

2A:4A-43

LEGISLATIVE HISTORY CHECKLIST
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(Motor Vehicle offenses--juvenile)

NJSA: 2A:4A-43

LAWS OF: 1993 **CHAPTER:** 133

BILL NO: S1206

SPONSOR(S) Bassano and Corman

DATE INTRODUCED: October 4, 1992

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 13, 1993
SENATE: October 19, 1992

DATE OF APPROVAL: June 3, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

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

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

(over)

974.90 New Jersey. Legislature. Senate. Judiciary Committee.
J97 Public hearing on "juvenile auto theft," held 9-23-92.
1992 Bloomfield, NJ, 1992.

974.90 New Jersey. Legislature. Assembly Task Force on Auto Theft.
J97 Public hearing on auto theft held 12-8-92, 12-15-92 and
1992a 1-6-93, Livingston, Newark, and Bloomfield, NJ 1992, 1993.

See newspaper clippings--attached:

"Powerful new weapons' enacted as state cracks down on car theft," 6-4-93
Star Ledger.

"Florio signs laws stiffening punishments for car theft," 6-4-93 Asbury Park
Press.

"Tougher car-theft laws signed..." 6-4-93 New York Times.

KBG:pp

P.L.1993, CHAPTER 133, approved June 3, 1993

1992 Senate No. 1206

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

3

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

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

8 24. Disposition of delinquency cases.

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

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

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

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

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

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

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

28 (7) Whether the disposition contributes to the developmental
29 needs of the child, including the academic and social needs of the
30 child where he has mental retardation or learning disabilities; and

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

33 b. If a juvenile is adjudged delinquent, and except to the
34 extent that an additional specific disposition is required pursuant
35 to subsection e. of f. of this section, the court may order
36 incarceration pursuant to section 25 of this act or any one or
37 more of the following dispositions:

38 (1) Adjourn formal entry of disposition of the case for a period
39 not to exceed 12 months for the purpose of determining whether
40 the juvenile makes a satisfactory adjustment, and if during the
41 period of continuance the juvenile makes such an adjustment,

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

Matter underlined thus is new matter.

1 dismiss the complaint; provided that if the court adjourns formal
2 entry of disposition of delinquency for a violation of an offense
3 defined in chapter 35 or 36 of Title 2C, of the New Jersey
4 Statutes the court shall assess the mandatory penalty set forth in
5 N.J.S.2C:35-15 but may waive imposition of the penalty set forth
6 in N.J.S.2C:35-16 for juveniles adjudicated delinquent;

7 (2) Release the juvenile to the supervision of his or her parent
8 or guardian;

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

14 (4) Transfer custody of the juvenile to any relative or other
15 person determined by the court to be qualified to care for the
16 juvenile;

17 (5) Place the juvenile under the care of the Department of
18 Human Services under the responsibility of the Division of Youth
19 and Family Services pursuant to P.L.1951, c.138, s.2(c)
20 (C.30:4C-2(c)) for the purpose of providing services in or out of
21 the home. Within 14 days, unless for good cause shown, but not
22 later than 30 days, the Department of Human Services shall
23 submit to the court a service plan, which shall be presumed valid,
24 detailing the specifics of any disposition order. The plan shall be
25 developed within the limits of fiscal and other resources available
26 to the department. If the court determines that the service plan
27 is inappropriate, given existing resources, the department may
28 request a hearing on that determination;

29 (6) Place the juvenile under the care and custody of the
30 Commissioner of the Department of Human Services for the
31 purpose of receiving the services of the Division of Mental
32 Retardation of that department, provided that the juvenile has
33 been determined to be eligible for those services under P.L.1985,
34 c.59, s.16 (C.30:4-25.4);

35 (7) Commit the juvenile, pursuant to the laws governing civil
36 commitment, to the Department of Human Services under the
37 responsibility of the Division of Mental Health and Hospitals for
38 the purpose of placement in a suitable public or private hospital
39 or other residential facility for the treatment of persons who are
40 mentally ill, on the ground that the juvenile, if not committed,
41 would be a probable danger to himself or others or property by
42 reason of mental illness;

43 (8) Fine the juvenile an amount not to exceed the maximum
44 provided by law for such a crime or offense if committed by an
45 adult and which is consistent with the juvenile's income or ability
46 to pay and financial responsibility to his family, provided that the
47 fine is specially adapted to the rehabilitation of the juvenile or to
48 the deterrence of the type of crime or offense. If the fine is not
49 paid due to financial limitations, the fine may be satisfied by
50 requiring the juvenile to submit to any other appropriate
51 disposition provided for in this section;

