

**LEGISLATIVE HISTORY CHECKLIST**  
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(Juvenile justice reforms)

**NJSA:** 2A:4A-21

**LAWS OF:** 1995 **CHAPTER:** 280

**BILL NO:** S2205

**SPONSOR(S):** Inverso and others

**DATE INTRODUCED:** June 26, 1995

**COMMITTEE:** **ASSEMBLY** ---  
**SENATE:** Law & Public Safety

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

**DATE OF PASSAGE:** **ASSEMBLY:** November 30, 1995  
**SENATE:** October 19, 1995

**DATE OF APPROVAL:** December 15, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** No  
**SENATE:** Yes *DUPLICATES SPONSOR'S STATEMENT EXCEPT FOR COMM. AMENDMENTS*

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** Yes *PRESS RELEASE + PREPARED REMARKS*

**FOLLOWING WERE PRINTED:**

**REPORTS:** Yes

**HEARINGS:** Yes

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

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

See newspaper clippings--attached:  
"New laws target young offenders," 12-15-95, Asbury Park Press.  
"Whitman signs juvenile crime bills," 12-16-95, The Record.  
"New laws target young offenders," 12-16-95, Inquirer.

974.90 New Jersey. Legislatiure. Senate, Law & Public Safety Committee.  
J97 Committee meeting on S2205..., held 9-11-95, Trenton, 1995.  
1995

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[FIRST REPRINT]  
SENATE, No. 2205

STATE OF NEW JERSEY

INTRODUCED JUNE 26, 1995

By Senators INVERSO, SINGER and Ciesla

1 AN ACT concerning juvenile justice <sup>1</sup>and corrections<sup>1</sup> and  
2 revising various parts of the statutory law.

3

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

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

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

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

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

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

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

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

35 (cf: P.L.1982, c.77, s.2)

36 2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to read  
37 as follows:

38 3. General definitions. As used in this act:

39 a. "Juvenile" means an individual who is under the age of 18  
40 years.

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

42 c. "Detention" means the temporary care of juveniles in

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 September 28, 1995.

1 physically restricting facilities pending court disposition.

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

4 e. "Commit" means to transfer legal custody to an  
5 institution.

6 f. "Guardian" means a person, other than a parent, to whom  
7 legal custody of the child has been given by court order or who is  
8 acting in the place of the parent or is responsible for the care and  
9 welfare of the juvenile.

10 g. "Juvenile-family crisis" means behavior, conduct or a  
11 condition of a juvenile, parent or guardian or other family  
12 member which presents or results in (1) a serious threat to the  
13 well-being and physical safety of a juvenile, or (2) a serious  
14 conflict between a parent or guardian and a juvenile regarding  
15 rules of conduct which has been manifested by repeated disregard  
16 for lawful parental authority by a juvenile or misuse of lawful  
17 parental authority by a parent or guardian, or (3) unauthorized  
18 absence by a juvenile for more than 24 hours from his home, or  
19 (4) a pattern of repeated unauthorized absences from school by a  
20 juvenile subject to the compulsory education provision of Title  
21 18A of the New Jersey Statutes.

22 h. "Repetitive disorderly persons offense" means the second or  
23 more disorderly persons offense committed by a juvenile on at  
24 least two separate occasions and at different times.

25 i. "Court" means the Superior Court, Chancery Division,  
26 Family Part unless a different meaning is plainly required.

27 j. "Commission" means the Juvenile Justice Commission  
28 established pursuant to section 2 of P.L. , c. (C. )(now  
29 pending before the Legislature as section 2 of Assembly Bill No.  
30 of 1995 or Senate Bill No. of 1995).

31 (cf: P.L.1991, c.91, s.4)

32 3. Section 6 of P.L.1982, c.77 (C.2A:4A-25) is amended to read  
33 as follows:

34 6. Transfer from other courts. Except as provided in section 4  
35 of P.L.1982, c.77 (C.2A:4A-23), and unless jurisdiction has been  
36 waived under section 7 of P.L.1982, c.77 (C.2A:4A-26), if during  
37 the pendency in any other court of a case charging a person with  
38 a crime, offense or violation, it is ascertained that such person  
39 was a juvenile at the time of the crime, offense or violation  
40 charged, such court shall immediately transfer such case to the  
41 Superior Court, Chancery Division, Family Part. The Family Part  
42 shall thereupon proceed in the same manner as if the case had  
43 been instituted under this chapter in the first instance.

44 (cf: P.L.1991, c.91, s.5)

45 4. Section 9 of P.L.1982, c.77 (C.2A:4A-28) is amended to read  
46 as follows:

47 9. Effect of referral to other court. Whenever a case is  
48 referred to another court as provided by section 7 of P.L.1982,  
49 c.77 (C.2A:4A-26) or section 8 of P.L.1982, c.77 (C.2A:4A-27),  
50 that case shall thereafter proceed in the same manner as if the  
51 case had been instituted in that court in the first instance.

52 (cf: P.L.1982, c.77, s.9)

53 5. Section 10 of P.L.1982, c.77 (C.2A:4A-29) is amended to  
54 read as follows:

1       10. Use of juvenile's testimony at referral hearing. No  
2 testimony of a juvenile at a hearing pursuant to section 7 of  
3 P.L.1982, c.77 (C.2A:4A-26) or section 8 of P.L.1982, c.77  
4 (C.2A:4A-27) shall be admissible for any purpose in any hearing  
5 to determine delinquency or guilt of any offense.

6 (cf: P.L.1982, c.77, s.10)

7       6. Section 13 of P.L.1982, c.77 (C.2A:4A-32) is amended to  
8 read as follows:

9       13. Short-term custody. a. Under no circumstances shall any  
10 juvenile taken into short-term custody under section 12 of [this  
11 act] P.L.1982, c.77 (C.2A:4A-31) be held more than 6 hours. A  
12 juvenile taken into short-term custody shall not be retained in a  
13 detention facility or jail. As used in this section, the  
14 juvenile-family crisis intervention unit means that unit  
15 established pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.).

16       b. An officer taking a juvenile into short-term custody shall  
17 inform the juvenile of the reason for custody and shall where  
18 possible transport, or arrange to have the juvenile transported to  
19 his home. The officer releasing a juvenile from such custody  
20 shall inform the juvenile's parents or guardian and the  
21 juvenile-family crisis intervention unit of the reason for taking  
22 the juvenile into custody and may, if he believes further services  
23 are needed, inform the juvenile and his parents of the nature and  
24 location of appropriate services.

25       c. A law enforcement officer taking a juvenile into short-term  
26 custody may transport the juvenile to the home of a relative of  
27 the juvenile or to the home of another responsible adult or make  
28 arrangement for such transportation where the officer reasonably  
29 believes that the child will be provided with adequate care and  
30 supervision and that the child will remain in custody of the adult  
31 until such time as the juvenile-family crisis intervention unit can  
32 bring about the child's return home or an alternative living  
33 arrangement or out of home placement. A law enforcement  
34 officer placing a juvenile with a relative or responsible adult shall  
35 immediately notify the juvenile-family crisis intervention unit of  
36 this fact and the reason for taking the juvenile into custody.

37       d. A law enforcement officer acting reasonably and in good  
38 faith pursuant to this section in releasing a juvenile to a person  
39 other than a parent of a juvenile is immune from civil or criminal  
40 liability for his action. A person other than a parent of the  
41 juvenile who receives a child pursuant to this section and who  
42 acts reasonably and in good faith in doing so is immune from civil  
43 or criminal liability for the act of receiving the child. Immunity  
44 shall not release a person from liability under any other laws,  
45 including the laws regulating licensed child care or prohibiting  
46 child abuse and neglect.

47 (cf: P.L.1982, c.77, s.13)

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

50       18. Place of detention or shelter. a. The [State Department  
51 of Corrections] Juvenile Justice Commission established pursuant  
52 to section 2 of P.L. c. (C. )(now pending before the  
53 Legislature as section 2 of Assembly Bill No. of 1995 or Senate  
54 Bill No. of 1995) shall specify the place where a juvenile may

1 be detained; and the Department of Human Services shall specify  
2 where a juvenile may be placed in shelter.

3 b. No juvenile shall be placed in detention or shelter care in  
4 any place other than that specified by the [State Department of  
5 Corrections] Juvenile Justice Commission or Department of  
6 Human Services as provided in subsection a.

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

22 d. No juvenile charged with delinquency shall be transferred to  
23 an adult county jail solely by reason of having reached age 18.

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

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

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

43 (2) Upon making such determination, the commission or  
44 department shall notify the governing body of the appropriate  
45 county of its decision to impose such a restriction, which  
46 notification shall include a written statement specifying the  
47 reasons therefor and corrections to be made. If the commission or  
48 department shall determine that no appropriate action has been  
49 initiated by the administrator of the facility or shelter within 60  
50 days following such notification to correct the violations  
51 specified in the notification, it shall order that such juvenile  
52 detention facility or shelter shall immediately cease to admit  
53 juveniles. The county shall be entitled to a hearing where such a  
54 restriction is imposed by the commission or department.

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

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

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

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

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

37 (cf: P.L.1989, c.125, s.2)

38 8. Section 19 of P.L.1982, c.77 (2A:4A-38) is amended to read  
39 as follows:

40 19. Detention hearing. a. When a juvenile is taken into  
41 custody and detained a complaint shall be filed forthwith as  
42 provided by the Rules of Court. The court shall determine  
43 whether detention is required pursuant to the criteria provided  
44 for in section 15 of [this act] of P.L.1982, c.77 (C.2A:4A-34).

45 b. Notice of the detention hearing, either oral or written,  
46 stating the time, place, and purpose of the hearing shall be given  
47 to the juvenile and to [his or her] the juvenile's parent or parents,  
48 or guardian, if any, if they can be contacted.

49 c. The detention hearing shall be conducted in accordance with  
50 the Rules of Court and shall be attended by the juvenile and one  
51 or both parents, or guardian, but may take place in the absence of  
52 parent or guardian if such notice or process fails to produce their  
53 attendance.

54 d. When the judge finds that detention is not necessary or

1 required, the court shall order the juvenile's release and may  
2 place such conditions, if any, upon release as are consistent with  
3 the purposes of this act, Rules of Court, and as are provided for  
4 in section 15 of [this act] P.L.1982, c.77 (C.2A:4A-34).

5 e. The initial detention hearing shall be held no later than the  
6 morning following the juvenile's placement in detention including  
7 weekends and holidays.

8 f. If a delinquency complaint has not been filed by the time  
9 the initial detention hearing has been held, the juvenile shall be  
10 released from custody immediately.

11 g. When the court determines that detention is necessary  
12 pursuant to section 15 of [this act] P.L.1982, c.77 (C.2A:4A-34),  
13 the court order continuing the juvenile's detention shall be  
14 supported by reasons and findings of fact on the record.

15 h. If the juvenile is not represented by counsel at the initial  
16 detention hearing and if the court continues [his] the juvenile's  
17 detention after the hearing, the court shall forthwith schedule a  
18 second detention hearing to be held within two court days  
19 thereafter at which time the juvenile shall be represented by  
20 counsel as provided by the Rules of Court.

21 i. There shall be a probable cause determination where a  
22 juvenile has been charged with delinquency and has been placed in  
23 detention, within two court days after the initial hearing or,  
24 where a second detention hearing is necessary pursuant to  
25 subsection h. of this section, at that hearing.

26 j. A detention review hearing with counsel shall be held within  
27 14 court days of the prior detention hearing and if detention is  
28 continued, detention review hearings shall be held thereafter at  
29 intervals not to exceed 21 court days.

30 k. When a juvenile is detained, an adjudicatory hearing shall be  
31 held no later than 30 days from the date of detention. If no  
32 adjudicatory hearing is held within 30 days, the court shall, within  
33 72 hours of a motion by the juvenile, fix a date certain for the  
34 adjudicatory hearing unless an extension is granted by the court  
35 for good cause shown. Written notice of any application for a  
36 postponement shall be sent to the juvenile's counsel who shall  
37 have the right to be heard on the application.

38 l. When a juvenile has been adjudicated delinquent and is  
39 awaiting transfer to a dispositional alternative that does not  
40 involve a secure residential or out of home placement and  
41 continued detention is necessary, the juvenile shall [not be  
42 detained in a secure facility but shall] be transferred to a  
43 non-secure facility.

44 (cf: P.L.1989, c.306, s.2)

45 9. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to  
46 read as follows:

47 23. Predispositional evaluation. a. Before making a  
48 disposition, the court may refer the juvenile to an appropriate  
49 individual, agency or institution for examination and evaluation.

50 b. In arriving at a disposition, the court may also consult with  
51 such individuals and agencies as may be appropriate to the  
52 juvenile's situation, including the county probation [department]  
53 division, the Division of Youth and Family Services, the Juvenile  
54 Justice Commission established pursuant to section 2 of P.L.

1 c. (C. )(now pending before the Legislature as section 2 of  
2 Assembly Bill No. of 1995 or Senate Bill No. of 1995), the  
3 county youth services commission, school personnel, clergy, law  
4 enforcement authorities, family members and other interested  
5 and knowledgeable parties. In so doing, the court may convene a  
6 predispositional conference to discuss and recommend disposition.

7 c. The predisposition report ordered pursuant to the Rules of  
8 Court may include a statement by the victim of the offense for  
9 which the juvenile has been adjudicated delinquent or by the  
10 nearest relative of a homicide victim. The statement may include  
11 the nature and extent of any physical harm or psychological or  
12 emotional harm or trauma suffered by the victim, the extent of  
13 any loss to include loss of earnings or ability to work suffered by  
14 the victim and the effect of the crime upon the victim's family.  
15 The probation [department] division shall notify the victim or  
16 nearest relative of a homicide victim of his right to make a  
17 statement for inclusion in the predisposition report if the victim  
18 or relative so desires. Any statement shall be made within 20  
19 days of notification by the probation [department] division. Any  
20 predisposition report prepared pursuant to this section shall  
21 include an analysis of the circumstances attending the  
22 commission of the act, the offender's history of delinquency or  
23 criminality, family situation, financial resources, the financial  
24 resources of the juvenile's parent or guardian, and information  
25 concerning the parent or guardian's exercise of supervision and  
26 control relevant to commission of the act.

27 Information concerning financial resources included in the  
28 report shall be made available to any officer authorized to  
29 collect payment on any assessment, restitution or fine.

30 (cf: P.L.1986, c.85, s.2)

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

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

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

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

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

41 (4) Whether the disposition supports family strength,  
42 responsibility and unity and the well-being and physical safety of  
43 the juvenile;

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

49 (6) Whether the disposition recognizes and treats the unique  
50 physical, psychological and social characteristics and needs of the  
51 child;

52 (7) Whether the disposition contributes to the developmental  
53 needs of the child, including the academic and social needs of the  
54 child where [he] the child has mental retardation or learning  
55 disabilities; and



1 (8) Any other circumstances related to the offense and the  
2 juvenile's social history as deemed appropriate by the court.

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

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

18 (2) Release the juvenile to the supervision of [his or her] the  
19 juvenile's parent or guardian;

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

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

28 (5) Place the juvenile under the care of the Department of  
29 Human Services under the responsibility of the Division of Youth  
30 and Family Services pursuant to [subsection (c) of P.L.1951,  
31 c.138, s.2 (C.30:4C-2)] P.L.1951, c.138 (C.30:4C-1 et. seq.) for  
32 the purpose of providing services in or out of the home. Within  
33 14 days, unless for good cause shown, but not later than 30 days,  
34 the Department of Human Services shall submit to the court a  
35 service plan, which shall be presumed valid, detailing the  
36 specifics of any disposition order. The plan shall be developed  
37 within the limits of fiscal and other resources available to the  
38 department. If the court determines that the service plan is  
39 inappropriate, given existing resources, the department may  
40 request a hearing on that determination;

41 (6) Place the juvenile under the care and custody of the  
42 Commissioner of the Department of Human Services for the  
43 purpose of receiving the services of the [Division of Mental  
44 Retardation] Division of Developmental Disabilities of that  
45 department, provided that the juvenile has been determined to be  
46 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

47 (7) Commit the juvenile, pursuant to <sup>1</sup>[the] applicable<sup>1</sup> laws  
48 and the Rules of Court<sup>1</sup> governing civil commitment, to the  
49 Department of Human Services under the responsibility of the  
50 Division of Mental Health [and Hospitals] Services for the purpose  
51 of placement in a suitable public or private hospital or other  
52 residential facility for the treatment of persons who are mentally  
53 ill, on the ground that the juvenile [, if not committed, would be a

1 probable danger to himself or others or property by reason of  
2 mental illness] is in need of involuntary commitment <sup>1</sup>[within the  
3 meaning of section 2 of P.L.1987, c.116 (C.30:4-27.2) or the  
4 Rules of Court]<sup>1</sup>;

5 (8) Fine the juvenile an amount not to exceed the maximum  
6 provided by law for such a crime or offense if committed by an  
7 adult and which is consistent with the juvenile's income or ability  
8 to pay and financial responsibility to [his] the juvenile's family,  
9 provided that the fine is specially adapted to the rehabilitation of  
10 the juvenile or to the deterrence of the type of crime or offense.  
11 If the fine is not paid due to financial limitations, the fine may be  
12 satisfied by requiring the juvenile to submit to any other  
13 appropriate disposition provided for in this section;

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

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

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

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

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

52 (14) Place the juvenile in a suitable residential or  
53 nonresidential program for the treatment of alcohol or narcotic

1 abuse, provided that the juvenile has been determined to be in  
2 need of such services; or

3 (15) Order the parent or guardian of the juvenile to participate  
4 in appropriate programs or services when the court has found  
5 either that such person's omission or conduct was a significant  
6 contributing factor towards the commission of the delinquent act,  
7 or, under its authority to enforce litigant's rights, that such  
8 person's omission or conduct has been a significant contributing  
9 factor towards the ineffective implementation of a court order  
10 previously entered in relation to the juvenile;

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

17 (b) Place the juvenile under the custody of the [Department of  
18 Corrections] Juvenile Justice Commission established pursuant to  
19 section 2 of P.L. c. (C. )(now pending before the Legislature  
20 as section 2 of Assembly Bill No. of 1995 or Senate Bill No. of  
21 1995) for placement with any private group home or private  
22 residential facility with which the [department] commission has  
23 entered into a purchase of service contract;

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

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

38 (19) Order a parent or guardian who has failed or neglected to  
39 exercise reasonable supervision or control of a juvenile who has  
40 been adjudicated delinquent [for an offense which, if committed  
41 by an adult, would constitute the crime of theft of a motor  
42 vehicle or unlawful taking of a motor vehicle] to make restitution  
43 to any person or entity who has suffered a loss as a result of that  
44 offense. The court may determine the reasonable amount, terms  
45 and conditions of restitution.

