

52:17B-169

LEGISLATIVE HISTORY CHECKLIST
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(Juvenile Justice Commission)

NJSA: 52:17B-169

LAWS OF: 1995 **CHAPTER:** 284

BILL NO: S2211

SPONSOR(S): Kosco & others

DATE INTRODUCED: June 26, 1995

COMMITTEE: **ASSEMBLY** Appropriations
SENATE: Law & Public Safety; Budget

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** December 11, 1995
SENATE: October 19, 1995

DATE OF APPROVAL: December 15, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: Yes

974.90 New Jersey. Governor's Advisory Counsel on Juvenile Justice.
J97 Final report...Dec. 30, 1994. Trenton, 1994.
1994a

974.90 New Jersey. Legislature. Assembly. Task Force on Juvenile Crime.
J97 Task Force meetings, held 3-22-94, 4-12-93, 5-4-94 & 6-22-94,
1994 Manalapan, Paterson, Vineland & Edison, NJ, 1994.

For newspaper clippings see Legislative History of 1995, C280.

974.90 New Jersey. Legislature. Senate. Law & Public Safety Committee.
J97 Public hearing...S2211, held 9-11-95.
1995 Trenton, 1995.

KBP:pp

[SECOND REPRINT]

SENATE, No. 2211

STATE OF NEW JERSEY

INTRODUCED JUNE 26, 1995

By Senators KOSCO, BENNETT and Ciesla

1 AN ACT establishing the Juvenile Justice Commission,
2 supplementing Title 52 of the New Jersey Statutes and
3 repealing section 30 of P.L.1982, c.77 and section 16 of
4 P.L.1982, c.80.

5

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

8 1. The Legislature finds and declares:

9 a. The public safety requires reform of the juvenile justice
10 system;

11 b. Juvenile arrests for murder, robbery, aggravated sexual
12 assault, sexual assault and aggravated assault have increased 38
13 percent between 1988 and 1993 and New Jersey ranks near the
14 top nationally in the number of juvenile arrests for serious violent
15 crimes;

16 c. Juvenile crime has become 1^a leading cause of injury and
17 death among young people;

18 d. Currently, preventive, deterrent and rehabilitative services
19 and sanctions for juveniles are the responsibility of no less than
20 three State departments: The Department of Law and Public
21 Safety deals with county prosecutors and local police and
22 implements prevention programs; the Department of Corrections
23 operates the New Jersey Training School for Boys and the
24 Juvenile Medium Security Facility, and its Bureau of Parole
25 supervises juvenile parolees; and the Department of Human
26 Services operates residential and day programs in facilities for
27 juveniles adjudicated delinquent;

28 e. The division of responsibility for the juvenile justice
29 population and the limitations on resources available to meet
30 ever-increasing demands for services provided by the
31 Departments of Human Services and Corrections have prevented
32 the departments from maximizing efforts to meet the special
33 needs of the juvenile justice population;

34 f. The juvenile justice system lacks services and sanctions
35 short of incarceration, particularly in urban areas and for that
36 reason, many juveniles are not held accountable until they have
37 committed a series of increasingly serious criminal acts;

38 g. The special needs of juveniles can be addressed through
39 services and sanctions provided at the county and local level;

40 h. The need to protect the public from criminal acts by
41 juvenile offenders requires a comprehensive program and
42 concerted action of governmental agencies and private

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted September 28, 1995.

² Senate SBA committee amendments adopted September 28, 1995.

1 organizations at the State, county and local level that permits
2 effective response and avoids waste of scarce resources;

3 i. The comprehensive program should provide a range of
4 services and sanctions for juveniles sufficient to protect the
5 public through prevention; early intervention; and a range of
6 meaningful sanctions that ensure accountability, provide training,
7 education, treatment and, when necessary, confinement followed
8 by community supervision that is adequate to protect the public
9 and promote successful reintegration into the community;

10 j. The most efficient and effective use of available resources
11 requires fixing responsibility for the comprehensive program in a
12 single State agency and providing incentives to encourage the
13 development and provision of appropriate services and sanctions
14 at the county and local level; and

15 k. It is, therefore, necessary to establish a Juvenile Justice
16 Commission responsible for operating State services and
17 sanctions for juveniles involved in the juvenile justice system and
18 responsible for developing a Statewide plan for effective
19 provision of juvenile justice services and sanctions at the State,
20 county and local level; to establish a State/Community
21 Partnership Grant Program through which the State will provide
22 incentives to county and local governments to encourage the
23 provision of services and sanctions for juveniles adjudicated or
24 charged as delinquent and programs for the prevention of juvenile
25 delinquency, and to establish county youth services commissions
26 responsible for planning and implementing the Partnership at the
27 local level.

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

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

42 c. The executive director shall be appointed by the Governor
43 with the advice and consent of the Senate and shall serve at the
44 pleasure of the Governor during the Governor's term of office
45 and until a successor is appointed and qualified.

46 d. The executive board shall consist of the following
47 members: The Attorney General, who shall serve as chair of the
48 executive board; the Commissioner of Corrections and the
49 Commissioner of Human Services, who shall serve as vice-chairs
50 of the executive board; the Commissioner of Education; the chair
51 of the Juvenile Justice Commission advisory council, established
52 pursuant to section 4 of P.L. c. (C.) (now pending
53 before the Legislature as section 4 of this bill); and two members
54 who serve as chairs of a county youth services commission,

1 established pursuant to section 2 of P.L. c. (C.) (now pending
2 before the Legislature as section 2 of Assembly Bill No. of
3 1995 or Senate Bill No. of 1995), to be appointed by the
4 Governor to serve at the Governor's pleasure. The
5 Administrative Director of the Administrative Office of the
6 Courts is invited participate on the executive board, subject to
7 the approval of the Supreme Court. A member of the executive
8 board may name a designee who shall have the authority to act
9 for the member. Members of the executive board shall serve
10 without compensation for their services to the commission. The
11 executive board shall meet at least quarterly and at such other
12 times as designated by the chair. Except with respect to matters
13 concerning distribution of funds to counties, four members of the
14 executive board shall constitute a quorum to transact business of
15 the executive board and action of the executive board shall
16 require an affirmative vote of four members. A member of the
17 executive board who is also a member of a county youth services
18 commission shall not participate in matters concerning
19 distribution of funds to counties; in these matters, three
20 members of the executive board shall constitute a quorum to
21 transact business and an action of the executive board shall
22 require an affirmative vote of three members.

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

25 (1) To specify qualifications for and to employ, within the
26 limits of available appropriations and subject to the provisions of
27 P.L. c., (C.)(now pending before the Legislature as this
28 bill) and Title 11A of the New Jersey Statutes, such staff as are
29 necessary to accomplish the work of the commission or as are
30 needed for the proper performance of the functions and duties of
31 the commission, including but not limited to:

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

38 (b) Juvenile corrections officers;

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

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

44 (4) To enter into contracts and agreements with State, county
45 and municipal governmental agencies and with private entities
46 for the purpose of providing services and sanctions for juveniles
47 adjudicated or charged as delinquent and programs for prevention
48 of juvenile delinquency;

49 (5) To contract for the services of professional and technical
50 personnel and consultants as necessary to fulfill the statutory
51 responsibilities of the commission;

52 (6) To establish minimum standards for the care, treatment,
53 government and discipline of juveniles confined pending, or as a
54 result of, an adjudication of delinquency;

1 (7) To assume the custody and care of all juveniles committed
2 by court order, law, classification, regulation or contract to the
3 custody of the commission or transferred to the custody of the
4 commission pursuant to section 8 of P.L. c., (C.) (now
5 pending before the Legislature as section 8 of this bill);

