

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1973

CHAPTER 306

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Sponsor(s): Thomas and Lipman
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Senate No
Fiscal Note: Yes
Veto Message: No
Message on Signing: Yes
Following were printed:
Reports: Yes
Hearings: No

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See newspaper clippings--attached:

See Governor Cahill's 2nd Annual Hessage--attached.

CHAPTER 306 LAWS OF N. J. 1973
APPROVED 12-14-73

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SENATE, No. 2141

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1973

By Senator THOMAS

Referred to Committee on Judiciary

AN ACT concerning juveniles, jurisdiction and proceedings in the juvenile and domestic relations court and repealing portions of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 a. To preserve the unity of the family whenever possible and
4 to provide for the care, protection, and wholesome mental and
5 physical development of juveniles coming within the provisions
6 of this act;

7 b. Consistent with the protection of the public interest, to remove
8 from children committing delinquent acts certain statutory con-
9 sequences of criminal behavior, and to substitute therefor an ade-
10 quate program of supervision, care and rehabilitation;

11 c. To separate juveniles from the family environment only when
12 necessary for their health, safety or welfare or in the interests
13 of public safety.

1 2. General definitions. As used in this act:

2 a. "Juvenile" means an individual who is under the age of 18
3 years.

4 b. "Adult" means an individual 18 years of age or older.

5 c. "Detention" means the temporary care of juveniles in physi-
6 cally restricting facilities pending court disposition.

7 d. "Shelter care" means the temporary care of juveniles in
8 facilities without physical restriction pending court disposition.

9 e. "Commit" means to transfer legal custody to an institution.

10 f. "Guardian" means a person, other than a parent, to whom

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

11 legal custody of the child has been given by court order or who is
12 acting in the place of the parent.

1 3. Definition of delinquency. As used in this act, "delinquency"
2 means the commission of an act by a juvenile which if committed
3 by an adult would constitute:

- 4 a. A homicide or act of treason;
- 5 b. A high misdemeanor or misdemeanor;
- 6 c. A disorderly persons offense; or
- 7 d. A violation of any other penal statute, ordinance or regula-
8 tion.

9 But, the commission of an act which constitutes a violation of
10 chapters 3 ****[or]****, **** 4****, *6 or 8*** of Title 39, Motor Vehicles,
11 of the Revised Statutes, or of any amendment or supplement
12 thereof, by a juvenile of or over the age of 17 years ****[**, who is or
13 was the holder of a valid license to operate a motor vehicle under
14 the laws of this or any other state, or a valid learner's permit when
15 supervised by a licensed driver**]**** shall not constitute delinquency
16 as defined in this act.

1 4. Definition of "juvenile in need of supervision." As used in
2 this act, "juvenile in need of supervision" means:

- 3 a. A juvenile who is habitually disobedient to his parent or
4 guardian;
- 5 b. A juvenile who is ungovernable or incorrigible;
- 6 c. A juvenile who is habitually and voluntarily truant from
7 school; or
- 8 d. A juvenile who has committed an offense or violation of a
9 statute or ordinance applicable only to juveniles.

10 ***Evidence of conduct which is ungovernable or incorrigible may
11 include but shall not be limited to:*

- 12 (1) *habitual vagrancy,*
- 13 (2) *immorality,*
- 14 (3) *knowingly visiting gambling places, or patronizing other
15 places or establishments, the juvenile's admission to which
16 constitutes a violation of law,*
- 17 (4) *habitual idle roaming of the streets at night,*
- 18 (5) *deportment which endangers the juvenile's own morals,
19 health or general welfare.***

1 5. Exclusive jurisdiction of juvenile and domestic relations court.

- 2 a. Except as stated in sections 7 and 8 of this act, the juvenile and
3 domestic relations court shall have exclusive jurisdiction in
4 all cases where it is charged that a juvenile has committed an act
5 of delinquency or is in need of supervision.

6 b. The juvenile and domestic relations court shall have juris-
 7 diction in respect to the custody of any juvenile who may be held
 8 as a material witness in any case pending in the juvenile and do-
 9 mestic relations court. Whenever a juvenile is a material witness
 10 in any other court, the procedures established by this act shall be
 11 followed.

12 c. Nothing in this act shall affect the jurisdiction of other courts
 13 over offenses committed after a juvenile under the jurisdiction of
 14 the juvenile and domestic relations court reaches the age of 18
 15 years.

1 6. Transfer from other courts. Except as provided in section 3,
 2 and unless jurisdiction has been waived under section 7, if during
 3 the pendency in any other court of a case charging a person with
 4 a crime, offense or violation, it is ascertained that such person
 5 was a juvenile at the time of the crime, offense or violation charged,
 6 such court shall immediately transfer such case to the juvenile
 7 and domestic relations court having jurisdiction. The juvenile and
 8 domestic relations court shall thereupon proceed in the same man-
 9 ner as if the case had been instituted in that court in the first
 10 instance.

1 7. Referral to other court without juvenile's consent. The juve-
 2 nile and domestic relations court may, without the consent of the
 3 juvenile, waive jurisdiction over a case and refer that case to the
 4 appropriate court and prosecuting authority having jurisdiction
 5 if it finds, after hearing, that:

6 a. **[(1)]** The juvenile was 16 years of age or older at the
 7 time of the charged delinquent act;

8 **[b.] [(2)]** *b.* There is probable cause to believe that
 9 the juvenile committed a delinquent act which would constitute
 10 homicide **[or]** *or* treason if committed by an adult or com-
 11 mitted an offense against the person in an aggressive, violent and
 11A willful manner *or committed a delinquent act which would have*
 11B *been a violation of section 19 of the Controlled Dangerous Sub-*
 11C *stances Act (P. L. 1970, c. 226; C. 24:21-19) if committed by an*
 11D *adult and the juvenile, at the time he committed the act, was not*
 11E *addicted to a narcotic drug as that term is defined in section 2 of*
 11F *the Controlled Dangerous Substances Act (P. L. 1970, c. 226;*
 11G *C. 24:21-2)*; and

12 **[c.] [(3)]** *c.* The court is satisfied that adequate
 13 protection of the public requires waiver and is satisfied there are
 14 no reasonable prospects for rehabilitation of the juvenile prior to
 15 his attaining the age of majority by use of the procedures, services
 16 and facilities available to the court **[*]; or**

17 *b. The juvenile was 16 years of age or older at the time he com-*
 18 *mitted an act which would have been a violation of section 24:21-19*
 19 *of the Controlled Dangerous Substances Act (P. L. 1970, c. 226)*
 20 *if committed by an adult and the juvenile, at the time he committed*
 21 *the act, was not addicted to a narcotic drug as that term is defined*
 22 *in section 24:21-2 of the Controlled Dangerous Substances Act*
 23 *(P. L. 1970, c. 226).** **.

1 8. Referral to other court at election of juvenile. Any juvenile,
 2 16 years of age or older, charged with delinquency may elect
 3 to have the case transferred to the appropriate court having
 4 jurisdiction.

1 9. Effect of referral to other court. Whenever a case is referred
 2 to another court as provided by section 7 or 8, that case shall
 3 thereafter proceed in the same manner as if the case had been
 4 instituted in that court in the first instance.

1 10. Use of juvenile's testimony at referral hearing. No testimony
 2 of a juvenile at a hearing pursuant to section 7 shall be admissible
 3 for any purpose in any hearing to determine delinquency or guilt
 4 of any offense.

1 11. Retention of jurisdiction. a. The court shall retain jurisdic-
 2 tion over any case in which it has entered a disposition under
 3 subsections g. or h. of section 20 for the duration of that disposition
 4 and may at any time, in accordance with the Rules of Court, re-
 5 consider the disposition of commitment and substitute any dis-
 6 position available to it under section 20, other than under subsec-
 7 tion h. of section 20.

8 b. The juvenile and domestic relations court shall retain jurisdic-
 9 tion over any case in which it has entered a disposition under
 10 **~~section 21 or subsection c. of section 21~~** ***subsection c. of*
 11 *section 20 or section 21*** and may at any time for the duration of
 12 that disposition, if after hearing, it finds violation of the conditions
 13 of the order of disposition, substitute any other disposition which
 13A it might have made originally.

14 c. The juvenile and domestic relations court may by its order
 15 retain jurisdiction in any other case.

1 12. Complaints. a. Complaints charging delinquency may be
 2 signed by any person who has knowledge of the facts alleged to
 3 constitute delinquency or is informed of such facts and believes
 4 that they are true.

5 b. Complaints charging that a juvenile is in need of supervision
 6 may be signed by any of the following: a representative of a
 7 public or private agency authorized to provide care or supervision
 8 of juveniles; a representative of a public or private agency pro-

9 viding social services for families or children; a school official; a
10 law enforcement, correction or probation officer; or a parent or
11 guardian.

12 c. Complaints shall be in such form as prescribed by the Rules
13 of Court.

1 13. Taking into custody. a. A juvenile may be taken into custody:

2 (1) Pursuant to an order or warrant of the juvenile and domestic
3 relations court or other court having jurisdiction; or

4 (2) For delinquency, when there has been no process issued by a
5 court, a law enforcement officer may take any juvenile into custody
6 without process, pursuant to the laws of arrest and the Rules of
7 Court.

8 b. A juvenile may be taken into custody if the law enforcement
9 officer has reasonable cause to believe that the juvenile is in need
10 of supervision.

11 c. The taking of a juvenile into custody shall not be construed as
12 an arrest, but shall be deemed a measure to protect the health,
13 morals and well being of the juvenile.

1 14. Release from custody; notice to parents. a. Any person tak-
2 ing a juvenile into custody shall immediately notify the parents, or
3 the juvenile's guardian, if any, that the juvenile has been taken
4 into custody.

5 b. A person taking a juvenile into custody shall comply with the
6 Rules of Court relating thereto.

1 15. Criteria for placing juvenile in detention or shelter care.

2 a. Where it will not adversely affect the health, safety or welfare
3 of a juvenile, he or she shall be released pending the disposition
4 of a case to one or both parents or guardian, if any, upon assurance
5 being received that such responsible person or persons accept
6 responsibility for the juvenile and will bring him before the juvenile
7 and domestic relations court as ordered.

8 b. A juvenile charged with delinquency may not be placed or
9 retained in detention under this act prior to disposition, except as
10 otherwise provided by law, unless:

11 (1) Detention is necessary to secure the presence of the juvenile
12 at the next hearing; or

13 (2) The nature of the conduct charged is such that the physical
14 safety of the community would be seriously threatened if the
15 juvenile were not detained.

16 c. A juvenile may not be placed or retained in shelter care prior
17 to disposition unless:

18 (1) There is no appropriate adult custodian who agrees to

19 assume responsibility for the juvenile, and the release on the basis
20 of a summons to the juvenile is not appropriate; or

21 (2) Shelter care is necessary to protect the health or safety of
22 the juvenile; or

23 (3) Shelter care is necessary to secure his presence at the next
24 hearing; or

25 (4) The physical or mental condition of the juvenile makes his
26 immediate release impractical.

1 16. Place of detention or shelter. a. The State Department of
2 Institutions and Agencies shall specify the place where:

3 (1) A juvenile may be detained; and

4 (2) Where a juvenile may be placed in shelter.

5 b. No juvenile shall be placed in detention or shelter care in any
6 place other than that specified by the State Department of In-
7 stitutions and Agencies as provided in a. (1) and (2) above.

8 c. A juvenile, being held for a charge under this act, shall not be
9 placed in any prison, jail or lockup nor detained in any police sta-
10 tion, except that if no other facility is reasonably available a
11 juvenile may be held in a police station in a place other than one
12 designed for the detention of prisoners and apart from any adult
13 charged with or convicted of crime for a brief period if such holding
14 is necessary to allow release to his parent, guardian, other suitable
15 person, or approved facility.

1 17. Detention or shelter care hearing. a. When a juvenile is taken
2 into custody a complaint shall be filed forthwith as provided by the
3 Rules of Court. The juvenile and domestic relations court shall
4 determine whether detention or shelter care is required.

5 b. Notice of the detention or shelter care hearing, either oral or
6 written, stating the time, place, and purpose of the hearing shall
7 be given to the juvenile and to his or her parent or parents, or
8 guardian, if any, if they can be found.

9 c. The detention or shelter care hearing shall be conducted in
10 accordance with the Rules of Court and shall be attended by the
11 juvenile and one or both parents, or guardian, but may take place
12 in the absence of parent or guardian if such notice or process fails
13 to produce their attendance.

14 d. When the judge finds that detention or shelter care is not
15 necessary or required, the court shall order the juvenile's release
16 and may place such conditions, if any, upon release as are con-
17 sistent with the purposes of this act and the Rules of Court.

1 18. Right to counsel. A juvenile shall have the right to be repre-
2 sented by counsel at every critical stage in the proceeding as
3 provided by the Rules of Court.

1 19. No jury trial for juveniles. All defenses available to an adult
2 charged with a crime, offense or violation shall be available to a
3 juvenile charged with committing an act of delinquency.