46 c. (1) Except as otherwise provided in subsections e. and f. of  
47 this section, if the county in which the juvenile has been  
48 adjudicated delinquent has a juvenile detention facility meeting  
49 the physical and program standards established pursuant to this  
50 subsection by the [Department of Corrections] Juvenile Justice  
51 Commission, the court may, in addition to any of the dispositions  
52 not involving placement out of the home enumerated in this  
53 section, incarcerate the juvenile in the youth detention facility in  
54 that county for a term not to exceed 60 consecutive days.

1 Counties which do not operate their own juvenile detention  
2 facilities may contract for the use of approved commitment  
3 programs with counties with which they have established  
4 agreements for the use of pre-disposition juvenile detention  
5 facilities. The [Department of Corrections] Juvenile Justice  
6 Commission shall promulgate such rules and regulations from  
7 time to time as deemed necessary to establish minimum physical  
8 facility and program standards for the use of juvenile detention  
9 facilities pursuant to this subsection.

10 (2) No juvenile may be incarcerated in any county detention  
11 facility unless the county has entered into an agreement with the  
12 [Department of Corrections] Juvenile Justice Commission  
13 concerning the use of the facility for sentenced juveniles. Upon  
14 agreement with the county, the [Department of Corrections]  
15 Juvenile Justice Commission shall certify detention facilities  
16 which may receive juveniles sentenced pursuant to this subsection  
17 and shall specify the capacity of the facility that may be made  
18 available to receive such juveniles; provided, however, that in no  
19 event shall the number of juveniles incarcerated pursuant to this  
20 subsection exceed 50% of the maximum capacity of the facility.

21 (3) The court may fix a term of incarceration under this  
22 subsection where:

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

26 (b) Incarceration of the juvenile is consistent with the  
27 [rehabilitative] goals of [this act] public safety, accountability  
28 and rehabilitation and the court is clearly convinced that the  
29 aggravating factors substantially outweigh the mitigating factors  
30 as set forth in section 25 of [this act] P.L.1982, c.77  
31 (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 [Department of Corrections] 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  
46 year beyond the maximum duration permissible for the delinquent  
47 if [he has] the juvenile had been committed to a [correctional  
48 institution] term of incarceration.

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

53 (1) An order of incarceration for a term of the duration  
54 authorized pursuant to this section or section 25 of P.L.1982, c.77

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

9 (2) An order of incarceration for a term of the duration  
10 authorized pursuant to this section or section 25 of P.L.1982, c.77  
11 (C.2A:4A-44) which shall include a minimum term of 60 days  
12 during which the juvenile shall be ineligible for parole, if the  
13 juvenile has been adjudicated delinquent for an act which, if  
14 committed by

15 an adult, would constitute the crime of aggravated assault in  
16 violation of paragraph (6) of subsection b. of N.J.S.2C:12-1, the  
17 second degree crime of eluding in violation of subsection b. of  
18 N.J.S.2C:29-2, or theft of a motor vehicle, in a case in which the  
19 juvenile has previously been adjudicated delinquent for an act,  
20 which if committed by an adult, would constitute unlawful taking  
21 of a motor vehicle or theft of a motor vehicle;

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

28 (4) An order of incarceration for a term of the duration  
29 authorized pursuant to this section or section 25 of P.L.1982, c.77  
30 (C.2A:4A-44) which shall include a minimum term of 30 days  
31 during which the juvenile shall be ineligible for parole, if the  
32 juvenile has been adjudicated delinquent for an act which, if  
33 committed by an adult, would constitute the crime of unlawful  
34 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the  
35 third degree crime of eluding in violation of subsection b. of  
36 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated  
37 delinquent for an act which, if committed by an adult, would  
38 constitute either theft of a motor vehicle, the unlawful taking of  
39 a motor vehicle or eluding.

40 f. (1) The minimum terms of incarceration required pursuant  
41 to subsection e. of this section shall be imposed regardless of the  
42 weight or balance of factors set forth in this section or in section  
43 25 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of  
44 those factors shall determine the length of the term of  
45 incarceration appropriate, if any, beyond any mandatory  
46 minimum term required pursuant to subsection e. of this section.

47 <sup>1</sup>[No time spent in custody prior to adjudication of delinquency  
48 shall be considered as time served on a mandatory minimum term  
49 of incarceration pursuant to subsection e. of this section.]<sup>1</sup>

50 (2) When a court in a county that does not have a juvenile  
51 detention facility or a contractual relationship permitting  
52 incarceration pursuant to subsection c. of this section is required  
53 to impose a term of incarceration pursuant to subsection e. of  
54 this section, the court may, subject to limitations on commitment

1 to State correctional facilities of juveniles who <sup>1</sup>are<sup>1</sup> under the  
2 age of 11 or developmentally disabled, set a term of  
3 incarceration consistent with subsection c. which shall be served  
4 in a State correctional facility. When a juvenile who because of  
5 age or developmental disability cannot be committed to a State  
6 correctional facility or cannot be incarcerated in a county  
7 facility, the court shall order a disposition appropriate as an  
8 alternative to any incarceration required pursuant to subsection e.

9 (3) For purposes of subsection e. of this section, in the event  
10 that a "boot camp" program for juvenile offenders should be  
11 developed and is available, a term of commitment to such a  
12 program shall be considered a term of incarceration.

13 (cf: P.L.1993, c.133, s.1)

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

16 25. Incarceration--Aggravating and mitigating factors.

17 a. (1) Except as provided in subsections e. and f. of section 24  
18 of P.L.1982, c.77 (C.2A:4A-43), in determining whether  
19 incarceration is an appropriate disposition, the court shall  
20 consider the following aggravating circumstances:

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

24 (b) The fact that there was grave and serious harm inflicted on  
25 the victim and that based upon [his] the juvenile's age or mental  
26 capacity the juvenile knew or reasonably should have known that  
27 the victim was particularly vulnerable or incapable of resistance  
28 due to advanced age, disability, ill-health, or extreme youth, or  
29 was for any other reason substantially incapable;

30 (c) The character and attitude of the juvenile indicate that  
31 [he] the juvenile is likely to commit another delinquent or  
32 criminal act;

33 (d) The juvenile's prior record and the seriousness of any acts  
34 for which [he] the juvenile has been adjudicated delinquent;

35 (e) The fact that the juvenile committed the act pursuant to  
36 an agreement that [he] the juvenile either pay or be paid for the  
37 commission of the act and that the pecuniary incentive was  
38 beyond that inherent in the act itself;

39 (f) The fact that the juvenile committed the act against a  
40 policeman or other law enforcement officer, correctional  
41 employee or fireman, acting in the performance of his duties  
42 while in uniform or exhibiting evidence of his authority, or the  
43 juvenile committed the act because of the status of the victim as  
44 a public servant;

45 (g) The need for deterring the juvenile and others from  
46 violating the law;

47 (h) The fact that the juvenile knowingly conspired with others  
48 as an organizer, supervisor, or manager to commit continuing  
49 criminal activity in concert with two or more persons and the  
50 circumstances of the crime show that he has knowingly devoted  
51 himself to criminal activity as part of an ongoing business  
52 activity;

53 (i) The fact that the juvenile on two separate occasions was  
54 adjudged a delinquent on the basis of acts which if committed by  
55 an adult would constitute crimes.

- 1 (2) In determining whether incarceration is an appropriate  
2 disposition the court shall consider the following mitigating  
3 circumstances:
- 4 (a) The child is under the age of 14;
- 5 (b) The juvenile's conduct neither caused nor threatened  
6 serious harm;
- 7 (c) The juvenile did not contemplate that [his] the juvenile's  
8 conduct would cause or threaten serious harm;
- 9 (d) The juvenile acted under a strong provocation;
- 10 (e) There were substantial grounds tending to excuse or justify  
11 the juvenile's conduct, though failing to establish a defense;
- 12 (f) The victim of the juvenile's conduct induced or facilitated  
13 its commission;
- 14 (g) The juvenile has compensated or will compensate the  
15 victim for the damage or injury that the victim has sustained, or  
16 will participate in a program of community service;
- 17 (h) The juvenile has no history of prior delinquency or criminal  
18 activity or has led a law-abiding life for a substantial period of  
19 time before the commission of the present act;
- 20 (i) The juvenile's conduct was the result of circumstances  
21 unlikely to recur;
- 22 (j) The character and attitude of the juvenile indicate that [he]  
23 the juvenile is unlikely to commit another delinquent or criminal  
24 act;
- 25 (k) The juvenile is particularly likely to respond affirmatively  
26 to noncustodial treatment;
- 27 (l) The separation of the juvenile from [his] the juvenile's  
28 family by incarceration of the juvenile would entail excessive  
29 hardship to [himself or his] the juvenile or the juvenile's family;
- 30 (m) The willingness of the juvenile to cooperate with law  
31 enforcement authorities;
- 32 (n) The conduct of the juvenile was substantially influenced by  
33 another person more mature than the juvenile.
- 34 b. (1) There shall be a presumption of nonincarceration for  
35 any crime or offense of the fourth degree or less committed by a  
36 juvenile who has not previously been adjudicated delinquent or  
37 convicted of a crime or offense.
- 38 (2) Where incarceration is imposed, the court shall consider  
39 the juvenile's eligibility for release under the law governing  
40 parole.
- 41 c. The following juveniles shall not be committed to a State  
42 [correctional] juvenile facility:
- 43 (1) Juveniles age 11 or under unless adjudicated delinquent for  
44 the crime of arson or a crime which, if committed by an adult,  
45 would be a crime of the first or second degree; and
- 46 (2) Juveniles who are developmentally disabled as defined in  
47 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82  
48 (C.30:6D-3).
- 49 d. (1) When the court determines that, based on the  
50 consideration of all the factors set forth in subsection a., the  
51 juvenile shall be incarcerated, unless it orders the incarceration  
52 pursuant to subsection c. of section 24 of [this act] of P.L.1982,  
53 c.77 (C.2A:4A-43), it shall state on the record the reasons for  
54 imposing incarceration, including any findings with regard to  
55 these factors, and commit the juvenile to [a suitable institution

1 maintained by the Department of Corrections for the  
2 rehabilitation of delinquents] the custody of the Juvenile Justice  
3 Commission which shall provide for the juvenile's placement in a  
4 suitable juvenile facility pursuant to the conditions set forth in  
5 this subsection and for terms not to exceed the maximum terms  
6 as provided herein for what would constitute the following crimes  
7 if committed by an adult:

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

15 (2) Except as provided in subsection e. of section 24 of  
16 P.L.1982, c.77 (C.2A:4A-43), the period of confinement shall  
17 continue until the appropriate paroling authority determines that  
18 such a person should be paroled; except that in no case shall the  
19 period of confinement and parole exceed the maximum provided  
20 by law for such offense. However, if a juvenile is approved for  
21 parole prior to serving one-third of any term imposed for any  
22 crime of the first, second or third degree, including any extended  
23 term imposed pursuant to paragraph (3) or (4) of this subsection,  
24 or one-fourth of any term imposed for any other crime the  
25 granting of parole shall be subject to approval of the sentencing  
26 court. Prior to approving parole, the court shall give the  
27 prosecuting attorney notice and an opportunity to be heard. If  
28 the court denies the parole of a juvenile pursuant to this  
29 paragraph it shall state its reasons in writing and notify the  
30 parole board, the juvenile and the juvenile's attorney. The court  
31 shall have 30 days from the date of notice of the pending parole  
32 to exercise the power granted under this paragraph. If the court  
33 does not respond within that time period, the parole will be  
34 deemed approved.

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

50 (3) Upon application by the prosecutor, the court may sentence  
51 a juvenile who has been convicted of a crime of the first, second,  
52 or third degree if committed by an adult, to an extended term of  
53 incarceration beyond the maximum set forth in paragraph (1) of  
54 this subsection, if it finds that the juvenile was adjudged  
55 delinquent on at least two separate occasions, for offenses which,



1 if committed by an adult, would constitute a crime of the first or  
2 second degree, and was previously committed to an adult or  
3 juvenile [State correctional] facility. The extended term shall  
4 not exceed five additional years for an act which would  
5 constitute murder and shall not exceed two additional years for  
6 all other crimes of the first degree or second degree, if  
7 committed by an adult, and one additional year for a crime of the  
8 third degree, if committed by an adult.

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

18 (5) Every disposition that includes a term of incarceration  
19 shall include a term of <sup>1</sup>[community] post-incarceration<sup>1</sup>  
20 supervision equivalent to one-third of the term of incarceration  
21 imposed. During the term of <sup>1</sup>[community] post-incarceration<sup>1</sup>  
22 supervision the juvenile shall remain in <sup>1</sup>the community and in<sup>1</sup>  
23 the legal custody of the Juvenile Justice Commission established  
24 pursuant to section 2 of P.L. c. (C. )(now pending before the  
25 Legislature as section 2 of Assembly Bill No. of 1995 or Senate  
26 Bill No. of 1995) in accordance with the rules of the parole  
27 board, unless the appropriate parole board <sup>1</sup>panel<sup>1</sup> determines  
28 that <sup>1</sup>[community] post-incarceration<sup>1</sup> supervision should be  
29 revoked <sup>1</sup>and the juvenile returned to custody<sup>1</sup> in accordance  
30 with the procedures and standards set forth in <sup>1</sup>[section] sections  
31 15 through<sup>1</sup> 21 of P.L.1979, c.441 <sup>1</sup>[(C.30:4-123.65)]  
32 (C.30:4-123.59 through C.30:4-123.65)<sup>1</sup> . The term of  
33 <sup>1</sup>[community] post-incarceration<sup>1</sup> supervision shall commence  
34 upon release from incarceration or parole, whichever is later. A  
35 term of <sup>1</sup>[community] post-incarceration<sup>1</sup> supervision imposed  
36 pursuant to this paragraph may be terminated by the appropriate  
37 parole board panel if the juvenile has made a satisfactory  
38 adjustment in the community while on parole or <sup>1</sup>[community]  
39 under such<sup>1</sup> supervision, if continued supervision is not required  
40 and if the juvenile has made full payment of any fine or  
41 restitution.

42 (cf: P.L.1993, c.133, s.2)

43 12. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to  
44 read as follows:

45 1. The [Department of Corrections] Juvenile Justice  
46 Commission established pursuant to section 2 of  
47 P.L. c. (C. )(now pending before the Legislature as section 2  
48 of Assembly Bill No. of 1995 or Senate Bill No. of 1995) may  
49 enter into an agreement with any county concerning the use of  
50 that county's juvenile detention facility for the housing of  
51 juveniles the court has placed under the custody of the  
52 [department] commission for placement in State correctional  
53 facilities only if the county's juvenile detention facility is not  
54 over its maximum rated capacity.

55 Unless the contract otherwise provides or the [Commissioner of

1 Corrections] commission so directs in order to provide for the  
2 secure and orderly operation of the facility, a juvenile placed in a  
3 county detention facility pursuant to the provisions of this act  
4 shall not be segregated from the juveniles otherwise placed in the  
5 county detention facility or excluded from any program or  
6 activity offered in that facility.

7 Any contract entered into pursuant to this section shall ensure  
8 that educational, vocational, mental health, health and  
9 rehabilitative services are provided to the juveniles and that  
10 these services are, at minimum, equivalent to those provided to  
11 adjudicated juveniles in State-operated facilities.

12 (cf: P.L.1992, c.211, s.1)

13 13. Section 26 of P.L.1982, c.77 (C.2A:4A-45) is amended to  
14 read as follows:

15 26. Retention of jurisdiction.

16 a. The court shall retain jurisdiction over any case in which it  
17 has entered a disposition under paragraph 7 of subsection b. or  
18 subsection c. of section 24 of [this act] P.L.1982, c.77  
19 (C.2A:4A-43) or under section 25 of [this act] P.L.1982, c.77  
20 (C.2A:4A-44) for the duration of that disposition of commitment  
21 or incarceration and may substitute any disposition otherwise  
22 available to it under section 24 of P.L.1982, c.77 (C.2A:4A-43)  
23 other than incarceration.

24 b. Except as provided for in subsection a., the court shall  
25 retain jurisdiction over any case in which it has entered a  
26 disposition under section 24 of [this act] P.L.1982, c.77  
27 (C.2A:4A-43) and may at any time for the duration of that  
28 disposition, if after hearing, and notice to the prosecuting  
29 attorney, it finds violation of the conditions of the order of  
30 disposition, substitute any other disposition which it might have  
31 made originally.

32 c. The court may by its order retain jurisdiction in any other  
33 case.

34 (cf: P.L.1982, c.77, s.26)

35 14. Section 27 of P.L.1982, c.77 (C.2A:4A-46) is amended to  
36 read as follows:

37 27. Disposition of juvenile-family crisis. a. The court may  
38 order any disposition in a juvenile-family crisis provided for in  
39 paragraphs (2), (4), (5), (6), (7) and (13) of subsection b. of section  
40 24 of [this act] P.L.1982, c.77 (C.2A:4A-43) or other disposition  
41 specifically provided for in P.L.1982, c.80 (C.2A:4A-76 et seq.).

42 b. No juvenile involved in a juvenile-family crisis shall be  
43 committed to or placed in any institution or facility established  
44 for the care of delinquent children or in any facility, other than  
45 an institution for the mentally retarded, a mental hospital or  
46 facility for the care of persons addicted to controlled dangerous  
47 substances, which physically restricts such juvenile committed to  
48 or placed in it.

49 (cf: P.L.1982, c.77, s.27)

50 15. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to  
51 read as follows:

52 1. Disclosure of juvenile information; penalties for disclosure.