6 (8) To manage and operate all State secure juvenile facilities
7 which shall include the New Jersey Training School for Boys
8 created pursuant to R.S.30:1-7 and transferred to the
9 Commissioner of Corrections pursuant to section 8 of P.L. 1976,
10 c.98 (C.30:1B-8)]¹ and the Juvenile Medium Security Facility
11 created pursuant to R.S.30:1-7 ¹[, transferred to the
12 Commissioner of Corrections pursuant to section 8 of P.L. 1976,
13 c.98 (C.30:1B-8),]¹ and ¹both¹ transferred to the commission
14 pursuant to section 8 of P.L. c., (C.) (now pending
15 before the Legislature as section 8 of this bill) and shall include
16 any other secure juvenile facility established by the commission
17 in the future;

18 (9) To manage and operate all State juvenile facilities or
19 juvenile programs for juveniles adjudicated delinquent which shall
20 include facilities and programs transferred to the commission
21 pursuant to section 8 of P.L. c., (C.) (now pending before
22 the Legislature as section 8 of this bill) or established or
23 contracted for in the future by the commission;

24 (10) To prepare an annual State Juvenile Justice Master Plan
25 which identifies facilities, sanctions and services available for
26 juveniles adjudicated or charged as delinquent and juvenile
27 delinquency prevention programs and which identifies additional
28 needs based upon the extent and nature of juvenile delinquency
29 and the adequacy and effectiveness of available facilities,
30 services, sanctions and programs;

31 (11) To approve plans for each county submitted by the county
32 youth services commission pursuant to P.L. c., (C.) (now
33 pending before the Legislature as Assembly Bill No. of 1995 or
34 Senate Bill No. of 1995);

35 (12) To administer the State/Community Partnership Grant
36 Program established pursuant to P.L. c., (C.) (now
37 pending before the Legislature as Assembly Bill No. of 1995 or
38 Senate Bill No. of 1995);

39 (13) To accept from any governmental department or agency,
40 public or private body or any other source, grants or contributions
41 to be used in exercising its power, and in meeting its duties and
42 responsibilities;

43 (14) To formulate and adopt standards and rules for the
44 efficient conduct of the work ¹[and general administration]¹ of
45 the Commission, the facilities, services, sanctions and programs
46 within its jurisdiction, and its officers and employees;

47 (15) To provide for the development of the facilities, services,
48 sanctions and programs within its jurisdiction and to promote the
49 integration of State, county and local facilities, sanctions,
50 services and programs, including probation and parole;

51 (16) To institute, or cause to be instituted, such legal
52 proceedings or processes as may be necessary to enforce properly
53 and give effect to any of its powers or duties including the
54 authority to compel by subpoena, subject to the sanction for

1 contempt of subpoena issued by a court, attendance and
2 production of records;

3 (17) To provide for the timely and efficient collection and
4 analysis of data regarding the juvenile justice system to insure
5 the continuing review and evaluation of services, policies and
6 procedures;

7 (18) To receive and classify juveniles committed to the custody
8 of the commission;

9 (19) To supervise compliance with conditions of parole;

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

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

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

18 3. The functions, powers, duties and authority of the
19 commission are allocated as follows:

20 a. The following shall be vested in the executive board and
21 may not be delegated:

22 (1) Formulation of the policy and direction of the work of the
23 commission to meet the purposes of this act;

24 (2) Approval of the organization of the work of the commission
25 including establishment of appropriate subdivisions;

26 (3) Approval of the State Juvenile Justice Master Plan;

27 (4) Approval of the commission's budget for submission by the
28 Attorney General as request officer;

29 (5) Promulgation of all rules and regulations;

30 (6) Designation of an acting executive director to serve in the
31 absence of the executive director, or, in the event of a vacancy
32 in that office;

33 (7) Establishment of education and training requirements for
34 juvenile corrections officers and other specialists that may be
35 required for supervision of programs for juveniles under the
36 custody or care of the commission following adjudication of
37 delinquency or release from incarceration; and

38 (8) Establishing with the Supreme Court a mechanism for
39 coordinating juvenile justice matters.

40 b. The executive director shall be responsible for the following:

41 (1) The supervision and management of each secure juvenile
42 facility, juvenile facility and program operated by the
43 commission and, except as provided in paragraph (3) of this
44 subsection with respect to appointment of superintendents, the
45 designation of the chief executive officer for each facility or
46 program who shall be responsible to the executive director for
47 the efficient, economical and proper operation of the facility and
48 who shall exercise the authority to consent to treatment pursuant
49 to sections 2 and 4 of P.L. 1969, c. 181 (C.30:4-7.2 and 30:4-7.4);

50 (2) The immediate supervision of the work of the commission
51 and the day to day exercise and performance of the commission's
52 functions, powers, duties and authority;

53 (3) With the approval of the executive board, the appointment
54 of all deputy directors and superintendents.

1 c. All functions, powers, duties and authority of the
2 commission set forth in subsection e. of section 2 of P.L. c.
3 (C.) (now pending before the Legislature as section 2 of this
4 bill) not specifically allocated to the executive board or to the
5 executive director shall reside in the executive board but may be
6 delegated to the executive director at the discretion of the
7 executive board.

8 4. a. The advisory council to the Juvenile Justice Commission
9 shall consist of the following members:

10 (1) The Commissioner of the Department of Labor, the
11 Commissioner of the Department of Health, the Commissioner of
12 the Department of Community Affairs, the Commissioner of the
13 Department of Personnel ¹[and] ¹,¹ the Public Defender ¹and a
14 county prosecutor selected by and serving at the pleasure of the
15 Governor¹ or a person designated by one of the forenamed
16 officers to serve in that officer's place;

17 (2) ¹[Ten] Nine¹ members who shall be selected for their
18 knowledge, competence, experience or interest in the juvenile
19 justice system. Appointments shall be made as follows: three by
20 the President of the Senate, no more than two of whom shall be
21 of the same political party; three by the Speaker of the General
22 Assembly, no more than two of whom shall be of the same
23 political party and ¹[four] three¹ by the Governor, no more than
24 two of whom shall be of the same political party.

25 b. The term of office of each public member of the advisory
26 council shall be three years; except that of the first members
27 appointed, one appointed by the Governor ¹, one by the President
28 of the Senate and one by the Speaker of the General Assembly¹
29 shall be appointed for a term of one year, one appointed by the
30 ¹Governor, one by the¹ President of the Senate and one
31 ¹[appointed]¹ by the Speaker of the General Assembly shall be
32 appointed for a term of two years and the remaining ¹[seven]
33 three¹ members shall be appointed for a term of three years.
34 Each member shall serve until a successor has been appointed and
35 qualified, and vacancies shall be filled in the same manner as the
36 original appointments for the remainder of the unexpired term.
37 A member is eligible for reappointment to the council.

38 c. The Governor shall appoint the chair of the advisory council
39 from among the members of the council. The chair shall serve at
40 the pleasure of the Governor during the Governor's term of
41 office and until the appointment and qualification of the chair's
42 successor. The members of the council shall elect a vice-chair
43 from among the members of the council.

44 d. The members of the council shall receive no compensation
45 for their services.

46 5. The advisory council shall have the following functions,
47 powers, duties and authority:

48 a. To meet at least quarterly and at such other times as
49 designated by the executive director or the chair of the advisory
50 council;

51 b. To establish any committees to carry out its
52 responsibilities; and

53 c. To advise the executive director regarding the
54 implementation of the recommendations included in the final

1 report submitted pursuant to Executive Order 10 of 1994; the
2 master plan submitted pursuant to section 2 of P.L. c.
3 (C.) (now pending before the Legislature as section 2 of this
4 bill); the integration, coordination and collaboration of programs,
5 services and sanctions for juveniles; and the actions to be taken
6 to increase public awareness of the juvenile justice system and its
7 needs.

