



**SENATE:** No

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

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes 7/1/2021  
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**REPORTS:** No

**HEARINGS:** No

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RWH/JA



P.L. 2021, CHAPTER 342, *approved January 10, 2022*  
Senate, No. 3319 (*Second Reprint*)

1 AN ACT concerning certain juvenile justice costs, fees, and  
2 monetary penalties, amending various parts of the statutory law,  
3 and supplementing chapter 17B of Title 52 of the Revised  
4 Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted March 11, 2021.

<sup>2</sup>Senate SBA committee amendments adopted June 21, 2021.

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

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

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

19 (2) Release the juvenile to the supervision of the juvenile's  
20 parent or guardian;

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

26 (4) Transfer custody of the juvenile to any relative or other  
27 person determined by the court to be qualified to care for the  
28 juvenile;

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

42 (6) Place the juvenile under the care and custody of the  
43 Commissioner of Children and Families for the purpose of  
44 receiving the services of the Division of Children's System of Care  
45 of that department, provided that the juvenile has been determined  
46 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-  
47 25.4);

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

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

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

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

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

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

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

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

47 (15) Order the parent or guardian of the juvenile to participate in  
48 appropriate programs or services when the court has found either

1 that such person's omission or conduct was a significant  
2 contributing factor towards the commission of the delinquent act,  
3 or, under its authority to enforce litigant's rights, that such person's  
4 omission or conduct has been a significant contributing factor  
5 towards the ineffective implementation of a court order previously  
6 entered in relation to the juvenile;

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

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

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

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

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

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

41 c. (1) If the county in which the juvenile has been adjudicated  
42 delinquent has a juvenile detention facility meeting the physical and  
43 program standards established pursuant to this subsection by the  
44 Juvenile Justice Commission, the court may, in addition to any of  
45 the dispositions not involving placement out of the home  
46 enumerated in this section, incarcerate the juvenile in the youth  
47 detention facility in that county for a term not to exceed 60  
48 consecutive days. The decision by the court to incarcerate a

1 juvenile shall be made in accordance with subsection i. of section 2  
2 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate  
3 their own juvenile detention facilities may contract for the use of  
4 approved commitment programs with counties with which they  
5 have established agreements for the use of pre-disposition juvenile  
6 detention facilities. The Juvenile Justice Commission shall  
7 promulgate such rules and regulations from time to time as deemed  
8 necessary to establish minimum physical facility and program  
9 standards for the use of juvenile detention facilities pursuant to this  
10 subsection.

11 (2) A juvenile shall not be incarcerated in any county detention  
12 facility unless the county has entered into an agreement with the  
13 Juvenile Justice Commission concerning the use of the facility for  
14 sentenced juveniles. Upon agreement with the county, the Juvenile  
15 Justice Commission shall certify detention facilities which may  
16 receive juveniles sentenced pursuant to this subsection and shall  
17 specify the capacity of the facility that may be made available to  
18 receive such juveniles; provided, however, that in no event shall the  
19 number of juveniles incarcerated pursuant to this subsection exceed  
20 50% of the maximum capacity of the facility.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

34 (cf: P.L.2019, c.363, s.2)

35  
36 2. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to  
37 read as follows:

38 8. a. In addition to any other disposition made pursuant to law,  
39 a court shall order a juvenile charged with delinquency or  
40 adjudicated delinquent for an act which, if committed by an adult  
41 would constitute a crime, a disorderly persons offense or a petty  
42 disorderly persons offense, to submit to an approved serological test  
43 for acquired immune deficiency syndrome (AIDS) or infection with  
44 the human immunodeficiency virus (HIV) or any other related virus  
45 identified as a probable causative agent of AIDS if:

46 (1) in the course of the commission of the act, including the  
47 immediate flight thereafter or during any investigation or arrest  
48 related to that act, a law enforcement officer, the victim or other

1 person suffered a prick from a hypodermic needle, provided there is  
2 probable cause to believe that the juvenile is an intravenous user of  
3 controlled dangerous substances; or

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

9 The court may order a juvenile to submit to an approved  
10 serological test for AIDS or infection with the HIV or any other  
11 related virus identified as a probable causative agent of AIDS if in  
12 the course of the performance of any other law enforcement duties,  
13 a law enforcement officer suffers a prick from a hypodermic needle,  
14 provided that there is probable cause to believe that the defendant is  
15 an intravenous user of controlled dangerous substances, or had  
16 contact with the defendant which involved or was likely to involve  
17 the transmission of bodily fluids. The court shall issue such an  
18 order only upon the request of the law enforcement officer, victim  
19 of the offense or other affected person made at the time of  
20 indictment, charge or conviction. If a county prosecutor declines to  
21 make such an application within 72 hours of being requested to do  
22 so by the law enforcement officer, the law enforcement officer may  
23 appeal to the Division of Criminal Justice in the Department of Law  
24 and Public Safety for that officer to bring the application. The  
25 juvenile shall be ordered by the court to submit to such repeat or  
26 confirmatory tests as may be medically necessary.

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

42 c. **【In addition to any other disposition authorized, a court may**  
43 **order a juvenile at the time of sentencing to reimburse the State for**  
44 **the costs of the tests ordered by subsection a. of this section.】**  
45 (Deleted by amendment, P.L. , c. )

46 d. The result of a test ordered pursuant to subsection a. of this  
47 section shall be confidential and health care providers and  
48 employees of the Juvenile Justice Commission, the Office of

1 Victim-Witness Advocacy, a health care facility or counseling  
2 service shall not disclose the result of a test performed pursuant to  
3 this section except as authorized herein or as otherwise authorized  
4 by law or court order. The provisions of this section shall not be  
5 deemed to prohibit disclosure of a test result to the person tested.

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

10 f. This section shall not be construed to preclude or limit any  
11 other testing for AIDS or infection with the HIV or any other  
12 related virus identified as a probable causative agent of AIDS which  
13 is otherwise permitted by statute, court rule or common law.

14 (cf: P.L.1996, c.115, s.8)

15

16 3. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to  
17 read as follows:

18 2. a. Where a complaint against a juvenile pursuant to section  
19 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has  
20 committed an eligible offense as defined in subsection c. of this  
21 section and the court has approved diversion of the complaint  
22 pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution  
23 of the complaint shall include the juvenile's participation in a  
24 remedial education or counseling program. The [parents or  
25 guardian of the juvenile shall bear the cost of participation in the  
26 program, except that the] court shall take into consideration the  
27 [ability of the juvenile's parents or guardian to pay and the]  
28 availability of such a program in the area in which the juvenile  
29 resides and, where appropriate, may permit the juvenile to  
30 participate in a self-guided awareness program in lieu of a remedial  
31 education or counseling program provided that it satisfies the  
32 requirements of subsection b. of this section.

33 b. A remedial education or counseling program satisfies the  
34 requirements of [this act] P.L.2011, c.128 if the program is  
35 designed to increase the juvenile's awareness of:

36 (1) the legal consequences and penalties for sharing sexually  
37 suggestive or explicit materials, including applicable federal and  
38 State statutes;

39 (2) the non-legal consequences of sharing sexually suggestive or  
40 explicit materials including, but not limited to, the effect on  
41 relationships, loss of educational and employment opportunities,  
42 and being barred or removed from school programs and  
43 extracurricular activities;

44 (3) the potential, based upon the unique characteristics of  
45 cyberspace and the Internet, of long-term and unforeseen  
46 consequences for sharing sexually suggestive or explicit materials;  
47 and

1 (4) the possible connection between bullying and cyber-bullying  
2 and juveniles sharing sexually suggestive or explicit materials.

3 c. As used in **【this act】** P.L.2011, c.128, "eligible offense"  
4 means an offense in which:

5 (1) the facts of the case involve the creation, exhibition, or  
6 distribution of a photograph depicting nudity or portraying a child  
7 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,  
8 through the use of an electronic communication device, an  
9 interactive wireless communications device, or a computer; and

10 (2) the creator and subject of the photograph are juveniles or  
11 were juveniles at the time of its making.

12 (cf: P.L.2017, c.141, s.2)

13

14 4. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to  
15 read as follows:

16 3. a. Any person who violates the provisions of N.J.S.2C:33-3  
17 shall be liable for a civil penalty of not less than \$2,000 or actual  
18 costs incurred by or resulting from the law enforcement and  
19 emergency services response to the false alarm, whichever is  
20 higher.

21 b. Any monies collected pursuant to this section shall be made  
22 payable to the municipality or other entity providing the law  
23 enforcement or emergency services response to the false alarm.

24 c. For the purposes of this section:

25 "Emergency services" includes, but is not limited to, paid or  
26 volunteer fire fighters, paramedics, members of an ambulance team,  
27 rescue squad or mobile intensive care unit.

28 "Person" excludes a juvenile as defined in section 3 of P.L.1982,  
29 c.77 (C.2A:4A-22).

30 (cf: P.L.2002, c.26, s.17)

31

32 5. Section 1 of P.L.1987, c.106 (C.2C:35-20) is amended to read  
33 as follows:

34 2C:35-20. Forensic Laboratory Fees. a. In addition to any  
35 disposition made pursuant to the provisions of N.J.S. 2C:43-2, any  
36 person convicted of an offense under this chapter shall be assessed  
37 a criminal laboratory analysis fee of **【\$50.00】** \$50 for each offense  
38 for which **【he】** the person was convicted. Any person who is  
39 placed in supervisory treatment pursuant to N.J.S.2C:36A-1 or  
40 N.J.S.2 C:43-12 shall be assessed a criminal laboratory analysis fee  
41 of **【\$50.00】** \$50 for each **【such】** offense for which **【he】** the person  
42 was charged.

43 b. **【In addition to any other disposition made pursuant to the**  
44 **provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any**  
45 **other statute indicating the dispositions that can be ordered for**  
46 **adjudications of delinquency, any juvenile adjudicated delinquent**  
47 **for a violation of this chapter shall be assessed a laboratory analysis**

1 fee of \$25.00 for each adjudication.】 (Deleted by amendment,  
2 P.L. , c. )

3 c. All criminal laboratory analysis fees provided for in this  
4 section shall be collected as provided for the collection of fines and  
5 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall  
6 be forwarded to the appropriate forensic laboratory fund as  
7 provided in subsection d. of this section.

8 d. Forensic laboratory funds shall be established as follows:

9 (1) Any county or municipality which maintains a publicly  
10 funded forensic laboratory that regularly employs at least one  
11 forensic chemist or scientist engaged in the analysis of controlled  
12 dangerous substances may establish a forensic laboratory fund  
13 within the office of the county or municipal treasurer.

14 (2) Any other county or municipality which has agreed by  
15 contract to pay or reimburse the entire salary of at least one forensic  
16 chemist or scientist employed by a laboratory designated as a State  
17 Forensic Laboratory pursuant to N.J.S.2C:35-19, may establish a  
18 forensic laboratory fund within the office of the county or  
19 municipal treasurer.

20 (3) A separate account shall be established in the State Treasury  
21 and shall be designated the "State Forensic Laboratory Fund."

22 e. The analysis fee provided for in subsections a. and b. of this  
23 section shall be forwarded to the office of the treasurer of the  
24 county or municipality that performed the laboratory analysis if that  
25 county or municipality has established a forensic laboratory fund or,  
26 to the State forensic laboratory fund if the analysis was performed  
27 by a laboratory operated by the State. If the county or municipality  
28 has not established a forensic laboratory fund, then the analysis fee  
29 shall be forwarded to the State forensic laboratory fund within the  
30 State Treasury. If the analysis was performed by a forensic chemist  
31 or scientist whose salary was paid or reimbursed by a county or  
32 municipality pursuant to a contract, the analysis fee shall be  
33 forwarded to the appropriate forensic laboratory fund established  
34 pursuant to paragraph (2) of subsection d. of this section unless the  
35 contract provides for a different means of allocating and  
36 distributing forensic laboratory fees, in which event the terms of the  
37 contract may determine the amounts to be forwarded to each  
38 forensic laboratory fund. The county or municipal treasurer and  
39 State Treasurer may retain an amount of the total of all collected  
40 analysis fees equal to the administrative costs incurred pursuant to  
41 carrying out their respective responsibilities under this section.

