within 48 hours of the hearing. Parole may be revoked only if the hearing officer determines, by clear and convincing evidence, that the juvenile has seriously or persistently violated the conditions of parole, the juvenile poses a substantial danger to public safety which no form of community-based supervision would alleviate, and revocation is consistent with the enumerated principles under the bill. The juvenile is entitled to all the rights and protections afforded adult parolees during the parole revocation process.

The committee substitute further eliminates the court's discretion to impose criminal fines on juveniles under the juvenile code and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties.

Finally, the committee substitute requires the JJC to establish a program to collect, record, and analyze certain data regarding juveniles who were sentenced to a term of incarceration. The JJC is to prepare a biennial report summarizing the aggregated data collected, recorded, and analyzed, which is to be published on its Internet website. The JJC also is required to publish on the website the criteria that are used to determine whether a juvenile is granted parole and to provide this information to every juvenile who is sentenced to a term of incarceration.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) concludes that the Juvenile Justice Commission (JJC) in the Department of Law and Public Safety will experience recurring workload increases from the: a) incorporation of certain Juvenile Detention Alternative Initiatives (JDAI) principles into the Code of Juvenile Justice; b) vesting of parole decisions concerning juveniles in the JJC; c) requirement to

submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The fiscal impact of these provisions depend on the extent these requirements may already be in practice by the JJC, and the commission's resource allocation policies.

The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions. The OLS anticipates decreased costs to the JJC and counties, which as a result of the bill may be required to hold fewer juvenile offenders and for shorter periods of time.

The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties. The OLS anticipates decreased State and municipal revenue from the elimination of certain fees and fines associated with juvenile crimes.

The bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The OLS estimates that there may be additional workload created by this new provision.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 5586**  
**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

DATED: JANUARY 8, 2020

**SUMMARY**

- Synopsis:** Concerns juvenile incarceration and parole.
- Type of Impact:** Expenditure increases and decreases to State, municipal, and county governments. Annual revenue decrease to State and municipal governments.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; Superior and Municipal Courts; County Juvenile Detention Facilities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Net Expenditure Impact</b>		Indeterminate	
<b>State Revenue Decrease</b>		Indeterminate	
<b>Local Net Expenditure Impact</b>		Indeterminate	
<b>Local Revenue Decrease</b>		Indeterminate	

- The Office of Legislative Services (OLS) concludes that the Juvenile Justice Commission (JJC) in the Department of Law and Public Safety will experience recurring workload increases from the: a) incorporation of certain Juvenile Detention Alternative Initiatives (JDAI) principles into the Code of Juvenile Justice; b) vesting of parole decisions concerning juveniles in the JJC; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The fiscal impact of these provisions depend on the extent these requirements may already be in practice by the JJC, and the commission’s resource allocation policies.
- State Parole Board costs will decrease by an indeterminate amount since the board is relieved of responsibilities for juvenile parole proceedings.
- The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions.

The OLS anticipates decreased costs to the JJC and counties, which as a result of the bill may be required to hold fewer juvenile offenders and for shorter periods of time.

- The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties. The OLS anticipates decreased State and municipal revenue from the elimination of certain fees and fines associated with juvenile crimes.
- The bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The OLS estimates that there may be additional workload created by this new provision.

## **BILL DESCRIPTION**

This bill incorporates certain JDAI principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests parole decisions concerning juveniles in the JJC; makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The bill limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the bill, the court may order a juvenile to be incarcerated in accordance with the JDAI principles incorporated into the bill. The bill also removes the requirement that a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer be incarcerated.

The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the DEDR and Victims of Crime Compensation Office penalties.

Under the bill, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to the JJC. A juvenile who is sentenced to an indeterminate term of incarceration is immediately eligible for parole. Juveniles are to be granted early release on parole when it appears they would not pose a serious risk of physical injury to persons or substantial injury to property.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the bill, the JJC is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society.