53 a. Social, medical, psychological, legal and other records of the  
54 court and probation [department] division, and records of law  
55 enforcement agencies, pertaining to juveniles charged as a

1 delinquent or found to be part of a juvenile-family crisis, shall be  
2 strictly safeguarded from public inspection. Such records shall be  
3 made available only to:

4 (1) Any court or probation [department] division;

5 (2) The Attorney General or county prosecutor;

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

7 (4) The [Division of Youth and Family Services] Department of  
8 Human Services, if providing care or custody of the juvenile;

9 (5) Any institution or facility to which the juvenile is currently  
10 committed or in which the juvenile is placed; [and]

11 (6) Any person or agency interested in a case or in the work of  
12 the agency keeping the records, by order of the court for good  
13 cause shown; and

14 (7) The Juvenile Justice Commission established pursuant to  
15 section 2 of P.L. c, (C. )(now pending before the  
16 Legislature as section 2 of Assembly Bill No. of 1995 or Senate  
17 Bill No. of 1995).

18 b. Records of law enforcement agencies may be disclosed for  
19 law enforcement purposes to any law enforcement agency of this  
20 State, another state or the United States, and the identity of a  
21 juvenile under warrant for arrest for commission of an act that  
22 would constitute a crime if committed by an adult may be  
23 disclosed to the public when necessary to execution of the  
24 warrant.

25 c. At the time of charge, adjudication or disposition,  
26 information as to the identity of a juvenile charged with an  
27 offense, the offense charged, the adjudication and disposition  
28 shall, upon request, be disclosed to:

29 (1) The victim or a member of the victim's immediate family;

30 (2) Any law enforcement agency which investigated the  
31 offense, the person or agency which filed the complaint, and any  
32 law enforcement agency in the municipality where the juvenile  
33 resides; and

34 (3) On a confidential basis, the principal of the school where  
35 the juvenile is enrolled for use by the principal and such members  
36 of the staff and faculty of the school as the principal deems  
37 appropriate for maintaining order, safety or discipline in the  
38 school or to planning programs relevant to the juvenile's  
39 educational and social development, provided that no record of  
40 such information shall be maintained except as authorized by  
41 regulation of the Department of Education; or

42 (4) A party in a subsequent legal proceeding involving the  
43 juvenile, upon approval by the court.

44 d. A law enforcement or prosecuting agency shall, at the time  
45 of a charge, adjudication or disposition, advise the principal of  
46 the school where the juvenile is enrolled of the identity of the  
47 juvenile charged, the offense charged, the adjudication and the  
48 disposition if:

49 (1) The offense occurred on school property or a school bus,  
50 occurred at a school-sponsored function or was committed  
51 against an employee or official of the school; or

52 (2) The juvenile was taken into custody as a result of  
53 information or evidence provided by school officials; or

54 (3) The offense, if committed by an adult, would constitute a  
55 crime, and the offense:

1 (a) resulted in death or serious bodily injury or involved an  
2 attempt or conspiracy to cause death or serious bodily injury; or

3 (b) involved the unlawful use or possession of a firearm or  
4 other weapon; or

5 (c) involved the unlawful manufacture, distribution or  
6 possession with intent to distribute a controlled dangerous  
7 substance or controlled substance analog; or

8 (d) was committed by a juvenile who acted with a purpose to  
9 intimidate an individual or group of individuals because of race,  
10 color, religion, sexual orientation or ethnicity; or

11 (e) would be a crime of the first or second degree.

12 Information provided to the principal pursuant to this  
13 subsection shall be treated as confidential but may be made  
14 available to such members of the staff and faculty of the school  
15 as the principal deems appropriate for maintaining order, safety  
16 or discipline in the school or for planning programs relevant to a  
17 juvenile's educational and social development, and no record of  
18 such information shall be maintained except as authorized by  
19 regulation of the Department of Education.

20 e. Nothing in this section prohibits a law enforcement or  
21 prosecuting agency from providing the principal of a school with  
22 information identifying one or more juveniles who are under  
23 investigation or have been taken into custody for commission of  
24 any act that would constitute an offense if committed by an adult  
25 when the law enforcement or prosecuting agency determines that  
26 the information may be useful to the principal in maintaining  
27 order, safety or discipline in the school or in planning programs  
28 relevant to the juvenile's educational and social development.  
29 Information provided to the principal pursuant to this subsection  
30 shall be treated as confidential but may be made available to  
31 such members of the staff and faculty of the school as the  
32 principal deems appropriate for maintaining order, safety or  
33 discipline in the school or for planning programs relevant to the  
34 juvenile's educational and social development. No information  
35 provided pursuant to this section shall be maintained.

36 f. Information as to the identity of a juvenile adjudicated  
37 delinquent, the offense, the adjudication and the disposition shall  
38 be disclosed to the public where the offense for which the  
39 juvenile has been adjudicated delinquent if committed by an  
40 adult, would constitute a crime of the first, second or third  
41 degree, or aggravated assault, destruction or damage to property  
42 to an extent of more than \$500.00, unless upon application at the  
43 time of disposition the juvenile demonstrates a substantial  
44 likelihood that specific and extraordinary harm would result from  
45 such disclosure in the specific case. Where the court finds that  
46 disclosure would be harmful to the juvenile, the reasons therefor  
47 shall be stated on the record.

48 g. Nothing in this section shall prohibit the establishment and  
49 maintaining of a central registry of the records of law  
50 enforcement agencies relating to juveniles for the purpose of  
51 exchange between State or local law enforcement agencies of  
52 this State, another state, or the United States.

53 h. Whoever, except as provided by law, knowingly discloses,  
54 publishes, receives, or makes use of or knowingly permits the

1 unauthorized use of information concerning a particular juvenile  
2 derived from records listed in subsection a. or acquired in the  
3 course of court proceedings, probation, or police duties, shall,  
4 upon conviction thereof, be guilty of a disorderly persons offense.

5 i. The court may, upon application by the juvenile or his parent  
6 or guardian, the prosecutor or any other interested party,  
7 including the victim or complainant or members of the news  
8 media, permit public attendance during any court proceeding at a  
9 delinquency case, where it determines that a substantial  
10 likelihood that specific harm to the juvenile would not result, and  
11 the court shall permit a victim, or a family member of a victim  
12 to make a statement prior to ordering a disposition in any  
13 delinquency proceeding involving an offense that would constitute  
14 a crime if committed by an adult. The court shall have the  
15 authority to limit and control the attendance in any manner and  
16 to the extent it deems appropriate.

17 j. The Department of Education, in consultation with the  
18 Attorney General, shall adopt, pursuant to the "Administrative  
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
20 regulations concerning the creation, maintenance and disclosure  
21 of pupil records including information acquired pursuant to this  
22 section.

23 (cf: P.L.1994, c.56, s.1)

24 16. Section 5 of P.L.1982, c.81 (C.2A:4A-74) is amended to  
25 read as follows:

26 5. Court intake service conference. a. Where the juvenile is  
27 diverted to a court intake service conference, notices of the  
28 conference shall be sent to the juvenile and his parents or  
29 guardian and to the complainant or victim. The parties may be  
30 requested to bring to the conference all pertinent documents in  
31 their possession, including medical, social, and school records.

32 b. In determining the appropriate resolution of a complaint,  
33 the following factors shall be considered by court intake services:

34 (1) The seriousness of the alleged offense or conduct and the  
35 circumstances in which it occurred;

36 (2) The age and maturity of the juvenile;

37 (3) The risk that the juvenile presents as a substantial danger to  
38 others;

39 (4) The family circumstances, including any history of drugs,  
40 alcohol abuse or child abuse on the part of the juvenile, his  
41 parents or guardian;

42 (5) The nature and number of contacts with court intake  
43 services and the court that the juvenile and his family have had;

44 (6) The outcome of those contacts, including the services to  
45 which the juvenile or family have been referred and the results of  
46 those referrals;

47 (7) The availability of appropriate services; [and]

48 (8) Any recommendations expressed by the victim or  
49 complainant, or arresting officer, as to how the case should be  
50 disposed; and

51 (9) Whether diversion can be accomplished in a manner that  
52 holds the juvenile accountable for the conduct.

53 c. Each juvenile shall be reviewed without a presumption of  
54 guilt. The intake conference shall be concerned primarily with

1 preventing more serious future misconduct by the juvenile  
2 offender by obtaining the cooperation of the juvenile and his  
3 parents or guardian in complying with its recommendations. The  
4 court may schedule a hearing where the complainant or victim  
5 objects to the recommendations from the conference.

6 d. The resolution from the conference may include but shall  
7 not be limited to counseling, restitution, referral to appropriate  
8 community agencies, or any other community work programs or  
9 other conditions consistent with diversion that aids in the  
10 juvenile's rehabilitation, provided that:

11 (1) Obligations imposed as a result of the intake conference  
12 shall be an order of the court approved by the presiding judge and  
13 shall be set forth in writing and may not exceed 6 months. The  
14 juvenile and his or her parents or guardian shall receive copies, as  
15 shall any agencies providing services under the agreement;

16 (2) The court intake service worker shall inform the juvenile  
17 and the juvenile's parents or guardian in writing of their right to  
18 object at any time prior to their written agreement to the facts  
19 or terms of the intake conference decision, and if objections  
20 arise, the intake service worker may alter the terms of the  
21 proposed agreement or refer the matter to the presiding judge  
22 who shall determine if the complaint will be heard in court or  
23 returned to intake conference for further action;

24 (3) Written agreement pursuant to intake conferences may be  
25 terminated at any time upon the request of the juvenile and the  
26 matter referred to the presiding judge;

27 (4) The court intake services conference may not order the  
28 confinement of a juvenile, place a juvenile on probation, or  
29 remove a juvenile from his family as a disposition; and

30 (5) If, at any time during the diversion period, the court intake  
31 service worker determines that the obligations imposed under the  
32 written agreement are not being met, the intake worker shall  
33 notify the presiding judge in writing. In the case of failure to  
34 comply with the obligations imposed under the agreement by the  
35 parents or guardian, the court may proceed against such persons  
36 for enforcement of the agreement. In the case of failure to  
37 comply by the juvenile, the matter shall be referred to the court  
38 for action.

39 e. At the end of the diversion period a second court intake  
40 services conference may be held with all parties to the written  
41 agreement present to ascertain if the terms of the agreement  
42 have been fulfilled. If all conditions have been met, the intake  
43 worker shall so inform the presiding judge in writing who shall  
44 order the complaint dismissed. A copy of the order dismissing  
45 the complaint shall be sent to the juvenile. If the conditions of  
46 the written agreement have not been met, the intake worker may  
47 refer the matter to the presiding judge who shall determine if the  
48 complaint will be heard in court or returned to court intake  
49 services for further action. Based on the evaluations required  
50 under this paragraph, the intake conference agreement may be  
51 extended beyond the 6 month maximum if all parties agree. In no  
52 case shall an intake conference agreement exceed 9 months.

53 f. All proceedings before the conference are confidential and  
54 they shall receive only those records which in the court's

1 judgment are necessary to aid in making a recommendation.  
2 (cf: P.L.1982, c.81, s.5)

3 17. Section 13 of P.L.1982, c.80 (C.2A:4A-88) is amended to  
4 read as follows:

5 13. Temporary placement.

6 Placement of the juvenile prior to the placement hearing or  
7 pending determination by the court concerning placement under a  
8 family service plan, pursuant to section 14 of [this act] P.L.1982,  
9 c.80 (C.2A:4A-89), shall be made in a host shelter, foster or  
10 group home, a county shelter care facility as defined by law, or  
11 other suitable family setting. In no event shall such placement be  
12 arranged in a secure detention or other facility or in a secure  
13 correctional institution for the detention or treatment of  
14 juveniles accused of crimes or adjudged delinquent.

15 (cf: P.L.1982, c.80, s.13)

16 18. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read  
17 as follows:

18 2. a. A person who has been convicted, adjudicated delinquent  
19 or found not guilty by reason of insanity for commission of a sex  
20 offense as defined in subsection b. of this section shall register as  
21 provided in subsections c. and d. of this section. A person who  
22 fails to register as required under this act shall be guilty of a  
23 crime of the fourth degree.

24 b. For the purposes of this act a sex offense shall include the  
25 following:

26 (1) Aggravated sexual assault, sexual assault, aggravated  
27 criminal sexual contact, kidnapping pursuant to paragraph (2) of  
28 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of  
29 these crimes if the court found that the offender's conduct was  
30 characterized by a pattern of repetitive, compulsive behavior,  
31 regardless of the date of the commission of the offense or the  
32 date of conviction;

33 (2) A conviction, adjudication of delinquency, or acquittal by  
34 reason of insanity for aggravated sexual assault; sexual assault;  
35 aggravated criminal sexual contact; kidnapping pursuant to  
36 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
37 welfare of a child by engaging in sexual conduct which would  
38 impair or debauch the morals of the child pursuant to subsection  
39 a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant  
40 to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or  
41 enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6);  
42 criminal sexual contact pursuant to N.J.S.2C:14-3b. if the victim  
43 is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal  
44 restraint pursuant to N.J.S. 2C:13-2, or false imprisonment  
45 pursuant to N.J.S.2C:13-3 if the victim is a minor and the  
46 offender is not the parent of the victim; or an attempt to commit  
47 any of these enumerated offenses<sup>1</sup> if the conviction, adjudication  
48 of delinquency or acquittal by reason of insanity is entered on or  
49 after the effective date of this act or the offender is serving a  
50 sentence of incarceration, probation, parole or other form of  
51 community supervision as a result of the offense or is confined  
52 following acquittal by reason of insanity or as a result of civil  
53 commitment on the effective date of this act;

54 (3) A conviction, adjudication of delinquency or acquittal by

1 reason of insanity for an offense similar to any offense  
2 enumerated in paragraph (2) or a sentence on the basis of criteria  
3 similar to the criteria set forth in paragraph (1) of this subsection  
4 entered or imposed under the laws of the United States, this  
5 State or another state.

6 c. A person required to register under the provisions of this  
7 act shall do so on forms to be provided by the designated  
8 registering agency as follows:

9 (1) A person who is required to register and who is under  
10 supervision in the community on probation, parole, furlough, work  
11 release, or a similar program, shall register at the time the  
12 person is placed under supervision or no later than 120 days after  
13 the effective date of this act, whichever is later, in accordance  
14 with procedures established by the Department of Corrections,  
15 the Department of Human Services, the Juvenile Justice  
16 Commission established pursuant to section 2 of P.L. c. (C.  
17 )(now pending before the Legislature as section 2 of Assembly Bill  
18 No. of 1995 or Senate Bill No. of 1995) or the Administrative  
19 Office of the Courts, whichever is responsible for supervision;

20 (2) A person confined in a correctional or juvenile facility or  
21 involuntarily committed who is required to register shall register  
22 prior to release in accordance with procedures established by the  
23 Department of Corrections [or] , the Department of Human  
24 Services or the Juvenile Justice Commission;

25 (3) A person moving to or returning to this State from another  
26 jurisdiction shall register with the chief law enforcement officer  
27 of the municipality in which the person will reside or, if the  
28 municipality does not have a local police force, the  
29 Superintendent of State Police within 120 days of the effective  
30 date of this act or 70 days of first residing in or returning to a  
31 municipality in this State, whichever is later;

32 (4) A person required to register on the basis of a conviction  
33 prior to the effective date who is not confined or under  
34 supervision on the effective date of this act shall register within  
35 120 days of the effective date of this act with the chief law  
36 enforcement officer of the municipality in which the person will  
37 reside or, if the municipality does not have a local police force,  
38 the Superintendent of State Police.

39 d. Upon a change of address, a person shall notify the law  
40 enforcement agency with which the person is registered and must  
41 re-register with the appropriate law enforcement agency no less  
42 than 10 days before he intends to first reside at his new address.

43 e. A person required to register under paragraph (1) of  
44 subsection b. of this section or under paragraph (3) of subsection  
45 b. due to a sentence imposed on the basis of criteria similar to  
46 the criteria set forth in paragraph (1) of subsection b. shall verify  
47 his address with the appropriate law enforcement agency every  
48 90 days in a manner prescribed by the Attorney General. A  
49 person required to register under paragraph (2) of subsection b. of  
50 this section or under paragraph (3) of subsection b. on the basis of  
51 a conviction for an offense similar to an offense enumerated in  
52 paragraph (2) of subsection b. shall verify his address annually in  
53 a manner prescribed by the Attorney General. One year after the  
54 effective date of this act, the Attorney General shall review,



1 evaluate and, if warranted, modify pursuant to the  
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
3 seq.) the verification requirement.

4 f. A person required to register under this act may make  
5 application to the Superior Court of this State to terminate the  
6 obligation upon proof that the person has not committed an  
7 offense within 15 years following conviction or release from a  
8 correctional facility for any term of imprisonment imposed,  
9 whichever is later, and is not likely to pose a threat to the safety  
10 of others.

11 (cf: P.L.1994, c.133, s.2)

12 19. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read  
13 as follows:

14 3. Notice of the obligation to register shall be provided as  
15 follows:

16 (1) A court imposing a sentence, disposition or order of  
17 commitment following acquittal by reason of insanity shall notify  
18 the defendant of the obligation to register pursuant to section 2  
19 of this act.

20 (2) The Department of Corrections, the Administrative Office  
21 of the Courts, the Juvenile Justice Commission established  
22 pursuant to section 2 of P.L. c. (C. )(now pending before the  
23 Legislature as section 2 of Assembly Bill No. of 1995 or Senate  
24 Bill No. of 1995) and the Department of Human Services shall  
25 (a) establish procedures for notifying persons under their  
26 supervision of the obligation to register pursuant to this act and  
27 (b) establish procedures for registration by persons with the  
28 appropriate law enforcement agency who are under supervision in  
29 the community on probation, parole, furlough, work release or  
30 similar program outside the facility, and registration with the  
31 appropriate law enforcement agency of persons who are released  
32 from the facility in which they are confined without supervision.

33 (3) The Division of Motor Vehicles in the Department of Law  
34 and Public Safety shall provide notice of the obligation to  
35 register pursuant to this section in connection with each  
36 application for a license to operate a motor vehicle and each  
37 application for an identification card issued pursuant to section 2  
38 of P.L.1980, c.47 (C.39:3-29.3).

39 (4) The Attorney General shall cause notice of the obligation  
40 to register to be published in a manner reasonably calculated to  
41 reach the general public within 30 days of the effective date of  
42 this act.