42 f. Moneys deposited in the county or municipal forensic  
43 laboratory fund created pursuant to paragraph (1) of subsection d.  
44 of this section shall be in addition to any allocations pursuant to  
45 existing law and shall be designated for the exclusive use of the  
46 county or municipal forensic laboratory. These uses may include,  
47 but are not limited to, the following:

1 (1) costs incurred in providing analyses for controlled  
2 substances in connection with criminal investigations conducted  
3 within this State;

4 (2) purchase and maintenance of equipment for use in  
5 performing analyses; and

6 (3) continuing education, training, and scientific development of  
7 forensic scientists regularly employed by these laboratories.

8 g. Moneys deposited in the State forensic laboratory fund  
9 created pursuant to paragraph (3) of subsection d. of this section  
10 shall be used by State forensic laboratories that the Attorney  
11 General designates pursuant to N. J.S. 2C:35-19, and the Division  
12 of State Police in the Department of Law and Public Safety. These  
13 moneys shall be in addition to any allocations pursuant to existing  
14 law and shall be designated for the exclusive use of State forensic  
15 facilities. These uses may include those enumerated in subsection f.  
16 of this section.

17 h. For the purposes of this section, "person" excludes a  
18 juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).  
19 (cf: P.L.1988, c.44, s.10)

20

21 6. Section 9 of P.L.1996, c.115 (C.2C:43-3.3) is amended to  
22 read as follows:

23 9. a. In addition to any disposition made pursuant to the  
24 provisions of Title 2C of the New Jersey Statutes, any person  
25 convicted of a crime shall be assessed a penalty of \$30.

26 b. **【**In addition to any other disposition made pursuant to the  
27 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any  
28 other statute indicating the dispositions that may be ordered for  
29 adjudications of delinquency, a juvenile adjudicated delinquent for  
30 an offense which if committed by an adult would be a crime shall  
31 be assessed a penalty of \$15.**】** Deleted by amendment,  
32 P.L. c. (C. ) (pending before the Legislature as this bill)

33 c. The penalties assessed under subsections a. and b. of this  
34 section shall be collected as provided for the collection of fines and  
35 restitution in section 3 of P.L.1979, c.396 (C.2C:46-4) and  
36 forwarded to the State Treasury for deposit in a separate account to  
37 be known as the "Law Enforcement Officers Training and  
38 Equipment Fund." The penalty assessed in this section shall be  
39 collected only after a penalty assessed in section 2 of P.L.1979,  
40 c.396 (C.2C:43-3.1) and any restitution ordered is collected.

41 The fund shall be used to support the development and provision  
42 of basic and in-service training courses for law enforcement officers  
43 by police training schools approved pursuant to P.L.1961, c.56  
44 (C.52:17B-66 et seq.). In addition, the fund shall also be used to  
45 enable police training schools to purchase equipment needed for the  
46 training of law enforcement officers. Distributions from the fund  
47 shall only be made directly to such approved schools.

1 d. The Police Training Commission in the Department of Law  
2 and Public Safety shall be responsible for the administration and  
3 distribution of the fund pursuant to its authority under section 6 of  
4 P.L.1961, c.56 (C.52:17B-71).

5 e. An adult prisoner of a State correctional institution who does  
6 not pay the penalty imposed pursuant to this section shall have the  
7 penalty deducted from any income the inmate receives as a result of  
8 labor performed at the institution or any type of work release  
9 program. If any person, including an inmate, fails to pay the  
10 penalty imposed pursuant to this section, the court may order the  
11 suspension of the person's driver's license or nonresident reciprocity  
12 privilege, or prohibit the person from receiving or obtaining a  
13 license until the assessment is paid. The court shall notify the  
14 Director of the Division of Motor Vehicles of such an action. Prior  
15 to any action being taken pursuant to this subsection, the person  
16 shall be given notice and a hearing before the court to contest the  
17 charge of the failure to pay the assessment.

18 f. For the purposes of this section, "person" excludes a juvenile  
19 as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

20 (cf: P.L.1996, c.115, s.9)

21  
22 <sup>1</sup>**[7.** Section 7 of P.L.2013, c.214 (C.30:4-123.97) is amended to  
23 read as follows:

24 7. a. In addition to any fine, fee, assessment, or penalty  
25 authorized under the provisions of Title 2C of the New Jersey  
26 Statutes, a person convicted of **[or adjudicated delinquent for]** a  
27 sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2),  
28 shall be assessed a penalty of \$30 per month.

29 b. All penalties provided for in this section, collected as  
30 provided for the collection of fines and restitutions in section 3 of  
31 P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department  
32 of the Treasury to be deposited in the "Sex Offender Supervision  
33 Fund" established pursuant to section 8 of P.L.2013, c.214 (C.30:4-  
34 123.98).

35 A person shall not be assessed the penalty established in  
36 subsection a. of this section if the person's income does not exceed  
37 149 percent of the federal poverty level.

38 c. For the purposes of this section, "person" excludes a juvenile  
39 as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

40 (cf: P.L.2013, c.214, s.7)<sup>1</sup>

41  
42 <sup>1</sup>**[8]** 7<sup>1</sup>. (New section) On <sup>1</sup>or after<sup>1</sup> the effective date of  
43 P.L. c. (pending before the Legislature as this bill):

44 a. any unpaid outstanding balance of any statutory or court-  
45 ordered fines, fees, costs, or other monetary penalties previously  
46 assessed or imposed upon a juvenile or the juvenile's parent or  
47 guardian in relation to a juvenile delinquency complaint shall be  
48 unenforceable and uncollectable and the portion of any judgment that

1 imposed those fines, fees, costs, or monetary penalties shall be  
2 vacated;

3 b. all unsatisfied civil judgments based on statutory or court-  
4 ordered fines, fees, costs, or other monetary penalties previously  
5 assessed or imposed upon a juvenile or the juvenile's parent or  
6 guardian in relation to a juvenile delinquency complaint are deemed to  
7 be null and void and, for all legal purposes, shall be vacated and  
8 discharged; and

9 c. all warrants issued solely based on the alleged failure of a  
10 juvenile or a juvenile's parent or guardian to pay or to appear on a  
11 court date set for the sole purpose of payment of statutory or court-  
12 ordered fines, fees, costs, or other monetary penalties previously  
13 assessed or imposed in relation to a juvenile delinquency complaint  
14 shall be <sup>2</sup>~~deemed null and void~~ reviewed and vacated consistent  
15 with the provisions of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill)<sup>2</sup>.

17 <sup>1</sup>The provisions of this section shall apply to any fines, fees, costs,  
18 or other monetary penalties which were imposed prior to, and which  
19 are imposed subsequent to, the effective date of this act.<sup>1</sup>

20

21 <sup>2</sup>8. N.J.S.2C:46-2 is amended to read as follows:

22 2C:46-2. a. When a defendant sentenced to pay an assessment  
23 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a  
24 penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-  
25 3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73  
26 (C.2C:14-10), monthly probation fee, fine, a penalty imposed pursuant  
27 to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-imposed  
28 financial obligations or to make restitution or pay child support or  
29 other support or maintenance ordered by a court defaults in the  
30 payment thereof or of any installment, upon the motion of the person  
31 authorized by law to collect the payment, the motion of the prosecutor,  
32 the motion of the victim entitled to payment of restitution, the motion  
33 of the Victims of Crime Compensation Office, the motion of the State  
34 or county Office of Victim and Witness Advocacy or upon its own  
35 motion, the court shall recall the defendant, or issue a summons or a  
36 warrant of arrest for the defendant's appearance. A warrant shall not  
37 be issued for a juvenile defendant or the parent or guardian of a  
38 juvenile defendant. The court shall afford the person notice and an  
39 opportunity to be heard on the issue of default. Failure to make any  
40 payment when due shall be considered a default. The standard of  
41 proof shall be by a preponderance of the evidence, and the burden of  
42 establishing good cause for a default shall be on the person who has  
43 defaulted.

44 (1) If the court finds that the person has defaulted without good  
45 cause, the court may:

46 (a) order the suspension of the driver's license or the nonresident  
47 reciprocity driving privilege of the person; or



1 (b) prohibit the person from obtaining a driver's license or  
2 exercising reciprocity driving privileges until the person has made all  
3 past due payments; or

4 (c) take any other actions authorized by law.

5 The court shall notify the Chief Administrator of the New Jersey  
6 Motor Vehicle Commission of the action taken pursuant to this  
7 paragraph.

8 (2) If the court finds that the person defaulted on payment of a  
9 court-imposed financial obligation, restitution, or child support or  
10 other support or maintenance ordered by a court without good cause  
11 and finds that the default was willful, the court may, in addition to the  
12 action authorized by paragraph (1) of subsection a. of this section,  
13 impose a term of imprisonment or participation in a labor assistance  
14 program or enforced community service to achieve the objective of the  
15 court-imposed financial obligation, restitution, or child support or  
16 other support or maintenance ordered by a court. These options shall  
17 not reduce the amount owed by the person in default. The term of  
18 imprisonment or enforced community service or participation in a  
19 labor assistance program shall be specified in the order of  
20 commitment. It need not be equated with any particular dollar amount  
21 but, in the case of a fine it shall not exceed one day for each \$50 of the  
22 fine nor shall it exceed a period of 90 consecutive days. In no case  
23 shall the total period of imprisonment in the case of a disorderly  
24 persons offense for both the sentence of imprisonment and for failure  
25 to pay a fine exceed six months.

26 (3) Except where incarceration is ordered pursuant to paragraph  
27 (2) of subsection a. of this section, if the court finds that the person has  
28 defaulted the court may take one or more of the following actions:

29 (a) the court shall take appropriate action to modify or establish a  
30 reasonable schedule for payment;

31 (b) in the case of a fine, if the court finds that the circumstances  
32 that warranted the fine have changed or that it would be unjust to  
33 require payment, the court may revoke or suspend the fine or the  
34 unpaid portion of the fine; or

35 (c) if the defendant has served jail time for default on a court-  
36 imposed financial obligation, the court may order that credit for each  
37 day of confinement be given against the amount owed. The amount of  
38 the credit shall be determined at the discretion of the court but shall be  
39 not less than \$50 for each day of confinement served.

40 (4) When failure to pay an assessment imposed pursuant to section  
41 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee, restitution,  
42 a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-  
43 3.5), a penalty imposed pursuant to section 11 of P.L.2001, c.81  
44 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005,  
45 c.73 (C.2C:14-10), or other financial penalties or to perform enforced  
46 community service or to participate in a labor assistance program is  
47 determined to be willful, the failure to do so shall be considered to be  
48 contumacious.

1 (5) When a fine, assessment imposed pursuant to section 2 of  
2 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution is  
3 imposed on a corporation, it is the duty of the person or persons  
4 authorized to make disbursements from the assets of the corporation or  
5 association to pay it from such assets and their failure so to do may be  
6 held to be contumacious.