4 All cases arising under this act not referred as provided by
5 sections 7 or 8 shall be heard and decided by the juvenile and
6 domestic relations court without a jury. The right to be secure
7 from unreasonable searches and seizures, the right not to be placed
8 twice in jeopardy for the same offense, and the right of due process
9 of law shall be applicable in cases arising under this act as in cases
10 of persons charged with crime.

1 20. Disposition of delinquency cases. If a juvenile is adjudged
2 delinquent the juvenile and domestic relations court may order any
3 of the following dispositions:

4 a. Adjourn formal entry of disposition of the case for a period
5 not to exceed 12 months for the purpose of determining whether
6 the juvenile makes a satisfactory adjustment, and if during the
7 period of continuance the juvenile makes such an adjustment,
8 dismiss the complaint; or

9 b. Release the juvenile to the supervision of his or her parent or
10 guardian; or

11 c. Place the juvenile on probation to the chief probation officer of
12 the county or to any other suitable person who agrees to accept
13 the duty of probation supervision for a period not to exceed 3 years
14 upon such written conditions as the court deems will aid rehabilita-
15 tion of the juvenile; or

16 d. Transfer custody of the juvenile to any relative or other per-
17 son determined by the probation department to be qualified to care
18 for the juvenile; or

19 e. Place the juvenile under the care of the Division of Youth
20 and Family Services pursuant to P. L. 1951, c. 138, s. 2 (c)
21 (C. 30:4C-2 (c)).

22 f. Place the juvenile under the care and custody of the Com-
23 missioner of the Department of Institutions and Agencies for the
24 purpose of receiving the services of the Division of Mental Retar-
25 dation of that department, provided that the juvenile has been
26 determined to be eligible for those services under P. L. 1965, c. 59,
27 s. 16 (C. 30:4-25.4); or

28 g. Commit the juvenile to a suitable institution for the treatment
29 of mental illness if after hearing it is determined from psychiatric
30 evidence that the juvenile does or may constitute a danger to him-
31 self or to other persons if not so committed; or

32 h. Commit the juvenile to a suitable institution maintained for
33 the rehabilitation of delinquents for an indeterminate term not to

34 exceed 3 years; except, that, any time an adjudication of juvenile
 35 delinquency is predicated upon an offense which, if committed by
 36 a person of the age of 18 years or over would constitute any form
 37 of homicide as defined in N. J. S. A. 2A:113-1, 2A:113-2, 2A:113-4
 38 or 2A:113-5 then the period of confinement shall be indeterminate
 39 and shall continue until the appropriate paroling authority
 40 determines that such person should be paroled**[, but in
 41 such]** * **; and, except that in any** case the period of confine-
 42 ment and parole shall not exceed the maximum provided by law for
 43 such offense if committed by a person of the age of 18 years or
 43A over.

44 Any juvenile committed under this act who is released on parole
 45 prior to the expiration of his maximum term may be retained
 46 under parole supervision for a period not exceeding the unserved
 47 portion of the term.

48 i. Such other disposition not inconsistent with this act as the
 49 court may determine.

1 21. Disposition of cases of **[persons]** * **juveniles** in need
 2 of supervision. a. If a juvenile is adjudged to be in need of super-
 3 vision the juvenile and domestic relations court may order any
 4 disposition provided for in the disposition of delinquency cases,
 5 except subsection h. of section 20.

6 b. No juvenile in need of supervision shall be committed to or
 7 placed in any institution or facility established for the care of
 8 delinquent children or in any facility, other than an institution for
 9 the mentally retarded, a mental hospital or facility for the care of
 10 persons addicted to controlled dangerous substances, which
 11 physically restricts such juvenile committed to or placed in it.

1 22. Termination of orders of disposition. Any order of disposi-
 2 tion entered in a case under this act shall terminate when the
 3 juvenile who is the subject of the order attains the age of 18** ,
 3A or 1 year from the date of the order whichever is later** unless
 4 such order is pursuant to subsection h. of section 20 or is sooner
 5 terminated by its terms or by order of the juvenile and domestic
 6 relations court.

1 23. Effect of disposition. No disposition under this act shall
 2 operate to impose any of the civil disabilities ordinarily imposed
 3 by virtue of a criminal conviction, nor shall a juvenile be deemed
 4 a criminal by reason of such disposition**[, nor shall such disposi-
 5 tion be deemed a conviction]** * **.

6 The disposition of a case under this act shall not be admissible
 7 against the juvenile in any criminal or penal case or proceeding in
 8 any other court except for consideration in sentencing.

1 24. Disclosure of juvenile records: penalties for disclosure.
2 a. Social, medical, psychological, legal and other records of the
3 court and probation department, and records of law enforcement
4 agencies, pertaining to juveniles charged under this act, shall be
5 strictly safeguarded from public inspection. Such records shall be
6 made available only to:

- 7 (1) Any court or probation department;
8 (2) The Attorney General or county prosecutor;
9 (3) The parents or guardian and to the attorney of the juvenile;
10 (4) The Division of Youth and Family Services, if providing
11 care or custody of the juvenile;
12 (5) Any institution to which the juvenile is currently committed;
13 and
14 (6) Any person or agency interested in a case or in the work of
15 the agency keeping the records, by order of the court for good cause
16 shown.

17 b. Whoever, except as provided by law, knowingly discloses,
18 publishes, receives, or makes use of or knowingly permits the
19 unauthorized use of information concerning a particular juvenile
20 derived from records listed in subsection a. or acquired in the
21 course of court proceedings, probation, or police duties, shall, upon
22 conviction thereof, be guilty of a disorderly person's offense.

1 25. Fingerprints, photographs of juveniles. a. Fingerprints of
2 a juvenile under age 16 may be taken only in the following
3 circumstances:

- 4 (1) Where latent fingerprints are found during the investigation
5 of an offense and a law enforcement officer has reason to believe
6 that they are those of a juvenile, he may fingerprint the juvenile
7 for the purpose of comparison with the latent fingerprints.
8 (2) Where a juvenile is detained in or committed to an institu-
9 tion, that institution may fingerprint the juvenile for the purpose
10 of identification.

11 b. All records or copies of the fingerprints of ****[such]****
12 juveniles shall be retained by the department, agency or institution
13 taking them and shall be forwarded to the court for destruction
14 when the court determines that the purpose for the taking of the
15 fingerprints has been fulfilled, except that fingerprints taken of a
16 juvenile of more than 16 years of age may be retained by a law
17 enforcement agency for criminal identification purposes if ****such**
17A *juvenile is* ****** adjudged delinquent.

18 c. No juvenile under the age of 16 shall be photographed for
19 criminal identification purposes without the consent of the juvenile
20 and domestic relations court.

1 26. Sealing of records. a. On motion of a person who has been
2 the subject of a complaint filed under this act or on its own motion,
3 the juvenile and domestic relations court may vacate its order and
4 findings and order the nondisclosure of social, medical, psycho-
5 logical, legal and other records of the court and probation services,
6 and records of law enforcement agencies if it finds:

7 (1) Two years have elapsed since the final discharge of the
8 person from legal custody or supervision, or 2 years ***have*
9 *elapsed*** after the entry of any other court order not involving
10 custody or supervision; ***[*provided, however, that in any case
11 wherein an adjudication has been entered upon the status of a child
12 under 18 years of age, and said child intends to enlist in any branch
13 of the Armed Forces of the United States, he may at any time after
14 the date of such adjudication present a duly verified petition to the
15 court wherein such adjudication was entered, setting forth all the
16 facts in the matter, including his intention to enlist in said armed
17 forces, and praying for the relief provided for in this section, and
18 provided further, that pursuant to the provisions and subject to
19 the limitations hereinafter provided for in this section, an order
20 directing an expunging from the records of all evidence of such
21 adjudication upon the status of any such child may be granted;]****

21A and

22 (2) He has not been convicted of a crime, or a disorderly person's
23 offense or adjudged delinquent, or in need of supervision, during
24 the 2 years prior to the filing of the motion, and no proceeding
25 or complaint is pending seeking such conviction or adjudication.

25A ***b. In any case wherein an adjudication has been entered upon*
25B *the status of a juvenile under 18 years of age, and said juvenile*
25C *intends to enlist in any branch of the Armed Forces of the United*
25D *States, he may at any time after the date of such adjudication pre-*
25E *sent a duly verified petition to the court wherein such adjudication*
25F *was entered, setting forth all the facts in the matter, including his*
25G *intention to enlist in said armed forces, and praying for the relief*
25H *provided in this section and subject to the limitations hereinafter*
25I *provided in this section, an order may be granted to seal all the*
25J *records concerning such adjudication including records of the court,*
25K *probation services and law enforcement agencies.***

26 ***[b.]** **c.*** Reasonable written notice of the motion shall be
26A given to:

27 (1) The Attorney General and the county prosecutor;

28 (2) The authority granting the discharge if the final discharge
29 was from an institution, parole, or probation; and

30 (3) The law enforcement office, department, and central
 31 depository having custody of the files and records if such files and
 32 records are included in the motion.

33 ****[c.]**** ****d.**** Upon the entry of the order, the proceedings in
 34 the case shall be sealed and all index references shall be marked
 35 "not available" or "no record" and law enforcement officers and
 36 departments shall reply and the person may reply to any inquiry
 37 that there is no record with respect to such person, except that
 38 records may be maintained for purposes of prior offender status.
 39 This section shall not apply to reports required under the Con-
 40 trolled Dangerous Substances Registry Act of 1970, P. L. 1970,
 41 c. 227 (C. 26:2G-17 et seq.). Copies of the order shall be sent to
 42 each agency or official named therein.

43 Inspection of the files and records included in the order may
 44 thereafter be permitted by the court only upon motion and only to
 45 those persons named in the motion; provided, however, the court,
 46 in its discretion, may by special order in an individual case permit
 47 inspection by or release of information in the records to any clinic,
 48 hospital, or agency which has the person under care or treatment
 49 or to individuals or agencies engaged in fact-finding or research.

50 ****[d.]**** ****e.**** Any adjudication of delinquency or in need of
 51 supervision or conviction of a crime subsequent to sealing shall
 52 have the effect of nullifying the sealing order.

1 27. The following sections are hereby repealed:

2 N. J. S. 2A:4-14 to 2A:4-17, inclusive, 2A:4-20, 2A:4-21,
 3 2A:4-32, 2A:4-33, 2A:4-35, 2A:4-37, 2A:4-39; R. S. 30:4-157.3 and
 4 P. L. 67, c. 308 (C. 2A:4-39.1).

1 28. This act shall take effect on the first day of the third month
 2 following enactment****[**, but may be applied to cases pending on the
 3 date of approval in the discretion of the court**]****.

SENATE, No. 2141

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1973

By Senator THOMAS

Referred to Committee on Judiciary

AN ACT concerning juveniles, jurisdiction and proceedings in the juvenile and domestic relations court and repealing portions of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 a. To preserve the unity of the family whenever possible and
4 to provide for the care, protection, and wholesome mental and
5 physical development of juveniles coming within the provisions
6 of this act;

7 b. Consistent with the protection of the public interest, to remove
8 from children committing delinquent acts certain statutory con-
9 sequences of criminal behavior, and to substitute therefor an ade-
10 quate program of supervision, care and rehabilitation;

11 c. To separate juveniles from the family environment only when
12 necessary for their health, safety or welfare or in the interests
13 of public safety.

1 2. General definitions. As used in this act:

2 a. "Juvenile" means an individual who is under the age of 18
3 years.

4 b. "Adult" means an individual 18 years of age or older.

5 c. "Detention" means the temporary care of juveniles in physi-
6 cally restricting facilities pending court disposition.

7 d. "Shelter care" means the temporary care of juveniles in
8 facilities without physical restriction pending court disposition.

9 e. "Commit" means to transfer legal custody to an institution.

10 f. "Guardian" means a person, other than a parent, to whom
11 legal custody of the child has been given by court order or who is
12 acting in the place of the parent.

1 3. Definition of delinquency. As used in this act, "delinquency"
2 means the commission of an act by a juvenile which if committed
3 by an adult would constitute:

- 4 a. A homicide or act of treason;
- 5 b. A high misdemeanor or misdemeanor;
- 6 c. A disorderly persons offense; or
- 7 d. A violation of any other penal statute, ordinance or regula-
8 tion.

9 But, the commission of an act which constitutes a violation of
10 chapters 3 or 4 of Title 39, Motor Vehicles, of the Revised Statutes,
11 or of any amendment or supplement thereof, by a juvenile of or
12 over the age of 17 years, who is or was the holder of a valid license
13 to operate a motor vehicle under the laws of this or any other state,
14 or a valid learner's permit when supervised by a licensed driver
15 shall not constitute delinquency as defined in this act.

1 4. Definition of "juvenile in need of supervision." As used in
2 this act, "juvenile in need of supervision" means:

- 3 a. A juvenile who is habitually disobedient to his parent or
4 guardian;
- 5 b. A juvenile who is ungovernable or incorrigible;
- 6 c. A juvenile who is habitually and voluntarily truant from
7 school; or
- 8 d. A juvenile who has committed an offense or violation of a
9 statute or ordinance applicable only to juveniles.