43 (cf: P.L.1994, c.133, s.3)

44 20. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read  
45 as follows:

46 4. a. Within 60 days of the effective date of this act, the  
47 Superintendent of State Police, with the approval of the Attorney  
48 General, shall prepare the form of registration statement as  
49 required in subsection b. of this section and shall provide such  
50 forms to each organized full-time municipal police department,  
51 the Department of Corrections, the Administrative Office of the  
52 Courts and the Department of Human Services. In addition, the  
53 Superintendent of State Police shall make such forms available to  
54 the Juvenile Justice Commission established pursuant to section 2

1 of P.L. c. (C. )(now pending before the Legislature as section 2  
2 of Assembly Bill No. of 1995 or Senate Bill No. of 1995).

3 b. The form of registration required by this act shall include:

4 (1) A statement in writing signed by the person required to  
5 register acknowledging that the person has been advised of the  
6 duty to register and reregister imposed by this act and including  
7 the person's name, social security number, age, race, sex, date of  
8 birth, height, weight, hair and eye color, address of legal  
9 residence, address of any current temporary residence, date and  
10 place of employment;

11 (2) Date and place of each conviction, adjudication or  
12 acquittal by reason of insanity, indictment number, fingerprints,  
13 and a brief description of the crime or crimes for which  
14 registration is required; and

15 (3) Any other information that the Attorney General deems  
16 necessary to assess risk of future commission of a crime,  
17 including criminal and corrections records, nonprivileged  
18 personnel, treatment, and abuse registry records, and evidentiary  
19 genetic markers when available.

20 c. Within three days of receipt of a registration pursuant to  
21 subsection c. of section 2 of this act, the registering agency shall  
22 forward the statement and any other required information to the  
23 prosecutor who shall, as soon as practicable, transmit the form  
24 of registration to the Superintendent of State Police, and, if the  
25 registrant will reside in a different county, to the prosecutor of  
26 the county in which the person will reside. The prosecutor of the  
27 county in which the person will reside shall transmit the form of  
28 registration to the law enforcement agency responsible for the  
29 municipality in which the person will reside and other appropriate  
30 law enforcement agencies. The superintendent shall promptly  
31 transmit the conviction data and fingerprints to the Federal  
32 Bureau of Investigation.

33 d. The Superintendent of State Police shall maintain a central  
34 registry of registrations provided pursuant to this act.

35 (cf: P.L.1994, c.133, s.4)

36 21. N.J.S.2C:39-6 is amended to read as follows:

37 2C:39-6. a. Provided a person complies with the requirements  
38 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

39 (1) Members of the Armed Forces of the United States or of  
40 the National Guard while actually on duty, or while traveling  
41 between places of duty and carrying authorized weapons in the  
42 manner prescribed by the appropriate military authorities;

43 (2) Federal law enforcement officers, and any other federal  
44 officers and employees required to carry firearms in the  
45 performance of their official duties;

46 (3) Members of the State Police and, under conditions  
47 prescribed by the superintendent, members of the Marine Law  
48 Enforcement Bureau of the Division of State Police;

49 (4) A sheriff, undersheriff, sheriff's officer, county  
50 prosecutor, assistant prosecutor, prosecutor's detective or  
51 investigator, deputy attorney general or State investigator  
52 employed by the Division of Criminal Justice of the Department  
53 of Law and Public Safety, investigator employed by the State  
54 Commission of Investigation, inspector of the Alcoholic Beverage  
55 Control Enforcement Bureau of the Division of State Police in

1 the Department of Law and Public Safety authorized to carry  
2 such weapons by the Superintendent of State Police, State park  
3 ranger, or State conservation officer;

4 (5) A prison or jail warden of any penal institution in this State  
5 or his deputies, or an employee of the Department of Corrections  
6 engaged in the interstate transportation of convicted offenders,  
7 while in the performance of his duties, and when required to  
8 possess the weapon by his superior officer, or a correction officer  
9 or keeper of a penal institution in this State at all times while in  
10 the State of New Jersey, provided he annually passes an  
11 examination approved by the superintendent testing his  
12 proficiency in the handling of firearms;

13 (6) A civilian employee of the United States Government under  
14 the supervision of the commanding officer of any post, camp,  
15 station, base or other military or naval installation located in this  
16 State who is required, in the performance of his official duties, to  
17 carry firearms, and who is authorized to carry such firearms by  
18 said commanding officer, while in the actual performance of his  
19 official duties;

20 (7) (a) A regularly employed member, including a detective, of  
21 the police department of any county or municipality, or of any  
22 State, interstate, municipal or county park police force or  
23 boulevard police force, at all times while in the State of New  
24 Jersey;

25 (b) A special law enforcement officer authorized to carry a  
26 weapon as provided in subsection b. of section 7 of P.L.1985,  
27 c.439 (C.40A:14-146.14);

28 (c) An airport security officer or a special law enforcement  
29 officer appointed by the governing body of any county or  
30 municipality, except as provided in subsection b. of this section,  
31 or by the commission, board or other body having control of a  
32 county park or airport or boulevard police force, while engaged in  
33 the actual performance of his official duties and when  
34 specifically authorized by the governing body to carry weapons;  
35 [or]

36 (8) A full-time, paid member of a paid or part-paid fire  
37 department or force of any municipality who is assigned full-time  
38 or part-time to an arson investigation unit created pursuant to  
39 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson  
40 investigation unit in the county prosecutor's office, while either  
41 engaged in the actual performance of arson investigation duties  
42 or while actually on call to perform arson investigation duties and  
43 when specifically authorized by the governing body or the county  
44 prosecutor, as the case may be, to carry weapons. Prior to being  
45 permitted to carry a firearm, such a member shall take and  
46 successfully complete a firearms training course administered by  
47 the Police Training Commission pursuant to P.L.1961, c.56  
48 (C.52:17B-66 et seq.), and shall annually qualify in the use of a  
49 revolver or similar weapon prior to being permitted to carry a  
50 firearm;

51 (9) A juvenile corrections officer in the employment of the  
52 Juvenile Justice Commission established pursuant to section 2 of  
53 P.L. c. (C. )(now pending before the Legislature as section 2  
54 of Assembly Bill No. of 1995 or Senate Bill No. of 1995)

1 subject to the regulations promulgated by the commission.

2 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

3 (1) A law enforcement officer employed by a governmental  
4 agency outside of the State of New Jersey while actually engaged  
5 in his official duties, provided, however, that he has first notified  
6 the superintendent or the chief law enforcement officer of the  
7 municipality or the prosecutor of the county in which he is  
8 engaged; or

9 (2) A licensed dealer in firearms and his registered employees  
10 during the course of their normal business while traveling to and  
11 from their place of business and other places for the purpose of  
12 demonstration, exhibition or delivery in connection with a sale,  
13 provided, however, that the weapon is carried in the manner  
14 specified in subsection g. of this section.

15 c. Provided a person complies with the requirements of  
16 subsection j. of this section, subsections b. and c. of  
17 N.J.S.2C:39-5 do not apply to:

18 (1) A special agent of the Division of Taxation who has passed  
19 an examination in an approved police training program testing  
20 proficiency in the handling of any firearm which he may be  
21 required to carry, while in the actual performance of his official  
22 duties and while going to or from his place of duty, or any other  
23 police officer, while in the actual performance of his official  
24 duties;

25 (2) A State deputy conservation officer or a full-time  
26 employee of the Division of Parks and Forestry having the power  
27 of arrest and authorized to carry weapons, while in the actual  
28 performance of his official duties;

29 (3) (Deleted by amendment, P.L.1986, c.150.)

30 (4) A court attendant serving as such under appointment by the  
31 sheriff of the county or by the judge of any municipal court or  
32 other court of this State, while in the actual performance of his  
33 official duties;

34 (5) A guard in the employ of any railway express company,  
35 banking or building and loan or savings and loan institution of this  
36 State, while in the actual performance of his official duties;

37 (6) A member of a legally recognized military organization  
38 while actually under orders or while going to or from the  
39 prescribed place of meeting and carrying the weapons prescribed  
40 for drill, exercise or parade;

41 (7) An officer of the Society for the Prevention of Cruelty to  
42 Animals, while in the actual performance of his duties;

43 (8) An employee of a public utilities corporation actually  
44 engaged in the transportation of explosives;

45 (9) A railway policeman, except a transit police officer of the  
46 New Jersey Transit Police Department, at all times while in the  
47 State of New Jersey, provided that he has passed an approved  
48 police academy training program consisting of at least 280 hours.  
49 The training program shall include, but need not be limited to,  
50 the handling of firearms, community relations, and juvenile  
51 relations;

52 (10) A campus police officer appointed under P.L.1970, c.211  
53 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to  
54 carry a firearm, a campus police officer shall take and  
55 successfully complete a firearms training course administered by

1 the Police Training Commission, pursuant to P.L.1961, c.56  
2 (C.52:17B-66 et seq.), and shall annually qualify in the use of a  
3 revolver or similar weapon prior to being permitted to carry a  
4 firearm;

5 (11) A person who has not been convicted of a crime under the  
6 laws of this State or under the laws of another state or the  
7 United States, and who is employed as a full-time security guard  
8 for a nuclear power plant under the license of the Nuclear  
9 Regulatory Commission, while in the actual performance of his  
10 official duties;

11 (12) A transit police officer of the New Jersey Transit Police  
12 Department, at all times while in the State of New Jersey,  
13 provided the officer has satisfied the training requirements of the  
14 Police Training Commission, pursuant to subsection c. of section  
15 2 of P.L.1989, c.291 (C.27:25-15.1); <sup>1</sup>[or]<sup>1</sup>

16 (13) A parole officer employed by the Bureau of Parole in the  
17 Department of Corrections at all times. Prior to being permitted  
18 to carry a firearm, a parole officer shall take and successfully  
19 complete a basic course for regular police officer training  
20 administered by the Police Training Commission, pursuant to  
21 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in  
22 the use of a revolver or similar weapon prior to being permitted  
23 to carry a firearm <sup>1</sup>; or

24 (14) A person or employee of any person who, pursuant to and  
25 as required by a contract with a governmental entity, supervises  
26 or transports persons charged with or convicted of an offense<sup>1</sup>.

27 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
28 antique firearms, provided that such antique firearms are  
29 unloaded or are being fired for the purposes of exhibition or  
30 demonstration at an authorized target range or in such other  
31 manner as has been approved in writing by the chief law  
32 enforcement officer of the municipality in which the exhibition  
33 or demonstration is held, or if not held on property under the  
34 control of a particular municipality, the superintendent.

35 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
36 N.J.S.2C:39-5 do not apply to an antique cannon that is capable  
37 of being fired but that is unloaded and immobile, provided that  
38 the antique cannon is possessed by (a) a scholastic institution, a  
39 museum, a municipality, a county or the State, or (b) a person  
40 who obtained a firearms purchaser identification card as  
41 specified in N.J.S.2C:58-3.

42 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
43 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is  
44 being transported by one eligible to possess it, in compliance with  
45 regulations the superintendent may promulgate, between its  
46 permanent location and place of purchase or repair.

47 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
48 N.J.S.2C:39-5 do not apply to antique cannons that are being  
49 loaded or fired by one eligible to possess an antique cannon, for  
50 purposes of exhibition or demonstration at an authorized target  
51 range or in the manner as has been approved in writing by the  
52 chief law enforcement officer of the municipality in which the  
53 exhibition or demonstration is held, or if not held on property  
54 under the control of a particular municipality, the  
55 superintendent, provided that performer has given at least 30

1 days' notice to the superintendent.

2 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
3 N.J.S.2C:39-5 do not apply to the transportation of unloaded  
4 antique cannons directly to or from exhibitions or demonstrations  
5 authorized under paragraph (4) of subsection d. of this section,  
6 provided that the transportation is in compliance with safety  
7 regulations the superintendent may promulgate. Nor do those  
8 subsections apply to transportation directly to or from exhibitions  
9 or demonstrations authorized under the law of another  
10 jurisdiction, provided that the superintendent has been given 30  
11 days' notice and that the transportation is in compliance with  
12 safety regulations the superintendent may promulgate.

13 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
14 construed to prevent a person keeping or carrying about his place  
15 of business, residence, premises or other land owned or possessed  
16 by him, any firearm, or from carrying the same, in the manner  
17 specified in subsection g. of this section, from any place of  
18 purchase to his residence or place of business, between his  
19 dwelling and his place of business, between one place of business  
20 or residence and another when moving, or between his dwelling or  
21 place of business and place where such firearms are repaired, for  
22 the purpose of repair. For the purposes of this section, a place of  
23 business shall be deemed to be a fixed location.

24 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
25 construed to prevent:

26 (1) A member of any rifle or pistol club organized in  
27 accordance with the rules prescribed by the National Board for  
28 the Promotion of Rifle Practice, in going to or from a place of  
29 target practice, carrying such firearms as are necessary for said  
30 target practice, provided that the club has filed a copy of its  
31 charter with the superintendent and annually submits a list of its  
32 members to the superintendent and provided further that the  
33 firearms are carried in the manner specified in subsection g. of  
34 this section;

35 (2) A person carrying a firearm or knife in the woods or fields  
36 or upon the waters of this State for the purpose of hunting, target  
37 practice or fishing, provided that the firearm or knife is legal and  
38 appropriate for hunting or fishing purposes in this State and he  
39 has in his possession a valid hunting license, or, with respect to  
40 fresh water fishing, a valid fishing license;

41 (3) A person transporting any firearm or knife while traveling:

42 (a) Directly to or from any place for the purpose of hunting or  
43 fishing, provided the person has in his possession a valid hunting  
44 or fishing license; or

45 (b) Directly to or from any target range, or other authorized  
46 place for the purpose of practice, match, target, trap or skeet  
47 shooting exhibitions, provided in all cases that during the course  
48 of the travel all firearms are carried in the manner specified in  
49 subsection g. of this section and the person has complied with all  
50 the provisions and requirements of Title 23 of the Revised  
51 Statutes and any amendments thereto and all rules and  
52 regulations promulgated thereunder; or

53 (c) In the case of a firearm, directly to or from any exhibition  
54 or display of firearms which is sponsored by any law enforcement  
55 agency, any rifle or pistol club, or any firearms collectors club,

1 for the purpose of displaying the firearms to the public or to the  
2 members of the organization or club, provided, however, that not  
3 less than 30 days prior to the exhibition or display, notice of the  
4 exhibition or display shall be given to the Superintendent of the  
5 State Police by the sponsoring organization or club, and the  
6 sponsor has complied with such reasonable safety regulations as  
7 the superintendent may promulgate. Any firearms transported  
8 pursuant to this section shall be transported in the manner  
9 specified in subsection g. of this section;

10 (4) A person from keeping or carrying about a private or  
11 commercial aircraft or any boat, or from transporting to or from  
12 such vessel for the purpose of installation or repair a visual  
13 distress signalling device approved by the United States Coast  
14 Guard.

15 g. All weapons being transported under paragraph (2) of  
16 subsection b., subsection e., or paragraph (1) or (3) of subsection  
17 f. of this section shall be carried unloaded and contained in a  
18 closed and fastened case, gunbox, securely tied package, or  
19 locked in the trunk of the automobile in which it is being  
20 transported, and in the course of travel shall include only such  
21 deviations as are reasonably necessary under the circumstances.

22 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
23 to prevent any employee of a public utility, as defined in  
24 R.S.48:2-13, doing business in this State or any United States  
25 Postal Service employee, while in the actual performance of  
26 duties which specifically require regular and frequent visits to  
27 private premises, from possessing, carrying or using any device  
28 which projects, releases or emits any substance specified as being  
29 noninjurious to canines or other animals by the Commissioner of  
30 Health and which immobilizes only on a temporary basis and  
31 produces only temporary physical discomfort through being  
32 vaporized or otherwise dispensed in the air for the sole purpose of  
33 repelling canine or other animal attacks.

34 The device shall be used solely to repel only those canine or  
35 other animal attacks when the canines or other animals are not  
36 restrained in a fashion sufficient to allow the employee to  
37 properly perform his duties.

38 Any device used pursuant to this act shall be selected from a  
39 list of products, which consist of active and inert ingredients,  
40 permitted by the Commissioner of Health.

41 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any  
42 person who is 18 years of age or older and who has not been  
43 convicted of a felony, from possession for the purpose of personal  
44 self-defense of one pocket-sized device which contains and  
45 releases not more than three-quarters of an ounce of chemical  
46 substance not ordinarily capable of lethal use or of inflicting  
47 serious bodily injury, but rather, is intended to produce temporary  
48 physical discomfort or disability through being vaporized or  
49 otherwise dispensed in the air. Any person in possession of any  
50 device in violation of this subsection shall be deemed and  
51 adjudged to be a disorderly person, and upon conviction thereof,  
52 shall be punished by a fine of not less than \$100.00.

53 j. A person shall qualify for an exemption from the provisions  
54 of N.J.S.2C:39-5, as specified under subsections a. and c. of this

1 section, if the person has satisfactorily completed a firearms  
2 training course approved by the Police Training Commission.

3 Such exempt person shall not possess or carry a firearm until  
4 the person has satisfactorily completed a firearms training course  
5 and shall annually qualify in the use of a revolver or similar  
6 weapon. For purposes of this subsection, a "firearms training  
7 course" means a course of instruction in the safe use,  
8 maintenance and storage of firearms which is approved by the  
9 Police Training Commission. The commission shall approve a  
10 firearms training course if the requirements of the course are  
11 substantially equivalent to the requirements for firearms training  
12 provided by police training courses which are certified under  
13 section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is  
14 specified in paragraph (1), (2), (3) or (6) of subsection a. of this  
15 section shall be exempt from the requirements of this subsection.

16 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
17 to prevent any financial institution, or any duly authorized  
18 personnel of the institution, from possessing, carrying or using for  
19 the protection of money or property, any device which projects,  
20 releases or emits tear gas or other substances intended to  
21 produce temporary physical discomfort or temporary  
22 identification.

23 (cf: P.L.1993, c.246, s.2)

24 22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to  
25 read as follows:

26 4. a. In addition to any other disposition made pursuant to  
27 law, a court shall order a person convicted of, indicted for or  
28 formally charged with, or a juvenile charged with delinquency or  
29 adjudicated delinquent for an act which if committed by an adult  
30 would constitute, aggravated sexual assault or sexual assault as  
31 defined in subsection a. or c. of N.J.S.2C:14-2 to submit to an  
32 approved serological test for acquired immune deficiency  
33 syndrome (AIDS) or infection with the human immunodeficiency  
34 virus (HIV) or any other related virus identified as a probable  
35 causative agent of AIDS. The court shall issue such an order only  
36 upon the request of the victim and upon application of the  
37 prosecutor made at the time of indictment, charge, conviction or  
38 adjudication of delinquency. The person or juvenile shall be  
39 ordered by the court to submit to such repeat or confirmatory  
40 tests as may be medically necessary.