7 b. Upon any default in the payment of a fine, assessment imposed  
8 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly  
9 probation fee, a penalty imposed pursuant to section 1 of P.L.1999,  
10 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of  
11 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1  
12 of P.L.2005, c.73 (C.2C:14-10), other financial penalties, restitution,  
13 or any installment thereof, execution may be levied and such other  
14 measures may be taken for collection of it or the unpaid balance  
15 thereof as are authorized for the collection of an unpaid civil judgment  
16 entered against the defendant in an action on a debt.

17 c. Upon any default in the payment of restitution or any  
18 installment thereof, the victim entitled to the payment may institute  
19 summary collection proceedings authorized by subsection b. of this  
20 section.

21 d. Upon any default in the payment of an assessment imposed  
22 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any  
23 installment thereof, the Victims of Crime Compensation Office or the  
24 party responsible for collection may institute summary collection  
25 proceedings authorized by subsection b. of this section.

26 e. When a defendant sentenced to make restitution to a public  
27 entity other than the Victims of Crime Compensation Office, defaults  
28 in the payment thereof or any installment, the court may, in lieu of  
29 other modification of the sentence, order the defendant to perform  
30 work in a labor assistance program or enforced community service  
31 program.

32 f. If a defendant ordered to participate in a labor assistance  
33 program or enforced community service program fails to report for  
34 work or to perform the assigned work, the comprehensive enforcement  
35 hearing officer may revoke the work order and impose any sentence  
36 permitted as a consequence of the original conviction.

37 g. If a defendant ordered to participate in a labor assistance  
38 program or an enforced community service program pays all  
39 outstanding assessments, the comprehensive enforcement hearing  
40 officer may review the work order, and modify the same to reflect the  
41 objective of the sentence.

42 h. As used in this section:

43 (1) "Comprehensive enforcement program" means the program  
44 established pursuant to the "Comprehensive Enforcement Program  
45 Fund Act," sections 1 through 9 of P.L.1995, c.9 (C.2B:19-1 et seq.).

46 (2) The terms "labor assistance program" and "enforced  
47 community service" have the same meaning as those terms are defined

1 in section 5 of the "Comprehensive Enforcement Program Fund Act,"  
2 P.L.1995, c.9 (C.2B:19-5).

3 (3) "Public entity" means the State, any county, municipality,  
4 district, public authority, public agency and any other political  
5 subdivision or public body in the State.

6 (4) "Court-imposed financial obligation" means any fine,  
7 statutorily-mandated assessment, surcharge, or other financial penalty  
8 imposed by a court, but does not include restitution or child support or  
9 other support or maintenance ordered by a court.<sup>2</sup>

10 (cf: P.L.2019, c.276, s.7)

11

12 <sup>1</sup>~~[9]~~ <sup>2</sup>~~[8.1]~~ 9.2 This act shall take effect immediately<sup>1</sup>; except  
13 that section 7 shall take effect on the first day of the 10th month next  
14 following enactment and the Administrative Director of the Courts  
15 may take any anticipatory administrative action in advance as shall be  
16 necessary for the implementation of this act<sup>1</sup>.

17

18

19

20

21 Eliminates certain juvenile justice fines, fees, costs, and other  
22 monetary penalties.

**CHAPTER 342**  
**(CORRECTED COPY)**

**AN ACT** concerning certain juvenile justice costs, fees, and monetary penalties, amending various parts of the statutory law, and supplementing chapter 17B of Title 52 of the Revised Statutes.

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

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

C.2A:4A-43 Disposition of delinquency cases.

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

- (1) The nature and circumstances of the offense;
- (2) The degree of injury to persons or damage to property caused by the juvenile's offense;
- (3) The juvenile's age, previous record, prior social service received, and out-of-home placement history;
- (4) Whether the disposition supports family strength, responsibility, and unity and the well-being and physical safety of the juvenile;
- (5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition;
- (6) Whether the disposition recognizes and treats the unique physical, psychological, and social characteristics and needs of the child;
- (7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where the child has intellectual disabilities or learning disabilities;
- (8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court;
- (9) The impact of the offense on the victim or victims;
- (10) The impact of the offense on the community; and
- (11) The threat to the safety of the public or any individual posed by the child.

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

- (1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint;
- (2) Release the juvenile to the supervision of the juvenile's parent or guardian;
- (3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed three years upon such written conditions as the court deems will aid rehabilitation of the juvenile;
- (4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile;
- (5) Place the juvenile under the care and responsibility of the Department of Children and Families so that the commissioner may designate a division or organizational unit in the

department pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Children and Families shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

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

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

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

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

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

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

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

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

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

(15) Order the parent or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a

significant contributing factor towards the commission of the delinquent act, or, under its authority to enforce litigant's rights, that such person's omission or conduct has been a significant contributing factor towards the ineffective implementation of a court order previously entered in relation to the juvenile;

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

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

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

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

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

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

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

(2) A juvenile shall not be incarcerated in any county detention facility unless the county has entered into an agreement with the Juvenile Justice Commission concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Juvenile Justice Commission shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to

receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50% of the maximum capacity of the facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C.2A:4A-43.4 Orders for certain serological testing of juveniles required under certain circumstances.

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

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

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

The court may order a juvenile to submit to an approved serological test for AIDS or infection with the HIV or any other related virus identified as a probable causative agent of AIDS if in the course of the performance of any other law enforcement duties, a law enforcement officer suffers a prick from a hypodermic needle, provided that there is probable cause to believe that the defendant is an intravenous user of controlled dangerous substances, or had contact with the defendant which involved or was likely to involve the transmission of bodily fluids. The court shall issue such an order only upon the request of the law enforcement officer, victim of the offense or other affected person made at the time of indictment, charge or conviction. If a county prosecutor declines to make such an application within 72 hours of being requested to do so by the law enforcement officer, the law enforcement officer may appeal to the Division of Criminal Justice in the Department of Law and Public Safety for that officer to bring the application. The juvenile shall be ordered by the court to submit to such repeat or confirmatory tests as may be medically necessary.

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

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

d. The result of a test ordered pursuant to subsection a. of this section shall be confidential and health care providers and employees of the Juvenile Justice Commission, the Office of Victim-Witness Advocacy, a health care facility or counseling service shall not disclose the result of a test performed pursuant to this section except as authorized herein or as otherwise



authorized by law or court order. The provisions of this section shall not be deemed to prohibit disclosure of a test result to the person tested.

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

f. This section shall not be construed to preclude or limit any other testing for AIDS or infection with the HIV or any other related virus identified as a probable causative agent of AIDS which is otherwise permitted by statute, court rule or common law.

3. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to read as follows:

C.2A:4A-71.1 Diversionary programs for certain juveniles.

2. a. Where a complaint against a juvenile pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has committed an eligible offense as defined in subsection c. of this section and the court has approved diversion of the complaint pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution of the complaint shall include the juvenile's participation in a remedial education or counseling program. The court shall take into consideration the availability of such a program in the area in which the juvenile resides and, where appropriate, may permit the juvenile to participate in a self-guided awareness program in lieu of a remedial education or counseling program provided that it satisfies the requirements of subsection b. of this section.

b. A remedial education or counseling program satisfies the requirements of P.L.2011, c.128 if the program is designed to increase the juvenile's awareness of:

(1) the legal consequences and penalties for sharing sexually suggestive or explicit materials, including applicable federal and State statutes;

(2) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;

(3) the potential, based upon the unique characteristics of cyberspace and the Internet, of long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

(4) the possible connection between bullying and cyber-bullying and juveniles sharing sexually suggestive or explicit materials.

c. As used in P.L.2011, c.128, "eligible offense" means an offense in which:

(1) the facts of the case involve the creation, exhibition, or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N.J.S.2C:24-4, through the use of an electronic communication device, an interactive wireless communications device, or a computer; and

(2) the creator and subject of the photograph are juveniles or were juveniles at the time of its making.

4. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to read as follows:

C.2C:33-3.2 Fines for violation of N.J.S.2C:33-3.

3. a. Any person who violates the provisions of N.J.S.2C:33-3 shall be liable for a civil penalty of not less than \$2,000 or actual costs incurred by or resulting from the law enforcement and emergency services response to the false alarm, whichever is higher.

b. Any monies collected pursuant to this section shall be made payable to the municipality or other entity providing the law enforcement or emergency services response to the false alarm.

c. For the purposes of this section:

"Emergency services" includes, but is not limited to, paid or volunteer fire fighters, paramedics, members of an ambulance team, rescue squad or mobile intensive care unit.

"Person" excludes a juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

5. Section 1 of P.L.1987, c.106 (C.2C:35-20) is amended to read as follows:

C.2C:35-20 Forensic laboratory fees.

2C:35-20. Forensic Laboratory Fees. a. In addition to any disposition made pursuant to the provisions of N.J.S. 2C:43-2, any person convicted of an offense under this chapter shall be assessed a criminal laboratory analysis fee of \$50 for each offense for which the person was convicted. Any person who is placed in supervisory treatment pursuant to N.J.S.2C:36A-1 or N.J.S.2 C:43-12 shall be assessed a criminal laboratory analysis fee of \$50 for each offense for which the person was charged.

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

c. All criminal laboratory analysis fees provided for in this section shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the appropriate forensic laboratory fund as provided in subsection d. of this section.

d. Forensic laboratory funds shall be established as follows:

(1) Any county or municipality which maintains a publicly funded forensic laboratory that regularly employs at least one forensic chemist or scientist engaged in the analysis of controlled dangerous substances may establish a forensic laboratory fund within the office of the county or municipal treasurer.

(2) Any other county or municipality which has agreed by contract to pay or reimburse the entire salary of at least one forensic chemist or scientist employed by a laboratory designated as a State Forensic Laboratory pursuant to N.J.S.2C:35-19, may establish a forensic laboratory fund within the office of the county or municipal treasurer.

(3) A separate account shall be established in the State Treasury and shall be designated the "State Forensic Laboratory Fund."

e. The analysis fee provided for in subsections a. and b. of this section shall be forwarded to the office of the treasurer of the county or municipality that performed the laboratory analysis if that county or municipality has established a forensic laboratory fund or to the State forensic laboratory fund if the analysis was performed by a laboratory operated by the State. If the county or municipality has not established a forensic laboratory fund, then the analysis fee shall be forwarded to the State forensic laboratory fund within the State Treasury. If the analysis was performed by a forensic chemist or scientist whose salary was paid or reimbursed by a county or municipality pursuant to a contract, the analysis fee shall be forwarded to the appropriate forensic laboratory fund established pursuant to paragraph (2) of subsection d. of this section unless the contract provides for a different means of allocating and distributing forensic laboratory fees, in which event the terms of the contract may determine the amounts to be forwarded to each forensic laboratory fund. The county or municipal treasurer and State Treasurer may retain an amount of the total of all collected analysis fees equal to the administrative costs incurred pursuant to carrying out their respective responsibilities under this section.

f. Moneys deposited in the county or municipal forensic laboratory fund created pursuant to paragraph (1) of subsection d. of this section shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of the county or municipal forensic laboratory. These uses may include, but are not limited to, the following:

(1) costs incurred in providing analyses for controlled substances in connection with criminal investigations conducted within this State;

(2) purchase and maintenance of equipment for use in performing analyses; and

(3) continuing education, training, and scientific development of forensic scientists regularly employed by these laboratories.

g. Moneys deposited in the State forensic laboratory fund created pursuant to paragraph (3) of subsection d. of this section shall be used by State forensic laboratories that the Attorney General designates pursuant to N. J.S. 2C:35-19, and the Division of State Police in the Department of Law and Public Safety. These moneys shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of State forensic facilities. These uses may include those enumerated in subsection f. of this section.

h. For the purposes of this section, "person" excludes a juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

6. Section 9 of P.L.1996, c.115 (C.2C:43-3.3) is amended to read as follows:

C.2C:43-3.3 Additional penalties for persons convicted of crime deposited in "Law Enforcement Officers Training and Equipment Fund."