1 5. Exclusive jurisdiction of juvenile and domestic relations court.

2 a. Except as stated in sections 7 and 8 of this act, the juvenile and
3 domestic relations court shall have exclusive jurisdiction in
4 all cases where it is charged that a juvenile has committed an act
5 of delinquency or is in need of supervision.

6 b. The juvenile and domestic relations court shall have juris-
7 diction in respect to the custody of any juvenile who may be held
8 as a material witness in any case pending in the juvenile and do-
9 mestic relations court. Whenever a juvenile is a material witness
10 in any other court, the procedures established by this act shall be
11 followed.

12 c. Nothing in this act shall affect the jurisdiction of other courts
13 over offenses committed after a juvenile under the jurisdiction of
14 the juvenile and domestic relations court reaches the age of 18
15 years.

1 6. Transfer from other courts. Except as provided in section 3,
2 and unless jurisdiction has been waived under section 7, if during
3 the pendency in any other court of a case charging a person with
4 a crime, offense or violation, it is ascertained that such person

5 was a juvenile at the time of the crime, offense or violation charged,
6 such court shall immediately transfer such case to the juvenile
7 and domestic relations court having jurisdiction. The juvenile and
8 domestic relations court shall thereupon proceed in the same man-
9 ner as if the case had been instituted in that court in the first
10 instance.

1 7. Referral to other court without juvenile's consent. The juve-
2 nile and domestic relations court may, without the consent of the
3 juvenile, waive jurisdiction over a case and refer that case to the
4 appropriate court and prosecuting authority having jurisdiction
5 if it finds, after hearing, that:

6 a. The juvenile was 16 years of age or older at the time of the
7 charged delinquent act;

8 b. There is probable cause to believe that the juvenile committed
9 a delinquent act which would constitute homicide or treason if
10 committed by an adult or committed an offense against the person
11 in an aggressive, violent and willful manner; and

12 c. The court is satisfied that adequate protection of the public
13 requires waiver and is satisfied there are no reasonable prospects
14 for rehabilitation of the juvenile prior to his attaining the age of
15 majority by use of the procedures, services and facilities available
16 to the court.

1 8. Referral to other court at election of juvenile. Any juvenile,
2 16 years of age or older, charged with delinquency may elect
3 to have the case transferred to the appropriate court having
4 jurisdiction.

1 9. Effect of referral to other court. Whenever a case is referred
2 to another court as provided by section 7 or 8, that case shall
3 thereafter proceed in the same manner as if the case had been
4 instituted in that court in the first instance.

1 10. Use of juvenile's testimony at referral hearing. No testimony
2 of a juvenile at a hearing pursuant to section 7 shall be admissible
3 for any purpose in any hearing to determine delinquency or guilt
4 of any offense.

1 11. Retention of jurisdiction. a. The court shall retain jurisdic-
2 tion over any case in which it has entered a disposition under
3 subsections g. or h. of section 20 for the duration of that disposition
4 and may at any time, in accordance with the Rules of Court, re-
5 consider the disposition of commitment and substitute any dis-
6 position available to it under section 20, other than under subsec-
7 tion h. of section 20.

8 b. The juvenile and domestic relations court shall retain juris-
9 diction over any case in which it has entered a disposition under

10 section 21 or subsection c. of section 21 and may at any time for
11 the duration of that disposition, if after hearing, it finds violation
12 of the conditions of the order of disposition, substitute any other
13 disposition which it might have made originally.

14 c. The juvenile and domestic relations court may by its order
15 retain jurisdiction in any other case.

1 12. Complaints. a. Complaints charging delinquency may be
2 signed by any person who has knowledge of the facts alleged to
3 constitute delinquency or is informed of such facts and believes
4 that they are true.

5 b. Complaints charging that a juvenile is in need of supervision
6 may be signed by any of the following: a representative of a
7 public or private agency authorized to provide care or supervision
8 of juveniles; a representative of a public or private agency pro-
9 viding social services for families or children; a school official; a
10 law enforcement, correction or probation officer; or a parent or
11 guardian.

12 c. Complaints shall be in such form as prescribed by the Rules
13 of Court.

1 13. Taking into custody. a. A juvenile may be taken into custody:

2 (1) Pursuant to an order or warrant of the juvenile and domestic
3 relations court or other court having jurisdiction; or

4 (2) For delinquency, when there has been no process issued by a
5 court, a law enforcement officer may take any juvenile into custody
6 without process, pursuant to the laws of arrest and the Rules of
7 Court.

8 b. A juvenile may be taken into custody if the law enforcement
9 officer has reasonable cause to believe that the juvenile is in need
10 of supervision.

11 c. The taking of a juvenile into custody shall not be construed as
12 an arrest, but shall be deemed a measure to protect the health,
13 morals and well being of the juvenile.

1 14. Release from custody; notice to parents. a. Any person tak-
2 ing a juvenile into custody shall immediately notify the parents, or
3 the juvenile's guardian, if any, that the juvenile has been taken
4 into custody.

5 b. A person taking a juvenile into custody shall comply with the
6 Rules of Court relating thereto.

1 15. Criteria for placing juvenile in detention or shelter care.

2 a. Where it will not adversely affect the health, safety or welfare
3 of a juvenile, he or she shall be released pending the disposition
4 of a case to one or both parents or guardian, if any, upon assurance
5 being received that such responsible person or persons accept

6 responsibility for the juvenile and will bring him before the juvenile
7 and domestic relations court as ordered.

8 b. A juvenile charged with delinquency may not be placed or
9 retained in detention under this act prior to disposition, except as
10 otherwise provided by law, unless:

11 (1) Detention is necessary to secure the presence of the juvenile
12 at the next hearing; or

13 (2) The nature of the conduct charged is such that the physical
14 safety of the community would be seriously threatened if the
15 juvenile were not detained.

16 c. A juvenile may not be placed or retained in shelter care prior
17 to disposition unless:

18 (1) There is no appropriate adult custodian who agrees to
19 assume responsibility for the juvenile, and the release on the basis
20 of a summons to the juvenile is not appropriate; or

21 (2) Shelter care is necessary to protect the health or safety of
22 the juvenile; or

23 (3) Shelter care is necessary to secure his presence at the next
24 hearing; or

25 (4) The physical or mental condition of the juvenile makes his
26 immediate release impractical.

1 16. Place of detention or shelter. a. The State Department of
2 Institutions and Agencies shall specify the place where:

3 (1) A juvenile may be detained; and

4 (2) Where a juvenile may be placed in shelter.

5 b. No juvenile shall be placed in detention or shelter care in any
6 place other than that specified by the State Department of In-
7 stitutions and Agencies as provided in a. (1) and (2) above.

8 c. A juvenile, being held for a charge under this act, shall not be
9 placed in any prison, jail or lockup nor detained in any police sta-
10 tion, except that if no other facility is reasonably available a
11 juvenile may be held in a police station in a place other than one
12 designed for the detention of prisoners and apart from any adult
13 charged with or convicted of crime for a brief period if such holding
14 is necessary to allow release to his parent, guardian, other suitable
15 person, or approved facility.

1 17. Detention or shelter care hearing. a. When a juvenile is taken
2 into custody a complaint shall be filed forthwith as provided by the
3 Rules of Court. The juvenile and domestic relations court shall
4 determine whether detention or shelter care is required.

5 b. Notice of the detention or shelter care hearing, either oral or
6 written, stating the time, place, and purpose of the hearing shall

7 be given to the juvenile and to his or her parent or parents, or
8 guardian, if any, if they can be found.

9 c. The detention or shelter care hearing shall be conducted in
10 accordance with the Rules of Court and shall be attended by the
11 juvenile and one or both parents, or guardian, but may take place
12 in the absence of parent or guardian if such notice or process fails
13 to produce their attendance.

14 d. When the judge finds that detention or shelter care is not
15 necessary or required, the court shall order the juvenile's release
16 and may place such conditions, if any, upon release as are con-
17 sistent with the purposes of this act and the Rules of Court.

1 18. Right to counsel. A juvenile shall have the right to be repre-
2 sented by counsel at every critical stage in the proceeding as
3 provided by the Rules of Court.

1 19. No jury trial for juveniles. All defenses available to an adult
2 charged with a crime, offense or violation shall be available to a
3 juvenile charged with committing an act of delinquency.

4 All cases arising under this act not referred as provided by
5 sections 7 or 8 shall be heard and decided by the juvenile and
6 domestic relations court without a jury. The right to be secure
7 from unreasonable searches and seizures, the right not to be placed
8 twice in jeopardy for the same offense, and the right of due process
9 of law shall be applicable in cases arising under this act as in cases
10 of persons charged with crime.

1 20. Disposition of delinquency cases. If a juvenile is adjudged
2 delinquent the juvenile and domestic relations court may order any
3 of the following dispositions:

4 a. Adjourn formal entry of disposition of the case for a period
5 not to exceed 12 months for the purpose of determining whether
6 the juvenile makes a satisfactory adjustment, and if during the
7 period of continuance the juvenile makes such an adjustment,
8 dismiss the complaint; or

9 b. Release the juvenile to the supervision of his or her parent or
10 guardian; or

11 c. Place the juvenile on probation to the chief probation officer of
12 the county or to any other suitable person who agrees to accept
13 the duty of probation supervision for a period not to exceed 3 years
14 upon such written conditions as the court deems will aid rehabilita-
15 tion of the juvenile; or

16 d. Transfer custody of the juvenile to any relative or other per-
17 son determined by the probation department to be qualified to care
18 for the juvenile; or

19 e. Place the juvenile under the care of the Division of Youth
20 and Family Services pursuant to P. L. 1951, c. 138, s. 2 (c)
21 (C. 30:4C-2 (c)).

22 f. Place the juvenile under the care and custody of the Com-
23 missioner of the Department of Institutions and Agencies for the
24 purpose of receiving the services of the Division of Mental Retar-
25 dation of that department, provided that the juvenile has been
26 determined to be eligible for those services under P. L. 1965, c. 59,
27 s. 16 (C. 30:4-25.4); or

28 g. Commit the juvenile to a suitable institution for the treatment
29 of mental illness if after hearing it is determined from psychiatric
30 evidence that the juvenile does or may constitute a danger to him-
31 self or to other persons if not so committed; or

32 h. Commit the juvenile to a suitable institution maintained for
33 the rehabilitation of delinquents for an indeterminate term not to
34 exceed 3 years; except, that, any time an adjudication of juvenile
35 delinquency is predicated upon an offense which, if committed by
36 a person of the age of 18 years or over would constitute any form
37 of homicide as defined in N. J. S. A. 2A:113-1, 2A:113-2, 2A:113-4
38 or 2A:113-5 then the period of confinement shall be indeterminate
39 and shall continue until the appropriate paroling authority
40 determines that such person should be paroled, but in such case the
41 period of confinement and parole shall not exceed the maximum
42 provided by law for such offense if committed by a person of the
43 age of 18 years or over.

44 Any juvenile committed under this act who is released on parole
45 prior to the expiration of his maximum term may be retained
46 under parole supervision for a period not exceeding the unserved
47 portion of the term.

48 i. Such other disposition not inconsistent with this act as the
49 court may determine.

1 21. Disposition of cases of persons in need of supervision. a. If
2 a juvenile is adjudged to be in need of supervision the juvenile and
3 domestic relations court may order any disposition provided for in
4 the disposition of delinquency cases, except subsection h. of
5 section 20.

6 b. No juvenile in need of supervision shall be committed to or
7 placed in any institution or facility established for the care of
8 delinquent children or in any facility, other than an institution for
9 the mentally retarded, a mental hospital or facility for the care of
10 persons addicted to controlled dangerous substances, which
11 physically restricts such juvenile committed to or placed in it.

1 22. Termination of orders of disposition. Any order of dispo-
2 tion entered in a case under this act shall terminate when the
3 juvenile who is the subject of the order attains the age of 18 unless
4 such order is pursuant to subsection h. of section 20 or is sooner
5 terminated by its terms or by order of the juvenile and domestic
6 relations court.

1 23. Effect of disposition. No disposition under this act shall
2 operate to impose any of the civil disabilities ordinarily imposed
3 by virtue of a criminal conviction, nor shall a juvenile be deemed
4 a criminal by reason of such disposition, nor shall such disposition
5 be deemed a conviction.

6 The disposition of a case under this act shall not be admissible
7 against the juvenile in any criminal or penal case or proceeding in
8 any other court except for consideration in sentencing.

1 24. Disclosure of juvenile records: penalties for disclosure.

2 a. Social, medical, psychological, legal and other records of the
3 court and probation department, and records of law enforcement
4 agencies, pertaining to juveniles charged under this act, shall be
5 strictly safeguarded from public inspection. Such records shall be
6 made available only to:

7 (1) Any court or probation department;

8 (2) The Attorney General or county prosecutor;

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

10 (4) The Division of Youth and Family Services, if providing
11 care or custody of the juvenile;

12 (5) Any institution to which the juvenile is currently committed;
13 and

14 (6) Any person or agency interested in a case or in the work of
15 the agency keeping the records, by order of the court for good cause
16 shown.