The bill requires the JJC to review the case of a juvenile who is sentenced to a term of commitment every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody of the juvenile; whether the juvenile is receiving the mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

Finally, the bill requires the JJC to establish a program to collect, record, and analyze certain data regarding juveniles who were sentenced to a term of incarceration. The JJC is to prepare a

biennial report summarizing the data collected, recorded, and analyzed, which is to be published on its Internet website and transmitted to the Governor and Legislature. The JJC also is required to publish on its website the criteria that are used to determine whether a juvenile is granted parole and to provide this information to every juvenile who is sentenced to a term of incarceration.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the implementation of the bill's provisions will result in an indeterminate impact on State expenditures, with a potential decrease in State Parole Board costs and an uncertain impact on Juvenile Justice Commission costs. The OLS anticipates decreased costs as a result of fewer juvenile offenders being sentenced to county juvenile detention facilities and for shorter periods of time. Additionally, the OLS anticipates decreased State and municipal revenue from the elimination of certain fees and fines associated with juvenile crimes.

**State and Local Expenditures** – The OLS concludes that the JJC will experience recurring workload increases from the: a) incorporation of certain JDAI principles into the Code of Juvenile Justice; b) vesting of parole decisions concerning juveniles in the JJC; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The fiscal impact of these provisions depend on the extent these requirements may already be in practice by the JJC, and the commission's resource allocation policies.

The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of juveniles with certain exceptions. This presumption may lead to fewer juveniles being held in county juvenile detention facilities and sentenced to JJC. According to data provided in the Governor's proposed budget, as of 2015, the average daily cost per inmate for JJC institutions is \$611.61 per day. The marginal daily cost per additional inmate will fluctuate depending on how many juveniles are sentenced to each of the respective facilities.

Lastly, the bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The bill requires specific data to be collected and it is unknown what, if any, technology the JJC and county facilities may require to meet this requirement. The OLS estimates that there may be additional workload created by this new provision.

**State and Local Revenue** – Currently, criminal fines and penalties are assessed on juvenile offenders. The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the DEDR and Victims of Crime Compensation Office penalties. The OLS cannot determine the amount of State or local revenue currently collected, however notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 5586**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 9, 2020

The Assembly Appropriations Committee reports favorably the Assembly Committee Substitute for Assembly Bill No. 5586, with committee amendments.

As amended and reported by the committee, this committee substitute incorporates certain principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests parole decisions concerning juveniles in a panel comprised of at least two members of the Juvenile Justice Commission (JJC) designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board; makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The specific principles the committee substitute incorporates into the Code of Juvenile Justice include: 1) promoting collaboration between juvenile court officials, probation agencies, prosecutors, defense attorneys, schools, community organizations, and advocates; 2) using rigorous data collection and analysis to guide decision making; 3) utilizing objective criteria, processes, and tools, such as risk-assessment instruments, to replace subjective decision-making processes to determine if juveniles should be incarcerated and, if so, the length of time they spend in custody; 4) implementing new or expanded community-based alternatives to incarceration; 5) reducing delays in processing and length of delinquency actions, including parole and revocation proceedings, so that juveniles are not in out-of-home placements any longer than is necessary or are unnecessarily returned to custody; 6) incarcerating juveniles only when they pose a substantial threat to public safety; 7) combatting racial and ethnic disparities by collecting and examining data on policies and practices that may disadvantage minority juveniles; and 8) monitoring and improving conditions of confinement in secure facilities.

The amended committee substitute limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order

another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the committee substitute, the court may order a juvenile to be incarcerated in accordance with the principles incorporated into the committee substitute. The committee substitute also removes the requirement that a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer be incarcerated. Furthermore, the committee substitute eliminates as a disposition the imposition of fines on delinquent juveniles.

Under the committee substitute, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to a panel comprised of at least two members of the JJC designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board. The member of the State Parole Board who is designated by the chairman to be on the panel is required to have experience in juvenile justice or receive appropriate training. The committee substitute requires any decision made by the panel concerning parole to be unanimous.