9. a. In addition to any disposition made pursuant to the provisions of Title 2C of the New Jersey Statutes, any person convicted of a crime shall be assessed a penalty of \$30.

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

c. The penalties assessed under subsections a. and b. of this section shall be collected as provided for the collection of fines and restitution in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the State Treasury for deposit in a separate account to be known as the "Law Enforcement Officers Training and Equipment Fund." The penalty assessed in this section shall be collected only after a penalty assessed in section 2 of P.L.1979, c.396 (C.2C:43-3.1) and any restitution ordered is collected.

The fund shall be used to support the development and provision of basic and in-service training courses for law enforcement officers by police training schools approved pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.). In addition, the fund shall also be used to enable police training schools to purchase equipment needed for the training of law enforcement officers. Distributions from the fund shall only be made directly to such approved schools.

d. The Police Training Commission in the Department of Law and Public Safety shall be responsible for the administration and distribution of the fund pursuant to its authority under section 6 of P.L.1961, c.56 (C.52:17B-71).

e. An adult prisoner of a State correctional institution who does not pay the penalty imposed pursuant to this section shall have the penalty deducted from any income the inmate receives as a result of labor performed at the institution or any type of work release program. If any person, including an inmate, fails to pay the penalty imposed pursuant to this section, the court may order the suspension of the person's driver's license or nonresident reciprocity privilege, or prohibit the person from receiving or obtaining a license until the assessment is paid. The court shall notify the Director of the Division of Motor Vehicles of such an action. Prior to any action being taken pursuant to this subsection, the person shall be given notice and a hearing before the court to contest the charge of the failure to pay the assessment.

f. For the purposes of this section, “person” excludes a juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

C.52:17B-171.15 Statutory or court-ordered fines, fees, costs, or other monetary penalties.

7. On or after the effective date of P.L.2021, c.342:

a. any unpaid outstanding balance of any statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile’s parent or guardian in relation to a juvenile delinquency complaint shall be unenforceable and uncollectable and the portion of any judgment that imposed those fines, fees, costs, or monetary penalties shall be vacated;

b. all unsatisfied civil judgments based on statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile’s parent or guardian in relation to a juvenile delinquency complaint are deemed to be null and void and, for all legal purposes, shall be vacated and discharged; and

c. all warrants issued solely based on the alleged failure of a juvenile or a juvenile’s parent or guardian to pay or to appear on a court date set for the sole purpose of payment of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed in relation to a juvenile delinquency complaint shall be reviewed and vacated consistent with the provisions of P.L.2021, c.342.

The provisions of this section shall apply to any fines, fees, costs, or other monetary penalties which were imposed prior to, and which are imposed subsequent to, the effective date of this act.

8. N.J.S.2C:46-2 is amended to read as follows:

Consequences of nonpayment; summary collection.

2C:46-2. a. When a defendant sentenced to pay an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), monthly probation fee, fine, a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-imposed financial obligations or to make restitution or pay child support or other support or maintenance ordered by a court defaults in the payment thereof or of any installment, upon the motion of the person authorized by law to collect the payment, the motion of the prosecutor, the motion of the victim entitled to payment of restitution, the motion of the Victims of Crime Compensation Office, the motion of the State or county Office of Victim and Witness Advocacy or upon its own motion, the court shall recall the defendant, or issue a summons or a warrant of arrest for the defendant's appearance. A warrant shall not be issued for a juvenile defendant or the parent or guardian of a juvenile defendant. The court shall afford the person notice and an opportunity to be heard on the issue of default. Failure to make any payment when due shall be considered a default. The standard of proof shall be by a preponderance of the evidence, and the burden of establishing good cause for a default shall be on the person who has defaulted.

(1) If the court finds that the person has defaulted without good cause, the court may:

(a) order the suspension of the driver's license or the nonresident reciprocity driving privilege of the person; or

(b) prohibit the person from obtaining a driver's license or exercising reciprocity driving privileges until the person has made all past due payments; or

(c) take any other actions authorized by law.

The court shall notify the Chief Administrator of the New Jersey Motor Vehicle Commission of the action taken pursuant to this paragraph.

(2) If the court finds that the person defaulted on payment of a court-imposed financial obligation, restitution, or child support or other support or maintenance ordered by a court without good cause and finds that the default was willful, the court may, in addition to the action authorized by paragraph (1) of subsection a. of this section, impose a term of imprisonment or participation in a labor assistance program or enforced community service to achieve the objective of the court-imposed financial obligation, restitution, or child support or other support or maintenance ordered by a court. These options shall not reduce the amount owed by the person in default. The term of imprisonment or enforced community service or participation in a labor assistance program shall be specified in the order of commitment. It need not be equated with any particular dollar amount but, in the case of a fine it shall not exceed one day for each \$50 of the fine nor shall it exceed a period of 90 consecutive days. In no case shall the total period of imprisonment in the case of a disorderly persons offense for both the sentence of imprisonment and for failure to pay a fine exceed six months.

(3) Except where incarceration is ordered pursuant to paragraph (2) of subsection a. of this section, if the court finds that the person has defaulted the court may take one or more of the following actions:

(a) the court shall take appropriate action to modify or establish a reasonable schedule for payment;

(b) in the case of a fine, if the court finds that the circumstances that warranted the fine have changed or that it would be unjust to require payment, the court may revoke or suspend the fine or the unpaid portion of the fine; or

(c) if the defendant has served jail time for default on a court-imposed financial obligation, the court may order that credit for each day of confinement be given against the amount owed. The amount of the credit shall be determined at the discretion of the court but shall be not less than \$50 for each day of confinement served.

(4) When failure to pay an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee, restitution, a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), or other financial penalties or to perform enforced community service or to participate in a labor assistance program is determined to be willful, the failure to do so shall be considered to be contumacious.

(5) When a fine, assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution is imposed on a corporation, it is the duty of the person or persons authorized to make disbursements from the assets of the corporation or association to pay it from such assets and their failure so to do may be held to be contumacious.

b. Upon any default in the payment of a fine, assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee, a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), other financial penalties, restitution, or any installment thereof, execution may be levied and such other measures may be taken for collection of it or the unpaid balance thereof as are authorized for the collection of an unpaid civil judgment entered against the defendant in an action on a debt.

c. Upon any default in the payment of restitution or any installment thereof, the victim entitled to the payment may institute summary collection proceedings authorized by subsection b. of this section.

d. Upon any default in the payment of an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any installment thereof, the Victims of Crime Compensation

Office or the party responsible for collection may institute summary collection proceedings authorized by subsection b. of this section.

e. When a defendant sentenced to make restitution to a public entity other than the Victims of Crime Compensation Office defaults in the payment thereof or any installment, the court may, in lieu of other modification of the sentence, order the defendant to perform work in a labor assistance program or enforced community service program.

f. If a defendant ordered to participate in a labor assistance program or enforced community service program fails to report for work or to perform the assigned work, the comprehensive enforcement hearing officer may revoke the work order and impose any sentence permitted as a consequence of the original conviction.

g. If a defendant ordered to participate in a labor assistance program or an enforced community service program pays all outstanding assessments, the comprehensive enforcement hearing officer may review the work order, and modify the same to reflect the objective of the sentence.

h. As used in this section:

(1) "Comprehensive enforcement program" means the program established pursuant to the "Comprehensive Enforcement Program Fund Act," sections 1 through 9 of P.L.1995, c.9 (C.2B:19-1 et seq.).

(2) The terms "labor assistance program" and "enforced community service" have the same meaning as those terms are defined in section 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995, c.9 (C.2B:19-5).

(3) "Public entity" means the State, any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State.

(4) "Court-imposed financial obligation" means any fine, statutorily-mandated assessment, surcharge, or other financial penalty imposed by a court, but does not include restitution or child support or other support or maintenance ordered by a court.

9. This act shall take effect immediately; except that section 7 shall take effect on the first day of the 10th month next following enactment and the Administrative Director of the Courts may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 10, 2022.

# SENATE, No. 3319

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Eliminates certain juvenile justice fines, fees, costs, and other monetary penalties.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/9/2021)

1 AN ACT concerning certain juvenile justice costs, fees, and  
2 monetary penalties, amending various parts of the statutory law,  
3 and supplementing chapter 17B of Title 52 of the Revised  
4 Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.



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

11 (2) Release the juvenile to the supervision of the juvenile's  
12 parent or guardian;

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

18 (4) Transfer custody of the juvenile to any relative or other  
19 person determined by the court to be qualified to care for the  
20 juvenile;

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

34 (6) Place the juvenile under the care and custody of the  
35 Commissioner of Children and Families for the purpose of  
36 receiving the services of the Division of Children's System of Care  
37 of that department, provided that the juvenile has been determined  
38 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-  
39 25.4);

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

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

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

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

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

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

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

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

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

47 (16) (a) Place the juvenile in a nonresidential program operated  
48 by a public or private agency, providing intensive services to

1 juveniles for specified hours, which may include education,  
2 counseling to the juvenile and the juvenile's family if appropriate,  
3 vocational training, employment counseling, work, or other  
4 services;

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

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

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

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

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

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

1 standards for the use of juvenile detention facilities pursuant to this  
2 subsection.

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

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

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

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

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

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

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

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

44 (1) An order to perform community service pursuant to  
45 paragraph (10) of subsection b. of this section for a period of at  
46 least 60 days, if the juvenile has been adjudicated delinquent for an  
47 act which, if committed by an adult, would constitute the crime of  
48 theft of a motor vehicle, or the crime of unlawful taking of a motor

1 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third  
2 degree crime of eluding in violation of subsection b. of  
3 N.J.S.2C:29-2; and

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

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

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

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

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

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

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

25 (cf: P.L.2019, c.363, s.2)

26

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

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

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

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

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

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

34 c. **【In addition to any other disposition authorized, a court may**  
35 **order a juvenile at the time of sentencing to reimburse the State for**  
36 **the costs of the tests ordered by subsection a. of this section.】**  
37 (Deleted by amendment, P.L. , c. )

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

46 e. Persons who perform tests ordered pursuant to subsection a.  
47 of this section in accordance with accepted medical standards for

1 the performance of such tests shall be immune from civil and  
2 criminal liability arising from their conduct.

3 f. This section shall not be construed to preclude or limit any  
4 other testing for AIDS or infection with the HIV or any other  
5 related virus identified as a probable causative agent of AIDS which  
6 is otherwise permitted by statute, court rule or common law.  
7 (cf: P.L.1996, c.115, s.8)

8  
9 3. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to  
10 read as follows:

11 2. a. Where a complaint against a juvenile pursuant to section  
12 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has  
13 committed an eligible offense as defined in subsection c. of this  
14 section and the court has approved diversion of the complaint  
15 pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution  
16 of the complaint shall include the juvenile's participation in a  
17 remedial education or counseling program. The [parents or  
18 guardian of the juvenile shall bear the cost of participation in the  
19 program, except that the] court shall take into consideration the  
20 [ability of the juvenile's parents or guardian to pay and the]  
21 availability of such a program in the area in which the juvenile  
22 resides and, where appropriate, may permit the juvenile to  
23 participate in a self-guided awareness program in lieu of a remedial  
24 education or counseling program provided that it satisfies the  
25 requirements of subsection b. of this section.