17 b. Whoever, except as provided by law, knowingly discloses,
18 publishes, receives, or makes use of or knowingly permits the
19 unauthorized use of information concerning a particular juvenile
20 derived from records listed in subsection a. or acquired in the
21 course of court proceedings, probation, or police duties, shall, upon
22 conviction thereof, be guilty of a disorderly person's offense.

1 25. Fingerprints, photographs of juveniles. a. Fingerprints of
2 a juvenile under age 16 may be taken only in the following
3 circumstances:

4 (1) Where latent fingerprints are found during the investigation
5 of an offense and a law enforcement officer has reason to believe
6 that they are those of a juvenile, he may fingerprint the juvenile
7 for the purpose of comparison with the latent fingerprints.

8 (2) Where a juvenile is detained in or committed to an institu-
9 tion, that institution may fingerprint the juvenile for the purpose
10 of identification.

11 b. All records or copies of the fingerprints of such juveniles shall
12 be retained by the department, agency or institution taking them
13 and shall be forwarded to the court for destruction when the court
14 determines that the purpose for the taking of the fingerprints has
15 been fulfilled, except that fingerprints taken of a juvenile of more
16 than 16 years of age may be retained by a law enforcement agency
17 for criminal identification purposes if adjudged delinquent.

18 c. No juvenile under the age of 16 shall be photographed for
19 criminal identification purposes without the consent of the juvenile
20 and domestic relations court.

1 26. Sealing of records. a. On motion of a person who has been
2 the subject of a complaint filed under this act or on its own motion,
3 the juvenile and domestic relations court may vacate its order and
4 findings and order the nondisclosure of social, medical, psycho-
5 logical, legal and other records of the court and probation services,
6 and records of law enforcement agencies if it finds:

7 (1) Two years have elapsed since the final discharge of the
8 person from legal custody or supervision, or 2 years after the entry
9 of any other court order not involving custody or supervision;
10 provided, however, that in any case wherein an adjudication has
11 been entered upon the status of a child under 18 years of age, and
12 said child intends to enlist in any branch of the Armed Forces of
13 the United States, he may at any time after the date of such
14 adjudication present a duly verified petition to the court wherein
15 such adjudication was entered, setting forth all the facts in the
16 matter, including his intention to enlist in said armed forces, and
17 praying for the relief provided for in this section, and provided
18 further, that pursuant to the provisions and subject to the limita-
19 tions hereinafter provided for in this section, an order directing
20 an expunging from the records of all evidence of such adjudication
21 upon the status of any such child may be granted; and

22 (2) He has not been convicted of a crime, or a disorderly person's
23 offense or adjudged delinquent, or in need of supervision, during
24 the 2 years prior to the filing of the motion, and no proceeding
25 or complaint is pending seeking such conviction or adjudication.

26 b. Reasonable written notice of the motion shall be given to:

27 (1) The Attorney General and the county prosecutor;

28 (2) The authority granting the discharge if the final discharge
29 was from an institution, parole, or probation; and

30 (3) The law enforcement office, department, and central
 31 depository having custody of the files and records if such files and
 32 records are included in the motion.

33 c. Upon the entry of the order, the proceedings in the case shall
 34 be sealed and all index references shall be marked "not available"
 35 or "no record" and law enforcement officers and departments shall
 36 reply and the person may reply to any inquiry that there is no
 37 record with respect to such person, except that records may be
 38 maintained for purposes of prior offender status. This section
 39 shall not apply to reports required under the Controlled Dangerous
 40 Substances Registry Act of 1970, P. L. 1970, c. 227 (C. 26:2G-17
 41 et seq.). Copies of the order shall be sent to each agency or official
 42 named therein.

43 Inspection of the files and records included in the order may
 44 thereafter be permitted by the court only upon motion and only to
 45 those persons named in the motion; provided, however, the court,
 46 in its discretion, may by special order in an individual case permit
 47 inspection by or release of information in the records to any clinic,
 48 hospital, or agency which has the person under care or treatment
 49 or to individuals or agencies engaged in fact-finding or research.

50 d. Any adjudication of delinquency or in need of supervision or
 51 conviction of a crime subsequent to sealing shall have the effect of
 52 nullifying the sealing order.

1 27. The following sections are hereby repealed:

2 N. J. S. 2A:4-14 to 2A:4-17, inclusive, 2A:4-20, 2A:4-21,
 3 2A:4-32, 2A:4-33, 2A:4-35, 2A:4-37, 2A:4-39; R. S. 30:4-157.3 and
 4 P. L. 67, c. 308 (C. 2A:4-39.1).

1 28. This act shall take effect on the first day of the third month
 2 following enactment, but may be applied to cases pending on the
 3 date of approval in the discretion of the court.

STATEMENT

This bill proposes a new juvenile law covering all proceedings concerning juveniles in the juvenile and domestic relations court. It revises and codifies many of the current provisions, placing the law in a logical, clear, concise manner, and modernizes juvenile procedures so as to embody principles representing the best in modern statutory law.

The approach of the bill is to preserve the unity of the family wherever possible and to substitute a program of care, supervision and rehabilitation for commitment with respect to relatively minor antisocial conduct by juveniles. The concept of juvenile

delinquency is retained but a new category entitled "juvenile in need of supervision" is created for minor conduct which is now treated as delinquency with the possibility of commitment and other statutory consequences of criminal behavior.

The bill adopts the current court procedure of taking a juvenile into custody as an alternative to an arrest. When a juvenile is taken into custody, immediate notification must be given to the juvenile's parents and to the juvenile and domestic relations court. The court must hold a shelter care hearing to determine whether the juvenile should be retained pending disposition by the court. The criteria the court must utilize in making this determination are specifically enumerated in the law. The law continues the policy of keeping juveniles separate from adults.

The law indicates the rights of juveniles in the juvenile and domestic relations court. It also specifies the various dispositions which the court can order when juveniles are adjudged delinquent or in need of supervision. Juveniles in need of supervision may not be committed to an institution for the rehabilitation of delinquents. Juveniles adjudged delinquent who are committed, receive an indeterminate term with a maximum of 3 years, unless the offense committed would have been murder if committed by an adult, in which event the current maximum, which is the same as for an adult offender, is retained. Except for commitment to a juvenile institution, disposition orders terminate when the juvenile reaches the age of 18 years.

The Department of Institutions and Agencies is given the power to determine what institutions will be appropriate for juveniles adjudged delinquent and those appropriate for juveniles in need of supervision.

The present protections for juveniles adjudged delinquent or in need of supervision have been retained but criminal penalties are established for disclosing, receiving or permitting the unauthorized use of juvenile records. A procedure is established for the sealing of juvenile records as an alternative to the present expungement procedure.

The bill presents a unified, orderly approach directed to rehabilitating juveniles so they become productive members of society while at the same time ensuring the safety of the public.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 2141

STATE OF NEW JERSEY

ADOPTED APRIL 9, 1973

Amend page 3, section 7, line 6, before "The juvenile", insert "(1)".

Amend page 3, section 7, line 8, before "There", delete "b.", and insert "(2)".

Amend page 3, section 7, line 12, before "The court", delete "c.", and insert "(3)".

Amend page 3, section 7, line 16, after "court", insert "; or

b. The juvenile was 16 years of age or older at the time he committed an act which would have been a violation of section 24:21-19 of the Controlled Dangerous Substances Act (P. L. 1970, c. 226) if committed by an adult and the juvenile, at the time he committed the act, was not addicted to a narcotic drug as that term is defined in section 24:21-2 of the Controlled Dangerous Substances Act (P. L. 1970, c. 226).".

[OFFICIAL COPY REPRINT]

SENATE, No. 2141

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1973

By Senator THOMAS

Referred to Committee on Judiciary

AN ACT concerning juveniles, jurisdiction and proceedings in the juvenile and domestic relations court and repealing portions of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 a. To preserve the unity of the family whenever possible and
4 to provide for the care, protection, and wholesome mental and
5 physical development of juveniles coming within the provisions
6 of this act;

7 b. Consistent with the protection of the public interest, to remove
8 from children committing delinquent acts certain statutory con-
9 sequences of criminal behavior, and to substitute therefor an ade-
10 quate program of supervision, care and rehabilitation;

11 c. To separate juveniles from the family environment only when
12 necessary for their health, safety or welfare or in the interests
13 of public safety.

1 2. General definitions. As used in this act:

2 a. "Juvenile" means an individual who is under the age of 18
3 years.

4 b. "Adult" means an individual 18 years of age or older.

5 c. "Detention" means the temporary care of juveniles in physi-
6 cally restricting facilities pending court disposition.

7 d. "Shelter care" means the temporary care of juveniles in
8 facilities without physical restriction pending court disposition.

9 e. "Commit" means to transfer legal custody to an institution.

10 f. "Guardian" means a person, other than a parent, to whom
11 legal custody of the child has been given by court order or who is
12 acting in the place of the parent.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. Definition of delinquency. As used in this act, "delinquency"
2 means the commission of an act by a juvenile which if committed
3 by an adult would constitute:

- 4 a. A homicide or act of treason;
- 5 b. A high misdemeanor or misdemeanor;
- 6 c. A disorderly persons offense; or
- 7 d. A violation of any other penal statute, ordinance or regula-
8 tion.

9 But, the commission of an act which constitutes a violation of
10 chapters 3 or 4 of Title 39, Motor Vehicles, of the Revised Statutes,
11 or of any amendment or supplement thereof, by a juvenile of or
12 over the age of 17 years, who is or was the holder of a valid license
13 to operate a motor vehicle under the laws of this or any other state,
14 or a valid learner's permit when supervised by a licensed driver
15 shall not constitute delinquency as defined in this act.

1 4. Definition of "juvenile in need of supervision." As used in
2 this act, "juvenile in need of supervision" means:

- 3 a. A juvenile who is habitually disobedient to his parent or
4 guardian;
- 5 b. A juvenile who is ungovernable or incorrigible;
- 6 c. A juvenile who is habitually and voluntarily truant from
7 school; or
- 8 d. A juvenile who has committed an offense or violation of a
9 statute or ordinance applicable only to juveniles.

1 5. Exclusive jurisdiction of juvenile and domestic relations court.
2 a. Except as stated in sections 7 and 8 of this act, the juvenile and
3 domestic relations court shall have exclusive jurisdiction in
4 all cases where it is charged that a juvenile has committed an act
5 of delinquency or is in need of supervision.

6 b. The juvenile and domestic relations court shall have juris-
7 diction in respect to the custody of any juvenile who may be held
8 as a material witness in any case pending in the juvenile and do-
9 mestic relations court. Whenever a juvenile is a material witness
10 in any other court, the procedures established by this act shall be
11 followed.

12 c. Nothing in this act shall affect the jurisdiction of other courts
13 over offenses committed after a juvenile under the jurisdiction of
14 the juvenile and domestic relations court reaches the age of 18
15 years.

1 6. Transfer from other courts. Except as provided in section 3,
2 and unless jurisdiction has been waived under section 7, if during
3 the pendency in any other court of a case charging a person with
4 a crime, offense or violation, it is ascertained that such person

5 was a juvenile at the time of the crime, offense or violation charged,
6 such court shall immediately transfer such case to the juvenile
7 and domestic relations court having jurisdiction. The juvenile and
8 domestic relations court shall thereupon proceed in the same man-
9 ner as if the case had been instituted in that court in the first
10 instance.

1 7. Referral to other court without juvenile's consent. The juve-
2 nile and domestic relations court may, without the consent of the
3 juvenile, waive jurisdiction over a case and refer that case to the
4 appropriate court and prosecuting authority having jurisdiction
5 if it finds, after hearing, that:

6 a. **(1)** The juvenile was 16 years of age or older at the time
7 of the charged delinquent act;

8 **[b.]* *(2)** There is probable cause to believe that the juvenile
9 committed a delinquent act which would constitute homicide or
10 treason if committed by an adult or committed an offense against
11 the person in an aggressive, violent and willful manner; and

12 **[c.]* *(3)** The court is satisfied that adequate protection of the
13 public requires waiver and is satisfied there are no reasonable
14 prospects for rehabilitation of the juvenile prior to his attaining
15 the age of majority by use of the procedures, services and facilities
16 available to the court*; or

17 *b. The juvenile was 16 years of age or older at the time he com-*
18 *mitted an act which would have been a violation of section 24:21-19*
19 *of the Controlled Dangerous Substances Act (P. L. 1970, c. 226)*
20 *if committed by an adult and the juvenile, at the time he committed*
21 *the act, was not addicted to a narcotic drug as that term is defined*
22 *in section 24:21-2 of the Controlled Dangerous Substances Act*
23 *(P. L. 1970, c. 226).**

1 8. Referral to other court at election of juvenile. Any juvenile,
2 16 years of age or older, charged with delinquency may elect
3 to have the case transferred to the appropriate court having
4 jurisdiction.

