

2A:4A-37

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 287
NJSA: 2A:4A-37 (Places certain juvenile offenders in adult county jails)
BILL NO: A2096 (Substituted for S1429)

SPONSOR(S): Previte and others

DATE INTRODUCED: March 18, 2002

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 12, 2004

SENATE: January 12, 2004

DATE OF APPROVAL: January 14, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)
(Amendments during passage denoted by asterisks)

A2096

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

S1429

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A2096

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 287, *approved January 14, 2004*
Assembly, No. 2096 (*Second Reprint*)

1 AN ACT concerning the placement of certain juvenile offenders and
2 amending P.L.1982, c.77.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to read
8 as follows:

9 18. Place of detention or shelter. a. The Juvenile Justice
10 Commission established pursuant to section 2 of P.L.1995, c.284
11 (C.52:17B-170) shall specify the place where a juvenile may be
12 detained; and the Department of Human Services shall specify where
13 a juvenile may be placed in shelter.

14 b. No juvenile shall be placed in detention or shelter care in any
15 place other than that specified by the Juvenile Justice Commission or
16 Department of Human Services as provided in subsection a.

17 c. A juvenile being held for a charge under this act or for a
18 violation of or contempt in connection with a violation of Title 39 of
19 the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes or
20 N.J.S.2C:33-13, including a juvenile who has reached the age of 18
21 years after being charged, shall not be placed in any prison, jail or
22 lockup nor detained in any police station, except that if no other
23 facility is reasonably available a juvenile may be held in a police station
24 in a place other than one designed for the detention of prisoners and
25 apart from any adult charged with or convicted of ¹a¹crime for a brief
26 period if such holding is necessary to allow release to his parent,
27 guardian, other suitable person, or approved facility. No juvenile shall
28 be placed in a detention facility which has reached its maximum
29 population capacity, as designated by the Juvenile Justice Commission.

30 d. No juvenile charged with delinquency shall be transferred to an
31 adult county jail solely by reason of having reached age 18 ²[
32 provided, however, any juvenile]. The following standards shall apply
33 to any juvenile² who ²[(1)]² has been ¹[place] placed¹ on probation
34 pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and who
35 violates the conditions of that probation after reaching the age of 18;
36 ²[(2)] who² has been placed on parole pursuant to the provisions of
37 the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.) and
38 who violates the conditions of that parole after reaching the age of
39 18¹;¹ or ²[(3)] who² is arrested after reaching the age of 18 on a

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted September 19, 2002.

² Senate SLP committee amendments adopted January 8, 2004.

1 warrant emanating from the commission of an act of juvenile
2 delinquency ²[shall be placed in an adult county jail rather than in a
3 juvenile facility or juvenile detention facility] :

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

20 (2) In the case of a person 20 years of age or older, the person shall
21 be incarcerated in the county jail unless good cause is shown².

22 e. (1) The Juvenile Justice Commission and the Department of
23 Human Services shall promulgate such rules and regulations from time
24 to time as deemed necessary to establish minimum physical facility and
25 program standards for juvenile detention facilities or shelters under
26 their respective supervision.

27 (2) The Juvenile Justice Commission and the Department of Human
28 Services, in consultation with the appropriate county administrator of
29 the county facility or shelter, shall assign a maximum population
30 capacity for each juvenile detention facility or shelter based on
31 minimum standards for these facilities.

32 f. (1) Where either the Juvenile Justice Commission or the
33 Department of Human Services determines that a juvenile detention
34 facility or shelter under its control or authority is regularly over the
35 maximum population capacity or is in willful and continuous disregard
36 of the minimum standards for these facilities or shelters, the
37 commission or department may restrict new admissions to the facility
38 or shelter.