26 b. A remedial education or counseling program satisfies the  
27 requirements of [this act] P.L.2011, c.128 if the program is  
28 designed to increase the juvenile's awareness of:

29 (1) the legal consequences and penalties for sharing sexually  
30 suggestive or explicit materials, including applicable federal and  
31 State statutes;

32 (2) the non-legal consequences of sharing sexually suggestive or  
33 explicit materials including, but not limited to, the effect on  
34 relationships, loss of educational and employment opportunities,  
35 and being barred or removed from school programs and  
36 extracurricular activities;

37 (3) the potential, based upon the unique characteristics of  
38 cyberspace and the Internet, of long-term and unforeseen  
39 consequences for sharing sexually suggestive or explicit materials;  
40 and

41 (4) the possible connection between bullying and cyber-bullying  
42 and juveniles sharing sexually suggestive or explicit materials.

43 c. As used in [this act] P.L.2011, c.128, "eligible offense"  
44 means an offense in which:

45 (1) the facts of the case involve the creation, exhibition, or  
46 distribution of a photograph depicting nudity or portraying a child  
47 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,

1 through the use of an electronic communication device, an  
2 interactive wireless communications device, or a computer; and

3 (2) the creator and subject of the photograph are juveniles or  
4 were juveniles at the time of its making.

5 (cf: P.L.2017, c.141, s.2)

6

7 4. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to  
8 read as follows:

9 3. a. Any person who violates the provisions of N.J.S.2C:33-3  
10 shall be liable for a civil penalty of not less than \$2,000 or actual  
11 costs incurred by or resulting from the law enforcement and  
12 emergency services response to the false alarm, whichever is  
13 higher.

14 b. Any monies collected pursuant to this section shall be made  
15 payable to the municipality or other entity providing the law  
16 enforcement or emergency services response to the false alarm.

17 c. For the purposes of this section:

18 "Emergency services" includes, but is not limited to, paid or  
19 volunteer fire fighters, paramedics, members of an ambulance team,  
20 rescue squad or mobile intensive care unit.

21 "Person" excludes a juvenile as defined in section 3 of P.L.1982,  
22 c.77 (C.2A:4A-22).

23 (cf: P.L.2002, c.26, s.17)

24

25 5. Section 1 of P.L.1987, c.106 (C.2C:35-20) is amended to read  
26 as follows:

27 2C:35-20. Forensic Laboratory Fees. a. In addition to any  
28 disposition made pursuant to the provisions of N.J.S. 2C:43-2, any  
29 person convicted of an offense under this chapter shall be assessed  
30 a criminal laboratory analysis fee of ~~[\$50.00]~~ \$50 for each offense  
31 for which ~~[he]~~ the person was convicted. Any person who is  
32 placed in supervisory treatment pursuant to N.J.S.2C:36A-1 or  
33 N.J.S.2 C:43-12 shall be assessed a criminal laboratory analysis fee  
34 of ~~[\$50.00]~~ \$50 for each ~~[such]~~ offense for which ~~[he]~~ the person  
35 was charged.

36 b. ~~[In addition to any other disposition made pursuant to the~~  
37 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any~~  
38 ~~other statute indicating the dispositions that can be ordered for~~  
39 ~~adjudications of delinquency, any juvenile adjudicated delinquent~~  
40 ~~for a violation of this chapter shall be assessed a laboratory analysis~~  
41 ~~fee of \$25.00 for each adjudication.]~~ (Deleted by amendment,  
42 P.L. , c. )

43 c. All criminal laboratory analysis fees provided for in this  
44 section shall be collected as provided for the collection of fines and  
45 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall  
46 be forwarded to the appropriate forensic laboratory fund as  
47 provided in subsection d. of this section.



1 d. Forensic laboratory funds shall be established as follows:

2 (1) Any county or municipality which maintains a publicly  
3 funded forensic laboratory that regularly employs at least one  
4 forensic chemist or scientist engaged in the analysis of controlled  
5 dangerous substances may establish a forensic laboratory fund  
6 within the office of the county or municipal treasurer.

7 (2) Any other county or municipality which has agreed by  
8 contract to pay or reimburse the entire salary of at least one forensic  
9 chemist or scientist employed by a laboratory designated as a State  
10 Forensic Laboratory pursuant to N.J.S.2C:35-19, may establish a  
11 forensic laboratory fund within the office of the county or  
12 municipal treasurer.

13 (3) A separate account shall be established in the State Treasury  
14 and shall be designated the "State Forensic Laboratory Fund."

15 e. The analysis fee provided for in subsections a. and b. of this  
16 section shall be forwarded to the office of the treasurer of the  
17 county or municipality that performed the laboratory analysis if that  
18 county or municipality has established a forensic laboratory fund or,  
19 to the State forensic laboratory fund if the analysis was performed  
20 by a laboratory operated by the State. If the county or municipality  
21 has not established a forensic laboratory fund, then the analysis fee  
22 shall be forwarded to the State forensic laboratory fund within the  
23 State Treasury. If the analysis was performed by a forensic chemist  
24 or scientist whose salary was paid or reimbursed by a county or  
25 municipality pursuant to a contract, the analysis fee shall be  
26 forwarded to the appropriate forensic laboratory fund established  
27 pursuant to paragraph (2) of subsection d. of this section unless the  
28 contract provides for a different means of allocating and  
29 distributing forensic laboratory fees, in which event the terms of the  
30 contract may determine the amounts to be forwarded to each  
31 forensic laboratory fund. The county or municipal treasurer and  
32 State Treasurer may retain an amount of the total of all collected  
33 analysis fees equal to the administrative costs incurred pursuant to  
34 carrying out their respective responsibilities under this section.

35 f. Moneys deposited in the county or municipal forensic  
36 laboratory fund created pursuant to paragraph (1) of subsection d.  
37 of this section shall be in addition to any allocations pursuant to  
38 existing law and shall be designated for the exclusive use of the  
39 county or municipal forensic laboratory. These uses may include,  
40 but are not limited to, the following:

41 (1) costs incurred in providing analyses for controlled  
42 substances in connection with criminal investigations conducted  
43 within this State;

44 (2) purchase and maintenance of equipment for use in  
45 performing analyses; and

46 (3) continuing education, training, and scientific development of  
47 forensic scientists regularly employed by these laboratories.

1 g. Moneys deposited in the State forensic laboratory fund  
2 created pursuant to paragraph (3) of subsection d. of this section  
3 shall be used by State forensic laboratories that the Attorney  
4 General designates pursuant to N. J.S. 2C:35-19, and the Division  
5 of State Police in the Department of Law and Public Safety. These  
6 moneys shall be in addition to any allocations pursuant to existing  
7 law and shall be designated for the exclusive use of State forensic  
8 facilities. These uses may include those enumerated in subsection f.  
9 of this section.

10 h. For the purposes of this section, "person" excludes a  
11 juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).  
12 (cf: P.L.1988, c.44, s.10)

13  
14 6. Section 9 of P.L.1996, c.115 (C.2C:43-3.3) is amended to  
15 read as follows:

16 9. a. In addition to any disposition made pursuant to the  
17 provisions of Title 2C of the New Jersey Statutes, any person  
18 convicted of a crime shall be assessed a penalty of \$30.

19 b. **[**In addition to any other disposition made pursuant to the  
20 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any  
21 other statute indicating the dispositions that may be ordered for  
22 adjudications of delinquency, a juvenile adjudicated delinquent for  
23 an offense which if committed by an adult would be a crime shall  
24 be assessed a penalty of \$15.**]** Deleted by amendment, P.L. c.  
25 (C. ) (pending before the Legislature as this bill)

26 c. The penalties assessed under subsections a. and b. of this  
27 section shall be collected as provided for the collection of fines and  
28 restitution in section 3 of P.L.1979, c.396 (C.2C:46-4) and  
29 forwarded to the State Treasury for deposit in a separate account to  
30 be known as the "Law Enforcement Officers Training and  
31 Equipment Fund." The penalty assessed in this section shall be  
32 collected only after a penalty assessed in section 2 of P.L.1979,  
33 c.396 (C.2C:43-3.1) and any restitution ordered is collected.

34 The fund shall be used to support the development and provision  
35 of basic and in-service training courses for law enforcement officers  
36 by police training schools approved pursuant to P.L.1961, c.56  
37 (C.52:17B-66 et seq.). In addition, the fund shall also be used to  
38 enable police training schools to purchase equipment needed for the  
39 training of law enforcement officers. Distributions from the fund  
40 shall only be made directly to such approved schools.

41 d. The Police Training Commission in the Department of Law  
42 and Public Safety shall be responsible for the administration and  
43 distribution of the fund pursuant to its authority under section 6 of  
44 P.L.1961, c.56 (C.52:17B-71).

45 e. An adult prisoner of a State correctional institution who does  
46 not pay the penalty imposed pursuant to this section shall have the  
47 penalty deducted from any income the inmate receives as a result of  
48 labor performed at the institution or any type of work release

1 program. If any person, including an inmate, fails to pay the  
2 penalty imposed pursuant to this section, the court may order the  
3 suspension of the person's driver's license or nonresident reciprocity  
4 privilege, or prohibit the person from receiving or obtaining a  
5 license until the assessment is paid. The court shall notify the  
6 Director of the Division of Motor Vehicles of such an action. Prior  
7 to any action being taken pursuant to this subsection, the person  
8 shall be given notice and a hearing before the court to contest the  
9 charge of the failure to pay the assessment.

10 f. For the purposes of this section, "person" excludes a juvenile  
11 as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

12 (cf: P.L.1996, c.115, s.9)

13  
14 7. Section 7 of P.L.2013, c.214 (C.30:4-123.97) is amended to  
15 read as follows:

16 7. a. In addition to any fine, fee, assessment, or penalty  
17 authorized under the provisions of Title 2C of the New Jersey  
18 Statutes, a person convicted of [or adjudicated delinquent for] a  
19 sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2),  
20 shall be assessed a penalty of \$30 per month.

21 b. All penalties provided for in this section, collected as  
22 provided for the collection of fines and restitutions in section 3 of  
23 P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department  
24 of the Treasury to be deposited in the "Sex Offender Supervision  
25 Fund" established pursuant to section 8 of P.L.2013, c.214 (C.30:4-  
26 123.98).

27 A person shall not be assessed the penalty established in  
28 subsection a. of this section if the person's income does not exceed  
29 149 percent of the federal poverty level.

30 c. For the purposes of this section, "person" excludes a juvenile  
31 as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

32 (cf: P.L.2013, c.214, s.7)

33  
34 8. (New section) On the effective date of P.L. c. (pending  
35 before the Legislature as this bill):

36 a. any unpaid outstanding balance of any statutory or court-  
37 ordered fines, fees, costs, or other monetary penalties previously  
38 assessed or imposed upon a juvenile or the juvenile's parent or  
39 guardian in relation to a juvenile delinquency complaint shall be  
40 unenforceable and uncollectable and the portion of any judgment  
41 that imposed those fines, fees, costs, or monetary penalties shall be  
42 vacated;

43 b. all unsatisfied civil judgments based on statutory or court-  
44 ordered fines, fees, costs, or other monetary penalties previously  
45 assessed or imposed upon a juvenile or the juvenile's parent or  
46 guardian in relation to a juvenile delinquency complaint are deemed  
47 to be null and void and, for all legal purposes, shall be vacated and  
48 discharged; and

1 c. all warrants issued solely based on the alleged failure of a  
2 juvenile or a juvenile's parent or guardian to pay or to appear on a  
3 court date set for the sole purpose of payment of statutory or court-  
4 ordered fines, fees, costs, or other monetary penalties previously  
5 assessed or imposed in relation to a juvenile delinquency complaint  
6 shall be deemed null and void.

7  
8 9. This act shall take effect immediately.