1 9. Effect of referral to other court. Whenever a case is referred
2 to another court as provided by section 7 or 8, that case shall
3 thereafter proceed in the same manner as if the case had been
4 instituted in that court in the first instance.

1 10. Use of juvenile's testimony at referral hearing. No testimony
2 of a juvenile at a hearing pursuant to section 7 shall be admissible
3 for any purpose in any hearing to determine delinquency or guilt
4 of any offense.

1 11. Retention of jurisdiction. a. The court shall retain jurisdic-
2 tion over any case in which it has entered a disposition under

3 subsections g. or h. of section 20 for the duration of that disposition
4 and may at any time, in accordance with the Rules of Court, re-
5 consider the disposition of commitment and substitute any dis-
6 position available to it under section 20, other than under subsec-
7 tion h. of section 20.

8 b. The juvenile and domestic relations court shall retain juris-
9 diction over any case in which it has entered a disposition under
10 section 21 or subsection c. of section 21 and may at any time for
11 the duration of that disposition, if after hearing, it finds violation
12 of the conditions of the order of disposition, substitute any other
13 disposition which it might have made originally.

14 c. The juvenile and domestic relations court may by its order
15 retain jurisdiction in any other case.

1 12. Complaints. a. Complaints charging delinquency may be
2 signed by any person who has knowledge of the facts alleged to
3 constitute delinquency or is informed of such facts and believes
4 that they are true.

5 b. Complaints charging that a juvenile is in need of supervision
6 may be signed by any of the following: a representative of a
7 public or private agency authorized to provide care or supervision
8 of juveniles; a representative of a public or private agency pro-
9 viding social services for families or children; a school official; a
10 law enforcement, correction or probation officer; or a parent or
11 guardian.

12 c. Complaints shall be in such form as prescribed by the Rules
13 of Court.

1 13. Taking into custody. a. A juvenile may be taken into custody:

2 (1) Pursuant to an order or warrant of the juvenile and domestic
3 relations court or other court having jurisdiction; or

4 (2) For delinquency, when there has been no process issued by a
5 court, a law enforcement officer may take any juvenile into custody
6 without process, pursuant to the laws of arrest and the Rules of
7 Court.

8 b. A juvenile may be taken into custody if the law enforcement
9 officer has reasonable cause to believe that the juvenile is in need
10 of supervision.

11 c. The taking of a juvenile into custody shall not be construed as
12 an arrest, but shall be deemed a measure to protect the health,
13 morals and well being of the juvenile.

1 14. Release from custody; notice to parents. a. Any person tak-
2 ing a juvenile into custody shall immediately notify the parents, or
3 the juvenile's guardian, if any, that the juvenile has been taken
4 into custody.

5 b. A person taking a juvenile into custody shall comply with the
6 Rules of Court relating thereto.

1 15. Criteria for placing juvenile in detention or shelter care.

2 a. Where it will not adversely affect the health, safety or welfare
3 of a juvenile, he or she shall be released pending the disposition
4 of a case to one or both parents or guardian, if any, upon assurance
5 being received that such responsible person or persons accept
6 responsibility for the juvenile and will bring him before the juvenile
7 and domestic relations court as ordered.

8 b. A juvenile charged with delinquency may not be placed or
9 retained in detention under this act prior to disposition, except as
10 otherwise provided by law, unless:

11 (1) Detention is necessary to secure the presence of the juvenile
12 at the next hearing; or

13 (2) The nature of the conduct charged is such that the physical
14 safety of the community would be seriously threatened if the
15 juvenile were not detained.

16 c. A juvenile may not be placed or retained in shelter care prior
17 to disposition unless:

18 (1) There is no appropriate adult custodian who agrees to
19 assume responsibility for the juvenile, and the release on the basis
20 of a summons to the juvenile is not appropriate; or

21 (2) Shelter care is necessary to protect the health or safety of
22 the juvenile; or

23 (3) Shelter care is necessary to secure his presence at the next
24 hearing; or

25 (4) The physical or mental condition of the juvenile makes his
26 immediate release impractical.

1 16. Place of detention or shelter. a. The State Department of
2 Institutions and Agencies shall specify the place where:

3 (1) A juvenile may be detained; and

4 (2) Where a juvenile may be placed in shelter.

5 b. No juvenile shall be placed in detention or shelter care in any
6 place other than that specified by the State Department of In-
7 stitutions and Agencies as provided in a. (1) and (2) above.

8 c. A juvenile, being held for a charge under this act, shall not be
9 placed in any prison, jail or lockup nor detained in any police sta-
10 tion, except that if no other facility is reasonably available a
11 juvenile may be held in a police station in a place other than one
12 designed for the detention of prisoners and apart from any adult
13 charged with or convicted of crime for a brief period if such holding

14 is necessary to allow release to his parent, guardian, other suitable
15 person, or approved facility.

1 17. Detention or shelter care hearing. a. When a juvenile is taken
2 into custody a complaint shall be filed forthwith as provided by the
3 Rules of Court. The juvenile and domestic relations court shall
4 determine whether detention or shelter care is required.

5 b. Notice of the detention or shelter care hearing, either oral or
6 written, stating the time, place, and purpose of the hearing shall
7 be given to the juvenile and to his or her parent or parents, or
8 guardian, if any, if they can be found.

9 c. The detention or shelter care hearing shall be conducted in
10 accordance with the Rules of Court and shall be attended by the
11 juvenile and one or both parents, or guardian, but may take place
12 in the absence of parent or guardian if such notice or process fails
13 to produce their attendance.

14 d. When the judge finds that detention or shelter care is not
15 necessary or required, the court shall order the juvenile's release
16 and may place such conditions, if any, upon release as are con-
17 sistent with the purposes of this act and the Rules of Court.

1 18. Right to counsel. A juvenile shall have the right to be repre-
2 sented by counsel at every critical stage in the proceeding as
3 provided by the Rules of Court.

1 19. No jury trial for juveniles. All defenses available to an adult
2 charged with a crime, offense or violation shall be available to a
3 juvenile charged with committing an act of delinquency.

4 All cases arising under this act not referred as provided by
5 sections 7 or 8 shall be heard and decided by the juvenile and
6 domestic relations court without a jury. The right to be secure
7 from unreasonable searches and seizures, the right not to be placed
8 twice in jeopardy for the same offense, and the right of due process
9 of law shall be applicable in cases arising under this act as in cases
10 of persons charged with crime.

1 20. Disposition of delinquency cases. If a juvenile is adjudged
2 delinquent the juvenile and domestic relations court may order any
3 of the following dispositions:

4 a. Adjourn formal entry of disposition of the case for a period
5 not to exceed 12 months for the purpose of determining whether
6 the juvenile makes a satisfactory adjustment, and if during the
7 period of continuance the juvenile makes such an adjustment,
8 dismiss the complaint; or

9 b. Release the juvenile to the supervision of his or her parent or
10 guardian; or

11 c. Place the juvenile on probation to the chief probation officer of
12 the county or to any other suitable person who agrees to accept
13 the duty of probation supervision for a period not to exceed 3 years
14 upon such written conditions as the court deems will aid rehabilita-
15 tion of the juvenile; or

16 d. Transfer custody of the juvenile to any relative or other per-
17 son determined by the probation department to be qualified to care
18 for the juvenile; or

19 e. Place the juvenile under the care of the Division of Youth
20 and Family Services pursuant to P. L. 1951, c. 138, s. 2 (c)
21 (C. 30:4C-2 (c)).

22 f. Place the juvenile under the care and custody of the Com-
23 missioner of the Department of Institutions and Agencies for the
24 purpose of receiving the services of the Division of Mental Retar-
25 dation of that department, provided that the juvenile has been
26 determined to be eligible for those services under P. L. 1965, c. 59,
27 s. 16 (C. 30:4-25.4); or

28 g. Commit the juvenile to a suitable institution for the treatment
29 of mental illness if after hearing it is determined from psychiatric
30 evidence that the juvenile does or may constitute a danger to him-
31 self or to other persons if not so committed; or

32 h. Commit the juvenile to a suitable institution maintained for
33 the rehabilitation of delinquents for an indeterminate term not to
34 exceed 3 years; except, that, any time an adjudication of juvenile
35 delinquency is predicated upon an offense which, if committed by
36 a person of the age of 18 years or over would constitute any form
37 of homicide as defined in N. J. S. A. 2A:113-1, 2A:113-2, 2A:113-4
38 or 2A:113-5 then the period of confinement shall be indeterminate
39 and shall continue until the appropriate paroling authority
40 determines that such person should be paroled, but in such case the
41 period of confinement and parole shall not exceed the maximum
42 provided by law for such offense if committed by a person of the
43 age of 18 years or over.

44 Any juvenile committed under this act who is released on parole
45 prior to the expiration of his maximum term may be retained
46 under parole supervision for a period not exceeding the unserved
47 portion of the term.

48 i. Such other disposition not inconsistent with this act as the
49 court may determine.

1 21. Disposition of cases of persons in need of supervision. a. If
2 a juvenile is adjudged to be in need of supervision the juvenile and
3 domestic relations court may order any disposition provided for in

4 the disposition of delinquency cases, except subsection h. of
5 section 20.

6 b. No juvenile in need of supervision shall be committed to or
7 placed in any institution or facility established for the care of
8 delinquent children or in any facility, other than an institution for
9 the mentally retarded, a mental hospital or facility for the care of
10 persons addicted to controlled dangerous substances, which
11 physically restricts such juvenile committed to or placed in it.

1 22. Termination of orders of disposition. Any order of disposi-
2 tion entered in a case under this act shall terminate when the
3 juvenile who is the subject of the order attains the age of 18 unless
4 such order is pursuant to subsection h. of section 20 or is sooner
5 terminated by its terms or by order of the juvenile and domestic
6 relations court.

1 23. Effect of disposition. No disposition under this act shall
2 operate to impose any of the civil disabilities ordinarily imposed
3 by virtue of a criminal conviction, nor shall a juvenile be deemed
4 a criminal by reason of such disposition, nor shall such disposition
5 be deemed a conviction.

6 The disposition of a case under this act shall not be admissible
7 against the juvenile in any criminal or penal case or proceeding in
8 any other court except for consideration in sentencing.

1 24. Disclosure of juvenile records: penalties for disclosure.
2 a. Social, medical, psychological, legal and other records of the
3 court and probation department, and records of law enforcement
4 agencies, pertaining to juveniles charged under this act, shall be
5 strictly safeguarded from public inspection. Such records shall be
6 made available only to:

- 7 (1) Any court or probation department;
- 8 (2) The Attorney General or county prosecutor;
- 9 (3) The parents or guardian and to the attorney of the juvenile;
- 10 (4) The Division of Youth and Family Services, if providing
11 care or custody of the juvenile;
- 12 (5) Any institution to which the juvenile is currently committed;
- 13 and
- 14 (6) Any person or agency interested in a case or in the work of
15 the agency keeping the records, by order of the court for good cause
16 shown.

17 b. Whoever, except as provided by law, knowingly discloses,
18 publishes, receives, or makes use of or knowingly permits the
19 unauthorized use of information concerning a particular juvenile
20 derived from records listed in subsection a. or acquired in the

21 course of court proceedings, probation, or police duties, shall, upon
22 conviction thereof, be guilty of a disorderly person's offense.

1 25. Fingerprints, photographs of juveniles. a. Fingerprints of
2 a juvenile under age 16 may be taken only in the following
3 circumstances:

4 (1) Where latent fingerprints are found during the investigation
5 of an offense and a law enforcement officer has reason to believe
6 that they are those of a juvenile, he may fingerprint the juvenile
7 for the purpose of comparison with the latent fingerprints.

8 (2) Where a juvenile is detained in or committed to an institu-
9 tion, that institution may fingerprint the juvenile for the purpose
10 of identification.

11 b. All records or copies of the fingerprints of such juveniles shall
12 be retained by the department, agency or institution taking them
13 and shall be forwarded to the court for destruction when the court
14 determines that the purpose for the taking of the fingerprints has
15 been fulfilled, except that fingerprints taken of a juvenile of more
16 than 16 years of age may be retained by a law enforcement agency
17 for criminal identification purposes if adjudged delinquent.

18 c. No juvenile under the age of 16 shall be photographed for
19 criminal identification purposes without the consent of the juvenile
20 and domestic relations court.

1 26. Sealing of records. a. On motion of a person who has been
2 the subject of a complaint filed under this act or on its own motion,
3 the juvenile and domestic relations court may vacate its order and
4 findings and order the nondisclosure of social, medical, psycho-
5 logical, legal and other records of the court and probation services,
6 and records of law enforcement agencies if it finds:

7 (1) Two years have elapsed since the final discharge of the
8 person from legal custody or supervision, or 2 years after the entry
9 of any other court order not involving custody or supervision;
10 provided, however, that in any case wherein an adjudication has
11 been entered upon the status of a child under 18 years of age, and
12 said child intends to enlist in any branch of the Armed Forces of
13 the United States, he may at any time after the date of such
14 adjudication present a duly verified petition to the court wherein
15 such adjudication was entered, setting forth all the facts in the
16 matter, including his intention to enlist in said armed forces, and
17 praying for the relief provided for in this section, and provided
18 further, that pursuant to the provisions and subject to the limita-
19 tions hereinafter provided for in this section, an order directing
20 an expunging from the records of all evidence of such adjudication
21 upon the status of any such child may be granted; and

22 (2) He has not been convicted of a crime, or a disorderly person's
23 offense or adjudged delinquent, or in need of supervision, during
24 the 2 years prior to the filing of the motion, and no proceeding
25 or complaint is pending seeking such conviction or adjudication.