41 As used in this section, "formal charge" includes a proceeding  
42 by accusation in the event that the defendant has waived the  
43 right to an indictment.

44 b. A court order issued pursuant to subsection a. of this  
45 section shall require testing to be performed as soon as  
46 practicable by the Commissioner of the Department of  
47 Corrections pursuant to authority granted to the commissioner by  
48 sections 6 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by  
49 a provider of health care [or], at a health facility licensed  
50 pursuant to section 12 of P.L.1971, c.136 (C.26:2H-12) or the  
51 Juvenile Justice Commission established pursuant to section 2 of  
52 P.L. c. (C. )(now pending before the Legislature as section 2  
53 of Assembly Bill No. of 1995 or Senate Bill No. of 1995). The  
54 order shall also require that the results of the test be reported to



1 the offender and to the appropriate Office of Victim-Witness  
2 Advocacy.

3 c. The Office of Victim-Witness Advocacy, established  
4 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall  
5 reimburse the Department of Corrections [or] , Department of  
6 Health or the Juvenile Justice Commission for the direct costs  
7 incurred by these departments for any tests ordered by a court  
8 pursuant to subsection a. of this section. Reimbursement shall be  
9 made following a request from the department.

10 d. In addition to any other disposition authorized, a court may  
11 order an offender at the time of sentencing to reimburse the  
12 State for the costs of the tests ordered by subsection a. of this  
13 section.

14 e. Upon receipt of the result of a test ordered pursuant to  
15 subsection a. of this section, the Office of Victim-Witness  
16 Advocacy shall provide the victim with appropriate counseling,  
17 referral for counseling and if appropriate, referral for health  
18 care. The office shall notify the victim or make appropriate  
19 arrangements for the victim to be notified of the test result.

20 f. The result of a test ordered pursuant to subsection a. of this  
21 section shall be confidential [and a health care provider] and  
22 employees of the Department of Corrections, the Juvenile  
23 Justice Commission, the Office of Victim-Witness Advocacy, a  
24 health care provider, health care facility or counseling service  
25 shall not disclose the result of a test performed pursuant to this  
26 section except as authorized herein or as otherwise authorized by  
27 law or court order. The provisions of this section shall not be  
28 deemed to prohibit disclosure of a test result to the person tested.

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

33 h. This section shall not be construed to preclude or limit any  
34 other testing for acquired immune deficiency syndrome (AIDS) or  
35 infection with the human immunodeficiency virus (HIV) or any  
36 other related virus identified as a probable causative agent of  
37 AIDS which is otherwise permitted by statute, court rule or  
38 common law.

39 (cf: P.L.1993, c.364, s.4)

40 23. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read  
41 as follows:

42 2. Pursuant to said compact, the Governor is hereby  
43 authorized and empowered to designate an officer within the  
44 [Department of Institutions and Agencies] Juvenile Justice  
45 Commission established pursuant to section 2 of P.L. c. (C.  
46 )(now pending before the Legislature as section 2 of Assembly Bill  
47 No. of 1995 or Senate Bill No. of 1995) who shall be the  
48 compact administrator and who, acting jointly with like officers  
49 of other party States, shall promulgate rules and regulations to  
50 carry out more effectively the terms of the compact. Said  
51 compact administrator shall serve subject to the pleasure of the  
52 Governor. The compact administrator is hereby authorized,  
53 empowered and directed to co-operate with all departments,  
54 agencies and officers of and in the government of this State and

1 its political subdivisions in facilitating the proper administration  
2 of the compact or of any supplementary agreement or  
3 agreements entered into by this State thereunder.

4 (cf: P.L.1955, c.55, s.2)

5 24. Section 6 of P.L.1979, c.207 (C.18A:7B-2) is amended to  
6 read as follows:

7 6. a. For each child who is resident in a district and in a State  
8 facility on the last school day prior to October 16 of the  
9 prebudget year, the Commissioner of Education shall deduct from  
10 the State aid payable to such district an amount equal to the  
11 State foundation amount plus the appropriate special education  
12 aid.

13 b. If, for any district, the amount to be deducted pursuant to  
14 subsection a. of this section is greater than State aid payable to  
15 the district, the district shall pay to the Department of Education  
16 the difference between the amount to be deducted and the State  
17 aid payable to the district.

18 c. The amount deducted pursuant to subsection a. of this  
19 section and the amount paid to the Department of Education  
20 pursuant to subsection b. of this section shall be forwarded to the  
21 Department of Human Services if the facility is operated by or  
22 under contract with that department, or to the Department of  
23 Corrections if the facility is operated by that department, or to  
24 the Juvenile Justice Commission established pursuant to section 2  
25 of P.L. c. (C. )(now pending before the Legislature as section  
26 2 of Assembly Bill No. of 1995 or Senate Bill No. of 1995) if  
27 the facility is operated by that commission, and shall serve as  
28 payment by the district of tuition for the child. This amount  
29 shall be used solely for the support of educational programs and  
30 shall be maintained in a separate account for that purpose. No  
31 district shall be responsible for the tuition of any child admitted  
32 to a State facility after the last school day prior to October 16 of  
33 the prebudget year.

34 (cf: P.L.1990, c.52, s.34)

35 25. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to  
36 read as follows:

37 8. Funds received pursuant to this act by the Department of  
38 Human Services [or] , by the Department of Corrections or by the  
39 Juvenile Justice Commission established pursuant to section 2 of  
40 P.L. c. (C. )(now pending before the Legislature as section 2  
41 of Assembly Bill No. of 1995 or Senate Bill No. of 1995) shall  
42 be used only for the salaries of teachers, educational  
43 administrators at the program level, child study team personnel,  
44 clerical staff assigned to child study teams or to educational day  
45 programs, paraprofessionals assigned to educational programs in  
46 State facilities, and for diagnostic services required as part of  
47 the child study team evaluations and related educational services  
48 personnel whose function requires an educational certificate  
49 issued by the State Department of Education, and for the costs of  
50 educational materials, supplies and equipment for these  
51 programs. No such funds shall be used for the renovation or  
52 construction of capital facilities, for the maintenance and  
53 operation of educational facilities, or for custodial, habilitation  
54 or other noneducational costs.

1 There are hereby authorized to be appropriated to the  
2 Departments of Human Services and Corrections such funds as  
3 may be necessary to provide for adult, post-secondary and  
4 college programs.

5 (cf: P.L.1983, c.205, s.1)

6 26. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to  
7 read as follows:

8 19. For school funding purposes, the Commissioner of  
9 Education shall determine district of residence as follows:

10 a. The district of residence for children in foster homes shall  
11 be the district in which the foster parents reside. If a child in a  
12 foster home is subsequently placed in a State facility or by a  
13 State agency, the district of residence of the child shall then be  
14 determined as if no such foster placement had occurred.

15 b. The district of residence for children who are in residential  
16 State facilities, or who have been placed by State agencies in  
17 group homes, private schools or out-of-State facilities, shall be  
18 the present district of residence of the parent or guardian with  
19 whom the child lived prior to his most recent admission to a State  
20 facility or most recent placement by a State agency.

21 If this cannot be determined, the district of residence shall be  
22 the district in which the child resided prior to such admission or  
23 placement.

24 c. The district of residence for children whose parent or  
25 guardian temporarily moves from one school district to another  
26 as the result of being homeless shall be the district in which the  
27 parent or guardian last resided prior to becoming homeless. For  
28 the purpose of this amendatory and supplementary act,  
29 "homeless" shall mean an individual who temporarily lacks a  
30 fixed, regular and adequate residence.

31 d. If the district of residence cannot be determined according  
32 to the criteria contained herein, or if the criteria contained  
33 herein identify a district of residence outside of the State, the  
34 State shall assume fiscal responsibility for the tuition of the  
35 child. The tuition shall equal the State foundation amount plus  
36 the appropriate special education aid, if any. This amount shall  
37 be appropriated in the same manner as other State aid under this  
38 act. The Department of Education shall pay the amount to the  
39 Department of Human Services [or] the Department of  
40 Corrections or the Juvenile Justice Commission established  
41 pursuant to section 2 of P.L. c. (C. )(now pending before the  
42 Legislature as Assembly Bill No. of 1995 or Senate Bill No. of  
43 1995) or, in the case of a homeless child, to the school district in  
44 which the child is enrolled.

45 (cf: P.L.1990, c.52, s.35)

46 27. Section 3 of P.L.1976, c.98 (C.30:1B-3) is amended to read  
47 as follows:

48 3. The Legislature hereby finds and declares that the purpose  
49 of the department shall be to protect the public and to provide  
50 for the custody, care, discipline, training and treatment of  
51 [persons] adult offenders committed to State correctional  
52 institutions or on parole; to supervise and assist in the treatment  
53 and training of [persons] adult offenders in local correctional and  
54 detention facilities, so that such persons may be prepared for

1 release and reintegration into the community; and to cooperate  
2 with the other law enforcement agencies of this State to  
3 encourage a more unified system of criminal justice.

4 The Legislature further finds and declares that:

5 a. There is a need to:

6 (1) Provide maximum-security confinement of those offenders  
7 whose demonstrated propensity to acts of violence requires their  
8 separation from the community; <sup>1</sup>and<sup>1</sup>

9 (2) Develop alternatives to conventional incarceration for those  
10 offenders who can be dealt with more effectively in less  
11 restrictive, community-based facilities and programs; <sup>1</sup>[and

12 (3) Separate juvenile offenders from the adult offender  
13 population and develop programs and services for juvenile  
14 offenders which recognize their special needs;]<sup>1</sup>

15 b. The environment for incarcerated persons should encourage  
16 the possibilities of rehabilitation and reintegration into the  
17 community; and,

18 c. The incarcerated offender should be protected from  
19 victimization within the Institution.

20 (cf: P.L.1976, c.98, s.3)

21 28. Section 6 of P.L.1976, c.98 (C.30:1B-6) is amended to read  
22 as follows:

23 6. The commissioner, as administrator and chief executive  
24 officer of the department, shall:

25 a. Administer the work of the department;

26 b. Appoint and remove officers and other personnel employed  
27 within the department, subject to the provisions of Title 11 of the  
28 Revised Statutes, Civil Service, and other applicable statutes,  
29 except as herein otherwise specifically provided;

30 c. Perform, exercise and discharge the functions, powers and  
31 duties of the department through such divisions as may be  
32 established by this act or otherwise by law;

33 d. Organize the work of the department in such divisions, not  
34 inconsistent with the provision of this act, and in such bureaus  
35 and other organizational units as he may determine to be  
36 necessary for efficient and effective operation;

37 e. Formulate, adopt, issue and promulgate, in the name of the  
38 department such rules and regulations for the efficient conduct  
39 of the work and general administration of the department, the  
40 institutions or noninstitutional agencies within its jurisdiction, its  
41 officers and employees as may be authorized by law;

42 f. Determine all matters relating to the unified and continuous  
43 development of the institutions and noninstitutional agencies  
44 within his jurisdiction;

45 g. Determine all matters of policy and regulate the  
46 administration of the institutions or noninstitutional agencies  
47 within his jurisdiction, correct and adjust the same so that each  
48 shall function as an integral part of a general system. The rules,  
49 regulations, orders and directions promulgated by the  
50 commissioner for this purpose shall be accepted and enforced by  
51 the executive having charge of any institution or group of  
52 institutions or noninstitutional agencies or any phase of the work  
53 within the jurisdiction of the department;

54 h. Institute or cause to be instituted such legal

1 proceedings or processes as may be necessary to enforce properly  
2 and give effect to any of his powers or duties; for the purpose of  
3 any such investigation, he may cause to be examined under oath  
4 any and all persons whatsoever and compel by subpoena the  
5 attendance of witnesses and the production of such books,  
6 records, accounts, papers and other documents as are  
7 appropriate. If a witness fails without good cause to attend,  
8 testify or produce such records or documents as are directed in  
9 the subpoena, he shall be punished in the manner provided for the  
10 punishment of any witness who disobeys a summons or subpoena  
11 issued from a court of record in this State;

12 i. Make a report in each year to the Governor and to the  
13 Legislature of the department's operations for the preceding  
14 fiscal year, and render such other reports as the Governor shall  
15 from time to time request or as may be required by law;

16 j. Appoint such advisory committees as may be desirable to  
17 advise and assist the department or a division in carrying out its  
18 functions and duties;

19 k. Maintain suitable headquarters for the department and such  
20 other quarters as he shall deem necessary to the proper  
21 functioning of the department;

22 l. Develop and from time to time revise and maintain a  
23 comprehensive master plan for the State's correctional system  
24 which shall indicate, among other things, the department's goals,  
25 objectives, resources and needs;

26 m. Promote the development of alternatives to conventional  
27 incarceration for those offenders who can be dealt with more  
28 effectively in less restrictive, community-based facilities;

29 n. [Provide for the separation of juvenile offenders from the  
30 adult offender population and the development of programs and  
31 services for juveniles which promote their rehabilitation and  
32 recognize their special needs] (Deleted by amendment, P.L.  
33 c. (C. )(now pending before the Legislature as this bill);

34 o. Promote a unified criminal justice system, including the  
35 integration of State and local correctional programs and  
36 probation and parole services;

37 p. Provide for the timely and efficient collection and analysis  
38 of data regarding the correctional system to insure the continuing  
39 review and evaluation of correctional services, policies and  
40 procedures; and

41 q. Perform such other functions as may be prescribed in this  
42 act or by any other law.

43 (cf: P.L.1976, c.98, s.6)

44 29. Section 8 of P.L.1976, c.98 (C.30:1B-8) is amended to read  
45 as follows:

46 8. The following correctional institutions of this State are  
47 hereby transferred from the Department of Institutions and  
48 Agencies to the Department of Corrections established hereunder:

49 New Jersey State Prison,

50 East Jersey State Prison,

51 Bayside State Prison,

52 Garden State Reception and Youth Correctional Facility,

53 Albert C. Wagner Youth Correctional Facility,

54 Edna Mahan Correctional Facility for Women,

1 Mountainview Youth Correctional Facility,  
2 [New Jersey Training School for Boys,]  
3 [Lloyd McCorkle Training School for Boys and Girls,]  
4 Adult Diagnostic and Treatment Center, Avenel.

5 Any State institution and satellite facilities heretofore or  
6 hereafter established for any purpose similar to the above  
7 institutions and agencies shall be assigned to and maintained and  
8 operated by the Department of Corrections.

9 (cf: P.L.1987, c.304, s.2)

10 30. Section 10 of P.L.1976, c.98 (C.30:1B-10) is amended to  
11 read as follows:

12 10. All functions, powers and duties of the Commissioner of  
13 Institutions and Agencies and the Department of Institutions and  
14 Agencies with respect to all county and city jails or places of  
15 detention, county or city workhouses, county penitentiaries,  
16 [county and municipal schools of detention,] privately maintained  
17 institutions and noninstitutional agencies [and juvenile detention  
18 facilities] for the care, treatment, government and discipline of  
19 adult inmates [are hereby] transferred to the Department of  
20 Corrections established [hereunder] pursuant to section 2 of  
21 P.L.1976, c.98 (C.30:1B-2). The commissioner may, in accordance  
22 with the Administrative Procedure Act, P.L.1968, c.410  
23 (C.52:14B-1 et seq.), promulgate such rules and regulations as he  
24 shall deem necessary to establish minimum standards for such  
25 care, treatment, government and discipline.

26 (cf: P.L.1976, c.98, s.10)

27 31. Section 2 of P.L.1969, c.181 (C.30:4-7.2) is amended to  
28 read as follows:

29 2. The chief executive officer of a State or county institution  
30 for the mentally ill[,] or mentally retarded [or] 1, of a State or  
31 county penal or correctional institution or of a juvenile facility or  
32 detention center is hereby authorized to give consent for  
33 medical, psychiatric, surgical or dental treatment to incompetent  
34 patients, [or] inmates or juveniles under age 21, hospitalized or  
35 confined therein under circumstances where it appears that

36 (a) Such patients [or] 1 inmates or juveniles, because of  
37 incompetency or nonage, are legally prevented from giving  
38 consent to such treatment, and

39 (b) Either:

40 (i) there is no parent or guardian known to such officer, after  
41 reasonable inquiry, who is competent to give consent for the  
42 treatment of mental patients, or of inmates under the age of 21,  
43 or

44 (ii) where a parent or guardian, after reasonable notice of the  
45 proposed treatment and a request for consent, and prior to the  
46 date fixed in such notice for the rendering of said treatment,  
47 refuses or neglects to execute and submit to such officer a  
48 writing expressing either the grant or denial of such consent, and

49 (c) Where a licensed physician, psychiatrist, surgeon or dentist  
50 certifies that the treatment to be performed is essential and  
51 beneficial to the general health and welfare of such patient or  
52 inmate, or will improve his opportunity for recovery or prolong or  
53 save his life.

54 (cf: P.L.1969, c.181, s.2)

1 32. Section 4 of P.L.1969, c.81 (C.30:4-7.4) is amended to read  
2 as follows:

3 4. Notice of required treatment shall be given to a parent or  
4 guardian of such patient [or] , inmate or juvenile by certified mail  
5 to the last known address with a request for consent, and such  
6 notice shall contain sufficient information to indicate the precise  
7 nature of the illness and the proposed treatment and the date  
8 same will be performed, and shall be sent at least 10 days in  
9 advance of the date recommended for such treatment unless the  
10 case is one certified to be emergent, as provided hereinabove, in  
11 which case the parent or guardian shall be given the maximum  
12 advance notice possible under the circumstances. For the  
13 purposes of this act, such notice shall be deemed reasonable  
14 notice.