Juveniles are to be granted early release on parole when it appears they have made substantial progress toward positive behavioral adjustment and rehabilitative goals articulated by the panel established by the committee substitute to the juvenile. The committee substitute directs the panel established by the committee substitute to determine the conditions of parole which are to be appropriately tailored to the needs of the juvenile. In addition, any conditions imposed at the time of release or modified thereafter as a graduated intervention in lieu of initiating parole revocation proceedings are to be the least restrictive necessary for the juvenile's successful return to the community. A juvenile is not to be sent to a halfway house, residential treatment program, or other out-of-home placement unless it is necessary to protect the juvenile's safety.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the committee substitute, the panel established by the committee substitute is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society. The term of supervision is not to exceed six months, unless it is deemed that a longer term is necessary to effectuate the juvenile's rehabilitation and reintegration into society. The longer term is not to exceed one year.

The committee substitute requires the JJC to review the case of a juvenile who is sentenced to a term of commitment every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody of the juvenile; whether the juvenile is

receiving the mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

The juvenile's counsel is to be granted an opportunity to respond to the report. The JJC is to continue to submit the status reports to the court until the juvenile is paroled or released. The court may conduct a hearing at any time to determine whether commitment with the commission continues to be appropriate and may release the juvenile or otherwise modify the dispositional order.

Under the committee substitute, the parole of a juvenile who violates a condition of that parole could be revoked under certain conditions. If there is probable cause that the juvenile has seriously or persistently violated the terms and conditions of parole, the panel established by the committee substitute is to conduct a hearing to determine if parole should be revoked. A hearing officer who is a State-licensed attorney is to conduct the hearing and the juvenile is to be represented by counsel.

Pre-hearing incarceration of the juvenile is prohibited unless there is objective and credible evidence that the juvenile poses an immediate and substantial danger to public safety. If a juvenile is incarcerated, the hearing is to be held within 72 hours of incarceration and a decision made within 48 hours of the hearing. Parole may be revoked only if the hearing officer determines, by clear and convincing evidence, that the juvenile has seriously or persistently violated the conditions of parole, the juvenile poses a substantial danger to public safety which no form of community-based supervision would alleviate, and revocation is consistent with the enumerated principles under the bill. The juvenile is entitled to all the rights and protections afforded adult parolees during the parole revocation process.

The committee substitute further eliminates the court's discretion to impose criminal fines on juveniles under the juvenile code and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties.

Finally, the committee substitute requires the JJC to establish a program to collect, record, and analyze certain data regarding juveniles who were sentenced to a term of incarceration. The JJC is to prepare a biennial report summarizing the aggregated data collected, recorded, and analyzed, which is to be published on its Internet website. The JJC also is required to publish on the website the criteria that are used to determine whether a juvenile is granted parole and to provide this information to every juvenile who is sentenced to a term of incarceration.

#### COMMITTEE AMENDMENTS:

The committee amended the committee substitute to require any decision made by the panel concerning parole to be unanimous.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the Juvenile Justice Commission (JJC) in the Department of Law and Public Safety will experience recurring workload increases from the: a) incorporation of certain Juvenile Detention Alternative Initiatives (JDAI) principles into the Code of Juvenile Justice; b) vesting of parole decisions concerning juveniles in the JJC; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The fiscal impact of these provisions depend on the extent these requirements may already be in practice by the JJC, and the commission's resource allocation policies.

The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions. The OLS anticipates decreased costs to the JJC and counties, which as a result of the bill may be required to hold fewer juvenile offenders and for shorter periods of time.

The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties. The OLS anticipates decreased State and municipal revenue from the elimination of certain fees and fines associated with juvenile crimes.

The bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The OLS estimates that there may be additional workload created by this new provision.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 5586**

**STATE OF NEW JERSEY**

**218th LEGISLATURE**

DATED: JANUARY 16, 2020

## SUMMARY

- Synopsis:** Concerns juvenile incarceration and parole.
- Type of Impact:** Expenditure increases and decreases to State, municipal, and county governments. Annual revenue decrease to State and municipal governments.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; Superior and Municipal Courts; County Juvenile Detention Facilities.