39 (2) Upon making such determination, the commission or
40 department shall notify the governing body of the appropriate county
41 of its decision to impose such a restriction, which notification shall
42 include a written statement specifying the reasons therefor and
43 corrections to be made. If the commission or department shall
44 determine that no appropriate action has been initiated by the
45 administrator of the facility or shelter within 60 days following such
46 notification to correct the violations specified in the notification, it

1 shall order that such juvenile detention facility or shelter shall
2 immediately cease to admit juveniles. The county shall be entitled to
3 a hearing where such a restriction is imposed by the commission or
4 department.

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

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

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

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

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

40 (cf: P.L.1995, c.280, s.7)

41

42 2. This act shall take effect immediately.

43

44

45

46 _____
Places certain juvenile offenders in adult county jails.

ASSEMBLY, No. 2096

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 18, 2002

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblyman GEORGE F. GEIST

District 4 (Camden and Gloucester)

Co-Sponsored by:

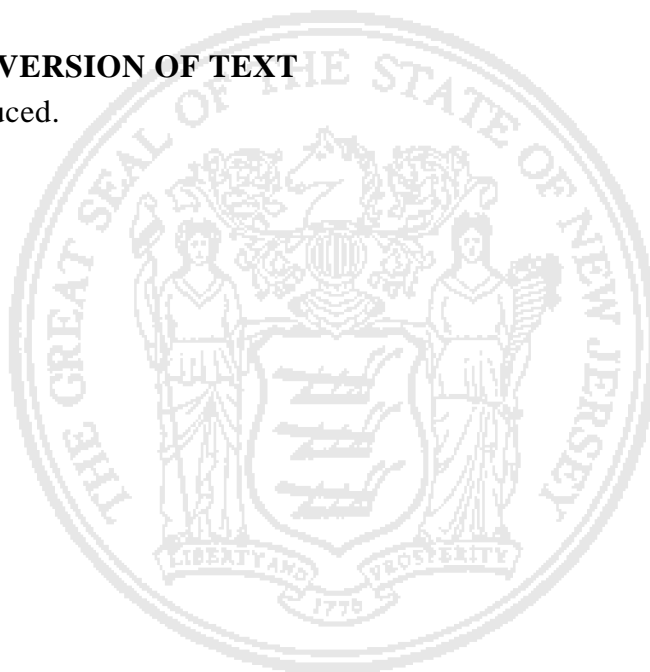
Assemblywoman Cruz-Perez, Assemblyman Johnson, Assemblywoman Weinberg, Assemblymen Greenwald, R.Smith, Barnes, Diegnan, Chivukula, Egan and Hackett

SYNOPSIS

Places certain juvenile offenders in adult county jails.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/7/2002)

A2096 PREVITE, GEIST

2

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19 the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes or
20 N.J.S.2C:33-13, including a juvenile who has reached the age of 18
21 years after being charged, shall not be placed in any prison, jail or
22 lockup nor detained in any police station, except that if no other
23 facility is reasonably available a juvenile may be held in a police station
24 in a place other than one designed for the detention of prisoners and
25 apart from any adult charged with or convicted of crime for a brief
26 period if such holding is necessary to allow release to his parent,
27 guardian, other suitable person, or approved facility. No juvenile shall
28 be placed in a detention facility which has reached its maximum
29 population capacity, as designated by the Juvenile Justice Commission.

30 d. No juvenile charged with delinquency shall be transferred to an
31 adult county jail solely by reason of having reached age 18; provided,
32 however, any juvenile who (1) has been place on probation pursuant
33 to section 24 of P.L.1982, c.77 (C.2A:4A-43) and who violates the
34 conditions of that probation after reaching the age of 18; (2) has been
35 placed on parole pursuant to the provisions of the "Parole Act of
36 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.) and who violates the
37 conditions of that parole after reaching the age of 18 or (3) is arrested
38 after reaching the age of 18 on a warrant emanating from the
39 commission of an act of juvenile delinquency shall be placed in an
40 adult county jail rather than in a juvenile facility or juvenile detention
41 facility.

42 e. (1) The Juvenile Justice Commission and the Department of
43 Human Services shall promulgate such rules and regulations from time

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15 or shelter.