15 (cf: P.L.1969, c.181, s.4)

16 33. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to  
17 read as follows:

18 4. a. In order to ensure that adult and juvenile inmates who  
19 are dangerous to themselves or others because of mental illness  
20 and who are "in need of involuntary commitment" within the  
21 meaning of section 2 of P.L.1987, c.116 (C.30:4-27.2), are not  
22 released without appropriate supervision and treatment, the  
23 board, the Commissioner of the Department of Corrections, the  
24 Attorney General, the Juvenile Justice Commission established  
25 pursuant to section 2 of P.L. ,c. (C. )(now pending before  
26 the Legislature as section 2 of Assembly Bill No. of 1995 or  
27 Senate Bill No. of 1995) and county prosecutors shall follow the  
28 procedures set forth in this section.

29 b. When an adult or juvenile inmate is scheduled for release  
30 due to expiration of the inmate's maximum term, the  
31 commissioner or the Juvenile Justice Commission shall notify the  
32 Attorney General and the prosecutor of the county from which  
33 the person was committed if:

34 (1) The adult inmate's term includes a sentence imposed for  
35 conviction of aggravated sexual assault, sexual assault or  
36 aggravated criminal sexual contact and the court imposing  
37 sentence found that the offender's conduct was characterized by  
38 a pattern of repetitive, compulsive behavior; or

39 (2) The parole board or the superintendent of the facility in  
40 which the inmate has been confined has advised the commissioner  
41 or the Juvenile Justice Commission that the conduct of the  
42 inmate during the period of confinement, the inmate's mental  
43 condition or the inmate's past history indicates that the inmate  
44 may be "in need of involuntary commitment" within the meaning  
45 of section 2 of P.L.1987, c.116 (C.30:4-27.2).

46 c. Notice required by subsection b. shall be given no less than  
47 90 days before the date on which the inmate's maximum term is  
48 scheduled to expire.

49 d. When such notice is given, the board, the Juvenile Justice  
50 Commission or the commissioner shall provide the Attorney  
51 General and county prosecutor with all information relevant to a  
52 determination of whether the inmate may be "in need of  
53 involuntary commitment," including, without regard to  
54 classification as confidential pursuant to regulations of the board  
55 [or] , of the Department of Corrections or the Juvenile Justice

1 Commission, any parole report, psychological and medical  
2 records, any statement of the reasons for denial of parole and, if  
3 applicable, a statement of the reasons for the determination that  
4 the inmate may be "in need of involuntary commitment."

5 e. If the Attorney General or county prosecutor determines, on  
6 the basis of the information provided pursuant to this section or  
7 N.J.S.2C:47-5, that the inmate may be "in need of involuntary  
8 commitment," the Commissioner of Corrections or the Juvenile  
9 Justice Commission, upon request of the Attorney General or  
10 county prosecutor shall:

11 (1) Permit persons qualified to execute clinical certificates  
12 necessary for civil commitment to examine the inmate in the  
13 institution in which he is confined; or

14 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),  
15 arrange for persons qualified to execute clinical certificates  
16 necessary for civil commitment to examine the inmate.

17 f. In the interests of the public safety and the well-being of  
18 the inmate, the Attorney General or county prosecutor may  
19 exercise discretion to obtain an assessment of the inmate's  
20 condition by one or more of the means set forth in subsection e.  
21 of this section.

22 g. The Attorney General or county prosecutor shall provide a  
23 psychiatrist or physician assessing or examining an inmate  
24 pursuant to this section with all information relevant to the  
25 inmate's need of involuntary commitment, including information  
26 concerning the inmate's condition, history, recent behavior and  
27 any recent act or threat. Any person who assesses or examines  
28 an inmate pursuant to this section shall provide the Attorney  
29 General and county prosecutor with a written report detailing the  
30 person's findings and conclusions.

31 h. (1) All information, documents and records concerning the  
32 inmate's mental condition or classified as confidential pursuant  
33 to regulations of the board [or] <sub>2</sub> of the Department of  
34 Corrections or the Juvenile Justice Commission that are received  
35 or provided pursuant to this section or N.J.S.2C:47-5 shall be  
36 deemed confidential.

37 (2) Unless authorized or required by court order or except as  
38 required in the course of judicial proceedings relating to the  
39 inmate's commitment or release, disclosure of such information,  
40 documents and records shall be limited to professionals  
41 evaluating the inmate's condition pursuant to this section, the  
42 Attorney General, county prosecutor and members of their  
43 respective staffs as necessary to the performance of duties  
44 imposed pursuant to this section.

45 i. Any person acting in good faith who has provided  
46 information relevant to an inmate's need of involuntary  
47 commitment or has taken good faith steps to assess an inmate's  
48 need of involuntary commitment is immune from civil and  
49 criminal liability.

50 (cf:P.L.1994, c.134, s.4)

51 34. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to  
52 read as follows:

53 1. a. This act shall be known and may be cited as the "Parole  
54 Act of 1979."

55 b. In this act, unless a different meaning is plainly required:



1 (1) "Adult inmate" means any person sentenced as an adult to  
2 a term of incarceration.

3 (2) "Juvenile inmate" means any person under commitment as  
4 a juvenile delinquent pursuant to section 24 of P.L.1982, c.77  
5 (C.2A:4A-44).

6 (3) "Parole release date" means that date certified by a  
7 member of the board for release of an inmate after a review of  
8 the inmate's case pursuant to section 11, 13 or 14 of this act.

9 (4) "Primary parole eligibility date" means that date  
10 established for parole eligibility for adult inmates pursuant to  
11 section 7 or 20 of this act.

12 (5) "Public notice" shall consist of lists including names of all  
13 inmates being considered for parole, the county from which he  
14 was committed and the crime for which he was incarcerated. At  
15 least 30 days prior to parole consideration such lists shall be  
16 forwarded to the prosecutor's office of each county, the  
17 sentencing court, the office of the Attorney General, any other  
18 criminal justice agencies whose information and comment may be  
19 relevant, and news organizations.

20 (6) Removal for "cause" means such substantial cause as is  
21 plainly sufficient under the law and sound public policy touching  
22 upon qualifications appropriate to a member of the parole board  
23 or the administration of said board such that the public interest  
24 precludes the member's continuance in office. Such cause  
25 includes, but is not limited to, misconduct in office, incapacity,  
26 inefficiency and nonfeasance.

27 (7) "Commission" means the Juvenile Justice Commission  
28 established pursuant to section 2 of P.L. ,c. (C. )(now  
29 pending before the Legislature as section 2 of Assembly Bill  
30 No. of 1995 or Senate Bill No. of 1995)

31 (8) "Parole officer" means, with respect to an adult inmate, an  
32 officer assigned by the Bureau of Parole and, with respect to a  
33 juvenile inmate, a person assigned by the Commission.

34 (cf: P.L.1991, c.91, s.318)

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

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

39 b. Except where otherwise noted, parole determinations on  
40 individual cases pursuant to this act shall be made by the  
41 majority vote of a quorum of the appropriate board panel  
42 established pursuant to this section.

43 c. The chairman of the board shall be the chief executive  
44 officer of the board and, after consulting with the board, shall be  
45 responsible for designating the time and place of all board  
46 meetings, for appointing the board's employees, for organizing,  
47 controlling and directing the work of the board and its employees,  
48 and for preparation and justification of the board's budget. The  
49 nonsecretarial professional and supervisory employees of the  
50 board such as, but not limited to, hearing officers, shall serve at  
51 the pleasure of the chairman and shall not be subject to the  
52 provisions of Title 11 of the Revised Statutes. Nothing contained  
53 herein shall be deemed to affect the employees of the  
54 Department of Corrections, such as parole officers assigned to  
55 supervise parolees.

1 d. The board shall promulgate such reasonable rules and  
2 regulations, consistent with this act, as may be necessary for the  
3 proper discharge of its responsibilities. The chairman shall file  
4 such rules and regulations with the Secretary of State. The  
5 provisions of the "Administrative Procedure Act," P.L.1968,  
6 c.410 (C.52:14B-1 et seq.) shall apply to the promulgation of rules  
7 and regulations concerning policy and administration, but not to  
8 other actions taken under this act, such as parole hearings, parole  
9 revocation hearings and review of parole cases. In determination  
10 of its rules and regulations concerning policy and administration,  
11 the board shall consult the Governor [and] the Commissioner of  
12 Corrections and the Juvenile Justice Commission established  
13 pursuant to section 2 of P.L. c. (C. )(now pending before the  
14 Legislature as section 2 of Assembly Bill No. of 1995 or Senate  
15 Bill No. of 1995).

16 e. The board, in conjunction with the Department of  
17 Corrections and the Juvenile Justice Commission, shall develop a  
18 uniform information system in order to closely monitor the parole  
19 process. Such system shall include participation in the Uniform  
20 Parole Reports of the National Council on Crime and Delinquency.

21 f. The board shall transmit a report of its work for the  
22 preceding fiscal year, including information on the causes and  
23 extent of parole recidivism, to the Governor, the Legislature and  
24 the [Criminal Disposition Commission] Juvenile Justice  
25 Commission annually.

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

28 h. The board shall give notice to the appropriate prosecutor's  
29 office and to the committing court prior to the initial  
30 consideration of any juvenile inmate for release.

31 (cf: P.L.1979, c.441, s.4)

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

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

40 b. Nothing contained in this act shall be deemed to preclude a  
41 member of any board panel from exercising all the functions,  
42 powers, and duties of a hearing officer upon designation by the  
43 chairman; provided, however, that no member so designated shall  
44 participate in the disposition of a panel or board review of his  
45 initial decision.

46 c. No hearing officer assigned to review adult cases shall be  
47 assigned to review juvenile cases pursuant to sections 13 and 19  
48 of [this act] P.L.1979, c.441 (C.30:4-123.57 and 30:4-123.63), nor  
49 shall any hearing officer assigned to review juvenile cases be  
50 assigned to review adult cases.

51 d. Representatives of the board or the chairman designated  
52 pursuant to this act may include employees of the board and  
53 employees of other agencies such as the Department of

1 Corrections or the Juvenile Justice Commission established  
2 pursuant to section 2 of P.L. c. (C. )(now pending before the  
3 Legislature as section 2 of Assembly Bill No. of 1995 or Senate  
4 Bill No. of 1995), provided that no employee of the Department  
5 of Corrections or the Juvenile Justice Commission shall be so  
6 designated without the approval of the Commissioner of  
7 Corrections or the Executive Director of the Commission. Such  
8 representatives shall not participate in the disposition of parole  
9 cases.

10 (cf: P.L.1982, c.71, s.1)

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

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

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

20 b. Notwithstanding any other provision of law to the contrary,  
21 the Department of Corrections shall provide written notice to  
22 the prosecutor of the anticipated release from incarceration in a  
23 county or State penal institution or the Adult Diagnostic and  
24 Treatment Center of a person convicted of murder;  
25 manslaughter; aggravated sexual assault; sexual assault;  
26 aggravated assault; aggravated criminal sexual contact;  
27 kidnapping pursuant to paragraph (2) of subsection c. of  
28 N.J.S.2C:13-1; endangering the welfare of a child by engaging in  
29 sexual conduct which would impair or debauch the morals of the  
30 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the  
31 welfare of a child pursuant to paragraph (4) of subsection b. of  
32 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of  
33 P.L.1993, c.291 (C.2C:13-6); any other offense involving serious  
34 bodily injury or an attempt to commit any of the aforementioned  
35 offenses.

36 c. Notwithstanding any other provision of law to the  
37 contrary, the [Department of Human Services] Juvenile Justice  
38 Commission established pursuant to section 2 of  
39 P.L. c. (C. )(now pending before the Legislature as section 2  
40 of Assembly Bill No. of 1995 or Senate Bill No. of 1995) shall  
41 provide written notice to the prosecutor of the anticipated  
42 release from incarceration of a juvenile adjudicated delinquent on  
43 the basis of an offense which, if committed by an adult, would  
44 constitute murder; manslaughter; aggravated sexual assault;  
45 sexual assault; aggravated assault; aggravated criminal sexual  
46 contact; kidnapping pursuant to paragraph (2) of subsection c. of  
47 N.J.S.2C:13-1; endangering the welfare of a child by engaging in  
48 sexual conduct which would impair or debauch the morals of the  
49 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the  
50 welfare of a child pursuant to paragraph (4) of subsection b. of  
51 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of  
52 P.L.1993, c.291 (C.2C:13-6); any other offense involving serious  
53 bodily injury or an attempt to commit any of the aforementioned  
54 offenses.

1 d. If available, the notice shall be provided to the prosecutor  
2 90 days before the inmate's anticipated release; provided  
3 however, the notice shall be provided at least 30 days before  
4 release. The notice shall include the person's name, identifying  
5 factors, offense history, and anticipated future residence. The  
6 prosecutor shall notify the Office of Victim and Witness  
7 Advocacy and that office shall use any reasonable means  
8 available to them to notify the victim of the anticipated release  
9 unless the victim has requested not to be notified.

10 e. Upon receipt of notice, the prosecutor shall provide notice  
11 to the law enforcement agency responsible for the municipality  
12 where the inmate will reside, the municipality in which any  
13 victim resides, and such other State and local law enforcement  
14 agencies as appropriate for public safety.

15 (cf: P.L.1994, c.135, s.1)

16 38. Section 13 of P.L.1979, c.441 (C.30:4-123.57) is amended  
17 to read as follows:

18 13. a. An assigned member of the board panel on juvenile  
19 commitments or a designated hearing officer shall periodically,  
20 but not less than quarterly, review the case of each juvenile  
21 inmate committed to determine whether release should be  
22 granted pursuant to subsection b. [or] of section 9 of P.L.1979,  
23 c.441 (C.30:4-123.53).

24 b. Such review shall include a personal interview of the inmate  
25 by the assigned member or the designated hearing officer, and  
26 prior to such review a designated representative of the board  
27 panel shall discuss with and explain to the juvenile inmate all  
28 documents relevant to the case, excepting those documents which  
29 have been classified as confidential pursuant to rules and  
30 regulations of the board or the [Department of Corrections]  
31 Juvenile Justice Commission established pursuant to section 2 of  
32 P.L. c. (C. ) (now pending before the Legislature as section 2  
33 of Assembly Bill No. of 1995 or Senate Bill No. of 1995).

34 c. If such review is conducted by a hearing officer, the hearing  
35 officer shall, at the conclusion of the review, recommend in  
36 writing any appropriate action to the assigned member of the  
37 panel on juvenile commitments.

38 d. At the conclusion of the review, the assigned member of the  
39 board panel shall either (1) certify parole release of the juvenile  
40 as soon as practicable, or (2) file with the board a statement  
41 setting forth the decision of the member, a copy of which  
42 statement shall be served upon the juvenile, the juvenile's  
43 parents or guardians, and the court.

44 e. The board panel on juvenile commitments shall at least  
45 yearly review the case of each juvenile confined to determine the  
46 reasons for the continued confinement of the juvenile. A report  
47 of such review shall be forwarded to the board, the  
48 [Commissioner of Corrections] Juvenile Justice Commission and  
49 the committing court.

50 (cf: P.L.1979, c.441, s.13)

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

53 15. a. Each adult parolee shall at all times remain in the legal  
54 custody of the Commissioner of Corrections and each juvenile

1 parolee shall at all times remain in the legal custody of the  
2 Juvenile Justice Commission established pursuant to section 2 of  
3 P.L. c. (C. )(now pending before the Legislature as section 2  
4 of Assembly Bill No. of 1995 or Senate Bill No. of 1995), except  
5 that the [commissioner] Commissioner of Corrections or the  
6 Executive Director of the Juvenile Justice Commission, after  
7 providing notice to the Attorney General, may consent to the  
8 supervision of a parolee by the federal government pursuant to  
9 the Witness Security Reform Act, Pub.L.98-473 (18 U.S.C.§3251  
10 et seq.). A parolee, except those under the Witness Security  
11 Reform Act, shall remain under the supervision of the Bureau of  
12 Parole of the Department of Corrections or the Juvenile Justice  
13 Commission, as appropriate, in accordance with the rules of the  
14 board.

15 b. Each parolee shall agree, as evidenced by his signature to  
16 abide by specific conditions of parole established by the  
17 appropriate board panel which shall be enumerated in writing in a  
18 certificate of parole and shall be given to the parolee upon  
19 release. Such conditions shall include, among other things, a  
20 requirement that the parolee conduct himself in society in  
21 compliance with all laws and refrain from committing any crime,  
22 a requirement that the parolee will not own or possess any  
23 firearm as defined in subsection f. of N.J.S.2C:39-1 or any other  
24 weapon enumerated in subsection r. of N.J.S.2C:39-1, a  
25 requirement that the parolee refrain from the use, possession or  
26 distribution of a controlled dangerous substance, controlled  
27 substance analog or imitation controlled dangerous substance as  
28 defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that  
29 the parolee obtain permission from his parole officer for any  
30 change in his residence, and a requirement that the parolee  
31 report at reasonable intervals to an assigned parole officer. In  
32 addition, based on prior history of the parolee, the member or  
33 board panel certifying parole release pursuant to section 11 of  
34 P.L.1979, c.441 (C.30:4-123.55) may impose any other specific  
35 conditions of parole deemed reasonable in order to reduce the  
36 likelihood of recurrence of criminal or delinquent behavior. Such  
37 special conditions may include, among other things, a  
38 requirement that the parolee make full or partial restitution, the  
39 amount of which restitution shall be set by the sentencing court  
40 upon request of the board.

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

1 parole conditions for any period of time during which a parolee is  
2 under its jurisdiction.

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

17 e. The assigned parole officer shall provide assistance to the  
18 parolee in obtaining employment, education or vocational training  
19 or in meeting other obligations.

20 f. The board panel on juvenile commitments and the assigned  
21 parole officer shall insure that the least restrictive available  
22 alternative is used for any juvenile parolee.