8 6. a. The Juvenile Justice Commission shall employ, within
9 the limits of available funds, juvenile corrections officers to staff
10 each State secure juvenile facility and to provide security for
11 other State juvenile facilities and programs including parole
12 programs as deemed appropriate and to perform all other duties
13 related to enforcement of confinement and conditions of release
14 including execution of warrants and legal process. Juvenile
15 corrections officers shall be in the competitive division of the
16 career service established pursuant to N.J.S.11A:3-2,
17 "policemen" within the meaning of section 1 of P.L.1944, c.255
18 (C.43:16A-1) and members of the Police and Firemen's
19 Retirement System of New Jersey established pursuant to section
20 2 of P.L.1944, c.255 (C.43:16A-2), and shall be "employees"
21 within the meaning of section 3 of P.L.1941, c.100 (C.34:13A-3).

22 b. Except as provided in subsection c. of this section, no
23 person shall be appointed as a juvenile corrections officer unless
24 that person:

25 (1) Is a citizen of the United States;

26 (2) Is able to read, write and speak the English language well
27 and intelligently;

28 (3) Has a high school diploma or its equivalent;

29 (4) Is sound in body and of good health;

30 (5) Is of good moral character;

31 (6) Has not been convicted of any offense which would make
32 the person unfit to perform the duties of a juvenile corrections
33 officer;

34 (7) Has successfully completed the training course approved by
35 the Police Training Commission and required by section 5 of
36 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
37 provisions of that section; and

38 (8) Meets such other qualifications, including education and
39 training, as may be specified by the commission in consultation
40 with the Department of Personnel¹.

41 c. (1) Pending appointment of a full complement of¹ juvenile
42 corrections officers who meet the requirements of subsection b.
43 of this section, ¹[which appointment shall be completed within 18
44 months of the effective date of this act,]¹ the commission and
45 the Commissioner of Corrections shall arrange through
46 agreement for the assignment of corrections officers necessary
47 to fill the positions transferred pursuant to section 8 of P.L.

48 c. (C.) (now pending before the Legislature as section 8 of
49 this bill). Corrections officers assigned to the commission
50 pursuant to such an agreement shall be under the supervision of
51 the commission during the period of assignment as provided by
52 the agreement between the commission and the Commissioner of
53 Corrections ¹[but no] . The primary concerns of all agreements
54 governing assignment and supervision shall be public safety and

1 safety within the facilities and programs. No¹ officer 1[so]¹
2 assigned 1pursuant to such an agreement¹ shall, by virtue of such
3 assignment, be considered an employee of the commission or lose
4 or suffer any diminution of any right, power, privilege or benefit
5 to which the employee would otherwise be entitled pursuant to
6 the provisions of Title 11A of the New Jersey Statutes, Title 34
7 of the Revised Statutes, or Title 43 of the Revised Statutes,
8 including any rights, powers, privileges or benefits as to salary,
9 seniority, promotion, re-employment, retirement, pension or
10 representation for purposes of collective bargaining;

11 (2) Notwithstanding the provisions of subsection b. of this
12 section, a corrections officer assigned to the commission
13 pursuant to this section shall not be considered ineligible for the
14 position of juvenile corrections officer solely because the officer
15 does not meet any educational or training requirement the
16 commission may establish and may be appointed as a juvenile
17 corrections officer 1if the officer applies for such position within
18 18 months of the effective date of this act¹. A juvenile
19 corrections officer appointed pursuant to this subsection shall not
20 be deprived of any right or protection provided by Title 11A of
21 the New Jersey Statutes or any pension or retirement system
22 1and, notwithstanding any law or regulation to the contrary, shall
23 be eligible to compete for vacant positions within the
24 Department of Corrections with full credit for experience,
25 service and rank earned as an employee of the Department of
26 Corrections and such credit for experience, service and rank
27 earned as an employee of the commission as the Commissioner of
28 Corrections, after consultation with the Commissioner of
29 Personnel, deems appropriate¹.

30 d. Each juvenile corrections officer shall by virtue of such
31 employment and in addition to any other power or authority, be
32 empowered to act as an officer for the detection, apprehension,
33 arrest and adjudication of 1[offender] offenders¹ against the law
34 and, subject to regulations promulgated by the commission and
35 conditions set forth in N.J.S. 2C:39-6, shall have the authority to
36 possess and carry a firearm.

37 7. a. Notwithstanding the Juvenile Justice Commission's
38 responsibility for State secure juvenile facilities and State
39 juvenile facilities and programs, the Department of Corrections,
40 through agreement with the commission, shall provide central
41 transportation, communication and other services required by the
42 commission in connection with the operation of these facilities
43 and the custody and care of juveniles confined in the facilities.

44 b. Notwithstanding the commission's responsibility for State
45 secure juvenile facilities and State juvenile facilities, the
46 Department of Human Services shall provide care and custody for
47 juveniles placed under the care and custody or committed to the
48 Department pursuant to paragraphs (5), (6) and (7) of subsection
49 b. of section 24 of P.L. 1982, c. 77 (C.2A:4A-43).

50 c. The commission and the Commissioner of the Department
51 of Human Services shall formulate a plan to provide adequate and
52 appropriate mental health services to juveniles in secure juvenile
53 facilities and juvenile facilities operated by the commission. The
54 commission and the Commissioner of the Department of Human

1 Services shall jointly adopt regulations pursuant to the
2 "Administrative Procedure Act," P.L. 1968, c. 410 (C.52:14B-1 et
3 seq.), establishing the procedures included in the plan. The plan
4 shall include the following:

5 (1) Procedures for identifying juveniles in need of such services
6 upon admission to and while in a facility, including procedures for
7 evaluation;

8 (2) Procedures for providing appropriate and adequate
9 treatment and for terminating treatment when it is no longer
10 needed;

11 (3) Procedures for ensuring cooperation between employees of
12 the commission and the Department of Human Services; and

13 (4) Procedures for review and revision of the plan.

14 d. The commission, through agreement with the Attorney
15 General, the Commissioner of Corrections or the Commissioner
16 of Human Services as appropriate, shall arrange to provide such
17 other services as may be required by the commission and may
18 enter into other agreements as authorized pursuant to
19 R.S.52:14-1 et seq. or any other law of this State.

20 e. The commission and the Commissioner of the Department
21 of Corrections shall, consistent with applicable State and federal
22 standards, formulate a plan setting forth procedures for
23 transferring custody of any juvenile incarcerated in a juvenile
24 facility who has reach the age of 16 during confinement and
25 whose continued presence in the juvenile facility threatens the
26 public safety, the safety of juvenile offenders, or the ability of
27 the commission to operate the program in the manner intended.
28 The commission and the Commissioner of the Department of
29 Corrections shall jointly adopt regulations pursuant to the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.), establishing the procedures included in the plan.