26 b. Reasonable written notice of the motion shall be given to:

27 (1) The Attorney General and the county prosecutor;

28 (2) The authority granting the discharge if the final discharge
29 was from an institution, parole, or probation; and

30 (3) The law enforcement office, department, and central
31 depository having custody of the files and records if such files and
32 records are included in the motion.

33 c. Upon the entry of the order, the proceedings in the case shall
34 be sealed and all index references shall be marked "not available"
35 or "no record" and law enforcement officers and departments shall
36 reply and the person may reply to any inquiry that there is no
37 record with respect to such person, except that records may be
38 maintained for purposes of prior offender status. This section
39 shall not apply to reports required under the Controlled Dangerous
40 Substances Registry Act of 1970, P. L. 1970, c. 227 (C. 26:2G-17
41 et seq.). Copies of the order shall be sent to each agency or official
42 named therein.

43 Inspection of the files and records included in the order may
44 thereafter be permitted by the court only upon motion and only to
45 those persons named in the motion; provided, however, the court,
46 in its discretion, may by special order in an individual case permit
47 inspection by or release of information in the records to any clinic,
48 hospital, or agency which has the person under care or treatment
49 or to individuals or agencies engaged in fact-finding or research.

50 d. Any adjudication of delinquency or in need of supervision or
51 conviction of a crime subsequent to sealing shall have the effect of
52 nullifying the sealing order.

1 27. The following sections are hereby repealed:

2 N. J. S. 2A:4-14 to 2A:4-17, inclusive, 2A:4-20, 2A:4-21,
3 2A:4-32, 2A:4-33, 2A:4-35, 2A:4-37, 2A:4-39; R. S. 30:4-157.3 and
4 P. L. 67, c. 308 (C. 2A:4-39.1).

1 28. This act shall take effect on the first day of the third month
2 following enactment, but may be applied to cases pending on the
3 date of approval in the discretion of the court.

FISCAL NOTE TO
SENATE, No. 2141

STATE OF NEW JERSEY

DATED: NOVEMBER 12, 1973

The Official Copy Reprint of Senate Bill No. 2141 prescribes the jurisdiction and proceedings in the Juvenile and Domestic Relations Court.

The Department of Institutions and Agencies and the Public Defender's Office both are in agreement that enactment of this legislation would generate some additional costs. However, it is stated by the Department of Institutions and Agencies that such a large number of variables exist that it is not presently practical to make a meaningful fiscal estimate. Data necessary for computing costs involved are not now available.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 2141

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 12, 1973

Amend page 2, section 3, line 10, after "3", omit "or", insert ","; after "4", insert ", 6 or 8".

Amend page 2, section 3, line 12, omit ", who is or was a holder of a valid license".

Amend page 2, section 3, lines 13-14, omit in their entirety.

Amend page 2, section 4, after line 9, insert new sub-paragraph as follows:

"Evidence of conduct which is ungovernable or incorrigible may include but shall not be limited to:

- (1) habitual vagrancy,
- (2) immorality,
- (3) knowingly visiting gambling places, or patronizing other places or establishments, the juvenile's admission to which constitutes a violation of law,
- (4) habitual idle roaming of the streets at night,
- (5) deportment which endangers the juvenile's own morals, health or general welfare."

Amend page 3, section 7, line 6, omit "(1)".

Amend page 3, section 7, line 8, omit "(2)", insert "b."

Amend page 3, section 7, line 9, omit "or", insert ",".

Amend page 3, section 7, line 11, after "manner", insert "or committed a delinquent act which would have been a violation of section 19 of the Controlled Dangerous Substances Act (P. L. 1970, c. 226; C. 24:21-19) if committed by an adult and the juvenile, at the time he committed the act, was not addicted to a narcotic drug as that term is defined in section 2 of the Controlled Dangerous Substances Act (P. L. 1970, c. 226; C. 24:21-2)".

Amend page 3, section 7, line 12, omit "(3)", insert "c."

Amend page 3, section 7, line 16, omit "; or".

Amend page 3, section 7, lines 17-23, omit lines in their entirety.

Amend page 4, section 11, line 10, omit "section 21 or subsection c. of section 21", insert "subsection c. of section 20 or section 21".

Amend page 7, section 20, line 40, omit ", but in such", insert "; and, except that in any".

Amend page 7, section 21, line 1, omit "persons", insert "juveniles".

Amend page 8, section 22, line 3, after "18", insert ", or 1 year from the date of the order whichever is later."

Amend page 8, section 23, lines 4-5, omit ", nor shall such disposition" in line 4, and all of line 5.

Amend page 9, section 25, line 11, omit "such".

Amend page 9, section 25, line 17, after "if", insert "such juvenile is".

Amend page 9, section 26, line 8, after "years", insert "have elapsed".

Page 9, section 26, lines 10-20, omit in their entirety.

Page 9, section 26, line 21, omit "upon the status of any such child may be granted".

Amend page 10, section 26, after line 25, insert new subsection b. as follows:

"b. In any case wherein an adjudication has been entered upon the status of a juvenile under 18 years of age, and said juvenile intends to enlist in any branch of the Armed Forces of the United States, he may at any time after the date of such adjudication present a duly verified petition to the court wherein such adjudication was entered, setting forth all the facts in the matter, including his intention to enlist in said armed forces, and praying for the relief provided in this section and subject to the limitations hereinafter provided in this section, an order may be granted to seal all the records concerning such adjudication including records of the court, probation services and law enforcement agencies."

Amend page 10, section 26, line 26, omit "b.", insert "c."

Amend page 10, section 26, line 33, omit "c.", insert "d."

Amend page 10, section 26, line 50, omit "d.", insert "e."

Amend page 10, section 28, line 2, omit ", but may be applied to cases pending on the".

Amend page 10, section 28, line 3, omit in entirety.

[ASSEMBLY REPRINT]

SENATE, No. 2141

[OFFICIAL COPY REPRINT]

with Assembly committee amendments adopted November 12, 1973

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1973

By Senator THOMAS

Referred to Committee on Judiciary

AN ACT concerning juveniles, jurisdiction and proceedings in the juvenile and domestic relations court and repealing portions of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 a. To preserve the unity of the family whenever possible and
4 to provide for the care, protection, and wholesome mental and
5 physical development of juveniles coming within the provisions
6 of this act;

7 b. Consistent with the protection of the public interest, to remove
8 from children committing delinquent acts certain statutory con-
9 sequences of criminal behavior, and to substitute therefor an ade-
10 quate program of supervision, care and rehabilitation;

11 c. To separate juveniles from the family environment only when
12 necessary for their health, safety or welfare or in the interests
13 of public safety.

1 2. General definitions. As used in this act:

2 a. "Juvenile" means an individual who is under the age of 18
3 years.

4 b. "Adult" means an individual 18 years of age or older.

5 c. "Detention" means the temporary care of juveniles in physi-
6 cally restricting facilities pending court disposition.

7 d. "Shelter care" means the temporary care of juveniles in
8 facilities without physical restriction pending court disposition.

9 e. "Commit" means to transfer legal custody to an institution.

10 f. "Guardian" means a person, other than a parent, to whom

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

11 legal custody of the child has been given by court order or who is
12 acting in the place of the parent.

1 3. Definition of delinquency. As used in this act, "delinquency"
2 means the commission of an act by a juvenile which if committed
3 by an adult would constitute:

- 4 a. A homicide or act of treason;
- 5 b. A high misdemeanor or misdemeanor;
- 6 c. A disorderly persons offense; or
- 7 d. A violation of any other penal statute, ordinance or regula-
8 tion.

9 But, the commission of an act which constitutes a violation of
10 chapters 3 ~~**[or]**~~, ~~** 4**~~, 6 or 8~~**~~ of Title 39, Motor Vehicles,
11 of the Revised Statutes, or of any amendment or supplement
12 thereof, by a juvenile of or over the age of 17 years~~**~~, who is or
13 was the holder of a valid license to operate a motor vehicle under
14 the laws of this or any other state, or a valid learner's permit when
15 supervised by a licensed driver~~**~~ shall not constitute delinquency
16 as defined in this act.

1 4. Definition of "juvenile in need of supervision." As used in
2 this act, "juvenile in need of supervision" means:

- 3 a. A juvenile who is habitually disobedient to his parent or
4 guardian;
- 5 b. A juvenile who is ungovernable or incorrigible;
- 6 c. A juvenile who is habitually and voluntarily truant from
7 school; or
- 8 d. A juvenile who has committed an offense or violation of a
9 statute or ordinance applicable only to juveniles.

10 ***Evidence of conduct which is ungovernable or incorrigible may
11 include but shall not be limited to:*

- 12 (1) *habitual vagrancy,*
- 13 (2) *immorality,*
- 14 (3) *knowingly visiting gambling places, or patronizing other
15 places or establishments, the juvenile's admission to which
16 constitutes a violation of law,*
- 17 (4) *habitual idle roaming of the streets at night,*
- 18 (5) *deportment which endangers the juvenile's own morals,
19 health or general welfare.***

1 5. Exclusive jurisdiction of juvenile and domestic relations court.

- 2 a. Except as stated in sections 7 and 8 of this act, the juvenile and
3 domestic relations court shall have exclusive jurisdiction in
4 all cases where it is charged that a juvenile has committed an act
5 of delinquency or is in need of supervision.

6 b. The juvenile and domestic relations court shall have juris-
 7 diction in respect to the custody of any juvenile who may be held
 8 as a material witness in any case pending in the juvenile and do-
 9 mestic relations court. Whenever a juvenile is a material witness
 10 in any other court, the procedures established by this act shall be
 11 followed.

12 c. Nothing in this act shall affect the jurisdiction of other courts
 13 over offenses committed after a juvenile under the jurisdiction of
 14 the juvenile and domestic relations court reaches the age of 18
 15 years.

1 6. Transfer from other courts. Except as provided in section 3,
 2 and unless jurisdiction has been waived under section 7, if during
 3 the pendency in any other court of a case charging a person with
 4 a crime, offense or violation, it is ascertained that such person
 5 was a juvenile at the time of the crime, offense or violation charged,
 6 such court shall immediately transfer such case to the juvenile
 7 and domestic relations court having jurisdiction. The juvenile and
 8 domestic relations court shall thereupon proceed in the same man-
 9 ner as if the case had been instituted in that court in the first
 10 instance.

1 7. Referral to other court without juvenile's consent. The juve-
 2 nile and domestic relations court may, without the consent of the
 3 juvenile, waive jurisdiction over a case and refer that case to the
 4 appropriate court and prosecuting authority having jurisdiction
 5 if it finds, after hearing, that:

6 a. **[(1)]** The juvenile was 16 years of age or older at the
 7 time of the charged delinquent act;

8 **[b.]** **[(2)]** *b.* There is probable cause to believe that
 9 the juvenile committed a delinquent act which would constitute
 10 homicide **[or]** *or* treason if committed by an adult or com-
 11 mitted an offense against the person in an aggressive, violent and
 11A willful manner *or committed a delinquent act which would have*
 11B *been a violation of section 19 of the Controlled Dangerous Sub-*
 11C *stances Act (P. L. 1970, c. 226; C. 24:21-19) if committed by an*
 11D *adult and the juvenile, at the time he committed the act, was not*
 11E *addicted to a narcotic drug as that term is defined in section 2 of*
 11F *the Controlled Dangerous Substances Act (P. L. 1970, c. 226;*
 11G *C. 24:21-2)*; and

12 **[c.]** **[(3)]** *c.* The court is satisfied that adequate
 13 protection of the public requires waiver and is satisfied there are
 14 no reasonable prospects for rehabilitation of the juvenile prior to
 15 his attaining the age of majority by use of the procedures, services
 16 and facilities available to the court **[*]**; or

17 *b. The juvenile was 16 years of age or older at the time he com-*
 18 *mitted an act which would have been a violation of section 24:21-19*
 19 *of the Controlled Dangerous Substances Act (P. L. 1970, c. 226)*
 20 *if committed by an adult and the juvenile, at the time he committed*
 21 *the act, was not addicted to a narcotic drug as that term is defined*
 22 *in section 24:21-2 of the Controlled Dangerous Substances Act*
 23 *(P. L. 1970, c. 226).*****.

1 8. Referral to other court at election of juvenile. Any juvenile,
 2 16 years of age or older, charged with delinquency may elect
 3 to have the case transferred to the appropriate court having
 4 jurisdiction.

1 9. Effect of referral to other court. Whenever a case is referred
 2 to another court as provided by section 7 or 8, that case shall
 3 thereafter proceed in the same manner as if the case had been
 4 instituted in that court in the first instance.