52 (9) Order the juvenile to make restitution to a person or entity
53 who has suffered loss resulting from personal injuries or damage
54 to property as a result of the offense for which the juvenile has

1 been adjudicated delinquent. The court may determine the
2 reasonable amount, terms and conditions of restitution. If the
3 juvenile participated in the offense with other persons, the
4 participants shall be jointly and severally responsible for the
5 payment of restitution. The court shall not require a juvenile to
6 make full or partial restitution if the juvenile reasonably satisfies
7 the court that he does not have the means to make restitution
8 and could not reasonably acquire the means to pay restitution;

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

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

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

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

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

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

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

52 (b) Place the juvenile under the custody of the Department of
53 Corrections for placement with any private group home or
54 private residential facility with which the department has

1 entered into a purchase of service contract;

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

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

16 (19) Order a parent or guardian who has failed or neglected to
17 exercise reasonable supervision or control of a juvenile who has
18 been adjudicated delinquent for an offense which, if committed
19 by an adult, would constitute the crime of theft of a motor
20 vehicle or unlawful taking of a motor vehicle to make restitution
21 to any person or entity who has suffered a loss as a result of that
22 offense. The court may determine the reasonable amount, terms
23 and conditions of restitution.

24 c. (1) [If] Except as otherwise provided in subsection e. and f.
25 of this section, if the county in which the juvenile has been
26 adjudicated delinquent has a juvenile detention facility meeting
27 the physical and program standards established pursuant to this
28 subsection by the Department of Corrections, the court may, in
29 addition to any of the dispositions not involving placement out of
30 the home enumerated in this section, incarcerate the juvenile in
31 the youth detention facility in that county for a term not to
32 exceed 60 consecutive days. Counties which do not operate their
33 own juvenile detention facilities may contract for the use of
34 approved commitment programs with counties with which they
35 have established agreements for the use of pre-disposition
36 juvenile detention facilities. The Department of Corrections shall
37 promulgate such rules and regulations from time to time as
38 deemed necessary to establish minimum physical facility and
39 program standards for the use of juvenile detention facilities
40 pursuant to this subsection.

41 (2) No juvenile may be incarcerated in any county detention
42 facility unless the county has entered into an agreement with the
43 Department of Corrections concerning the use of the facility for
44 sentenced juveniles. Upon agreement with the county, the
45 Department of Corrections shall certify detention facilities
46 which may receive juveniles sentenced pursuant to this subsection
47 and shall specify the capacity of the facility that may be made
48 available to receive such juveniles; provided, however, that in no
49 event shall the number of juveniles incarcerated pursuant to this
50 subsection exceed 50% of the maximum capacity of the facility.

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

53 (a) The act for which the juvenile was adjudicated delinquent,
54 if committed by an adult, would have constituted a crime or

1 repetitive disorderly persons offense;

2 (b) Incarceration of the juvenile is consistent with the
3 rehabilitative goals of this act and the court is clearly convinced
4 that the aggravating factors substantially outweigh the
5 mitigating factors as set forth in section 25 of this act; and

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

8 (4) If as a result of incarceration of adjudicated juveniles
9 pursuant to this subsection, a county is required to transport a
10 predisposition juvenile to a juvenile detention facility in another
11 county, the costs of such transportation shall be borne by the
12 Department of Corrections.

13 d. Whenever the court imposes a disposition upon an
14 adjudicated delinquent which requires the juvenile to perform a
15 community service, restitution, or to participate in any other
16 program provided for in this section other than subsection c., the
17 duration of the juvenile's mandatory participation in such
18 alternative programs shall extend for a period consistent with the
19 program goal for the juvenile and shall in no event exceed one
20 year beyond the maximum duration permissible for the delinquent
21 if he has been committed to a correctional institution.

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

26 (1) An order of incarceration for a term of the duration
27 authorized pursuant to this section or section 25 of P.L.1982, c.77
28 (C.2A:4A-44) or an order to perform community service pursuant
29 to paragraph (10) of subsection b. of this section for a period of
30 at least 60 days, if the juvenile has been adjudicated delinquent
31 for an act which, if committed by an adult, would constitute the
32 crime of theft of a motor vehicle, or the crime of unlawful taking
33 of a motor vehicle in violation of subsection c. of N.J.S.2C:20-10,
34 or the third degree crime of eluding in violation of subsection b.
35 of N.J.S.2C:29-2;