32 8. a. The following are transferred to the Juvenile Justice
33 Commission:

34 (1) The custody and care of any juvenile adjudicated delinquent
35 and committed or classified to the custody of the Department of
36 Corrections or committed or classified to the custody or care of
37 the Division of Juvenile Services of the Department of Human
38 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
39 as modified by Reorganization Plan No. 001-1993, P.L.1993,
40 c.283, and Executive Order No. 93 of 1993, or serving a term of
41 incarceration in a county detention facility pursuant to section 1
42 of P.L.1992, c.211 (C.2A:4A-44.1);

43 (2) The New Jersey Training School for Boys ¹created pursuant
44 to R.S.30:1-7 and transferred to the Commissioner of Corrections
45 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)¹ and the
46 Juvenile Medium Security Facility ¹[both]¹ created pursuant to
47 R.S.30:1-7 ¹], transferred to the Commissioner of Corrections
48 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8), and section 2
49 of P.L.1993, c.283 (C.30:1B-34)]¹;

50 (3) All residential and day care facilities and programs
51 established pursuant to the powers delegated to the Division of
52 Juvenile Services, Department of Corrections, by the
53 Commissioner of the Department of Corrections pursuant to his
54 powers contained in P.L.1976, c.98 (C.30:1B-1 et seq.), along with

1 all those youth committed to participate therein by court order,
2 law, classification, regulation or contract which were
3 subsequently transferred to the Division of Juvenile Services,
4 Department of Human Services by Reorganization Plan No.
5 001-1993;

6 (4) All furnishings and equipment presently located in the
7 institutions and programs of the Division of Juvenile Services and
8 in the institutions and programs of the Department of
9 Corrections transferred to the commission pursuant to
10 subsections b. and c. of this section, and, except as provided in
11 section 6 of P.L. c. (C.)(now pending before the
12 Legislature as section 6 of this bill), all staff assigned to those
13 institutions and programs, including administrative and support
14 staff;

15 (5) All operating and capital funding demarcated for the
16 institutions and programs set forth in this section, including
17 funding from bonds and funding for administrative costs
18 associated with the institutions and programs;

19 (6) All functions, powers, duties and authority of the
20 Commissioner of Corrections, including any transferred to the
21 Commissioner of Human Services pursuant to Reorganization
22 Plan No. 001-1993, with respect to all juvenile detention
23 facilities throughout the State pursuant to section 18 of P.L.1982,
24 c.77 (C.2A:4A-37);

25 (7) The powers, duties and responsibilities of the Commissioner
26 of Corrections for establishing standards and monitoring of
27 juvenile detention facilities pursuant to section 18 of P.L.1982,
28 c.77 (C.2A:4A-37), transferred to the Commissioner of Human
29 Services by Reorganization Plan No. 001-1993;

30 (8) All existing written agreements made between county
31 governments and the Department of Corrections or the
32 Department of Human Services concerning juvenile detention
33 centers are hereby modified to transfer the responsibilities,
34 duties and obligations specified in these agreements between the
35 county governments and the commission;

36 (9) The Juvenile Detention Monitoring Unit, Department of
37 Corrections, established pursuant to the powers of the
38 Commissioner of Corrections pursuant to P.L.1976, c.98
39 (C.30:1B-1 et seq.), to fulfill the obligations of the Department
40 of Corrections in monitoring juvenile detention centers
41 throughout the State pursuant to the Federal "Juvenile Justice
42 and Delinquency Prevention Act of 1974," as amended, and
43 pursuant to section 18 of P.L.1982, c.77 (C.2A:4A-37), which was
44 transferred to the Department of Human Services by
45 Reorganization Plan No. 001-1993, along with its staff, powers,
46 duties and responsibilities;

47 (10) The legal custody and supervision of each juvenile parolee;
48 the functions, powers, duties and authority of the State Parole
49 Board established pursuant P.L.1979, c.441 (C.30:4-123.45 et
50 seq.), regarding juvenile offenders are continued, but the State
51 Parole Board ¹[will] shall¹ file all of its reports and
52 recommendations regarding juveniles with the commission;

53 (11) All funding, programs and positions created or dedicated
54 to provide juvenile parole services by the Bureau of Parole within

1 the Department of Corrections in accordance with an agreement
2 between the Executive Director of the Commission and the
3 Commissioner of Corrections in consultation with the State
4 Parole Board when an orderly transfer of the function has been
5 completed including appropriate changes in the reporting
6 requirements, funding, positions, and administrative housing and
7 support;

8 (12) The powers, duties, and responsibilities of the Office of
9 Education created and established in the Departments of
10 Corrections and Human Services pursuant to the "State Facilities
11 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
12 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
13 offenders whose custody is transferred to the commission
14 pursuant to this act is transferred to the Office of Education
15 established in the commission pursuant to section 10 of P.L. ,
16 c. (C.)(now pending before the Legislature as section 10 this
17 bill) along with staff, existing and future moneys and other
18 educational resources demarcated for juveniles whose custody is
19 transferred pursuant to this act, including funds collected
20 pursuant to the authority granted in the "State Facilities
21 Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.),
22 federal and State educational grants and contract funds received
23 for the benefit of juvenile offenders whose custody is transferred
24 pursuant to this act;

25 (13) The powers, duties, and responsibilities of the Bureau of
26 Juvenile Justice, including the Juvenile Justice and Delinquency
27 Prevention Unit, in the Division of Criminal Justice, Department
28 of Law and Public Safety established pursuant to section 4 of
29 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
30 and responsibilities; and

31 (14) All funding appropriated to the Department of Human
32 Services and demarcated for distribution by the department for
33 youth services ¹[~~commission~~] commission¹ funding.

34 b. Whenever in any law, rule, regulation, order, contract,
35 lease, document, judicial or administrative proceeding or
36 otherwise, reference is made to the Commissioner of the
37 Department of Corrections regarding a juvenile or juvenile
38 offender as defined in P.L.1982, c.77 (C.2A:4A-20 et seq.), or is
39 made to the Division of Juvenile Services transferred from the
40 Department of Corrections to the Department of Human Services
41 by Reorganization Plan No. 1, 1993 the same shall mean and refer
42 to the commission.

43 9. a. Except as otherwise provided in subsection b. of this
44 section and section 6 of P.L. c. (C.)(now pending before
45 the Legislature as this bill), all transfers directed by this plan
46 shall be made in accordance with the "State Agency Transfer
47 Act," P.L.1971, c.375 (C.52:14D-1 et seq.)²].

48 b. (1) Teachers transferred shall retain all tenure or, if
49 non-tenured, all time served toward tenure;

50 (2) All transfers shall be made in accordance with], pursuant
51 to² agreements between the commission and the Commissioner of
52 Corrections, the Commissioner of Human Services or the
53 Attorney General, as may be appropriate, ²[and such agreements
54 shall] that² provide for an orderly transfer of authorities,

1 functions, powers, duties and authority including appropriate
2 changes in the reporting requirements, funding, positions, and
3 administrative housing²; such] Such² agreements shall be made
4 within 90 days of the effective date of this act.

5 ²[(3)] b. (1) Teachers transferred shall retain all tenure or, if
6 non-tenured, all time served toward tenure.

7 (2)² No parole officers or Human Services police officers shall
8 be transferred pursuant to section 8 of P.L. c. (C.)(now
9 pending before the Legislature as section 8 of this bill), but the
10 commission and the Commissioner of Corrections and the
11 Commissioner of Human Services, as appropriate, shall arrange
12 through agreement for the assignment of officers necessary to
13 fill the officer positions transferred pursuant to section 8 of
14 P.L. c. (C.)(now pending before the Legislature as section
15 8 of this bill). Parole officers and Human Services Police
16 Officers assigned to the commission pursuant to such an
17 agreement shall be under the supervision of the commission
18 during the period of assignment as provided by the agreement
19 between the commission and the appropriate commissioner but no
20 officer assigned shall, by virtue of such assignment, be considered
21 an employee of the commission or lose or suffer any diminution
22 of any right, power, privilege or benefit to which the employee
23 would otherwise be entitled pursuant to the provisions of Title
24 11A of the New Jersey Statutes, Title 34 of the Revised Statutes,
25 or Title 43 of the Revised Statutes including any rights, powers,
26 privileges or benefits as to salary, seniority, promotion,
27 re-employment, retirement, pension or representation for
28 purposes of collective bargaining.