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Net Expenditure Impact</b>		Indeterminate	
<b>State Revenue Decrease</b>		Indeterminate	
<b>Local Net Expenditure Impact</b>		Indeterminate	
<b>Local Revenue Decrease</b>		Indeterminate	

- The Office of Legislative Services (OLS) concludes that the Juvenile Justice Commission (JJC) in the Department of Law and Public Safety will experience recurring workload increases from the: a) incorporation of certain principles into the Code of Juvenile Justice; b) establishment of the juvenile parole panel and corresponding requirements; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles.
- State Parole Board costs will decrease by an indeterminate amount since the board's responsibilities for juvenile parole proceedings will be shared with the JJC through a new panel.
- The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions.

The OLS anticipates decreased costs to the JJC and counties, which as a result of the bill may be required to hold fewer juvenile offenders and for shorter periods of time.

- The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the Drug Enforcement and Demand Reduction (DEDR) and Victims of Crime Compensation Office penalties. The OLS anticipates decreased State and municipal revenue from the mandatory elimination of certain fees and fines associated with juvenile crimes.
- The bill transitions the responsibility for determining parole eligibility, supervision and revocation and post incarceration supervision for juveniles from the State Parole Board to a newly established panel comprised of at least two members of the JJC and a member of the State Parole Board.
- The bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The OLS estimates that there may be additional workload created by this new provision.

## **BILL DESCRIPTION**

This bill incorporates certain principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests parole decisions concerning juveniles in a panel comprised of two members of the JJC and a member of the State Parole Board; makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The bill limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the bill, the court may order a juvenile to be incarcerated in accordance with the principles incorporated into the bill. The bill also removes the requirement that a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer be incarcerated.

The bill eliminates the court's discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the DEDR and Victims of Crime Compensation Office penalties.

Under the bill, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to a newly established panel comprised of at least two members of the JJC designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board. The panel member designated from the State Parole Board is required to have experience in juvenile justice or have received appropriate training. Any parole decision made by the panel is required to be unanimous.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the bill, the panel is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society.

Currently, juveniles are not required to have legal representation at parole revocation hearings. The bill requires that the juveniles are represented during these hearings.

The bill requires the JJC to review the case of a juvenile who is sentenced to a term of commitment every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody of the juvenile; whether the juvenile is receiving the mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

Finally, the bill requires the JJC to establish a program to collect, record, and analyze certain data regarding juveniles who were sentenced to a term of incarceration. The JJC is to prepare a biennial report summarizing the aggregated data collected, recorded, and analyzed, which is to be published on its Internet website. The JJC also is required to publish on its website the criteria that are used to determine whether a juvenile is granted parole and to provide this information to every juvenile who is sentenced to a term of incarceration.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the implementation of the bill's provisions will result in an indeterminate impact on State expenditures, with a potential decrease in State Parole Board costs and an uncertain impact on Juvenile Justice Commission costs. The OLS anticipates decreased costs to the JJC facilities as well as the county juvenile detention facilities as a result of fewer juvenile offenders being sentenced to county juvenile detention facilities and for shorter periods of time. Additionally, the OLS anticipates decreased State and municipal revenue from the mandatory elimination of certain fees and fines associated with juvenile crimes.

**State and Local Expenditures** – The OLS concludes that the JJC will experience recurring workload increases from the: a) incorporation of certain principles into the Code of Juvenile Justice; b) establishment of the juvenile parole panel and corresponding requirements; c) requirement to submit status reports on incarcerated juveniles; and d) establishment of a program to collect, record, analyze, and publish certain data regarding sentenced juveniles.

The bill removes certain mandatory incarceration requirements for juvenile offenders and prohibits parole revocation pre-hearing incarceration of the juveniles, with certain exceptions. This presumption may lead to fewer juveniles being held in county juvenile detention facilities and sentenced to JJC. According to data provided in the Governor's proposed budget, as of 2015, the average daily cost per inmate for JJC institutions is \$611.61 per day. The marginal daily cost per additional inmate will fluctuate depending on how many juveniles are sentenced to each of the respective facilities.