36 (2) An order of incarceration for a term of the duration
37 authorized pursuant to this section or section 25 of P.L.1982, c.77
38 (C.2A:4A-44) which shall include a minimum term of 60 days
39 during which the juvenile shall be ineligible for parole, if the
40 juvenile has been adjudicated delinquent for an act which, if
41 committed by an adult, would constitute the crime of aggravated
42 assault in violation of paragraph (6) of subsection b. of
43 N.J.S.2C:12-1, the second degree crime of eluding in violation of
44 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a
45 case in which the juvenile has previously been adjudicated
46 delinquent for an act, which if committed by an adult, would
47 constitute unlawful taking of a motor vehicle or theft of a motor
48 vehicle;

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

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

13 f. (1) The minimum terms of incarceration required pursuant
14 to subsection e. of this section shall be imposed regardless of the
15 weight or balance of factors set forth in this section or in section
16 25 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
17 those factors shall determine the length of the term of
18 incarceration appropriate, if any, beyond any mandatory
19 minimum term required pursuant to subsection e. of this section.
20 No time spent in custody prior to adjudication of delinquency
21 shall be considered as time served on a mandatory minimum term
22 of incarceration pursuant to subsection e. of this section.

23 (2) When a court in a county that does not have a juvenile
24 detention facility or a contractual relationship permitting
25 incarceration pursuant to subsection c. of this section is required
26 to impose a term of incarceration pursuant to subsection e. of
27 this section, the court may, subject to limitations on commitment
28 to State correctional facilities of juveniles who under the age of
29 11 or developmentally disabled, set a term of incarceration
30 consistent with subsection c. which shall be served in a State
31 correctional facility. When a juvenile who because of age or
32 developmental disability cannot be committed to a State
33 correctional facility or cannot be incarcerated in a county
34 facility, the court shall order a disposition appropriate as an
35 alternative to any incarceration required pursuant to subsection e.

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

40 (cf: P.L.1988, c.72, s.1)

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

43 25. Incarceration--Aggravating and Mitigating Factors

44 a. (1) [In] Except as provided in subsections e. and f. of
45 section 24 of P.L.1982, c.77 (C.2A:4A-43), in determining
46 whether incarceration is an appropriate disposition, the court
47 shall consider the following aggravating circumstances:

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

51 (b) The fact that there was grave and serious harm inflicted on
52 the victim and that based upon his age or mental capacity the
53 juvenile knew or reasonably should have known that the victim
54 was particularly vulnerable or incapable of resistance due to

- 1 advanced age, disability, ill-health, or extreme youth, or was for
2 any other reason substantially incapable;
- 3 (c) The character and attitude of the juvenile indicate that he
4 is likely to commit another delinquent or criminal act;
- 5 (d) The juvenile's prior record and the seriousness of any acts
6 for which he has been adjudicated delinquent;
- 7 (e) The fact that the juvenile committed the act pursuant to
8 an agreement that he either pay or be paid for the commission of
9 the act and that the pecuniary incentive was beyond that inherent
10 in the act itself;
- 11 (f) The fact that the juvenile committed the act against a
12 policeman or other law enforcement officer, correctional
13 employee or fireman, acting in the performance of his duties
14 while in uniform or exhibiting evidence of his authority, or the
15 juvenile committed the act because of the status of the victim as
16 a public servant;
- 17 (g) The need for deterring the juvenile and others from
18 violating the law;
- 19 (h) The fact that the juvenile knowingly conspired with others
20 as an organizer, supervisor, or manager to commit continuing
21 criminal activity in concert with two or more persons and the
22 circumstances of the crime show that he has knowingly devoted
23 himself to criminal activity as part of an ongoing business
24 activity;
- 25 (i) The fact that the juvenile on two separate occasions was
26 adjudged a delinquent on the basis of acts which if committed by
27 an adult would constitute crimes.
- 28 (2) In determining whether incarceration is an appropriate
29 disposition the court shall consider the following mitigating
30 circumstances:
- 31 (a) The child is under the age of 14;
- 32 (b) The juvenile's conduct neither caused nor threatened
33 serious harm;
- 34 (c) The juvenile did not contemplate that his conduct would
35 cause or threaten serious harm;
- 36 (d) The juvenile acted under a strong provocation;
- 37 (e) There were substantial grounds tending to excuse or justify
38 the juvenile's conduct, though failing to establish a defense;
- 39 (f) The victim of the juvenile's conduct induced or facilitated
40 its commission;
- 41 (g) The juvenile has compensated or will compensate the
42 victim for the damage or injury that the victim has sustained, or
43 will participate in a program of community service;
- 44 (h) The juvenile has no history of prior delinquency or criminal
45 activity or has led a law-abiding life for a substantial period of
46 time before the commission of the present act;
- 47 (i) The juvenile's conduct was the result of circumstances
48 unlikely to recur;
- 49 (j) The character and attitude of the juvenile indicate that he
50 is unlikely to commit another delinquent or criminal act;
- 51 (k) The juvenile is particularly likely to respond affirmatively
52 to noncustodial treatment;
- 53 (l) The separation of the juvenile from his family by
54 incarceration of the juvenile would entail excessive hardship to

1 himself or his family;

2 (m) The willingness of the juvenile to cooperate with law
3 enforcement authorities;

4 (n) The conduct of the juvenile was substantially influenced by
5 another person more mature than the juvenile.