29 ²[(4)] (3)² All rules and regulations promulgated by the
30 Commissioner of Corrections or the Commissioner of Human
31 Services pertaining to functions, powers, duties and authority
32 transferred to the commission pursuant to section 8 of P.L.

33 c. (C.)(now pending before the Legislature as section 8 of
34 this bill) shall be considered rules or regulations of the
35 commission and, as such, shall remain in full force and effect
36 until expiration or modification by the commission in accordance
37 with law.

38 10. There is hereby created and established in the Juvenile
39 Justice Commission an Office of Education to be headed by a
40 Director of Educational Services who shall supervise the
41 educational programs in all juvenile facilities operated by the
42 Juvenile Justice Commission and shall approve, except as
43 provided in section 9 of P.L.1995, c. (C.)(now pending before
44 the Legislature as section 9 of this bill) all personnel to be hired
45 for such programs.

46 The director shall hold the appropriate certificate issued by the
47 State Board of Examiners and shall be qualified by training and
48 experience for his position and shall be appointed by the
49 executive director with the approval of the executive board. The
50 director shall serve at the pleasure of the executive board ¹[and
51 shall receive such salary as shall be fixed by the executive
52 director]¹.

53 The director shall establish primary, secondary, and vocational
54 programs which meet the educational needs of school age persons

1 for whom the commission is responsible. Appropriate credit and
2 certification shall be given for the successful completion of such
3 programs.

4 11. All acts and parts of acts inconsistent with this act are
5 hereby superseded and repealed, and without limiting the general
6 effect of this act in superseding and repealing acts so
7 inconsistent herewith, the following sections, acts and parts of
8 acts, together with all amendments and supplements thereto, are
9 specifically repealed:

10 Section 30 of P.L.1982, c.77 (C.2A:4A-49) and section 16 of
11 P.L.1982, c.80 (C.2A:4A-91);

12 12. This act shall take effect immediately.

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17 Establishes the Juvenile Justice Commission.

1 11A of the New Jersey Statutes, Title 34 of the Revised Statutes,
2 or Title 43 of the Revised Statutes including any rights, powers,
3 privileges or benefits as to salary, seniority, promotion,
4 re-employment, retirement, pension or representation for
5 purposes of collective bargaining.

6 (4) All rules and regulations promulgated by the Commissioner
7 or Corrections or the Commissioner of Human Services pertaining
8 to functions, powers, duties and authority transferred to the
9 commission pursuant to section 8 of P.L. c. (C.)(now
10 pending before the Legislature as section 8 of this bill) shall be
11 considered rules or regulations of the commission and, as such,
12 shall remain in full force and effect until expiration or
13 modification by the commission in accordance with law.

14 10. There is hereby created and established in the Juvenile
15 Justice Commission an Office of Education to be headed by a
16 Director of Educational Services who shall supervise the
17 educational programs in all juvenile facilities operated by the
18 Juvenile Justice Commission and shall approve, except as
19 provided in section 9 of P.L.1995, c. (C.)(now pending before
20 the Legislature as section 9 of this bill) all personnel to be hired
21 for such programs.

22 The director shall hold the appropriate certificate issued by the
23 State Board of Examiners and shall be qualified by training and
24 experience for his position and shall be appointed by the
25 executive director with the approval of the executive board. The
26 director shall serve at the pleasure of the executive board and
27 shall receive such salary as shall be fixed by the executive
28 director.

29 The director shall establish primary, secondary, and vocational
30 programs which meet the educational needs of school age persons
31 for whom the commission is responsible. Appropriate credit and
32 certification shall be given for the successful completion of such
33 programs.

34 11. All acts and parts of acts inconsistent with this act are
35 hereby superseded and repealed, and without limiting the general
36 effect of this act in superseding and repealing acts so
37 inconsistent herewith, the following sections, acts and parts of
38 acts, together with all amendments and supplements thereto, are
39 specifically repealed:

40 Section 30 of P.L.1982, c.77 (C.2A:4A-49) and section 16 of
41 P.L.1982, c.80 (C.2A:4A-91);

42 12. This act shall take effect immediately.

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STATEMENT

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47 This bill is part of the package of bills concerning the
48 Governor's initiative on juvenile justice reform. This bill would
49 establish the Juvenile Justice Commission, in, but not of, the
50 Department of Law and Public Safety.

51 The Final Report of the Governor's Advisory Council on
52 Juvenile Justice, (issued December 30, 1994) has noted
53 shortcomings in the current structure in which juvenile
54 delinquents are served by several systems but are the priority of

1 none. The Department of Corrections has the responsibility for
2 secure care (the Training School for Boys and the Juvenile
3 Medium Security Facility) but has the demands of the adult
4 correctional system. The Department of Human Services has the
5 responsibility for the non-secure and community-based
6 residential programs but has additional responsibilities and a
7 population to serve, of which the juveniles represent a small
8 fraction. Parole has the responsibility for supervising juvenile
9 offenders but it is also burdened with an adult caseload. At the
10 State level the split between the Departments of Corrections and
11 Human Services was pursuant to a 1993 Executive Reorganization
12 Plan implemented by then-Governor Florio. The report notes
13 that the "current fragmentation of ownership and authority has
14 contributed to overcrowding, poor program development and the
15 lack of a continuum of services and sanctions from most to least
16 restrictive." Report at p.18.

17 A lack of centralized authority is evident among those
18 dedicated to serving juveniles who provide planning, policy,
19 services and advocacy. There are a variety of agencies, boards,
20 commissions and councils. Again the report notes that this lack
21 of coordination "...has reinforced the existing fragmentation,
22 duplication and inefficiency." Report at p. 18.

23 This report has cited the National Council on Crime and
24 Delinquency noting that the current trend is to remove the
25 juvenile component from larger bureaucracies because these
26 bureaucracies focus attention and resources on their other client
27 populations to the detriment of the juveniles. In light of all this
28 information, this bill proposes to create a centralized authority in
29 the Juvenile Justice Commission.

30 The commission would be responsible for the operations of all
31 State services for juveniles involved in the juvenile justice
32 system. This bill would transfer all powers, duties and authority
33 for the operation of juvenile services from the departments which
34 currently are responsible for these services: the Department of
35 Corrections which operates the New Jersey Training School for
36 Boys, the Juvenile Medium Security Facility and the Bureau of
37 Parole which supervises juvenile parolees and the Department of
38 Human Services which operates residential and day programs for
39 juvenile delinquents. The commission would also be responsible
40 for employing such staff, including but not limited to, deputy
41 directors, superintendents and juvenile corrections officers,
42 necessary to accomplish the work of the commission.

43 The commission would consist of an executive director, an
44 executive board and an advisory council. The executive director
45 would be appointed by the Governor, with the advise and consent
46 of the Senate. The executive director would serve at the
47 pleasure of the Governor during the Governor's term. The
48 executive board would be chaired by the Attorney General with
49 the Commissioner of Corrections and the Commissioner of
50 Human Services as vice-chairs. The rest of the board would
51 include the Commissioner of Education, the chair of the advisory
52 council and two members who serve as chairs of a county youth
53 service commission. The advisory council would consist of the
54 Commissioners of the Department of Labor, Department of

1 Health, Department of Community Affairs and Department of
2 Personnel, the Public Defender and ten members with experience
3 in the juvenile justice system.