9  
10  
11 STATEMENT

12  
13 This bill eliminates certain statutory costs, fees, and penalties  
14 imposed on juveniles involved in the juvenile justice system.

15 The bill specifically eliminates the following fees, fines, costs,  
16 and other monetary penalties:

17 (1) The Drug Enforcement and Demand Reduction (DEDR)  
18 penalty required pursuant to N.J.S.2C:35-15 when the court  
19 dismisses a complaint against a juvenile who has made satisfactory  
20 adjustment during a period of continuance of up to 12 months.

21 (2) The costs of the juvenile's serological test for acquired  
22 immune deficiency syndrome (AIDS), infection with the human  
23 immunodeficiency virus (HIV), or other related virus identified as a  
24 probable causative agent of AIDS when a law enforcement officer,  
25 victim, or other person suffered a prick from a hypodermic needle  
26 or had contact with the juvenile which involved or was likely to  
27 involve the transmission of bodily fluids.

28 (3) The costs of an approved remedial education or counseling  
29 program to which a juvenile is diverted by the court.

30 (4) The civil penalty of at least \$2,000 or actual costs,  
31 whichever is higher, incurred by law enforcement and emergency  
32 services in responding to a false public alarm.

33 (5) The \$25 forensic laboratory fee imposed on juveniles  
34 adjudicated delinquent.

35 (6) The \$15 Law Enforcement Officers Training and Equipment  
36 Fund fee imposed on juveniles adjudicated delinquent.

37 (7) The \$30 monthly penalty imposed on juvenile sex offenders  
38 deposited in the "Sex Offender Supervision Fund."

39 As of the effective date of the bill, any unpaid outstanding  
40 balances of statutory or court-ordered fines, fees, costs, or other  
41 monetary penalties previously assessed or imposed upon a juvenile  
42 or the juvenile's parent or guardian are vacated, as are any  
43 unsatisfied civil judgements based on these monetary penalties.  
44 Further, all warrants based on the alleged failure of the juvenile or  
45 parent or guardian to pay or to appear in court to pay these  
46 monetary penalties are deemed to be null and void.

47 Numerous costs and fees in the form of criminal penalties or  
48 administrative fees are imposed on juveniles involved in the

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1 juvenile justice system. These costs and fees can be significant.  
2 Juveniles often are unable to earn enough money to pay these costs  
3 and fines, particularly if they are too young to be employed. The  
4 juveniles' families also often lack the means to pay these costs and  
5 fines, sometimes forcing them to choose between paying for  
6 necessities, such as food, housing, and utilities and paying off this  
7 debt. In addition to the emotional toll on these families, minority  
8 and low income families are disproportionately affected. While the  
9 revenue collected is minimal, the burden on families can be  
10 substantial. This State has responded to this issue by eliminating  
11 some of these costs and fees in prior legislative enactments.  
12 Further, the New Jersey Supreme Court recently issued an order to  
13 dismiss hundreds of juvenile warrants for unpaid discretionary and  
14 non-mandatory assessments. This bill would eliminate additional  
15 statutorily mandated assessments which are not within the  
16 discretion of the court to dismiss.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

**SENATE, No. 3319**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2021

The Assembly Appropriations Committee reports favorably Senate Bill No. 3319 (2R).

This bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) the Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months;

(2) the costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids;

(3) the costs of an approved remedial education or counseling program to which a juvenile is diverted by the court;

(4) the civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm;

(5) the \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent; and

(6) the \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties. Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are to be reviewed and vacated consistent with the bill. These provisions are both retroactive and prospective. Further, these provisions are effective nine months after the bill is enacted to give the

Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

The bill also prohibits a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

As reported by the committee, Senate Bill No. 3319 (2R) is identical to Assembly Bill No. 5507, as amended and reported by the committee on this same date.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system. However, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collections of the same statutory costs, fees, and penalties.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3319**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 11, 2021

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3319.

As amended and reported by the committee, this bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

As introduced, the bill also eliminated the \$30 monthly penalty imposed on juvenile sex offenders that is deposited in the "Sex Offender Supervision Fund." The committee amended the bill to reinstate this penalty.

As of the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile



or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties. Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are deemed to be null and void. The committee amended the bill to clarify that this provision is both retroactive and prospective. The committee also amended the effective date of the bill to make this provision effective in nine months to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

Numerous costs and fees in the form of criminal penalties or administrative fees are imposed on juveniles involved in the juvenile justice system. These costs and fees can be significant. Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles' families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this debt. In addition to the emotional toll on these families, minority and low income families are disproportionately affected. While the revenue collected is minimal, the burden on families can be substantial. This State has responded to this issue by eliminating some of these costs and fees in prior legislative enactments. Further, the New Jersey Supreme Court recently issued an order to dismiss hundreds of juvenile warrants for unpaid discretionary and non-mandatory assessments. This bill would eliminate additional statutorily mandated assessments which are not within the discretion of the court to dismiss.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) reinstate the monthly \$30 sex offender penalty that covers operational expenses incurred by the State Parole Board in supervising sex offenders who have been released from incarceration;
- 2) clarify that provisions of section 8 of the bill that vacate fines, fees, costs, and other monetary penalties, discharge civil judgments, and void warrants are to apply both retroactively and prospectively; and
- 3) amend the effective date of section 8 to give the Administrative Office of the Courts nine months in which to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE, No. 3319

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3319 (1R).

As amended and reported by the committee, Senate Bill No. 3319 (1R) eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

As of the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties.

The amended bill further provides that all warrants based on the alleged failure of the juvenile or parent or guardian to pay or appear in court to pay these monetary penalties are to be reviewed and vacated consistent with the bill's provisions.

The committee also amended the bill to prohibit a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide that all warrants based on the alleged failure of the juvenile or parent or guardian to pay or appear in court to pay these monetary penalties are to be reviewed and vacated consistent with the provisions of the bill, rather than be deemed null and void; and

(2) prohibit a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**SENATE, No. 3319**

## **STATE OF NEW JERSEY 219th LEGISLATURE**

DATED: JULY 1, 2021

### **SUMMARY**

- Synopsis:** Eliminates certain juvenile justice fines, fees, costs, and other monetary penalties.
- Type of Impact:** Expenditure and revenue decreases to State, municipal, and county governments.
- Agencies Affected:** Department of Law and Public Safety; Office of the Public Defender; Superior Courts; Administrative Office of the Courts; Municipalities; State, County, and Municipal law enforcement agencies.

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

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

- The Office of Legislative Services (OLS) concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system. However, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collections of the same statutory costs, fees, and penalties.

### **BILL DESCRIPTION**

This bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties.

Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are to be reviewed and vacated consistent with the provisions of the bill. This provision is both retroactive and prospective. The bill makes this provision effective in nine months to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

Additionally, the bill prohibits a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The OLS concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties; however, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collection of the same statutory costs, fees, and penalties.

**State, County, and Municipal Revenue:** The OLS anticipates decreased State, county, and municipal revenue from the elimination of certain fees and fines associated with juvenile crimes.

The OLS does not have an estimate regarding the collective amount of State, county, or municipal revenue that would be lost; however, the OLS notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes. Further, the OLS is of the understanding that the enactment of P.L.2019, Chapter 363 eliminated the court's discretion to

impose a majority of criminal fines, fees, and penalties on juveniles under the Code of Juvenile Justice and eliminated for the juveniles the DEDR and Victims of Crime Compensation Office penalties. This bill would eliminate additional statutorily mandated assessments that are not within the discretion of the court to dismiss.

**State, County, and Municipal Expenditures:** It is the understanding of the OLS that currently the imposition of statutory costs, fees, and penalties on juveniles and their families are often unpaid and may end up in a collections process. The OLS concludes that the elimination of these fees and fines may decrease the workload of State, county, and municipal government employees as it will no longer be necessary to process and engage in these collections.

**Background:** According to the Juvenile Law Center, five states have passed legislation that ends almost all administrative costs, as well as other fines and fees imposed on juveniles involved in the juvenile justice system. Philadelphia ended the practice of charging families child support for the cost of a child's incarceration. Washington passed legislation to eliminate some juvenile justice fines and fees, as did Utah.

Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles' families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this debt. In addition to the emotional toll on these families, minority and low income families are disproportionately affected. While the revenue collected is minimal, the burden on families can be substantial. This State has responded to this issue by eliminating some of these costs and fees in prior legislative enactments. Further, the New Jersey Supreme Court recently issued an order dismissing hundreds of juvenile warrants for unpaid discretionary and non-mandatory assessments.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Lead Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

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

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

# ASSEMBLY, No. 5507

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 17, 2021

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman ADAM J. TALIAFERRO**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblyman Verrelli**

**SYNOPSIS**

Eliminates certain juvenile justice fines, fees, costs, and other monetary penalties.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/5/2021)**

A5507 MUKHERJI, TALIAFERRO

2

1 AN ACT concerning certain juvenile justice costs, fees, and  
2 monetary penalties, amending various parts of the statutory law,  
3 and supplementing chapter 17B of Title 52 of the Revised  
4 Statutes.

5

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

8

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

11 24. Disposition of delinquency cases.

12 a. In determining the appropriate disposition for a juvenile  
13 adjudicated delinquent the court shall weigh the following factors:

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

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

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

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

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

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

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

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

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

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

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

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

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

**Matter underlined thus is new matter.**



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

11 (2) Release the juvenile to the supervision of the juvenile's  
12 parent or guardian;

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

18 (4) Transfer custody of the juvenile to any relative or other  
19 person determined by the court to be qualified to care for the  
20 juvenile;

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

34 (6) Place the juvenile under the care and custody of the  
35 Commissioner of Children and Families for the purpose of  
36 receiving the services of the Division of Children's System of Care  
37 of that department, provided that the juvenile has been determined  
38 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-  
39 25.4);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 promulgate such rules and regulations from time to time as deemed  
2 necessary to establish minimum physical facility and program  
3 standards for the use of juvenile detention facilities pursuant to this  
4 subsection.

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

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

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

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

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

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

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

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

46 (1) An order to perform community service pursuant to  
47 paragraph (10) of subsection b. of this section for a period of at  
48 least 60 days, if the juvenile has been adjudicated delinquent for an

1 act which, if committed by an adult, would constitute the crime of  
2 theft of a motor vehicle, or the crime of unlawful taking of a motor  
3 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third  
4 degree crime of eluding in violation of subsection b. of  
5 N.J.S.2C:29-2; and

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

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

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

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

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

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

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

27 (cf: P.L.2019, c.363, s.2)

28

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

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

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

45 (2) in the course of the commission of the act, including the  
46 immediate flight thereafter or during any investigation or arrest  
47 related to that act, a law enforcement officer, the victim or other

1 person had contact with the juvenile which involved or was likely to  
2 involve the transmission of bodily fluids.

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

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

36 c. **[In addition to any other disposition authorized, a court may**  
37 **order a juvenile at the time of sentencing to reimburse the State for**  
38 **the costs of the tests ordered by subsection a. of this section.]**  
39 (Deleted by amendment, P.L. , c. )

40 d. The result of a test ordered pursuant to subsection a. of this  
41 section shall be confidential and health care providers and  
42 employees of the Juvenile Justice Commission, the Office of  
43 Victim-Witness Advocacy, a health care facility or counseling  
44 service shall not disclose the result of a test performed pursuant to  
45 this section except as authorized herein or as otherwise authorized  
46 by law or court order. The provisions of this section shall not be  
47 deemed to prohibit disclosure of a test result to the person tested.

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

5 f. This section shall not be construed to preclude or limit any  
6 other testing for AIDS or infection with the HIV or any other  
7 related virus identified as a probable causative agent of AIDS which  
8 is otherwise permitted by statute, court rule or common law.