16 (2) Upon making such determination, the commission or
17 department shall notify the governing body of the appropriate county
18 of its decision to impose such a restriction, which notification shall
19 include a written statement specifying the reasons therefor and
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22 administrator of the facility or shelter within 60 days following such
23 notification to correct the violations specified in the notification, it
24 shall order that such juvenile detention facility or shelter shall
25 immediately cease to admit juveniles. The county shall be entitled to
26 a hearing where such a restriction is imposed by the commission or
27 department.

28 (3) Any juvenile detention facility or shelter so restricted shall
29 continue under such order until such time as the commission or
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3 reasonable and appropriate per diem allowance for each juvenile sent
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5 maintenance, and any other services normally provided by the county
6 to juveniles in the facility or shelter and which reflects all county
7 expenditures in maintaining such juvenile, including a proportionate
8 share of all buildings and grounds costs, personnel costs, including
9 fringe benefits, administrative costs and all other direct and indirect
10 costs.

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

17 (cf: P.L.1995, c.280, s.7)

18

19 2. This act shall take effect immediately.

20

21

22 STATEMENT

23

24 Juvenile facilities and county juvenile detention facilities are
25 designed and organized for holding and detaining juveniles who are
26 being charged with or have been adjudicated for acts of juvenile
27 delinquency.

28 Under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
29 (C.2A:4A-20 et seq.), a juvenile is defined as a person under the age
30 of 18.

31 There are some persons 18 years of age and older who currently
32 are being held in juvenile facilities and county juvenile detention
33 facilities as they complete their terms of incarceration which began
34 when they were younger or who await a trial arising from a juvenile
35 delinquency. Under certain circumstances, persons 18 years of age
36 and older may be placed in a juvenile facility or county juvenile
37 detention facility either because the offense for which they are being
38 held or detained took place when they were under the age of 18 or, as
39 is more likely, they have violated a condition of their probation or
40 parole as a juvenile offender.

41 Placing individuals 18 years of age and older in facilities with
42 juveniles may endanger both the true juveniles in the facility and the
43 guards and administrators of the facility, who must ensure its orderly
44 operation and inmate safety.

45 This bill provides that any juvenile who (1) has been placed on
46 probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and

A2096 PREVITE, GEIST

5

1 who violates the conditions of that probation after reaching the age of
2 18; (2) has been placed on parole pursuant to the provisions of the
3 "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.) and
4 who violates the conditions of that parole after reaching the age of 18
5 or is arrested after reaching the age of 18 on a warrant emanating from
6 the commission of an act of juvenile delinquency shall be placed in an
7 adult county jail rather than in a juvenile facility or juvenile detention
8 facility.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2096

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2002

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2096.

Juvenile facilities and county juvenile detention facilities are designed and organized for holding and detaining juveniles who have been charged with delinquency or adjudicated delinquent.

Under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), a juvenile is defined as a person under the age of 18 years.

There are some persons 18 years of age and older who currently are being held in juvenile facilities and county juvenile detention facilities as they complete their terms of incarceration which began when they were younger than 18 or who await a trial arising from a juvenile delinquency. Under certain circumstances, persons 18 years of age and older may be placed in a juvenile facility or county juvenile detention facility either because the offense for which they are being held or detained took place when they were under the age of 18 or, as is more likely, they have violated a condition of their probation or parole as a juvenile offender.

Placing individuals 18 years of age and older in facilities with juveniles may endanger both the true juveniles in the facility and the guards and administrators of the facility, who must ensure its orderly operation and inmate safety.

This bill provides that a juvenile shall be placed in an adult county jail rather than in a juvenile facility or juvenile detention facility if that juvenile: (1) has been placed on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and violates the conditions of that probation after reaching the age of 18; (2) has been placed on parole pursuant to the provisions of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.) and violates the conditions of that parole after reaching the age of 18; or (3) is arrested after reaching the age of 18 on a warrant emanating from the commission of an act of juvenile delinquency.

COMMITTEE AMENDMENTS

The committee made technical amendments to the bill.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2096

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 8, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2096 (1R).