1 10. Use of juvenile's testimony at referral hearing. No testimony
 2 of a juvenile at a hearing pursuant to section 7 shall be admissible
 3 for any purpose in any hearing to determine delinquency or guilt
 4 of any offense.

1 11. Retention of jurisdiction. a. The court shall retain jurisdic-
 2 tion over any case in which it has entered a disposition under
 3 subsections g. or h. of section 20 for the duration of that disposition
 4 and may at any time, in accordance with the Rules of Court, re-
 5 consider the disposition of commitment and substitute any dis-
 6 position available to it under section 20, other than under subsec-
 7 tion h. of section 20.

8 b. The juvenile and domestic relations court shall retain jurisdic-
 9 tion over any case in which it has entered a disposition under
 10 ***[section 21 or subsection c. of section 21]*** ***subsection c. of*
 11 *section 20 or section 21*** and may at any time for the duration of
 12 that disposition, if after hearing, it finds violation of the conditions
 13 of the order of disposition, substitute any other disposition which
 13a it might have made originally.

14 c. The juvenile and domestic relations court may by its order
 15 retain jurisdiction in any other case.

1 12. Complaints. a. Complaints charging delinquency may be
 2 signed by any person who has knowledge of the facts alleged to
 3 constitute delinquency or is informed of such facts and believes
 4 that they are true.

5 b. Complaints charging that a juvenile is in need of supervision
 6 may be signed by any of the following: a representative of a
 7 public or private agency authorized to provide care or supervision
 8 of juveniles; a representative of a public or private agency pro-

9 viding social services for families or children; a school official; a
10 law enforcement, correction or probation officer; or a parent or
11 guardian.

12 c. Complaints shall be in such form as prescribed by the Rules
13 of Court.

1 13. Taking into custody. a. A juvenile may be taken into custody:

2 (1) Pursuant to an order or warrant of the juvenile and domestic
3 relations court or other court having jurisdiction; or

4 (2) For delinquency, when there has been no process issued by a
5 court, a law enforcement officer may take any juvenile into custody
6 without process, pursuant to the laws of arrest and the Rules of
7 Court.

8 b. A juvenile may be taken into custody if the law enforcement
9 officer has reasonable cause to believe that the juvenile is in need
10 of supervision.

11 c. The taking of a juvenile into custody shall not be construed as
12 an arrest, but shall be deemed a measure to protect the health,
13 morals and well being of the juvenile.

1 14. Release from custody; notice to parents. a. Any person tak-
2 ing a juvenile into custody shall immediately notify the parents, or
3 the juvenile's guardian, if any, that the juvenile has been taken
4 into custody.

5 b. A person taking a juvenile into custody shall comply with the
6 Rules of Court relating thereto.

1 15. Criteria for placing juvenile in detention or shelter care.

2 a. Where it will not adversely affect the health, safety or welfare
3 of a juvenile, he or she shall be released pending the disposition
4 of a case to one or both parents or guardian, if any, upon assurance
5 being received that such responsible person or persons accept
6 responsibility for the juvenile and will bring him before the juvenile
7 and domestic relations court as ordered.

8 b. A juvenile charged with delinquency may not be placed or
9 retained in detention under this act prior to disposition, except as
10 otherwise provided by law, unless:

11 (1) Detention is necessary to secure the presence of the juvenile
12 at the next hearing; or

13 (2) The nature of the conduct charged is such that the physical
14 safety of the community would be seriously threatened if the
15 juvenile were not detained.

16 c. A juvenile may not be placed or retained in shelter care prior
17 to disposition unless:

18 (1) There is no appropriate adult custodian who agrees to

19 assume responsibility for the juvenile, and the release on the basis
20 of a summons to the juvenile is not appropriate; or

21 (2) Shelter care is necessary to protect the health or safety of
22 the juvenile; or

23 (3) Shelter care is necessary to secure his presence at the next
24 hearing; or

25 (4) The physical or mental condition of the juvenile makes his
26 immediate release impractical.

1 16. Place of detention or shelter. a. The State Department of
2 Institutions and Agencies shall specify the place where:

3 (1) A juvenile may be detained; and

4 (2) Where a juvenile may be placed in shelter.

5 b. No juvenile shall be placed in detention or shelter care in any
6 place other than that specified by the State Department of In-
7 stitutions and Agencies as provided in a. (1) and (2) above.

8 c. A juvenile, being held for a charge under this act, shall not be
9 placed in any prison, jail or lockup nor detained in any police sta-
10 tion, except that if no other facility is reasonably available a
11 juvenile may be held in a police station in a place other than one
12 designed for the detention of prisoners and apart from any adult
13 charged with or convicted of crime for a brief period if such holding
14 is necessary to allow release to his parent, guardian, other suitable
15 person, or approved facility.

1 17. Detention or shelter care hearing. a. When a juvenile is taken
2 into custody a complaint shall be filed forthwith as provided by the
3 Rules of Court. The juvenile and domestic relations court shall
4 determine whether detention or shelter care is required.

5 b. Notice of the detention or shelter care hearing, either oral or
6 written, stating the time, place, and purpose of the hearing shall
7 be given to the juvenile and to his or her parent or parents, or
8 guardian, if any, if they can be found.

9 c. The detention or shelter care hearing shall be conducted in
10 accordance with the Rules of Court and shall be attended by the
11 juvenile and one or both parents, or guardian, but may take place
12 in the absence of parent or guardian if such notice or process fails
13 to produce their attendance.

14 d. When the judge finds that detention or shelter care is not
15 necessary or required, the court shall order the juvenile's release
16 and may place such conditions, if any, upon release as are con-
17 sistent with the purposes of this act and the Rules of Court.

1 18. Right to counsel. A juvenile shall have the right to be repre-
2 sented by counsel at every critical stage in the proceeding as
3 provided by the Rules of Court.

1 19. No jury trial for juveniles. All defenses available to an adult
2 charged with a crime, offense or violation shall be available to a
3 juvenile charged with committing an act of delinquency.

4 All cases arising under this act not referred as provided by
5 sections 7 or 8 shall be heard and decided by the juvenile and
6 domestic relations court without a jury. The right to be secure
7 from unreasonable searches and seizures, the right not to be placed
8 twice in jeopardy for the same offense, and the right of due process
9 of law shall be applicable in cases arising under this act as in cases
10 of persons charged with crime.

1 20. Disposition of delinquency cases. If a juvenile is adjudged
2 delinquent the juvenile and domestic relations court may order any
3 of the following dispositions:

4 a. Adjourn formal entry of disposition of the case for a period
5 not to exceed 12 months for the purpose of determining whether
6 the juvenile makes a satisfactory adjustment, and if during the
7 period of continuance the juvenile makes such an adjustment,
8 dismiss the complaint; or

9 b. Release the juvenile to the supervision of his or her parent or
10 guardian; or

11 c. Place the juvenile on probation to the chief probation officer of
12 the county or to any other suitable person who agrees to accept
13 the duty of probation supervision for a period not to exceed 3 years
14 upon such written conditions as the court deems will aid rehabilita-
15 tion of the juvenile; or

16 d. Transfer custody of the juvenile to any relative or other per-
17 son determined by the probation department to be qualified to care
18 for the juvenile; or

19 e. Place the juvenile under the care of the Division of Youth
20 and Family Services pursuant to P. L. 1951, c. 138, s. 2 (c)
21 (C. 30:4C-2 (c)).

22 f. Place the juvenile under the care and custody of the Com-
23 missioner of the Department of Institutions and Agencies for the
24 purpose of receiving the services of the Division of Mental Retar-
25 dation of that department, provided that the juvenile has been
26 determined to be eligible for those services under P. L. 1965, c. 59,
27 s. 16 (C. 30:4-25.4); or

28 g. Commit the juvenile to a suitable institution for the treatment
29 of mental illness if after hearing it is determined from psychiatric
30 evidence that the juvenile does or may constitute a danger to him-
31 self or to other persons if not so committed; or

32 h. Commit the juvenile to a suitable institution maintained for
33 the rehabilitation of delinquents for an indeterminate term not to

34 exceed 3 years; except, that, any time an adjudication of juvenile
 35 delinquency is predicated upon an offense which, if committed by
 36 a person of the age of 18 years or over would constitute any form
 37 of homicide as defined in N. J. S. A. 2A:113-1, 2A:113-2, 2A:113-4
 38 or 2A:113-5 then the period of confinement shall be indeterminate
 39 and shall continue until the appropriate paroling authority
 40 determines that such person should be paroled****]**, but in
 41 such**]**** ***; and, except that in any*** case the period of confine-
 42 ment and parole shall not exceed the maximum provided by law for
 43 such offense if committed by a person of the age of 18 years or
 43A over.

44 Any juvenile committed under this act who is released on parole
 45 prior to the expiration of his maximum term may be retained
 46 under parole supervision for a period not exceeding the unserved
 47 portion of the term.

48 i. Such other disposition not inconsistent with this act as the
 49 court may determine.

1 21. Disposition of cases of **][persons]**** *juveniles*** in need
 2 of supervision. a. If a juvenile is adjudged to be in need of super-
 3 vision the juvenile and domestic relations court may order any
 4 disposition provided for in the disposition of delinquency cases,
 5 except subsection h. of section 20.

6 b. No juvenile in need of supervision shall be committed to or
 7 placed in any institution or facility established for the care of
 8 delinquent children or in any facility, other than an institution for
 9 the mentally retarded, a mental hospital or facility for the care of
 10 persons addicted to controlled dangerous substances, which
 11 physically restricts such juvenile committed to or placed in it.

1 22. Termination of orders of disposition. Any order of disposi-
 2 tion entered in a case under this act shall terminate when the
 3 juvenile who is the subject of the order attains the age of 18**,
 3A *or 1 year from the date of the order whichever is later*** unless
 4 such order is pursuant to subsection h. of section 20 or is sooner
 5 terminated by its terms or by order of the juvenile and domestic
 6 relations court.

1 23. Effect of disposition. No disposition under this act shall
 2 operate to impose any of the civil disabilities ordinarily imposed
 3 by virtue of a criminal conviction, nor shall a juvenile be deemed
 4 a criminal by reason of such disposition**][**, nor shall such disposi-
 5 tion be deemed a conviction**]****.

6 The disposition of a case under this act shall not be admissible
 7 against the juvenile in any criminal or penal case or proceeding in
 8 any other court except for consideration in sentencing.

1 24. Disclosure of juvenile records: penalties for disclosure.
2 a. Social, medical, psychological, legal and other records of the
3 court and probation department, and records of law enforcement
4 agencies, pertaining to juveniles charged under this act, shall be
5 strictly safeguarded from public inspection. Such records shall be
6 made available only to:

- 7 (1) Any court or probation department;
- 8 (2) The Attorney General or county prosecutor;
- 9 (3) The parents or guardian and to the attorney of the juvenile;
- 10 (4) The Division of Youth and Family Services, if providing
11 care or custody of the juvenile;
- 12 (5) Any institution to which the juvenile is currently committed;
13 and
- 14 (6) Any person or agency interested in a case or in the work of
15 the agency keeping the records, by order of the court for good cause
16 shown.

17 b. Whoever, except as provided by law, knowingly discloses,
18 publishes, receives, or makes use of or knowingly permits the
19 unauthorized use of information concerning a particular juvenile
20 derived from records listed in subsection a. or acquired in the
21 course of court proceedings, probation, or police duties, shall, upon
22 conviction thereof, be guilty of a disorderly person's offense.

1 25. Fingerprints, photographs of juveniles. a. Fingerprints of
2 a juvenile under age 16 may be taken only in the following
3 circumstances:

- 4 (1) Where latent fingerprints are found during the investigation
5 of an offense and a law enforcement officer has reason to believe
6 that they are those of a juvenile, he may fingerprint the juvenile
7 for the purpose of comparison with the latent fingerprints.
- 8 (2) Where a juvenile is detained in or committed to an institu-
9 tion, that institution may fingerprint the juvenile for the purpose
10 of identification.

11 b. All records or copies of the fingerprints of ****[such]****
12 juveniles shall be retained by the department, agency or institution
13 taking them and shall be forwarded to the court for destruction
14 when the court determines that the purpose for the taking of the
15 fingerprints has been fulfilled, except that fingerprints taken of a
16 juvenile of more than 16 years of age may be retained by a law
17 enforcement agency for criminal identification purposes if ***such*
17A *juvenile is*** adjudged delinquent.

18 c. No juvenile under the age of 16 shall be photographed for
19 criminal identification purposes without the consent of the juvenile
20 and domestic relations court.