The bill transitions the responsibility for determining whether a juvenile should be paroled from the State Parole Board to a newly established panel comprised of at least two members of the JJC and a member of the State Parole Board.

Currently, juveniles are not required to have legal representation at parole revocation hearings. The bill requires that the juveniles are represented during these hearings. The OLS estimates that

the Office of the Public Defender will represent anyone who cannot afford representation, thus increasing the workload of the office.

Lastly, the bill requires the JJC to establish a program to collect, record, analyze, and publish certain data regarding sentenced juveniles. The bill requires specific data to be collected and it is unknown what, if any, technology the JJC and county facilities may require to meet this requirement. The OLS estimates that there may be additional workload created by this new provision.

**State and Local Revenue** – Currently, criminal fines and penalties are assessed on juvenile offenders. The bill eliminates the court’s discretion to impose criminal fines on juveniles under the Code of Juvenile Justice and eliminates for juveniles the DEDR and Victims of Crime Compensation Office penalties. The OLS cannot determine the amount of State or local revenue currently collected, however notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes.

*Section: Law and Public Safety*  
*Analyst: Kristin Brunner Santos*  
*Senior Fiscal Analyst*  
*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



# On Martin Luther King, Jr. Day, Governor Murphy Signs Juvenile Justice Reform Legislation

01/20/2020

**ELIZABETH** – On Martin Luther King, Jr. Day, Governor Phil Murphy today signed landmark legislation to reform New Jersey's juvenile justice system. This legislation marks a major accomplishment in the Governor's efforts to ensure a more humane, just, and equitable criminal justice system.

"Our Administration is committed to ensuring that New Jersey's youth get the second chance they deserve, and today we're taking a critical step toward creating a criminal justice system that is just, fair, and truly rehabilitates young lives," **said Governor Murphy**. "I am proud to sign sweeping legislation to reform our juvenile justice system and ensure that our young people have the opportunity they deserve to turn their lives around and build a better future for themselves, their families, and their communities."

S48 integrates several reforms to New Jersey's juvenile justice system concerning incarceration and parole by incorporating the Juvenile Detention Alternative Initiative principles into the Juvenile Justice Code. Among those reforms include the elimination of fines as a penalty for juvenile offenders; limitations on when juveniles may be incarcerated; and the replacement of the mandatory post-incarceration supervision period with one that is discretionary. The bill also transfers the responsibility of parole decisions from the State Parole Board to a panel made up of at least two members from the Juvenile Justice Commission and one member of the State Parole Board. Under the bill, the panel is responsible for making determinations regarding parole eligibility, supervision, revocation and post-incarceration supervision for juveniles. Further, the panel will be responsible for determining the conditions of parole and ensuring that the conditions are appropriately tailored to the juvenile and the least restrictive necessary for the juvenile's successful return to society.

"Over the last fifteen years, the Juvenile Justice Commission has implemented a number of groundbreaking reforms that have, among other things, resulted in an over 85% reduction in the number of youths in state custody," **said Attorney General Gurbir S. Grewal**. "We are committed to using the additional tools included in the legislation signed today to continue this great work and to reduce the racial disparities that still exist in the system."

"Legislation that allows eligible incarcerated juveniles with a chance to assimilate back into society through an equitable framework can provide these young people with an opportunity to create long-lasting, positive changes to their lives," **said New Jersey State Parole Board Chairman Samuel J. Plumeri, Jr.** "Redemption through reentry does happen and augmented with the proper support, young offenders can begin living their lives again."

"I am pleased that the Governor is signing this important juvenile justice reform into law," **said Public Defender Joseph Krakora**. "It reflects a national recognition that juveniles should be treated differently than adults by our criminal justice system. I hope we can continue to lead the way in juvenile justice reform."

Primary sponsors of the legislation include Senators Nellie Pou and Shirley Turner, and Assemblymembers Benjie Wimberly, Annette Quijano, and Verlina Reynolds-Jackson.