Juvenile facilities and county juvenile detention facilities are designed and organized for holding and detaining juveniles who have been charged with delinquency or adjudicated delinquent.

Under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), a juvenile is defined as a person under the age of 18 years.

There are some persons 18 years of age and older who currently are being held in juvenile facilities and county juvenile detention facilities as they complete their terms of incarceration which began when they were younger than 18 or who await a trial arising from a juvenile delinquency. Under certain circumstances, persons 18 years of age and older may be placed in a juvenile facility or county juvenile detention facility either because the offense for which they are being held or detained took place when they were under the age of 18 or, as is more likely, they have violated a condition of their probation or parole as a juvenile offender.

Placing individuals 18 years of age and older in facilities with juveniles may endanger both the true juveniles in the facility and the guards and administrators of the facility, who must ensure its orderly operation and inmate safety.

As amended and released by the committee, this bill establishes standards for placing certain individuals in an adult county jail rather than in a juvenile facility or juvenile detention facility, based upon the age of the juvenile. The standards apply to individuals who: (1) have been placed on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and violate the conditions of that probation after reaching the age of 18; (2) have been placed on parole pursuant to the provisions of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-

123.45 et seq.) and violate the conditions of that parole after reaching the age of 18; or (3) are arrested after reaching the age of 18 on a warrant emanating from the commission of an act of juvenile delinquency.

In the case of a person 18 years of age but less than 20 years of age, the court, upon application by any interested party, would determine the place of detention, taking into consideration the age and maturity of the person, whether the placement of the person in a juvenile detention facility would present a risk to the safety of juveniles residing at the facility, the likelihood that the person would influence in a negative manner juveniles incarcerated at the facility, whether the facility has sufficient space available for juveniles and any other factor the court deems appropriate. Upon application at any time by the juvenile detention facility administrator or any other interested party, the court may order that the person be relocated to the county jail. The denial of an application would not preclude subsequent applications based on a change in circumstances or information that was not previously made available to the court.

In the case of a person 20 years of age or older, the person would be incarcerated in the county jail unless good cause is shown.

The committee amended the bill to establish standards based upon the age of the individual to be used in determining whether the individual should be placed in an adult county jail rather than in a juvenile facility or juvenile detention facility. As introduced, the bill required individuals who violated a condition of juvenile probation or juvenile parole or who were arrested on a warrant for an act of delinquency to be placed in an adult county jail.

As amended and released by the committee, this bill is identical to the Senate Committee Substitute for Senate Bill No. 2096, which was released by the committee on this same date.

FISCAL NOTE
 [First Reprint]
ASSEMBLY, No. 2096
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: FEBRUARY 26, 2003

SUMMARY

Synopsis: Places certain juvenile offenders in adult county jails.
Type of Impact: Minimal Expenditure Decrease to County Governments.
Agencies Affected: Department of Law and Public Safety, Juvenile Justice Commission, Department of Corrections, County Juvenile Detention Facilities, County Jails.

Executive Estimate

Fiscal Impact	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>
State Cost	None	None	None

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>
Local Cost	Minimal Cost Savings to the Counties.		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate, however believes a minimal savings will be realized by the counties.
- ! Requires that certain juvenile offenders be placed in county jails.
- ! The cost to detain a juvenile in a detention center averages \$160 per day, while the cost to house an inmate in an adult county facility averages \$70 per day.
- ! There are an average of 6,000 juveniles who violate probation each year, it is unknown how many are between 18 and 21 years of age.