1 26. Sealing of records. a. On motion of a person who has been
 2 the subject of a complaint filed under this act or on its own motion,
 3 the juvenile and domestic relations court may vacate its order and
 4 findings and order the nondisclosure of social, medical, psycho-
 5 logical, legal and other records of the court and probation services,
 6 and records of law enforcement agencies if it finds:

7 (1) Two years have elapsed since the final discharge of the
 8 person from legal custody or supervision, or 2 years ***have*
 9 *elapsed*** after the entry of any other court order not involving
 10 custody or supervision; ***[*provided, however, that in any case
 11 wherein an adjudication has been entered upon the status of a child
 12 under 18 years of age, and said child intends to enlist in any branch
 13 of the Armed Forces of the United States, he may at any time after
 14 the date of such adjudication present a duly verified petition to the
 15 court wherein such adjudication was entered, setting forth all the
 16 facts in the matter, including his intention to enlist in said armed
 17 forces, and praying for the relief provided for in this section, and
 18 provided further, that pursuant to the provisions and subject to
 19 the limitations hereinafter provided for in this section, an order
 20 directing an expunging from the records of all evidence of such
 21 adjudication upon the status of any such child may be granted;]****

21A and

22 (2) He has not been convicted of a crime, or a disorderly person's
 23 offense or adjudged delinquent, or in need of supervision, during
 24 the 2 years prior to the filing of the motion, and no proceeding
 25 or complaint is pending seeking such conviction or adjudication.

25A ***b. In any case wherein an adjudication has been entered upon*
 25B *the status of a juvenile under 18 years of age, and said juvenile*
 25C *intends to enlist in any branch of the Armed Forces of the United*
 25D *States, he may at any time after the date of such adjudication pre-*
 25E *sent a duly verified petition to the court wherein such adjudication*
 25F *was entered, setting forth all the facts in the matter, including his*
 25G *intention to enlist in said armed forces, and praying for the relief*
 25H *provided in this section and subject to the limitations hereinafter*
 25I *provided in this section, an order may be granted to seal all the*
 25J *records concerning such adjudication including records of the court,*
 25K *probation services and law enforcement agencies.***

26 ***[b.]** **c.*** Reasonable written notice of the motion shall be
 26A given to:

27 (1) The Attorney General and the county prosecutor;

28 (2) The authority granting the discharge if the final discharge
 29 was from an institution, parole, or probation; and

30 (3) The law enforcement office, department, and central
31 depository having custody of the files and records if such files and
32 records are included in the motion.

33 ****[c.]**** ****d.**** Upon the entry of the order, the proceedings in
34 the case shall be sealed and all index references shall be marked
35 "not available" or "no record" and law enforcement officers and
36 departments shall reply and the person may reply to any inquiry
37 that there is no record with respect to such person, except that
38 records may be maintained for purposes of prior offender status.
39 This section shall not apply to reports required under the Con-
40 trolled Dangerous Substances Registry Act of 1970, P. L. 1970,
41 c. 227 (C. 26:2G-17 et seq.). Copies of the order shall be sent to
42 each agency or official named therein.

43 Inspection of the files and records included in the order may
44 thereafter be permitted by the court only upon motion and only to
45 those persons named in the motion; provided, however, the court,
46 in its discretion, may by special order in an individual case permit
47 inspection by or release of information in the records to any clinic,
48 hospital, or agency which has the person under care or treatment
49 or to individuals or agencies engaged in fact-finding or research.

50 ****[d.]**** ****e.**** Any adjudication of delinquency or in need of
51 supervision or conviction of a crime subsequent to sealing shall
52 have the effect of nullifying the sealing order.

1 27. The following sections are hereby repealed:

2 N. J. S. 2A:4-14 to 2A:4-17, inclusive, 2A:4-20, 2A:4-21,
3 2A:4-32, 2A:4-33, 2A:4-35, 2A:4-37, 2A:4-39; R. S. 30:4-157.3 and
4 P. L. 67, c. 308 (C. 2A:4-39.1).

1 28. This act shall take effect on the first day of the third month
2 following enactment****[**, but may be applied to cases pending on the
3 date of approval in the discretion of the court**]****.

Cy 4

FROM THE OFFICE OF THE GOVERNOR

DECEMBER 14, 1973

FOR RELEASE: IMMEDIATE

Governor William T. Cahill signed into law today a bill which makes sweeping revisions in the juvenile justice code in accordance with a pledge contained in his second annual message, to modernize juvenile court procedure.

The bill, S-2141, sponsored by Senator Peter W. Thomas (R., Morris), revises and codifies many of the current provisions, and specifies the various dispositions the court can order for juveniles.

Commenting on the comprehensive revision of the code, Governor Cahill said, "This broadens the alternatives open to the juvenile court and clears the way for a new emphasis on youth services. One of its principal objectives is to preserve the unity of the family wherever possible by providing for a program of care, supervision and rehabilitation instead of commitment where only relatively minor misconduct is concerned."

He called it, "a unified and orderly approach to the rehabilitation of juveniles to help them become productive members of society. At the same time, it ensures the safety of society."

Prior to the changes in the code, misconduct such as habitual truancy was treated as delinquency with the possibility of commitment and a police record. The revised code creates a new category for minor offenses entitled, "juvenile in need of supervision." This includes juveniles who are habitually disobedient to their parents, and parents are permitted to initiate an action in court. Juveniles in this classification may not be committed to an institution for rehabilitation. The court has various alternatives for disposition, all aimed at reuniting the child with the family as rapidly as possible.

Under the new code, juveniles will continue to be taken into custody, rather than arrested, and immediate notification must be given to the juvenile's parents and to the Juvenile and Domestic Relations Court. The court must hold a shelter care hearing to determine whether the juvenile should be retained pending disposition by the court.

The rights of juveniles are also listed as well as the various alternatives the court can order when juveniles are adjudged delinquent or in need of supervision.

Delinquents who are committed receive an indeterminate term for a maximum of three years, but in no event longer than the term of an adult committing the same offense, except for murder.

The Department of Institutions and Agencies determines which institutions are appropriate for juveniles adjudged delinquent and which are appropriate for those in need of supervision.

The Governor also signed into law the following bills:

S-74, sponsored by Senator James P. Dugan (D., Hudson), which exempts from any assessment for a county vocational school, any municipality in certain 1st class counties which has maintained for a minimum of 20 years a vocational school.

A-870, sponsored by Assemblyman Robert E. Littell (R., Warren), which provides for the registration and regulation of snowmobiles.

A-1172, sponsored by Assemblyman Byron M. Baer (D., Bergen), which requires the total price of any merchandise at retail, to be affixed to the merchandise or located at the point where the merchandise is offered for sale; effective 30 days after enactment.

A-2151, sponsored by Assemblywoman Josephine S. Margetts (R., Morris), which is designated "The Endangered and Nongame Species Conservation Act"; appropriates \$100,000.

Recommendations for reform are not lacking. Programs of State aid and construction of regionalized facilities are progressive measures which offer hope for improvement.

Regrettably, given New Jersey's limited fiscal resources, it is not feasible to consider the massive financial commitment full-scale implementation of these measures requires. This does not mean that we cannot nor should not attempt to initiate substantial reforms. I am proposing a commission to recommend improvements in New Jersey's county penal system. Among the immediate specific tasks of this commission will be:

- a study of the adequacy of security regulations and procedures;
- an expanded program of State inspection and technical assistance;
- increased use of existing community resources for rehabilitative programming, such as work and study release;
- recommendations for cooperative State and inter-county sharing of facilities;
- an evaluation of classification procedures to segregate juveniles and first offenders from more hardened criminals.

These recommendations, both on a State and county level, can be the beginning of meaningful reform in our prison system which will take us out of the dark ages and place us on the road to a successful program of rehabilitating and restoring prison inmates to a useful place in our society.

JUVENILE JUSTICE

In New Jersey, children in trouble with the law, or in need of protection and care, are confronted by a system of discretionary justice substantially unchanged for half a century, a critically limited range of social services and shelter, and a bewildering confusion of administrative jurisdictions. Too frequently, the only alternative available for such children is commitment to an institution, where, labeled as delinquents, their despair is replaced by bitterness and hostility. "Patchwork" changes will not resolve present shortcomings.

Improved planning and clear lines of administrative authority can help pave the way for a new emphasis on youth services.

7
In the area of juvenile justice it is clear that much more structural reorganization is required.

I shall propose to the Legislature a comprehensive revision of laws dealing with juvenile delinquency and parent-child-State relationships. Importantly, the proposed Juvenile Code will eliminate inequitable distinctions between juveniles and adult offenders. It will also permit courts to assert protective jurisdiction over juveniles who have committed no crime but who cannot remain in intolerable home situations.

Unlike present law, the Code would not require children to be placed in protective custody. The Code would also broaden alternatives open to the juvenile court. As an example, a child need not be placed on conventional probation, but rather, supervision could be given to any person who was approved by the court and accepted this duty. Thus, it is hoped that programs of volunteers in probation will be encouraged.

Concomitant with legislative reform will be a major effort to develop community alternatives to institutionalization. Experience has demonstrated that juveniles in trouble have a far better chance of maturing to a productive life if they are permitted to remain in their home communities, under supervision and guidance, than if they are committed to impersonal institutions, cut off from school, family, and jobs.

The three youth halfway houses I authorized last year are important steps in this direction. In addition, I am requesting the State Law Enforcement Planning Agency to approve an application by the Administrative Office of the Courts for conducting research and demonstration projects which will chart community alternatives to juvenile institutionalization in selected areas of the State.

One of the most promising means of providing community care and supervision for youngsters who are not hardened delinquents, but who cannot remain in the custody of their parents, is the development of a network of group foster homes. Experience with such homes in other states has proven them to be extremely successful in preventing further delinquency and dropping out of school.

I propose an experimental program by which any community in the State desiring to establish one or more group foster homes will be eligible to receive 100 per cent operation funding through the State Law Enforcement Planning Agency. Staff personnel selected by the

will continue on technical assistance and training by the new
Division of Family Services as needed.

The sole requirement for State assistance will be that the community, through its official governing body, designate and make available a residence which can accommodate six to ten children.

It is hoped that this will enable communities to deal more effectively with youth problems according to local needs.

Whether a totally community-based juvenile treatment system is either feasible or desirable remains unsolved. In the interim, it is clear that we must humanize New Jersey's juvenile correctional institutions. While recognizing inherent limitations, we must seek to support their mission of rehabilitation.

This will require expanded education and vocational training opportunities and new counselling and treatment programs. I have requested the Division of Correction and Parole to initiate an immediate planning effort. I have specifically requested evaluation of the following:

- implementation of a "career development" educational program at Jamesburg where there is currently limited vocational training. This would make youngsters aware of their future opportunities and, if properly designed, could provide remedial reading and math skills, as well as some degree of job training;

- the establishment of a centralized learning disability testing team which would provide services to all youth and juvenile correctional institutions. The goal here is not only to improve educational programs but to help youthful offenders get back into school. The results of this testing and educational progress could be made available to local schools and teachers;

- implementation of a financial incentive learning program at Jamesburg which would reward youngsters for educational diligence and achievements;

- provision of a flexible "Mini-Grant" for each institutional superintendent for staff-initiated innovative rehabilitation projects such as hobbies, sports and recreation.

ear, I asked the Department of Defense to undertake a summer camp program for underprivileged youth from all counties to be conducted at the New Jersey Training Center at Sea Girt. In my view, such a program accomplished two things. It provided a camp experience for boys who otherwise might spend the entire summer in the city. It also provided the New Jersey National Guard with an opportunity to strengthen its image with the youth of our State.

The program reached underprivileged boys aged 10 to 13 and, over a four-week period, 513 boys were hosted by the National Guard. They were recruited under the direction of the Department of Community Affairs, utilizing the services of the Urban League and the Community Action Program.

This successful program will be expanded in 1972 to handle 800 boys. Moreover, the commanding general at Fort Dix has agreed to initiate a program for 200 underprivileged girls next summer. Fort Dix facilities and personnel, particularly the Women's Army Corps, will carry out the program in coordination with the New Jersey National Guard.

The experience and knowledge gained by the Guard working with the Governor's Youth Program last summer provided the base for initiating a year around program for underprivileged youth at armories throughout the State. I am pleased to announce that the Guard has now embarked on a youth program which eventually will reach 46 communities in 21 counties where armory installations are located.

Initially, it will be directed to those boys who participated in the Governor's Youth Program last summer and gradually expand to accept other youths of the community in the same 10 to 13 age group. Activities will include educational projects, arts and crafts, athletics, field trips, and character guidance.

I am delighted that Federal cooperation will not only double the Governor's Youth Program next summer, but also will move the National Guard into a continuing program throughout the year.

Through such programs as I have outlined we reaffirm our commitment to the principle that what helps youth will help New Jersey

Quality health care is the right of all. It is the best possible for as long as we have financial resources.

Toward that end, we are expanding our programs to stimulate and expand the boundaries of our laboratories and to combat the sickle cell anemia.

Doctors and nurses are providing the best health care. For the gains we have made.

The projected increase in 1972-73 at the Newark, Jersey City and Rutgers, where the number of students increased from 32 in 1966.

Our growth illustrates the new role of trustees and our

A major milestone finally was broken in Newark for the first time under the limitations.

We also have an effort to persuade the hospital in Southern State of a third

For the first time, a medical college is expected in 1974 Rutgers will rather than watching education. The chance