9 (cf: P.L.1996, c.115, s.8)

10

11 3. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to  
12 read as follows:

13 2. a. Where a complaint against a juvenile pursuant to section  
14 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has  
15 committed an eligible offense as defined in subsection c. of this  
16 section and the court has approved diversion of the complaint  
17 pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution  
18 of the complaint shall include the juvenile's participation in a  
19 remedial education or counseling program. The [parents or  
20 guardian of the juvenile shall bear the cost of participation in the  
21 program, except that the] court shall take into consideration the  
22 [ability of the juvenile's parents or guardian to pay and the]  
23 availability of such a program in the area in which the juvenile  
24 resides and, where appropriate, may permit the juvenile to  
25 participate in a self-guided awareness program in lieu of a remedial  
26 education or counseling program provided that it satisfies the  
27 requirements of subsection b. of this section.

28 b. A remedial education or counseling program satisfies the  
29 requirements of [this act] P.L.2011, c.128 if the program is  
30 designed to increase the juvenile's awareness of:

31 (1) the legal consequences and penalties for sharing sexually  
32 suggestive or explicit materials, including applicable federal and  
33 State statutes;

34 (2) the non-legal consequences of sharing sexually suggestive or  
35 explicit materials including, but not limited to, the effect on  
36 relationships, loss of educational and employment opportunities,  
37 and being barred or removed from school programs and  
38 extracurricular activities;

39 (3) the potential, based upon the unique characteristics of  
40 cyberspace and the Internet, of long-term and unforeseen  
41 consequences for sharing sexually suggestive or explicit materials;  
42 and

43 (4) the possible connection between bullying and cyber-bullying  
44 and juveniles sharing sexually suggestive or explicit materials.

45 c. As used in [this act] P.L.2011, c.128, "eligible offense"  
46 means an offense in which:

1 (1) the facts of the case involve the creation, exhibition, or  
2 distribution of a photograph depicting nudity or portraying a child  
3 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,  
4 through the use of an electronic communication device, an  
5 interactive wireless communications device, or a computer; and

6 (2) the creator and subject of the photograph are juveniles or  
7 were juveniles at the time of its making.

8 (cf: P.L.2017, c.141, s.2)

9

10 4. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to  
11 read as follows:

12 3. a. Any person who violates the provisions of N.J.S.2C:33-3  
13 shall be liable for a civil penalty of not less than \$2,000 or actual  
14 costs incurred by or resulting from the law enforcement and  
15 emergency services response to the false alarm, whichever is  
16 higher.

17 b. Any monies collected pursuant to this section shall be made  
18 payable to the municipality or other entity providing the law  
19 enforcement or emergency services response to the false alarm.

20 c. For the purposes of this section:

21 "Emergency services" includes, but is not limited to, paid or  
22 volunteer fire fighters, paramedics, members of an ambulance team,  
23 rescue squad or mobile intensive care unit.

24 "Person" excludes a juvenile as defined in section 3 of P.L.1982,  
25 c.77 (C.2A:4A-22).

26 (cf: P.L.2002, c.26, s.17)

27

28 5. Section 1 of P.L.1987, c.106 (C.2C:35-20) is amended to  
29 read as follows:

30 2C:35-20. Forensic Laboratory Fees. a. In addition to any  
31 disposition made pursuant to the provisions of N.J.S. 2C:43-2, any  
32 person convicted of an offense under this chapter shall be assessed  
33 a criminal laboratory analysis fee of ~~【\$50.00】~~ \$50 for each offense  
34 for which ~~【he】~~ the person was convicted. Any person who is  
35 placed in supervisory treatment pursuant to N.J.S.2C:36A-1 or  
36 N.J.S.2 C:43-12 shall be assessed a criminal laboratory analysis fee  
37 of ~~【\$50.00】~~ \$50 for each ~~【such】~~ offense for which ~~【he】~~ the person  
38 was charged.

39 b. ~~【In addition to any other disposition made pursuant to the~~  
40 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any~~  
41 ~~other statute indicating the dispositions that can be ordered for~~  
42 ~~adjudications of delinquency, any juvenile adjudicated delinquent~~  
43 ~~for a violation of this chapter shall be assessed a laboratory analysis~~  
44 ~~fee of \$25.00 for each adjudication.】~~ (Deleted by amendment,  
45 P.L. , c. )



1 c. All criminal laboratory analysis fees provided for in this  
2 section shall be collected as provided for the collection of fines and  
3 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall  
4 be forwarded to the appropriate forensic laboratory fund as  
5 provided in subsection d. of this section.

6 d. Forensic laboratory funds shall be established as follows:

7 (1) Any county or municipality which maintains a publicly  
8 funded forensic laboratory that regularly employs at least one  
9 forensic chemist or scientist engaged in the analysis of controlled  
10 dangerous substances may establish a forensic laboratory fund  
11 within the office of the county or municipal treasurer.

12 (2) Any other county or municipality which has agreed by  
13 contract to pay or reimburse the entire salary of at least one forensic  
14 chemist or scientist employed by a laboratory designated as a State  
15 Forensic Laboratory pursuant to N.J.S.2C:35-19, may establish a  
16 forensic laboratory fund within the office of the county or  
17 municipal treasurer.

18 (3) A separate account shall be established in the State Treasury  
19 and shall be designated the "State Forensic Laboratory Fund."

20 e. The analysis fee provided for in subsections a. and b. of this  
21 section shall be forwarded to the office of the treasurer of the  
22 county or municipality that performed the laboratory analysis if that  
23 county or municipality has established a forensic laboratory fund or,  
24 to the State forensic laboratory fund if the analysis was performed  
25 by a laboratory operated by the State. If the county or municipality  
26 has not established a forensic laboratory fund, then the analysis fee  
27 shall be forwarded to the State forensic laboratory fund within the  
28 State Treasury. If the analysis was performed by a forensic chemist  
29 or scientist whose salary was paid or reimbursed by a county or  
30 municipality pursuant to a contract, the analysis fee shall be  
31 forwarded to the appropriate forensic laboratory fund established  
32 pursuant to paragraph (2) of subsection d. of this section unless the  
33 contract provides for a different means of allocating and  
34 distributing forensic laboratory fees, in which event the terms of the  
35 contract may determine the amounts to be forwarded to each  
36 forensic laboratory fund. The county or municipal treasurer and  
37 State Treasurer may retain an amount of the total of all collected  
38 analysis fees equal to the administrative costs incurred pursuant to  
39 carrying out their respective responsibilities under this section.

40 f. Moneys deposited in the county or municipal forensic  
41 laboratory fund created pursuant to paragraph (1) of subsection d.  
42 of this section shall be in addition to any allocations pursuant to  
43 existing law and shall be designated for the exclusive use of the  
44 county or municipal forensic laboratory. These uses may include,  
45 but are not limited to, the following:

46 (1) costs incurred in providing analyses for controlled  
47 substances in connection with criminal investigations conducted  
48 within this State;

1 (2) purchase and maintenance of equipment for use in  
2 performing analyses; and

3 (3) continuing education, training, and scientific development of  
4 forensic scientists regularly employed by these laboratories.

5 g. Moneys deposited in the State forensic laboratory fund  
6 created pursuant to paragraph (3) of subsection d. of this section  
7 shall be used by State forensic laboratories that the Attorney  
8 General designates pursuant to N. J.S. 2C:35-19, and the Division  
9 of State Police in the Department of Law and Public Safety. These  
10 moneys shall be in addition to any allocations pursuant to existing  
11 law and shall be designated for the exclusive use of State forensic  
12 facilities. These uses may include those enumerated in subsection f.  
13 of this section.

14 h. For the purposes of this section, "person" excludes a  
15 juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).  
16 (cf: P.L.1988, c.44, s.10)

17

18 6. Section 9 of P.L.1996, c.115 (C.2C:43-3.3) is amended to  
19 read as follows:

20 9. a. In addition to any disposition made pursuant to the  
21 provisions of Title 2C of the New Jersey Statutes, any person  
22 convicted of a crime shall be assessed a penalty of \$30.

23 b. **【**In addition to any other disposition made pursuant to the  
24 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any  
25 other statute indicating the dispositions that may be ordered for  
26 adjudications of delinquency, a juvenile adjudicated delinquent for  
27 an offense which if committed by an adult would be a crime shall  
28 be assessed a penalty of \$15.**】** Deleted by amendment,  
29 P.L. c. (C. ) (pending before the Legislature as this bill)

30 c. The penalties assessed under subsections a. and b. of this  
31 section shall be collected as provided for the collection of fines and  
32 restitution in section 3 of P.L.1979, c.396 (C.2C:46-4) and  
33 forwarded to the State Treasury for deposit in a separate account to  
34 be known as the "Law Enforcement Officers Training and  
35 Equipment Fund." The penalty assessed in this section shall be  
36 collected only after a penalty assessed in section 2 of P.L.1979,  
37 c.396 (C.2C:43-3.1) and any restitution ordered is collected.

38 The fund shall be used to support the development and provision  
39 of basic and in-service training courses for law enforcement officers  
40 by police training schools approved pursuant to P.L.1961, c.56  
41 (C.52:17B-66 et seq.). In addition, the fund shall also be used to  
42 enable police training schools to purchase equipment needed for the  
43 training of law enforcement officers. Distributions from the fund  
44 shall only be made directly to such approved schools.

45 d. The Police Training Commission in the Department of Law  
46 and Public Safety shall be responsible for the administration and  
47 distribution of the fund pursuant to its authority under section 6 of  
48 P.L.1961, c.56 (C.52:17B-71).

1 e. An adult prisoner of a State correctional institution who does  
2 not pay the penalty imposed pursuant to this section shall have the  
3 penalty deducted from any income the inmate receives as a result of  
4 labor performed at the institution or any type of work release  
5 program. If any person, including an inmate, fails to pay the  
6 penalty imposed pursuant to this section, the court may order the  
7 suspension of the person's driver's license or nonresident reciprocity  
8 privilege, or prohibit the person from receiving or obtaining a  
9 license until the assessment is paid. The court shall notify the  
10 Director of the Division of Motor Vehicles of such an action. Prior  
11 to any action being taken pursuant to this subsection, the person  
12 shall be given notice and a hearing before the court to contest the  
13 charge of the failure to pay the assessment.

14 f. For the purposes of this section, "person" excludes a  
15 juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).  
16 (cf: P. L.1996, c.115, s.9)

17

18 7. (New section) On or after the effective date of  
19 P.L. c. (pending before the Legislature as this bill):

20 a. any unpaid outstanding balance of any statutory or court-  
21 ordered fines, fees, costs, or other monetary penalties previously  
22 assessed or imposed upon a juvenile or the juvenile's parent or  
23 guardian in relation to a juvenile delinquency complaint shall be  
24 unenforceable and uncollectable and the portion of any judgment that  
25 imposed those fines, fees, costs, or monetary penalties shall be  
26 vacated;

27 b. all unsatisfied civil judgments based on statutory or court-  
28 ordered fines, fees, costs, or other monetary penalties previously  
29 assessed or imposed upon a juvenile or the juvenile's parent or  
30 guardian in relation to a juvenile delinquency complaint are deemed to  
31 be null and void and, for all legal purposes, shall be vacated and  
32 discharged; and

33 c. all warrants issued solely based on the alleged failure of a  
34 juvenile or a juvenile's parent or guardian to pay or to appear on a  
35 court date set for the sole purpose of payment of statutory or court-  
36 ordered fines, fees, costs, or other monetary penalties previously  
37 assessed or imposed in relation to a juvenile delinquency complaint  
38 shall be deemed null and void.