BILL DESCRIPTION

Assembly Bill No. 2096 (1R) of 2002 requires that juvenile offenders, who have subsequently reached the age of 18 and violate the conditions of probation, parole, or are arrested on a warrant emanating from the commission, shall be placed in an adult county facility. Present law permits some persons 18 years of age and older, under certain circumstances, to be placed in a juvenile facility.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Juvenile Justice Commission, an agency in but not of the Department of Law and Public Safety, estimated that the enactment of this bill would have no fiscal impact.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate. However, OLS estimates that there may be a minimal savings to the counties because the cost to detain a juvenile offender averages \$160 per day, depending on the facility, and the cost to detain an offender in an adult county jail averages \$70 per day. Although the number of offenders who fall under the provisions of this legislation is unknown, OLS believes the counties may realize a minimal savings.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*
Assistant Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 1429

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 26, 2002

Sponsored by:

Senator PETER A. INVERSO
District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Sweeney

SYNOPSIS

Places certain juvenile offenders in adult county jails.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/29/2002)

S1429 INVERSO

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16 (2) Upon making such determination, the commission or
17 department shall notify the governing body of the appropriate county
18 of its decision to impose such a restriction, which notification shall
19 include a written statement specifying the reasons therefor and
20 corrections to be made. If the commission or department shall
21 determine that no appropriate action has been initiated by the
22 administrator of the facility or shelter within 60 days following such
23 notification to correct the violations specified in the notification, it
24 shall order that such juvenile detention facility or shelter shall
25 immediately cease to admit juveniles. The county shall be entitled to
26 a hearing where such a restriction is imposed by the commission or
27 department.

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

33 (4) Upon the issuance of an order to cease admissions to a juvenile
34 detention facility or shelter, the commission or department shall
35 determine whether other juvenile detention facilities or shelters have
36 adequate room for admitting juveniles and shall assign the juveniles to
37 the facilities or shelters on the basis of available space; provided that
38 the department shall not assign the juvenile to a facility or shelter
39 where such facility or shelter is at the maximum population. A
40 juvenile detention facility or shelter ordered to accept a juvenile shall
41 do so within five days following the receipt of an order to accept
42 admission of such juvenile.

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

1 (6) A facility or shelter receiving juveniles pursuant to paragraph
2 (4) of this subsection shall receive from the sending county a
3 reasonable and appropriate per diem allowance for each juvenile sent
4 to the facility, such allowance to be used for the custody, care,
5 maintenance, and any other services normally provided by the county
6 to juveniles in the facility or shelter and which reflects all county
7 expenditures in maintaining such juvenile, including a proportionate
8 share of all buildings and grounds costs, personnel costs, including
9 fringe benefits, administrative costs and all other direct and indirect
10 costs.

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

17 (cf: P.L.1995, c.280, s.7)

18

19 2. This act shall take effect immediately.

20

21

STATEMENT

22

23 Juvenile facilities and county juvenile detention facilities are
24 designed and organized for holding and detaining juveniles who are
25 being charged with or have been adjudicated for acts of juvenile
26 delinquency.

27 Under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
28 (C.2A:4A-20 et seq.), a juvenile is defined as a person under the age
29 of 18.

30 There are some persons 18 years of age and older who currently
31 are being held in juvenile facilities and county juvenile detention
32 facilities as they complete their terms of incarceration which began
33 when they were younger or who await a trial arising from a juvenile
34 delinquency. Under certain circumstances, persons 18 years of age
35 and older may be placed in a juvenile facility or county juvenile
36 detention facility either because the offense for which they are being
37 held or detained took place when they were under the age of 18 or, as
38 is more likely, they have violated a condition of their probation or
39 parole as a juvenile offender.

40 Placing individuals 18 years of age and older in facilities with
41 juveniles may endanger both the true juveniles in the facility and the
42 guards and administrators of the facility, who must ensure its orderly
43 operation and inmate safety.

44 This bill provides that any juvenile who (1) has been place on
45 probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and
46 who violates the conditions of that probation after reaching the age of

S1429 INVERSO

5

1 18; (2) has been placed on parole pursuant to the provisions of the
2 "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.) and
3 who violates the conditions of that parole after reaching the age of 18
4 or is arrested after reaching the age of 18 on a warrant emanating from
5 the commission of an act of juvenile delinquency shall be placed in an
6 adult county jail rather than in a juvenile facility or juvenile detention
7 facility.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1429

STATE OF NEW JERSEY

DATED: JANUARY 8, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1429.