4 This bill would also establish an Office of Education within the
5 Juvenile Justice Commission. This office would be headed by the
6 Director of Educational Services whose duties would include
7 establishing and supervising the educational programs in all
8 juvenile facilities operated by the commission. The director shall
9 be appointed by the executive director of the commission with
10 the approval of the executive board and shall serve at the
11 pleasure of the executive director.

12 This bill would also repeal N.J.S.A.2A:4A-49, which created
13 the Juvenile Delinquency Disposition Commission, and
14 N.J.S.A.2A:4A-91, which required each county to submit to the
15 Department of Human Services a youth services plan.

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20 Establishes the Juvenile Justice Commission.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 2211

STATE OF NEW JERSEY

DATED: NOVEMBER 27, 1995

The Assembly Appropriations Committee reports favorably Senate Bill No. 2211 [2R].

Senate Bill No. 2211 [2R] is part of the Governor's initiative on juvenile justice reform. This bill creates the Juvenile Justice Commission in, but not of, the Department of Law and Public Safety, to administer the State's juvenile justice system.

At present, the Department of Corrections (DOC) operates State secure juvenile facilities and supervises juvenile parolees through the Bureau of Parole. The Department of Human Services (DHS) operates non-secure residential and day programs in facilities for juveniles adjudicated delinquent.

The commission will be governed by a seven-member executive board, chaired by the Attorney General. The members will serve without compensation. The commission will have an executive director, appointed by the Governor, and employ such staff as necessary to accomplish its work, within the limits of available funds. In addition, a 15-member advisory council to the Juvenile Justice Commission is created.

The bill directs the commission to: assume the custody and care of all juveniles committed by court order; establish minimum standards for the treatment, care, and discipline of juveniles confined or adjudicated of delinquency; manage and operate all State juvenile facilities; prepare a statewide juvenile justice plan to identify facilities, sanctions and services available for juvenile delinquents; and administer the State/Community Partnership Grant Program. The State/Community Partnership Grant program will be established under the terms of a companion bill.

The bill also establishes an Office of Education within the commission to supervise the educational programs in juvenile facilities. The bill directs the office to establish primary, secondary, and vocational programs that meet the educational needs of school age persons for whom the commission is responsible. Presently, these functions are performed by the DOC and DHS.

The bill directs the DOC, through agreement with the commission, to provide central transportation, communication, and other services required by the commission in connection with the operation of State secure juvenile facilities and the custody and care of juveniles confined in these facilities. The bill also directs the DHS to formulate a plan to provide mental health services to juveniles in secure and non-secure juvenile facilities operated by the commission.

The bill directs the Parole Board to file all of its reports and recommendations regarding juvenile with the commission. It should be noted that the bill does not transfer parole officers or Human Service police officers to the commission. However, the bill directs

the DOC and DHS, through agreement with the commission, to provide for the assignment of officers to the commission.

Finally, this bill repeals N.J.S.A.2A:4A-49, which created the Juvenile Delinquency Disposition Commission, and N.J.S.A.2A:4A-91, which required each county to submit to the Department of Human Services a youth services plan.

Senate Bill No. 2211 [2R] is identical to Assembly Bill No. 2988 [1R].

FISCAL IMPACT:

The Department of Law and Public Safety estimates that \$76.9 million of funding appropriated in FY 1996 to the Departments of Corrections, Human Services, Law and Public Safety, and Education will be transferred to the commission under the terms of this bill. This figure is comprised of \$42.7 million of Direct State Services (DSS), \$5.8 million of grants-in-aid from DHS, \$13.4 million of state aid from the Department of Education (DOE) for the Quality Education Act, bond funds of \$10 million and federal funds of \$5 million.

In addition, a \$10 million appropriation for the Juvenile Justice Reform Initiative in the budget's interdepartmental accounts will be available to the commission. The department estimates that \$7 million of this \$10 million appropriation would be allocated to counties as State/Community Partnership grants to develop local juvenile programs. The remaining \$3 million of this appropriation would be used for: aftercare supervision of juvenile offenders (\$1.2 million); sexual offender treatment (\$1.2 million); and drug treatment services (\$600,000). The department estimates that this transferred and appropriated funding should be sufficient for the commission to carry out its responsibilities.

It should be noted that the administrative functions of the new commission will require funding. Details on the staffing and costs of the commission are not known at this time. The start-up and initial administrative costs may have to be borne by the Departments of Corrections, Law and Public Safety and Human Services.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2211

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 11, 1995

The Senate Law and Public Safety Committee favorably reports with committee amendments Senate Bill No. 2211.

This bill is part of the package of bills concerning the Governor's initiative on juvenile justice reform. This bill would establish the Juvenile Justice Commission, in, but not of, the Department of Law and Public Safety.

The final report of the Governor's Advisory Council on Juvenile Justice (issued December 30, 1994) has noted shortcomings in the current structure in which juvenile delinquents are served by several systems but are the priority of none. The Department of Corrections has the responsibility for secure care (the Training School for Boys and the Juvenile Medium Security Facility) but has the demands of the adult correctional system. The Department of Human Services has the responsibility for the non-secure and community-based residential programs, but has additional responsibilities and serves a population of which the juveniles represent a small fraction. Parole has the responsibility for supervising juvenile offenders but it is also burdened with an adult caseload. At the State level, the split between the Departments of Corrections and Human Services was implemented pursuant to a 1993 Executive Reorganization Plan issued by former Governor Florio. The report notes that the "current fragmentation of ownership and authority has contributed to overcrowding, poor program development and the lack of a continuum of services and sanctions from most to least restrictive."

A lack of centralized authority is evident among those dedicated to serving juveniles who provide planning, policy, services and advocacy. There are a variety of agencies, boards, commissions and councils. Again the report notes that this lack of coordination "...has reinforced the existing fragmentation, duplication and inefficiency."

The report cited the National Council on Crime and Delinquency, noting that the current trend is to remove the juvenile component from larger bureaucracies because these bureaucracies focus attention and resources on their other client populations to the detriment of the juveniles. In light of all this information, this bill proposes to create a centralized authority in the Juvenile Justice Commission.

The commission would be responsible for the operations of all State services for juveniles involved in the juvenile justice system. This bill would transfer all powers, duties and authority for the operation of juvenile services from the departments which currently are responsible for these services: the Department of Corrections (which operates the New Jersey Training School for Boys, the Juvenile Medium Security Facility and the Bureau of Parole, which

supervises juvenile parolees) and the Department of Human Services (which operates residential and day programs for juvenile delinquents). The commission would also be responsible for employing staff necessary to accomplish the work of the commission, including but not limited to deputy directors, superintendents and juvenile corrections officers.

The commission would consist of an executive director, an executive board and an advisory council. The executive director would be appointed by the Governor with the advice and consent of the Senate and would serve at the pleasure of the Governor during the Governor's term. The executive board would be chaired by the Attorney General, and the Commissioner of Corrections and the Commissioner of Human Services would serve as vice-chairs. Members of the board also would include the Commissioner of Education, the chair of the advisory council and two members who serve as chairs of a county youth service commission. The advisory council would consist of the Commissioners of Labor, Health, Community Affairs and Personnel, the Public Defender and 10 members with experience in the juvenile justice system.

This bill would also establish an Office of Education within the Juvenile Justice Commission. This office would be headed by the Director of Educational Services, whose duties would include establishing and supervising the educational programs in all juvenile facilities operated by the commission. The director would be appointed by the executive director of the commission with the approval of the executive board and would serve at the pleasure of the executive director.

This bill also would repeal N.J.S.A.2A:4A-49, which created the Juvenile Delinquency Disposition Commission, and N.J.S.A.2A:4A-91, which required each county to submit to the Department of Human Services a youth services plan.