"This law is meant to build a fairer, more just and less racially biased juvenile justice system," **said Senator Pou**. "It took over two years of incredibly hard and tireless work by advocates, judges, organizations and experts and I am grateful to have worked alongside so many thoughtful and dedicated people because without them these landmark reforms could not have been possible. Currently, if a juvenile gets caught in our antiquated justice system they can spend decades trying to get out. This law makes it less likely for a juvenile caught in adolescence to spend a lifetime in the justice system, having a major impact on the individual's life, their family and the entire community."

"Although we have made improvements over the years, New Jersey still needs to do more for the adolescents who go through our court system. Our current justice system places more of an emphasis on harsh, mandatory sentences than on finding ways to reintegrate juvenile offenders back into society," **said Assemblymembers Wimberly, Quijano, and Reynolds-Jackson**. "Many of these children and teenagers come from complicated backgrounds and may not have fully understood the repercussions of their actions. In order to successfully rehabilitate them, we must give these young people the opportunity to learn and improve from their missteps, rather than incarcerating them for extended periods of time with little hope of release. That's why this bill introduces a number of changes to the Code of Juvenile Justice by incorporating principles of the Juvenile Detention Alternatives Initiative. These principles would

place restrictions on who can be incarcerated while replacing subjective decision-making processes with more objective methods of determining sentencing suitability and parole eligibility. Community-based alternatives to imprisonment, collaboration between court officials and other interested parties – such as lawyers and advocates, improved conditions in secure facilities and data collection on racial disparities would all be promoted as well, in an effort to reform our current system. We cannot let a child's mistake determine the rest of their lives. They deserve a chance to grow from their mistakes and create a new path for their lives.”

“We commend Governor Murphy for signing this important piece of legislation which, among other things, will eliminate unjust fines, modernize the parole process, and decrease the number of youth who are incarcerated,” **said Ryan P. Haygood, President & CEO of the New Jersey Institute for Social Justice.** “A Black child is 21 times more likely to be locked up than a white child in our state, the highest racial disparity rate in the country. This law will help bring New Jersey one step closer to transforming its youth justice system from one that produces this unacceptable injustice to one that treats kids as kids.”

“Because this groundbreaking legislation will help combat the gross racial disparities that persist in New Jersey's juvenile facilities, it is especially fitting that Governor Murphy will sign it today, as we celebrate the work and legacy of Dr. Martin Luther King, Jr.,” **said Laura Cohen, Director of the Rutgers Criminal and Youth Justice Clinic.** “We applaud the commitment of the Governor and the bill's sponsors to continuing our state's progress toward a more equitable, safe, and effective youth justice system.”

“Signing this bill moves New Jersey forward on the path to reforming our country's overly punitive, racially disparate juvenile justice system,” **said ACLU-NJ Executive Director Amol Sinha.** Mandatory minimums, along with fines and fees imposed on families, can particularly wreak havoc on the lives of low-income juveniles and their families. This law acknowledges that neither should have a place in sentencing decisions for young people. We look forward to working with the Legislature and Governor Murphy to ensure that no young people are incarcerated unless absolutely necessary.”

“New Jersey has led the nation with a drastic decline in the rate at which youth are locked up, but disparities remain. We applaud Governor Murphy and members of the New Jersey Legislature, who are working with advocates and stakeholders across the state to create a stronger, fairer and more effective juvenile justice system,” **said Mary Coogan, Vice President of Advocates for Children of New Jersey.** “This is a huge step forward to build on gains in juvenile justice reform across New Jersey. While young offenders should be held accountable for their actions, the goal is to return them to their communities, equipped with the skills they need to stay out of trouble and mature into productive adults. To do this, we need to construct a juvenile justice system that is truly therapeutic rather than punitive. We need to provide youth with better alternatives, diverting those who have committed minor offenses into more constructive enterprises, and rehabilitate serious juvenile offenders with the support they need, providing a path for successful re-entry once they are released.”