Juvenile facilities and county juvenile detention facilities are designed and organized for holding and detaining juveniles who are being charged with or have been adjudicated for acts of juvenile delinquency.

Under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), a juvenile is defined as a person under the age of 18.

There are some persons 18 years of age and older who currently are being held in juvenile facilities and county juvenile detention facilities as they complete their terms of incarceration which began when they were younger or who await a trial arising from a juvenile delinquency. Under certain circumstances, persons 18 years of age and older may be placed in a juvenile facility or county juvenile detention facility either because the offense for which they are being held or detained took place when they were under the age of 18 or, as is more likely, they have violated a condition of their probation or parole as a juvenile offender.

Placing individuals 18 years of age and older in facilities with juveniles may endanger both the true juveniles in the facility and the guards and administrators of the facility, who must ensure its orderly operation and inmate safety.

This committee substitute establishes standards for placing certain individuals in an adult county jail rather than in a juvenile facility or juvenile detention facility, based upon the age of the juvenile. The standards apply to individuals who: (1) have been placed on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and violate the conditions of that probation after reaching the age of 18; (2) have been placed on parole pursuant to the provisions of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.) and violate the conditions of that parole after reaching the age of 18; or (3) are arrested after reaching the age of 18 on a warrant emanating from the

commission of an act of juvenile delinquency.

In the case of a person 18 years of age but less than 20 years of age, the court, upon application by any interested party, would determine the place of detention, taking into consideration the age and maturity of the person, whether the placement of the person in a juvenile detention facility would present a risk to the safety of juveniles residing at the facility, the likelihood that the person would influence in a negative manner juveniles incarcerated at the facility, whether the facility has sufficient space available for juveniles and any other factor the court deems appropriate. Upon application at any time by the juvenile detention facility administrator or any other interested party, the court may order that the person be relocated to the county jail. The denial of an application would not preclude subsequent applications based on a change in circumstances or information that was not previously made available to the court.

In the case of a person 20 years of age or older, the person would be incarcerated in the county jail unless good cause is shown.

This committee substitute is identical to Assembly Bill No. 2096 (1R) as amended and released by the committee on this same date.

FISCAL NOTE
SENATE, No. 1429
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: FEBRUARY 26, 2003

SUMMARY

Synopsis: Places certain juvenile offenders in adult county jails.
Type of Impact: Minimal Expenditure Decrease to County Governments.
Agencies Affected: Department of Law and Public Safety, Juvenile Justice Commission, Department of Corrections, County Juvenile Detention Facilities, County Jails.

Executive Estimate

Fiscal Impact	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>
State Cost	None	None	None

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>
Local Cost	Minimal Cost Savings to the Counties.		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate, however believes a minimal savings will be realized by the counties.
- ! Requires that certain juvenile offenders be placed in county jails.
- ! The cost to detain a juvenile in a detention center averages \$160 per day, while the cost to house an inmate in an adult county facility averages \$70 per day.
- ! There are an average of 6,000 juveniles who violate probation each year, it is unknown how many are between 18 and 21 years of age.

BILL DESCRIPTION

Senate Bill No. 1429 of 2002 requires that juvenile offenders, who have subsequently reached the age of 18 and violate the conditions of probation, parole, or are arrested on a warrant emanating from the commission, shall be placed in an adult county facility. Present law permits some persons 18 years of age and older, under certain circumstances, to be placed in a juvenile facility.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Juvenile Justice Commission, an agency in but not of the Department of Law and Public Safety, estimated that the enactment of this bill would have no fiscal impact.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate. However, OLS estimates that there may be a minimal savings to the counties because the cost to detain a juvenile offender averages \$160 per day, depending on the facility, and the cost to detain an offender in an adult county jail averages \$70 per day. Although the number of offenders who fall under the provisions of this legislation is unknown, OLS believes the counties may realize a minimal savings.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*
Assistant Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.