The committee amended the bill to remove the requirement that the commission formulate and adopt standards and rules for its general administration. The amendments also provide for the inclusion of a county prosecutor selected by the Governor. The amendments also stagger the terms of council members appointed by the Governor, the Senate President and the Assembly Speaker.

In addition, the amendments require the commission to consult with the Department of Personnel when it establishes education and training qualifications for juvenile justice corrections officers. The amendments also eliminate the requirement that the appointment of juvenile justice corrections officers be completed in 18 months; specify that the primary concerns for the appointment agreements are public safety and safety within facilities and programs; and permit corrections officers who became juvenile justice corrections officers within 18 months after the bill's enactment to be eligible to compete for vacant positions within the Department of Corrections with full credit for experience, service and rank earned as a corrections officer and a juvenile justice officer.

The amendments also eliminate the requirement that the salary of the Director of Educational Services be fixed by the executive director of the commission, since the requirement conflicts with current law.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2211

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 28, 1995

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2211 (1R) with committee amendments.

Senate Bill No. 2211 (1R) as amended, is part of the Governor's legislative initiative on juvenile justice reform. This bill creates the Juvenile Justice Commission in, but not of, the Department of Law and Public Safety, to administer the State's juvenile justice system.

At present, the Department of Corrections (DOC) operates State secure juvenile facilities and supervises juvenile parolees through the Bureau of Parole. The Department of Human Services (DHS) operates non-secure residential and day programs in facilities for juveniles adjudicated delinquent.

The commission will be governed by a seven-member executive board, chaired by the Attorney General. The members will serve without compensation. The commission will have an executive director, appointed by the Governor, and employ such staff as necessary to accomplish its work, within the limits of available funds. In addition, a 15-member advisory council to the Juvenile Justice Commission is created.

The bill directs the commission to: assume the custody and care of all juveniles committed by court order; establish minimum standards for the treatment, care, and discipline of juveniles confined or adjudicated of delinquency; manage and operate all State juvenile facilities; prepare a statewide juvenile justice plan to identify facilities, sanctions and services available for juvenile delinquents; and administer the State/Community Partnership Grant Program. The State/Community Partnership Grant program will be established under the terms of a companion bill.

The bill also establishes an Office of Education within the commission to supervise the educational programs in juvenile facilities. The bill directs the office to establish primary, secondary, and vocational programs that meet the educational needs of school age persons for whom the commission is responsible. Presently, these functions are performed by the DOC and DHS.

The bill directs the DOC, through agreement with the commission, to provide central transportation, communication, and other services required by the commission in connection with the operation of State secure juvenile facilities and the custody and care of juveniles confined in these facilities. The bill also directs the DHS to formulate a plan to provide mental health services to juveniles in secure and non-secure juvenile facilities operated by the commission.

The bill directs the Parole Board to file all of its reports and recommendations regarding juvenile with the commission. It should be noted that the bill does not transfer parole officers or Human Service police officers to the commission. However, the bill directs the DOC and DHS, through agreement with the commission, to provide for the assignment of officers to the commission.

Finally, this bill repeals N.J.S.A.2A:4A-49, which created the Juvenile Delinquency Disposition Commission, and N.J.S.A.2A:4A-91, which required each county to submit to the Department of Human Services a youth services plan.

COMMITTEE AMENDMENTS

The committee amended the bill, at the request of the Attorney General, to clarify that any agreements between the new commission, the Commissioner of Corrections, the Commissioner of Human Services and the Attorney General for the orderly transfer of functions and programs called for in the bill be made under the "State Agency Transfer Act."

FISCAL IMPACT

The Department of Law and Public Safety estimates that \$76.9 million of funding appropriated in FY 1996 to the Departments of Corrections, Human Services, Law and Public Safety, and Education will be transferred to the commission under the terms of this bill. This figure is comprised of \$42.7 of Direct State Services (DSS), \$5.8 million of grants-in-aid from DHS, \$13.4 million of state aid from the Department of Education (DOE) for the Quality Education Act, bond funds of \$10 million and federal funds of \$5 million.

In addition, a \$10 million appropriation for the Juvenile Justice Reform Initiative in the budget's interdepartmental accounts will be available to the commission. The department estimates that the bulk (\$7 million) of this \$10 million appropriation would be allocated to counties as State/Community Partnership grants to develop local juvenile programs. The remaining \$3 million of this appropriation would be used for: aftercare supervision of juvenile offenders (\$1.2 million); sexual offender treatment (\$1.2 million); and drug treatment services (\$600,000). The department estimates that this transferred and appropriated funding should be sufficient for the commission to carry out its responsibilities.

It should be noted that the administrative functions of the new commission will require funding. Details on the staffing and costs of the commission are not known at this time. The Attorney General stated in testimony before this committee that the start-up and initial administrative costs of the commission will be borne by the Departments of Correction, Law and Public Safety and Human Services.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

CONTACT: Jayne Rebovich
(609) 777-2600

TRENTON, NJ 08625

RELEASE: Dec.15,1995

Gov. Christie Whitman today signed into law an overhaul of the juvenile justice system which promotes public safety, makes juveniles more accountable for their actions, and emphasizes prevention and early intervention.

The five-bill package of legislation creates a single agency to coordinate efforts to control juvenile crime, establishes a grant program to fund community-based programs and provides a continuum of responses to juvenile crime --from prevention and early intervention through incarceration, treatment and aftercare.

"This legislation gives the people of New Jersey a juvenile justice system that protects them from youths who commit crime and expect to get away with it because of their age," said Gov. Whitman. "We will hold them accountable for their actions, but we will also help them find a better way."

"The bills provide meaningful sentencing options for judges and true consequences for juvenile delinquents and their parents," she said.

Responding to an alarming increase in juvenile crime, Gov. Whitman established the Governor's Advisory Council on Juvenile Justice shortly after taking office in 1994 to find ways to improve and restructure the juvenile justice system. The legislation signed today implements the recommendations of the Council.

"The latest statistics show that violent crime committed by juveniles is increasing at a dramatic rate, with over 90,000 juveniles arrested in this state last year," said Gov. Whitman. "In 1994, 28 percent of all persons arrested for serious violent crimes were juveniles. These numbers clearly tell us that the time to act is now."

Attorney General Deborah T. Poritz, who chaired the Advisory Council stressed, "While this state is not alone in facing an increasingly serious juvenile crime problem,

S-2205/A-2991, sponsored by Senators Peter Inverso (R-Mercer/Middlesex) and Robert Singer (R-Burlington, Monmouth/Ocean) and Assemblymen Gary Stuhltrager (R-Salem/Cumberland/Gloucester) and Thomas Smith (R-Monmouth), amends the Juvenile Code to explicitly recognize accountability and public safety, along with rehabilitation, as key goals of the juvenile justice system. It also requires courts to consider the goals of accountability and public safety when determining whether to incarcerate a juvenile who has been adjudicated delinquent.

The bill also requires each term of incarceration to be followed by a term of community supervision up to one-third of the incarceration term ordered. This ensures that incarcerated juveniles who complete their term of incarceration, or "max out" and would otherwise receive no supervision on parole, will be supervised upon release.

This new law provides for greater parental responsibility by allowing family courts to order parents who fail to exercise reasonable supervision and control over juveniles who commit delinquent acts, to pay restitution. Current law limits parental restitution to juvenile auto theft cases.

Under current law, there is no way to hold a juvenile near the age of 18 accountable, other than imposing a term of incarceration, because a juvenile disposition terminates when the juvenile reaches the age of 18 or 1 year after the order, whichever is later. **S-2208/A-2992**, sponsored by Senators Jack Sinagra (R-Middlesex) and Andrew Ciesla (R-Monmouth/Ocean) and Assemblymen John Gibson (R-Cape May/Atlantic/Cumberland) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland), extends one year limitation on non-custodial dispositions to three years after the issuance of the order.