39 The provisions of this section shall apply to any fines, fees, costs,  
40 or other monetary penalties which were imposed prior to, and which  
41 are imposed subsequent to, the effective date of this act.

42

43 8. This act shall take effect immediately; except that section 7  
44 shall take effect on the first day of the 10th month next following  
45 enactment and the Administrative Director of the Courts may take any  
46 anticipatory administrative action in advance as shall be necessary for  
47 the implementation of this act.

STATEMENT

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This bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile’s serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court–ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile’s parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties. Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are deemed to be null and void. This provision is both retroactive and prospective. The bill makes this provision effective in nine months to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

Numerous costs and fees in the form of criminal penalties or administrative fees are imposed on juveniles involved in the juvenile justice system. These costs and fees can be significant. Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles’ families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this

1 debt. In addition to the emotional toll on these families, minority  
2 and low income families are disproportionately affected. While the  
3 revenue collected is minimal, the burden on families can be  
4 substantial. This State has responded to this issue by eliminating  
5 some of these costs and fees in prior legislative enactments.  
6 Further, the New Jersey Supreme Court recently issued an order to  
7 dismiss hundreds of juvenile warrants for unpaid discretionary and  
8 non-mandatory assessments. This bill would eliminate additional  
9 statutorily mandated assessments that are not within the discretion  
10 of the court to dismiss.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5507

# STATE OF NEW JERSEY

DATED: JUNE 2, 2021

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 5507.

As reported by the committee, Assembly Bill No. 5507 eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties. Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are deemed to be null and void. This provision is both retroactive and prospective. The bill makes this provision effective in nine months to give the Administrative Director of the

Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

Numerous costs and fees in the form of criminal penalties or administrative fees are imposed on juveniles involved in the juvenile justice system. These costs and fees can be significant. Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles' families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this debt. In addition to the emotional toll on these families, minority and low income families are disproportionately affected. While the revenue collected is minimal, the burden on families can be substantial. This State has responded to this issue by eliminating some of these costs and fees in prior legislative enactments. Further, the New Jersey Supreme Court recently issued an order to dismiss hundreds of juvenile warrants for unpaid discretionary and non-mandatory assessments. This bill would eliminate additional statutorily mandated assessments that are not within the discretion of the court to dismiss.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5507

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 13, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5507, with committee amendments.

As amended and reported by the committee, Assembly Bill No. 5507 eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The amended bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) the Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months;

(2) the costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids;

(3) the costs of an approved remedial education or counseling program to which a juvenile is diverted by the court;

(4) the civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm;

(5) the \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent; and

(6) the \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties. Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are to be reviewed and vacated consistent with the amended bill. These provisions are both retroactive and prospective. Further, these



provisions are effective nine months after the bill is enacted to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

As amended, the bill also prohibits a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

As amended and reported by the committee, Assembly Bill No. 5507 is identical to Senate Bill No. 3319 (2R), also reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide that all warrants based on the alleged failure of the juvenile or parent or guardian to pay or appear in court to pay these monetary penalties are to be reviewed and vacated consistent with the provisions of the bill, rather than be deemed null and void; and

(2) prohibit a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system. However, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collections of the same statutory costs, fees, and penalties.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 5507**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: JULY 1, 2021

**SUMMARY**

- Synopsis:** Eliminates certain juvenile justice fines, fees, costs, and other monetary penalties.
- Type of Impact:** Expenditure and revenue decreases to State, municipal, and county governments.
- Agencies Affected:** Department of Law and Public Safety; Office of the Public Defender; Superior Courts; Administrative Office of the Courts; Municipalities; State, County, and Municipal law enforcement agencies.

**Office of Legislative Services Estimate**

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

- The Office of Legislative Services (OLS) concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system. However, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collections of the same statutory costs, fees, and penalties.

**BILL DESCRIPTION**

This bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

- The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties.

Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are deemed to be null and void. This provision is both retroactive and prospective. The bill makes this provision effective in nine months to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

## FISCAL ANALYSIS

### *EXECUTIVE BRANCH*

None received.

### *OFFICE OF LEGISLATIVE SERVICES*

The OLS concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties; however, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collection of the same statutory costs, fees, and penalties.

**State, County, and Municipal Revenue:** The OLS anticipates decreased State, county, and municipal revenue from the elimination of certain fees and fines associated with juvenile crimes.

The OLS does not have an estimate regarding the collective amount of State, county, or municipal revenue that would be lost; however, the OLS notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes. Further, the OLS is of the understanding that the enactment of P.L.2019, Chapter 363 eliminated the court's discretion to impose a majority of criminal fines, fees, and penalties on juveniles under the Code of Juvenile Justice, the DEDR, and Victims of Crime Compensation Office penalties. This bill would eliminate additional statutorily mandated assessments that are not within the discretion of the court to dismiss.

**State, County, and Municipal Expenditures:** It is the understanding of the OLS that currently the imposition of statutory costs, fees, and penalties on juveniles and their families are

often unpaid and may end up in a collections process. The OLS concludes that the elimination of these fees and fines may decrease the workload of State, county, and municipal government employees as it will no longer be necessary to process and engage in these collections.

**Background:** According to the Juvenile Law Center, five states have passed legislation that ends almost all administrative costs, as well as other fines and fees imposed on juveniles involved in the juvenile justice system. Philadelphia ended the practice of charging families child support for the cost of a child's incarceration. Washington passed legislation to eliminate some juvenile justice fines and fees, as did Utah.

Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles' families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this debt. In addition to the emotional toll on these families, minority and low income families are disproportionately affected. While the revenue collected is minimal, the burden on families can be substantial. This State has responded to this issue by eliminating some of these costs and fees in prior legislative enactments. Further, the New Jersey Supreme Court recently issued an order dismissing hundreds of juvenile warrants for unpaid discretionary and non-mandatory assessments.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Lead Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

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

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

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**ASSEMBLY, No. 5507**

## **STATE OF NEW JERSEY 219th LEGISLATURE**

DATED: DECEMBER 20, 2021

### **SUMMARY**

- Synopsis:** Eliminates certain juvenile justice fines, fees, costs, and other monetary penalties.
- Type of Impact:** Expenditure and revenue decreases to State, municipal, and county governments.
- Agencies Affected:** Department of Law and Public Safety; Office of the Public Defender; Superior Courts; Administrative Office of the Courts; Municipalities; State, County, and Municipal law enforcement agencies.

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

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

- The Office of Legislative Services (OLS) concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system. However, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collections of the same statutory costs, fees, and penalties.

### **BILL DESCRIPTION**

This bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties.

Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are to be reviewed and vacated. This provision is both retroactive and prospective. The bill prohibits a warrant from being issued for a juvenile or the juvenile's parents or guardian for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

The bill makes this provision effective in nine months to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The OLS concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties; however, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collection of the same statutory costs, fees, and penalties.

**State, County, and Municipal Revenue:** The OLS anticipates decreased State, county, and municipal revenue from the elimination of certain fees and fines associated with juvenile crimes.

The OLS does not have an estimate regarding the collective amount of State, county, or municipal revenue that would be lost; however, the OLS notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes. Further, the OLS is of the understanding that the enactment of P.L.2019, Chapter 363 eliminated the court's discretion to impose a majority of criminal fines, fees, and penalties on juveniles under the Code of Juvenile Justice, the DEDR, and Victims of Crime Compensation Office penalties. This bill would eliminate additional statutorily mandated assessments that are not within the discretion of the court to dismiss.

**State, County, and Municipal Expenditures:** It is the understanding of the OLS that currently the imposition of statutory costs, fees, and penalties on juveniles and their families are often unpaid and may end up in a collections process. The OLS concludes that the elimination of these fees and fines may decrease the workload of State, county, and municipal government employees as it will no longer be necessary to process and engage in these collections.

**Background:** According to the Juvenile Law Center, five states have passed legislation that ends almost all administrative costs, as well as other fines and fees imposed on juveniles involved in the juvenile justice system. Philadelphia ended the practice of charging families child support for the cost of a child's incarceration. Washington passed legislation to eliminate some juvenile justice fines and fees, as did Utah.

Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles' families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this debt. In addition to the emotional toll on these families, minority and low income families are disproportionately affected. While the revenue collected is minimal, the burden on families can be substantial. This State has responded to this issue by eliminating some of these costs and fees in prior legislative enactments. Further, the New Jersey Supreme Court recently issued an order dismissing hundreds of juvenile warrants for unpaid discretionary and non-mandatory assessments.

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

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

# Governor Murphy Signs Legislation to Eliminate Certain Juvenile Justice Fines, Fees, and Costs

01/10/2022

**TRENTON** – Governor Murphy today signed legislation (S-3319/A-5507) that eliminates certain juvenile justice fines, fees, costs, and other monetary penalties. The legislation acts to improve the juvenile justice system by eliminating unnecessary costs.

“Eliminating these fees will contribute towards breaking the cycle of poverty that often stems from historically biased institutions,” **said Governor Murphy**. “The imposition of fines and fees on justice-involved youth often falls disproportionately on minority and low-income families. I am proud to sign legislation that will further the rehabilitation goals of the juvenile justice system and make New Jersey stronger and fairer for everyone.”

Primary sponsors of the legislation include Senators Nellie Pou, Nia H. Gill, and Assemblymembers Raj Mukherji, Adam J. Taliaferro, and Verlina Reynolds-Jackson.

“Many of these juveniles are from low-income households, and these fees and monetary penalties put a financial strain on families at precisely the time they are in need of relief,” **said Senator Pou**. “Further, research has shown these extra fees can have long-term negative consequences, including higher dropout chances, and the increased likelihood of recidivism. We need to be lifting these young people up, not putting them back into a financial hole the minute they go free.”

“The administrative fees imposed on juveniles can be crippling to families, especially for low-income families with limited resources,” **said Senator Gill**. “This bill will eliminate the additional fines which are not in the discretion of the court to dismiss and will alleviate this unnecessary burden on families who often are left to shoulder the cost.”

“This new law will help curb the contribution of New Jersey’s juvenile justice system to the cycle of poverty. How do we justify young people being further penalized with fines and fees intended to support the juvenile justice system when many aren’t even old enough to get a job?” **asked Assemblyman Mukherji, Chair of the Judiciary Committee**. “Their burdens are often taken on by families who are already struggling to make ends meet, which is a miscarriage of justice with no public safety purpose.”

“The costs associated with our juvenile justice system are far too great for many children and their families to pay,” **said Assemblyman Taliaferro**. “Our youth often have to choose between paying off these debts and paying for necessities, which can make staying out of trouble harder due to these excessive financial burdens.”

“Not only do these costs take an emotional toll on the young people already caught up in a complicated situation, but it disproportionately affects minority and low-income families in our state,” **said Assemblywoman Reynolds-Jackson**. “It is time to end these unnecessary costs and penalties.”

The bill also prohibits a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

“The collection of outstanding fines and fees from youth justice system-involved youth has been an



unjust penalty for them when they need support, not punishment that compounds with interest. It is particularly oppressive for youth of color who are already disproportionately tied up in the youth justice system," said **Yannick Wood, Director of the Criminal Justice Program at the New Jersey Institute for Social Justice**. "We commend the Legislature for passing, and Governor Murphy for signing, this legislation which will finally abolish certain outstanding monetary penalties providing a clean financial slate for New Jersey's most vulnerable youth."

"As a young person who knows the impact of the youth justice system and fines and fees, I am grateful for this law which will help young people move on with their lives at an important time for them," said **Kevin Reeves**. "I hope there will be more legislation and programs to help New Jersey's youth who need support to stay out of the system in the first place."