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

32 h. Upon collection of the fine the same shall be paid over by  
33 the Department of Corrections or by the Juvenile Justice  
34 Commission to the State Treasury.  
35 (cf: P.L.1992, c.156, s.1)

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

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

44 b. Any parolee who has seriously or persistently violated the  
45 conditions of his parole, may have his parole revoked and may be  
46 returned to custody pursuant to sections 18 and 19 of [this act]  
47 P.L.1979, c.441 (C.30:4-123.62 and 30:4-123.63). The board shall  
48 be notified immediately upon the arrest or indictment of a  
49 parolee or upon the filing of charges that the parolee committed  
50 an act which, if committed by an adult, would constitute a  
51 crime. The board shall not revoke parole on the basis of new  
52 [criminal] charges which have not resulted in a disposition at the  
53 trial level except that upon application by the prosecuting  
54 authority, the Juvenile Justice Commission established pursuant

1 to section 2 of P.L. c. (C. )[now pending before the  
2 Legislature as section 2 of Assembly Bill No. of 1995 or Senate  
3 Bill No. of 1995] or the Chief of the Bureau of Parole, the  
4 chairman of the board or his designee may at any time detain the  
5 parolee and commence revocation proceedings pursuant to  
6 sections 18 and 19 of [this act] P.L.1979, c.441 (C.30:4-123.62  
7 and 30:4-123.63) when [he] the chairman determines that the new  
8 charges against the parolee are of a serious nature and it appears  
9 that the parolee otherwise poses a danger to the public safety. In  
10 such [case] cases, a parolee shall be informed that, if he testifies  
11 at the revocation proceedings, his testimony and the evidence  
12 derived therefrom shall not be used against him in a subsequent  
13 criminal prosecution or delinquency adjudication.

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

22 (cf: P.L.1992, c.156, s.2)

23 41. Section 17 of P.L.1979, c.441 (C. 30:4-123.61) is amended  
24 to read as follows:

25 17. a. If the parole officer assigned to supervise a parolee has  
26 probable cause to believe that the parolee has violated a  
27 condition of his parole, such violation not being a basis for return  
28 to custody pursuant to subsection b. or c. of section 16 of  
29 P.L.1979, c.441 (c.30:4-123.60), the [parole] officer may require  
30 that the parolee appear before a designated representative of the  
31 board for a review of the parolee's adjustment.

32 b. If the board's designated representative finds that a parolee  
33 has violated a condition of his parole, such violation not being a  
34 basis for return to custody pursuant to subsection b. or c. of  
35 section 16 of P.L.1979, c.441 (c.30:4-123.60), the designated  
36 representative may subject the parolee to one or both of the  
37 actions set forth in subsection a. of section 16 of P.L.1979, c.441  
38 (c.30:4-123.60).

39 c. A parolee or the parolee's assigned parole officer may  
40 apply to the board's designated representative for modification  
41 of the conditions of parole.

42 d. Any action to modify the conditions of parole and any  
43 forfeiture of commutation time credits shall be appealable to the  
44 appropriate board panel, which may take appropriate action  
45 pursuant to subsection [16]a. of [this act] section 16 of P.L.1979,  
46 c.441 (c.30:4-123.60), but need not conduct a hearing.

47 (cf: P.L.1979, c.441, s.17)

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

50 18. a. (1) If a parole officer assigned to supervise a parolee  
51 has probable cause to believe that the parolee has violated a  
52 condition of his parole, such violation being a basis for return to  
53 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
54 (C.30:4-123.60), a designated representative of the chairman of  
55 the board may issue a warrant for the arrest of the parolee if

1 evidence indicates that the parolee may not appear at the  
2 preliminary hearing or if the parolee poses a danger to the public  
3 safety. With the parole warrant, a law enforcement officer may  
4 apprehend the delinquent parolee.

5 (2) If a parole officer assigned to supervise a parolee has  
6 probable cause to believe that the parolee has committed a  
7 crime, has committed an act or is about to commit an act which,  
8 if committed by an adult, would constitute a crime, is about to  
9 commit a crime or is about to flee the jurisdiction, which  
10 violation is a basis for return to custody pursuant to subsection b.  
11 of section 16 of P.L.1979, c.441 (C.30:4-123.60), and the situation  
12 is one of immediate emergency that cannot await the issuance of  
13 a warrant by a designated representative, the parole officer, by  
14 the parole officer's own warrant, may apprehend the parolee and  
15 cause his detention in a suitable facility designated by the  
16 Department of Corrections or the Juvenile Justice Commission  
17 established pursuant to section 2 of P.L. c. (C. )(now  
18 pending before the Legislature as section 2 of Assembly Bill No.  
19 of 1995 or Senate Bill No. of 1995), as appropriate, or cause the  
20 parolee's confinement in an appropriate institution pending  
21 return to a facility designated by the Department of Corrections  
22 or the Juvenile Justice Commission, as appropriate, to await the  
23 conduction of a preliminary hearing. The warrant shall be in the  
24 form prescribed, as appropriate, by the Juvenile Justice  
25 Commission or by the Bureau of Parole and approved by the  
26 Department of Corrections and, when signed by the [parole]  
27 officer in charge of the case, shall be a sufficient instrument and  
28 authority to all peace officers to assist in the apprehension of the  
29 parolee. It shall also be sufficient authority for detention of the  
30 parolee in a suitable facility, to await the conduction of the  
31 preliminary hearing. Upon enforcement of the warrant, the  
32 appropriate board panel shall be promptly notified. No parolee  
33 held in custody on a parole warrant shall be entitled to release on  
34 bail.

35 b. A parolee retaken under this section shall within 14 days be  
36 granted a preliminary hearing to be conducted by a hearing  
37 officer not previously involved in the case, unless the parolee or  
38 the hearing officer requests postponement of the preliminary  
39 hearing, which may be granted by the appropriate board panel for  
40 good cause, but in no event shall such postponement, if requested  
41 by the hearing officer, exceed 14 days.

42 c. The preliminary hearing shall be for the purpose of  
43 determining:

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

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

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

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

53 (2) The time, date, place and circumstances of the alleged  
54 violation;



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

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

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

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

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

10 f. If the evidence presented at the preliminary hearing does  
11 not support a finding of probable cause to believe that the  
12 parolee has violated a condition of his parole, such violation being  
13 a basis for return to custody pursuant to subsection b. of section  
14 16 of P.L.1979, 441 (C.30:4-123.60), or if it is otherwise  
15 determined that revocation is not desirable, the hearing officer  
16 may, in accordance with the provisions of subsection a. of section  
17 16 of P.L.1979, 441 (C.30:4-123.60) and section 17 of [this act]  
18 P.L.1979, 441 (C.30:4-123.60), issue an order modifying parole  
19 and releasing the offender, or continuing parole and releasing the  
20 offender.

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

27 h. Conviction of a crime committed while on parole or  
28 adjudication of delinquency for an act which, if committed by an  
29 adult, would constitute a crime shall be deemed to constitute  
30 probable cause to believe that the parolee has violated a  
31 condition of parole.

32 (cf: P.L.1987, c.108, s.1)

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

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

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

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

54 (2) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et

1 seq.), to representation by an attorney or such other qualified  
2 person as the parolee chooses;

3 (3) The right to confront and cross-examination witnesses, and  
4 to rebut documentary evidence against him; and

5 (4) The right to testify, to present evidence and to subpoena  
6 witnesses in his own behalf, provided a prima facie showing is  
7 made that the prospective witnesses will provide material  
8 testimony.

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

11 d. After consideration of all evidence presented, if there is  
12 clear and convincing evidence that a parolee has violated the  
13 conditions of his parole, such violation being a basis for return to  
14 custody pursuant to subsection b. or c. of section 16 of P.L.1979,  
15 c.441 (C.30:4-123.60), and if revocation and return to custody is  
16 desirable in the instant matter, the appropriate board panel may  
17 revoke parole and return such parolee to custody, for a specified  
18 length of time, or in accordance with the provisions of sections  
19 16 and 17 of [this act] of P.L.1979, c.441 (C.30:4-123.60 and  
20 30:4-123.61), or the appropriate board panel may issue an order  
21 modifying parole and releasing the offender or continuing parole  
22 and releasing the offender.

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

27 (cf: P.L.1979, c.441, s.19)

28 44. Section 21 of P.L.1979, c.441 (C.30:4-123.65) is amended  
29 to read as follows:

30 21. The duration of time served prior to parole, plus the  
31 duration of any time served on parole, less any time after  
32 warrant for retaking of a parolee was issued pursuant to section  
33 18 of P.L.1979, c.441 (C.30:4-123.62) but before the parolee is  
34 arrested, plus the duration of any time served after revocation of  
35 parole, shall not exceed the term specified in the original  
36 sentence.

37 (cf: P.L. 1979, c.441, s.21)

38 45. Section 22 of P.L.1979, c.441 (C.30:4-123.66) is amended  
39 to read as follows:

40 22. The appropriate board panel may give any parolee a  
41 complete discharge from parole prior to the expiration of the full  
42 maximum term for which he was sentenced or as authorized by  
43 the disposition, provided that such parolee has made a  
44 satisfactory adjustment while on parole, provided that continued  
45 supervision is not required, and provided the parolee has made  
46 full payment of any fine or restitution.

47 (cf: P.L.1979, c.441, s.22)

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

50 23. a. The appropriate board panel and the Department of  
51 Corrections or the Juvenile Justice Commission established  
52 pursuant to section 2 of P.L. c. (C. )(now pending before the  
53 Legislature as section 2 of Assembly Bill No. of 1995 or Senate  
54 Bill No. of 1995] may enter into formal agreements with  
55 officials of the board, officials of the Department of Corrections

1 or the Juvenile Justice Commission and individual parolees or  
2 inmates reduced to writing and signed by all parties, which  
3 agreements stipulate individual programs of education, training,  
4 or other activity which shall result in a specified reduction of the  
5 parolee's parole term pursuant to section 22 of [this act]  
6 P.L.1979, c.441 (C.30:4-123.66) or the inmate's primary parole  
7 eligibility date pursuant to section 8 of [this act] P.L.1979, c.441  
8 (C.30:4-123.52), upon such successful completion of the program.

9 b. Any parolee or inmate shall be permitted to apply to the  
10 board for such an agreement. The board panel shall review all  
11 such applications [and]. The board panel may approve any  
12 application consistent with eligibility requirements promulgated  
13 by the board pursuant to section 4 of [this act] P.L.1979, c.441  
14 (C.30:4-123.48). The commission may, by regulation, specify  
15 eligibility requirements for agreements with juvenile parolees and  
16 inmates and the procedures for effecting such agreements and  
17 reviewing juveniles' application for such agreements.

18 c. Upon approval of the parolee or inmate's application, the  
19 board panel shall be responsible for specifying the components  
20 necessary for any such agreement. Upon acceptance of the  
21 agreement by the Department of Corrections or by the  
22 commission, by the board panel and by the parolee or the inmate,  
23 the board panel shall reduce the agreement to writing. The  
24 parolee or inmate and the Department of Corrections or the  
25 Juvenile Justice Commission shall be given a copy of any such  
26 agreement.

27 d. Any such agreement shall be terminated by the board panel  
28 in the event the parolee or inmate fails to refuses to  
29 satisfactorily complete each component of the agreement. The  
30 inmate or parolee shall be notified in writing of any such  
31 termination and the reasons therefor. Any such termination may  
32 be appealed to the full board pursuant to section 14 of [this act]  
33 P.L.1979, c.441 (C.30:4-123.58).

34 (cf: P.L.1979, c.441, s.23)

35 47. R.S.30:4-147 is amended to read as follows:

36 30: 4-147. Any male person [between the ages of 15 and 30  
37 years] who is 14 years of age or older and less than 31 years old,  
38 who has been convicted of a crime punishable by imprisonment in  
39 the State Prison, who has not previously been sentenced to a  
40 State Prison in this State, or in any other State, may be  
41 committed to the Youth Correctional Institution Complex.

42 (cf: P.L.1970, c.300, s.4)

43 48. R.S.30:4-154 is amended to read as follows:

44 30:4-154. Any female above the age of [16] 14 years,  
45 convicted of a crime [which would be punishable by imprisonment  
46 in the State Prison if she were a male] and sentenced to a term of  
47 imprisonment, shall be committed to the [Correctional Institution  
48 for Women] custody of the Commissioner of Corrections and may  
49 be confined in <sup>1</sup>, and any female above the age of [16] 14 years,  
50 convicted of any offense punishable by imprisonment in any  
51 county penitentiary or workhouse, may be [committed to]  
52 confined in <sup>1</sup> the Correctional Institution for Women. [No male  
53 person shall be so committed or there confined.]

54 (cf: P.L.1970, c.300, s.7)

1 49. R.S.30:4-157.2 is amended to read as follows:

2 30:4-157.2. The warrant of commitment to the [Training  
3 School for Boys] custody of the Juvenile Justice Commission  
4 established pursuant to section 2 of P.L. c. (C. )(now pending  
5 before the Legislature as section 2 of Assembly Bill No. of 1995  
6 or Senate Bill No. of 1995) shall set forth the names of the  
7 parents or guardians if they can be ascertained and the [boy's]  
8 juvenile's place of residence. The court shall order transmitted  
9 to the [chief executive officer of the training school] commission,  
10 by the officer serving the [papers] order of commitment a  
11 [statement of the substance of] copy of the complaint, a copy of  
12 any probation reports pre-disposition reports, education records,  
13 county detention center records, or other records which the  
14 county may have concerning the past delinquencies of the [boy  
15 together with such of the testimony in the case as appears to  
16 show contributory negligence on the part of the boy's custodians  
17 and such] juvenile and other information concerning any mental  
18 or physical condition which the court deems to be of importance  
19 in the [reformation or] rehabilitation of the [boy] juvenile or the  
20 maintenance of discipline, order and safety in the facility or the  
21 operation of the facility or its programs. Such records shall be  
22 used for the information and guidance of the [board of managers  
23 of the training school] facility and the [department of institutions  
24 and agencies] commission but shall not be public records. Such  
25 warrants and records shall be forwarded to the commission on, or  
26 prior to, the date of the juvenile's admission into the facility.  
27 (cf: P.L.1970, c.300, s.12)

28 50. R.S.30:4-157.4 is amended to read as follows:

29 30:4-157.4. Whenever a [boy or girl] juvenile shall be  
30 committed to the [training school under the provisions of section  
31 30:4-157.1, 30:4-157.3 or 30:4-157.9 of this Title] custody of the  
32 Juvenile Justice Commission established pursuant to section 2 of  
33 P.L. c. (C. )(now pending before the Legislature as section 2  
34 of Assembly Bill No. of 1995 or Senate Bill No. of 1995), it  
35 shall be the duty of the court, at the time of the examination, to  
36 make inquiry as to the ability of the parent or guardian to pay the  
37 expenses of the commitment proceedings and the board of the  
38 [boy or girl] juvenile, and it shall [indorse] endorse on the warrant  
39 of commitment a statement of its finding in that regard.

40 Payment by the parent or guardian of these costs shall be made  
41 to the probation [officer] division or county adjuster, whichever  
42 the court shall designate; provided, however, that upon collection  
43 thereof the costs of the commitment proceedings shall be paid to  
44 the county treasurer, and any amount received representing  
45 maintenance shall be forwarded to the [institution wherein the  
46 inmate is confined] State Treasurer. In the event of failure of  
47 the parent or guardian to pay the amount ordered by the court  
48 then the probation [officer] division or county adjuster, as the  
49 case may be, shall bring the matter before the court for such  
50 further order as shall appear proper therein to compel payment.

51 (cf: P.L.1970, c.300, s.14)

52 51. R.S.30:4-157.5 is amended to read as follows:

53 30:4-157.5. For making copies of a complaint and  
54 commitment [under sections 30:4-157.1 and 30:4-157.2 of this

1 Title] in delinquency proceedings, the court or the clerk thereof  
2 shall be entitled to the same fees as are allowed by law for the  
3 original complaint and commitment.

4 The fee for serving process shall be the same and shall be paid  
5 in the same manner as for like services in criminal cases.

6 The sheriff, constable or officer executing a warrant of  
7 commitment shall be entitled to a fee of five dollars (\$5.00)  
8 besides the necessary traveling expenses for himself and the boy.

9 Other fees shall be the same as are allowed for similar services  
10 in the Superior Court, and all such fees shall be paid as other fees  
11 are paid in criminal causes.

12 (cf: P.L.1991, c.91, s.320)

13 52. R.S.30:4-157.7 is amended to read as follows:

14 30:4-157.7. No [inmate of the Training Schools for Boys]  
15 juvenile in custody of the Juvenile Justice Commission  
16 established pursuant to section 2 of P.L. c. (C. )(now pending  
17 before the Legislature as section 2 of Assembly Bill No. of 1995  
18 or Senate Bill No. of 1995) shall be indentured or bound out to  
19 service.

20 (cf: P.L.1970, c.300, s.16)

21 53. R.S.30:4-157.8 is amended to read as follows:

22 30:4-157.8. As a part of the parole system [in the Training  
23 Schools for Boys] for juveniles, the board may place any [inmate]  
24 juvenile for whose welfare and improvement such course is  
25 deemed advisable, at service or employment; may place any  
26 [inmate] juvenile of school age, for whose welfare such course is  
27 deemed advisable, to board in a private family, at a cost not to  
28 exceed the per capita maintenance cost [in the training school] of  
29 confinement in a juvenile facility, and may send to properly  
30 qualified educational or vocational institutions, for purposes of  
31 instruction, any [inmate] juvenile who has shown a capacity for a  
32 more extensive training than the [school] facility can provide, at  
33 a cost not to exceed the per capita maintenance rate in the  
34 [school] facility.

35 (cf: P.L.1970, c.300, s.17)

36 54. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to  
37 read as follows:

38 2. As used in this act:

39 "Approved school" shall mean a school approved and authorized  
40 by the Police Training Commission to give police training courses  
41 or a training course for State and county corrections officers and  
42 juvenile detention officers as prescribed in this act.

43 "Commission" shall mean the Police Training Commission or  
44 officers or employees thereof acting on its behalf.

45 "County" shall mean any county which within its jurisdiction  
46 has or shall have a law enforcement unit as defined in this act.

47 "Law enforcement unit" shall mean any police force or  
48 organization in a municipality or county which has by statute or  
49 ordinance the responsibility of detecting crime and enforcing the  
50 general criminal laws of this State.

51 "Municipality" shall mean a city of any class, township,  
52 borough, village, camp meeting association, or any other type of  
53 municipality in this State which, within its jurisdiction, has or  
54 shall have a law enforcement unit as defined in this act.

1 "Permanent appointment" shall mean an appointment having  
2 permanent status as a police officer in a law enforcement unit as  
3 prescribed by Title 11A of the New Jersey Statutes, Merit System  
4 Board Rules and Regulations, or of any other law of this State,  
5 municipal ordinance, or rules and regulations adopted thereunder.