The bill also makes it clear that a juvenile who has been ordered to pay a fine or restitution is not absolved of the obligation when the order of disposition is terminated. A judgment for the amount owed will be docketed upon termination of the order and would have the same effect as a civil judgment.

"With these new laws I believe we will reduce juvenile delinquency and make living and working in New Jersey a safer proposition, said Gov. Whitman. "We will do this town by town, neighborhood by neighborhood, child by child."

with the signing of this legislation, New Jersey takes the forefront in addressing the problem."

"Gov. Whitman's commitment to juveniles and to public safety has driven the revamping of the juvenile services system being signed into law today. I am proud of the role my department has played in these efforts and look forward to working as a member of the executive board of the Juvenile Justice Commission to provide services to juveniles that will make a difference for them and for all of New Jersey," said Human Services Commissioner William Waldman, vice-chair of the Advisory Council.

For the first time, responsibility for juvenile correctional programs and other youth programs will be centralized in one agency. **S-2211/A-2988**, sponsored by Senators Louis Kosco (R-Bergen) and John Bennett (R-Monmouth) and Assemblywoman Rose Heck (R-Bergen) and Assemblyman Lee Solomon (R-Camden), creates the Juvenile Justice Commission in, but not of, the Department of Law and Public Safety. Currently, three state departments, Human Services, Corrections and Law and Public Safety each have a role in juvenile justice issues.

"Consolidating responsibility for all juvenile programs in the Commission is sensible, cost-effective, and treats the problem of juvenile crime with the seriousness that the public deserves and the problems demand," said Gov. Whitman.

"The Juvenile Justice Commission offers a real solution to problems that have been talked about for years," said Corrections Commissioner William H. Fauver, a member of the new panel. "The Corrections Department is looking forward to a long and successful partnership with the Commission aimed at keeping New Jersey's communities safe while giving troubled kids the help they need."

A grant program will provide funding for locally created juvenile services and sanctions, including prevention and early intervention, sanctions short of incarceration, and post-incarceration supervision for those who do serve time. The State/Community Partnership Grant program is created by **S-2210/A-2989**, sponsored by Senators William Gormley (R-Atlantic) and Andrew Ciesla (R-Monmouth/Ocean) and Assemblyman Paul Kramer (R-Mercer/Middlesex) and Assemblywoman Barbara Wright (R-Mercer/Middlesex). The FY 1996 budget allocates \$7 million for this program.

The partnership grants will be administered by county youth services commissions authorized by **S-2209/A-2990**, sponsored by Senators Louis Bassano (R-Essex/Union) and John Matheussen (R-Camden/Gloucester) and Assemblymen Christopher "Kip" Bateman (R-Morris/Somerset) and Patrick Roma (R-Bergen). Additionally, the county commissions will assess and prioritize the needs of youth involved or at risk of involvement in the juvenile justice system, develop and implement community programs for juveniles, and review and monitor existing programs to determine their effectiveness.

**REMARKS OF GOVERNOR CHRISTINE TODD WHITMAN
JUVENILE JUSTICE BILL SIGNING
STATE HOUSE
FRIDAY, DECEMBER 15, 1995**

I would like to thank everyone for coming.

We know that children are the hope for our future and deserve our care.

At the same time, we know that we have lost too many children to crime, cheating everyone of the future we all could have and enjoy.

We also know that violent juvenile crime continues to rise in New Jersey and around the country. The most recent available statistics indicate that one in every six alleged killers and one in every three accused rapists is 17 or younger.

And yet, the juvenile justice system on which we rely both to protect us and to turn troubled and troubling youngsters around has itself been breaking down for years. For too long, our juvenile justice system has been ill-equipped to meet the growing problems.

New Jersey needs a juvenile justice system that will accomplish several important goals:

It should promote and protect the public's safety and security;

It should reduce juvenile delinquency;

It should turn troubled youth away from a road that will only lead to further trouble;

And it should hold juvenile offenders accountable for their actions.

In my first weeks as Governor, I saw first-hand how our uncoordinated approach to dealing with youthful offenders was getting the best of us. We simply weren't intervening early or effectively enough to steer troubled youngsters away from crime-ridden lives.

Reforming juvenile justice became for me more than just another policy initiative. I saw it as a critical mission to save our future. A future where law-abiding citizens feel safe and secure in their homes and neighborhoods. A future toward which every child could look with hope.

That is why I immediately formed the Juvenile Justice Advisory Council and charged its members with the task of overhauling the entire system. That is also why I called upon the Legislature, the clergy, educators, judges, prosecutors, counselors, police officers, detention officers, and citizens from every walk of life to join us on this mission.

I don't think I've ever seen so many people mobilize so quickly and work together so well. There have been no turf battles. There has been no partisanship or petty squabbling. Instead, everyone has put children and public safety first.

Thanks to this spirit of partnership, I can stand here and pronounce that our mission officially begins today.

The package of legislation I am about to sign will create an efficient, unified juvenile justice system that promotes prevention and early intervention while answering the public demand for accountability.

The first order of business is to get our own house in order. Today, we establish a single Juvenile Justice Commission that will bring together all the elements of juvenile justice in one unit, with one voice, and one central mission -- to deal effectively with juveniles who have either broken the law or are at risk of committing crimes.

While the Juvenile Justice Commission will provide the coordination and administer the resources, our reforms recognize that those closest to the problems in communities have a better take on what's needed to solve those problems.

That is why we are creating the State/Community Partnership Grant Program. It's a state block grant approach that supports local efforts to fight juvenile crime and deal with youthful offenders.

Our reforms authorize county-level Youth Services Commissions to administer the partnership grants.

These commissions will bring together key decision makers in the juvenile justice system with citizens who care. As partners, they will create local solutions to local problems.

The beauty of this whole structure is that you will have one coordinated state entity working in partnership with county and local governments. The assistance will flow from Trenton, but the solutions will come from the local level. Having chaired the Somerset County Youth Services Commission, I can attest that this approach works.

I also know from experience that partnerships work. As I remarked a moment ago, juvenile justice reform will succeed in New Jersey as long as we all stick together and keep our focus on our children and public safety.

We have come far in a short time already.

We are making changes that will give the people of New Jersey a juvenile justice system that protects them from youths who commit crime and expect to get away with it because of their age.

And we must also make sure young people know, that while we will hold them accountable for their actions, we are also willing to help them find a better way.

But we're a long way from being able to say, "Mission accomplished." The juvenile justice system suffered from years of neglect. While we've begun to straighten out the system, I am not so naive to predict that juvenile crime will drop precipitously overnight. We have to give our reforms time to produce the results we're seeking.

We also have to give children more of our time. Because when all is said and done, every citizen has to be part of the solution. We need to remind ourselves: How much time do we as parents spend talking to our kids and listening to them? How many activities do we share with them? How much does it take for a teacher in the classroom, the cop on the beat, the good neighbor next door, to take a kid under their wing and make a positive difference in that child's life?

If we give the time, we can prevent a lot of crime.

Before I sign this legislation, I want to thank all the bill sponsors and their colleagues in the Legislature, my staff, and my Cabinet for engineering a complete overhaul of our juvenile justice system. I want to particularly thank Attorney General Poritz, Commissioners Waldman and Fauver, Policy Advisor Bruce Stout, and every member of the Juvenile Justice Advisory Commission for taking a vision and making it real. You all have lived up to the highest ideals of public service.

Now, I will sign the legislation.