6 "Police officer" shall mean any employee of a law enforcement  
7 unit, including sheriff's officers and county investigators in the  
8 office of the county prosecutor, other than civilian heads thereof,  
9 assistant prosecutors and legal assistants, persons appointed  
10 pursuant to the provisions of R.S.40:47-19, persons whose duties  
11 do not include any police function, court attendants, [and] State  
12 and county corrections officers, juvenile corrections officers and  
13 juvenile detention officers.

14 (cf: P.L.1988, c.176, ss.2,7)

15 55. Section 6. of P.L.1961, c.56 (C.52:17B-71) is amended to  
16 read as follows:

17 6. The commission is vested with the power, responsibility and  
18 duty:

19 a. To prescribe standards for the approval and continuation of  
20 approval of schools at which police training courses authorized by  
21 this act and in-service police training courses shall be conducted,  
22 including but not limited to presently existing regional, county,  
23 municipal and police chief association police training schools or  
24 at which basic training courses and in-service training courses  
25 shall be conducted for State and county juvenile and adult  
26 corrections officers and juvenile detention officers;

27 b. To approve and issue certificates of approval to such  
28 schools, to inspect such schools from time to time, and to revoke  
29 any approval or certificate issued to such schools;

30 c. To prescribe the curriculum, the minimum courses of study,  
31 attendance requirements, equipment and facilities, and standards  
32 of operation for such schools. Courses of study in crime  
33 prevention may be recommended to the Police Training  
34 Commission by the Crime Prevention Advisory Committee,  
35 established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The  
36 Police Training Commission may prescribe psychological and  
37 psychiatric examinations for police recruits while in such schools;

38 d. To prescribe minimum qualifications for instructors at such  
39 schools and to certify, as qualified, instructors for approved  
40 police training schools and to issue appropriate certificates to  
41 such instructors;

42 e. To certify police officers, corrections officers, juvenile  
43 corrections officers and juvenile detention officers who have  
44 satisfactorily completed training programs and to issue  
45 appropriate certificates to such police officers, corrections  
46 officers, juvenile corrections officers and juvenile detention  
47 officers;

48 f. To advise and consent in the appointment of an  
49 administrator of police services by the Attorney General pursuant  
50 to section 8 of P.L.1961, c.56 (C.52:17B-73);

51 g. (Deleted by amendment, P.L.1985, c.491.)

52 h. To make such rules and regulations as may be reasonably  
53 necessary or appropriate to accomplish the purposes and  
54 objectives of this act;

1 i. To make a continuous study of police training methods and  
2 training methods for corrections officers, juvenile corrections  
3 officers and juvenile detention officers and to consult and accept  
4 the cooperation of any recognized federal or State law  
5 enforcement agency or educational institution;

6 j. To consult and cooperate with universities, colleges and  
7 institutes in the State for the development of specialized courses  
8 of study for police officers in police science and police  
9 administration;

10 k. To consult and cooperate with other departments and  
11 agencies of the State concerned with police training or the  
12 training of corrections officers, juvenile corrections officers and  
13 juvenile detention officers;

14 l. To participate in unified programs and projects relating to  
15 police training and the training of corrections officers, juvenile  
16 corrections officers and juvenile detention officers sponsored by  
17 any federal, State, or other public or private agency;

18 m. To perform such other acts as may be necessary or  
19 appropriate to carry out its functions and duties as set forth in  
20 this act;

21 n. To extend the time limit for satisfactory completion of  
22 police training programs or programs for the training of  
23 corrections officers, juvenile corrections officers and juvenile  
24 detention officers upon a finding that health, extraordinary  
25 workload or other factors have, singly or in combination, effected  
26 a delay in the satisfactory completion of such training program;

27 o. To furnish approved schools, for inclusion in their regular  
28 police training courses and curriculum, with information  
29 concerning the advisability of high speed chases, the risk caused  
30 thereby, and the benefits resulting therefrom;

31 p. To review and approve new standards and course curricula  
32 developed by the Department of Corrections for both basic and  
33 in-service training of State and county corrections officers and  
34 juvenile detention officers. These courses for the State  
35 corrections officers and juvenile detention officers shall be  
36 centrally provided at the Corrections Officers' Training  
37 Academy of the Department of Corrections. Courses for the  
38 county corrections officers and juvenile detention officers shall  
39 also be centrally provided at the Corrections Officers' Training  
40 Academy unless an off-grounds training program is established by  
41 the county. A county may elect to establish and conduct a basic  
42 training program for corrections officers and juvenile detention  
43 officers seeking permanent appointment in that county. The  
44 Corrections Officers' Training Academy shall develop the  
45 curriculum of the basic training program to be conducted by a  
46 county.

47 (cf: P.L.1988, c.176, ss.4,7)

48 56. The following are repealed:

49 Pamphlet Laws:

50 <sup>1</sup>[Laws of 1989, c.197, ss.1-7 (C.30:1B-26 to C.30:1B-32 both  
51 inclusive);]<sup>1</sup>

52 Laws of 1993, c.283, ss.1-6 (C.30:1B-33 to 30:1B-38 both  
53 inclusive);

54 Laws of 1966, c.293, s.30 (C.52:27D-30);

1 Laws of 1966, c.293, s.31 (C.52:27D-31).  
2 Revised Statutes:  
3 R.S.30:4-143 and R.S.30:4-149;  
4 R.S.30:4-156 to 30:4-157 both inclusive;  
5 R.S.30:4-157.1, R.S.30:4-157.6 and R.S.30:4-157.9;  
6 R.S.30:8-7 to 30:8-8 both inclusive.

7 57. This act shall take effect immediately.

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12 Amends various sections of the law to incorporate certain  
13 juvenile justice reforms and references to the Juvenile Justice  
14 Commission.



1 Laws of 1966, c.293, s.31 (C.52:27D-31).  
2 Revised Statutes:  
3 R.S.30:4-143 and R.S.30:4-149;  
4 R.S.30:4-156 to 30:4-157 both inclusive;  
5 R.S.30:4-157.1, R.S.30:4-157.6 and R.S.30:4-157.9;  
6 R.S.30:8-7 to 30:8-8 both inclusive.

7 57. This act shall take effect immediately.

8  
9  
10 *SPONSORS'* STATEMENT  
11

12 This bill is part of the package of bills concerning the  
13 Governor's initiative on juvenile justice reform. This bill would  
14 amend Titles 2A, 2C, 9, 18A, 30 and 52 of our State statutes.

15 Sections 1 through 17 would amend the "New Jersey Code of  
16 Juvenile Justice," N.J.S.A.2A:4A-20 et seq., to clarify that the  
17 Juvenile Justice Commission would assume responsibility for the  
18 custody and care of juveniles involved in the juvenile justice  
19 system. N.J.S.A.2A:4A-42 would be amended to clarify the  
20 procedures with regard to predispositional evaluations of  
21 juveniles. The bill would require all predispositional report to  
22 include an analysis of the circumstances surrounding the  
23 commission of the act, the offender's history of delinquency or  
24 criminality, family situation, financial resources, the financial  
25 resources of the juvenile's parent or guardian and information  
26 concerning the parent or guardian's exercise of supervision and  
27 control relevant to commission of the act. Currently  
28 predispositional reports include victim statements as well as any  
29 agency evaluations of the juvenile.

30 The bill would also amend N.J.S.A.2A:4A-44, concerning the  
31 terms of incarceration for juvenile delinquents, by requiring  
32 every juvenile disposition which includes a term of incarceration  
33 to also include a term of community supervision equivalent to  
34 one-third of the term of incarceration imposed. The term of  
35 community supervision would commence upon release from  
36 incarceration or parole, whichever is later. The community  
37 supervision term may be terminated by the parole board panel  
38 under the following circumstances: (1) if the juvenile made  
39 satisfactory adjustment in the community while on parole or  
40 community supervision; or (2) if continued supervision is not  
41 required; or (3) if the juvenile has made full payment of the fine  
42 or restitution.

43 In addition, the bill amends N.J.S.A.2A:4A-60, concerning the  
44 disclosure of juvenile information, to include the Juvenile Justice  
45 Commission within the list of agencies which are required to be  
46 given any records pertaining to a juvenile charged as a delinquent  
47 or found to be part of a juvenile-family crisis situation.

48 N.J.S.A.2A:4A-74, concerning court intake service  
49 conferences, would be amended to include within the factors to  
50 be considered when determining the appropriate resolution of the  
51 complaint whether diversion can be accomplished in a manner  
52 that holds the juvenile accountable for the juvenile's conduct.  
53 The current factors which must be considered are: the seriousness  
54 of the offense, the age and maturity of the juvenile, the risk the

1 juvenile presents to others, the family circumstances, the nature,  
2 outcome and number of contacts the juvenile has had with court  
3 intake services, the availability of the appropriate services and  
4 any recommendations expressed by the victims.

5 Sections 18 through 22 of the bill would amend various sections  
6 of Criminal Justice Code to clarify the responsibilities of the  
7 Juvenile Justice Commission.

8 N.J.S.A.2C:7-1 et seq., the sex offender registration laws,  
9 would be amended to clarify that a juvenile sex offender would  
10 have to register with the Juvenile Justice Commission. In  
11 addition, the bill would require the commission to establish  
12 registration procedures as well as authorize the Superintendent of  
13 Police to make registration forms available to the commission.

14 This bill would also amend N.J.S.A.2C:39-6, the firearms  
15 exemption provision, to exempt juvenile corrections officer in the  
16 employment of the commission from the prohibition against carry  
17 firearms.

18 N.J.S.A.2C:43-2.2 would be amended to authorize the  
19 commission to perform any approved serological test for acquired  
20 immune deficiency syndrome (AIDS) or infection with the human  
21 immunodeficiency virus (HIV) or any other related virus  
22 identified as a probable causative agent of AIDS.

23 Section 23 of the bill would amend the Interstate Compact on  
24 Juveniles, specifically N.J.S.A.9:23-2, to clarify that the  
25 Governor would designate an officer within the Juvenile Justice  
26 Commission to be the compact administrator.

27 Sections 24 through 26 would amend the State Facilities  
28 Education Act, N.J.S.A.18A:17B-1 et. seq., to clarify that the  
29 Juvenile Justice Commission would be the agency charged with  
30 operating the education classes in the facility and the agency  
31 which would be authorized to receive the funding for the classes.

32 Sections 27 through 53 would amend Title 30 of the New Jersey  
33 Statutes to clarify that the Juvenile Justice Commission would be  
34 responsible for the custody of juveniles as well as for the  
35 operation of all services concerning juvenile delinquents.

36 Sections 54 and 55 of the bill would amend Title 52 of the New  
37 Jersey Statutes to include juvenile corrections officer within the  
38 definition of police officer and to authorize the participation of  
39 these officers in the Police Training course given by the Police  
40 Training Commission.

41 Section 56 of this bill would repeal all sections of the law  
42 inconsistent with this amendatory act.

43 The bill would also correct internal statutory references and  
44 remove any gender based language in order to make the bill  
45 gender neutral.

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50 Amends various sections of the law to incorporate certain  
51 juvenile justice reforms and references to the Juvenile Justice  
52 Commission.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2205

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. 2205.

This bill is part of the package of bills concerning the Governor's initiative on juvenile justice reform. As amended and released by the committee, the bill would amend Titles 2A, 2C, 9, 18A, 30 and 52 of our State statutes.

Sections 1 through 17 would amend the "New Jersey Code of Juvenile Justice," N.J.S.A.2A:4A-20 et seq., to clarify that the Juvenile Justice Commission would assume responsibility for the custody and care of juveniles involved in the juvenile justice system. N.J.S.A.2A:4A-42 would be amended to clarify the procedures with regard to predispositional evaluations of juveniles. The bill would require all predispositional reports to include an analysis of the circumstances surrounding the commission of the act, the offender's history of delinquency or criminality, family situation, financial resources, the financial resources of the juvenile's parent or guardian and information concerning the parent or guardian's exercise of supervision and control relevant to commission of the act. Currently, predispositional reports include victim statements as well as any agency evaluations of the juvenile.

The bill would also amend N.J.S.A.2A:4A-44, concerning the terms of incarceration for juvenile delinquents, by requiring every juvenile disposition which includes a term of incarceration to also include a term of post-incarceration supervision equivalent to one-third of the term of incarceration imposed. The term of post-incarceration supervision would commence upon release from incarceration or parole, whichever is later. The post-incarceration supervision term may be terminated by the parole board panel under the following circumstances: (1) if the juvenile made satisfactory adjustment in the community while on parole or post-incarceration supervision; or (2) if continued supervision is not required; or (3) if the juvenile has made full payment of the fine or restitution.

In addition, the bill amends N.J.S.A.2A:4A-60, concerning the disclosure of juvenile information, to include the Juvenile Justice Commission within the list of agencies which are required to be given any records pertaining to a juvenile charged as a delinquent or found to be part of a juvenile-family crisis situation.

N.J.S.A.2A:4A-74, concerning court intake service conferences, would be amended to include within the factors to be considered when determining the appropriate resolution of the complaint whether diversion can be accomplished in a manner that holds the juvenile accountable for the juvenile's conduct. The current factors which must be considered are: the seriousness of the offense, the age and maturity of the juvenile, the risk the

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juvenile presents to others, the family circumstances, the nature, outcome and number of contacts the juvenile has had with court intake services, the availability of the appropriate services and any recommendations expressed by the victims.

Sections 18 through 22 of the bill would amend various sections of Criminal Justice Code to clarify the responsibilities of the Juvenile Justice Commission.

N.J.S.A.2C:7-1 et seq., the sex offender registration laws, would be amended to clarify that a juvenile sex offender would have to register with the Juvenile Justice Commission. In addition, the bill would require the commission to establish registration procedures as well as authorize the Superintendent of Police to make registration forms available to the commission.

This bill would also amend N.J.S.A.2C:39-6, the firearms exemption provision, to exempt (1) juvenile corrections officer in the employment of the commission from the prohibition against carrying firearms, and (2) a person or employee of any person who, pursuant to and required by a contract with a governmental entity, supervises or transports persons charged with or convicted of an offense, from criminal liability for carrying handguns, rifles, and shotguns without a permit. The person or employee would be required to annually qualify in the use of a handgun.

N.J.S.A.2C:43-2.2 would be amended to authorize the commission to perform any 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.

Section 23 of the bill would amend the Interstate Compact on Juveniles, specifically N.J.S.A.9:23-2, to clarify that the Governor would designate an officer within the Juvenile Justice Commission to be the compact administrator.

Sections 24 through 26 would amend the State Facilities Education Act, N.J.S.A.18A:17B-1 et. seq., to clarify that the Juvenile Justice Commission would be the agency charged with operating the education classes in the facility and the agency which would be authorized to receive the funding for the classes.

Sections 27 through 53 would amend Title 30 of the New Jersey Statutes to clarify that the Juvenile Justice Commission would be responsible for the custody of juveniles as well as for the operation of all services concerning juvenile delinquents.

Sections 54 and 55 of the bill would amend Title 52 of the New Jersey Statutes to include juvenile corrections officer within the definition of police officer and to authorize the participation of these officers in the Police Training course given by the Police Training Commission.

Section 56 of this bill would repeal all sections of the law inconsistent with the bill's provisions.

The bill would also correct internal statutory references and remove any gender based language in order to make the bill gender neutral.

The committee amended the bill to include in the exemption from the prohibition against carrying certain firearms a person or employee of any person under contract with a governmental entity to supervise or transport persons charged with or convicted of an

offense. This amendment would allow out-of-state contracted persons to provide certain correctional services which require the use of certain firearms.

The amendments also substitute the term "post-incarceration supervision" for "community supervision" which was the term used in the bill as introduced. The amendments also clarify that the juvenile would remain in the community during this period and be returned to custody if the post-incarceration supervision is revoked.

In addition, the amendments delete a requirement in current law which prohibits the use of incarceration time served prior to the adjudication of delinquency as time served on a mandatory minimum term of incarceration. This amendment was prompted by a Superior Court decision, State in Interest of J.M.. Most county prosecutors are abiding by the court's ruling.

The other committee amendments are technical in nature.

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LEGISLATIVE FISCAL ESTIMATE TO  
SENATE, No. 2205  
STATE OF NEW JERSEY

DATED: September 26, 1995

Senate Bill No. 2205 of 1995 amends various sections of the "New Jersey Code of Juvenile Justice" and related statutes to incorporate certain juvenile justice reforms and references to the Juvenile Justice Commission. The commission, established by a companion bill (S-2211), would administer the State's juvenile justice system. This bill generally clarifies that the Juvenile Justice Commission will assume responsibility for the supervision and care of juveniles involved in the juvenile justice system. A number of functions currently assigned to other agencies, such as the Department of Corrections, are assigned to the commission.

The bill also requires predispositional reports to include an analysis of the circumstances surrounding the crime, the offender's history of delinquency or criminality, family situation, financial resources, and other information regarding the juvenile's parent or guardian. The bill requires that the financial information provided in these reports be made available to any authorized collection officer of assessment, restitution or fine due the State from juvenile offenders. Currently predispositional reports include only victim statements and agency evaluations of the juveniles. The bill also amends N.J.S. 2A:4A-44 to require every juvenile disposition which includes a term of incarceration to also include a term of community supervision equivalent to one-third of the term of incarceration imposed. This community supervision would begin upon the juvenile's release from incarceration or parole.

The Department of Law and Public Safety informally estimates that enactment of this bill will have a minimal additional fiscal impact on the State. This estimate is based on (1) provisions for the transfer of funding for the operation of juvenile services from the Departments of Corrections and Human Services to the Juvenile Justice Commission, and (2) the existing appropriation of \$10 million for the Juvenile Justice Initiative. The department projects the use of \$1.8 million of this appropriation to provide the increased supervision of juveniles required by this bill.

The Office of Legislative Services (OLS) concurs that resources transferred from the departments currently providing juveniles services to the Juvenile Justice Commission should largely support the administration of these programs. However, OLS observes that substantially more than the projected \$1.2 million existing appropriation may be necessary to provide increased community supervision. The department estimates that approximately \$12,000 per juvenile may be needed to provide an estimated 160 additional days of community supervision at \$75 per day. At this rate, the \$1.2 million projected for this purpose would provide services for 100 juveniles. Information provided by the department indicates that 604 juveniles were paroled during 1994.

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

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## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**

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**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,

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.



**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."

**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.