6 b. (1) There shall be a presumption of nonincarceration for
7 any crime or offense of the fourth degree or less committed by a
8 juvenile who has not previously been adjudicated delinquent or
9 convicted of a crime or offense.

10 (2) Where incarceration is imposed, the court shall consider
11 the juvenile's eligibility for release under the law governing
12 parole.

13 c. The following juveniles shall not be committed to a State
14 correctional facility:

15 (1) Juveniles age 11 or under unless adjudicated delinquent for
16 the crime of arson or a crime which, if committed by an adult,
17 would be a crime of the first or second degree; and

18 (2) Juveniles who are developmentally disabled as defined in
19 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82
20 (C.30:6D-3a(1)).

21 d. (1) When the court determines that, based on the
22 consideration of all the factors set forth in subsection a., the
23 juvenile shall be incarcerated, unless it orders the incarceration
24 pursuant to subsection c. of section 24 of this act, it shall state
25 on the record the reasons for imposing incarceration, including
26 any findings with regard to these factors, and commit the
27 juvenile to a suitable institution maintained by the Department of
28 Corrections for the rehabilitation of delinquents pursuant to the
29 conditions set forth in this subsection and for terms not to exceed
30 the maximum terms as provided herein for what would constitute
31 the following crimes if committed by an adult:

32 (a) Murder under 2C:11-3a(1) or (2) 20 years

33 (b) Murder under 2C:11-3a(3) 10 years

34 (c) Crime of the first degree, except murder 4 years

35 (d) Crime of the second degree 3 years

36 (e) Crime of the third degree 2 years

37 (f) Crime of the fourth degree 1 year

38 (g) Disorderly persons offense 6 months

39 (2) [The] Except as provided in subsection e. of section 24 of
40 P.L.1982, c.77(C.2A:4A-43), the period of confinement shall
41 continue until the appropriate paroling authority determines that
42 such a person should be paroled; except that in no case shall the
43 period of confinement and parole exceed the maximum provided
44 by law for such offense. However, if a juvenile is approved for
45 parole prior to serving one-third of any term imposed for any
46 crime of the first, second or third degree, including any extended
47 term imposed pursuant to paragraph (3) or (4) of this subsection,
48 or one-fourth of any term imposed for any other crime the
49 granting of parole shall be subject to approval of the sentencing
50 court. Prior to approving parole, the court shall give the
51 prosecuting attorney notice and an opportunity to be heard. If
52 the court denies the parole of a juvenile pursuant to this
53 paragraph it shall state its reasons in writing and notify the
54 parole board, the juvenile and the juvenile's attorney. The court

1 shall have 30 days from the date of notice of the pending parole
2 to exercise the power granted under this paragraph. If the court
3 does not respond within that time period, the parole will be
4 deemed approved.

5 Any juvenile committed under this act who is released on
6 parole prior to the expiration of his maximum term may be
7 retained under parole supervision for a period not exceeding the
8 unserved portion of the term. The Parole Board, the juvenile, his
9 attorney, his parent or guardian or, with leave of the court any
10 other interested party, may make a motion to the court, with
11 notice to the prosecuting attorney, for the return of the child
12 from a correctional institution prior to his parole and provide for
13 an alternative disposition which would not exceed the duration of
14 the original time to be served in the institution. Nothing
15 contained in this paragraph shall be construed to limit the
16 authority of the Parole Board as set forth in Section 15 of
17 P.L.1979, c.441 (C.30:4-123.59).

18 (3) Upon application by the prosecutor, the court may sentence
19 a juvenile who has been convicted of a crime of the first, second,
20 or third degree if committed by an adult, to an extended term of
21 incarceration beyond the maximum set forth in paragraph (1) of
22 this subsection, if it finds that the juvenile was adjudged
23 delinquent on at least two separate occasions, for offenses which,
24 if committed by an adult, would constitute a crime of the first or
25 second degree, and was previously committed to an adult or
26 juvenile State correctional facility. The extended term shall not
27 exceed five additional years for an act which would constitute
28 murder and shall not exceed two additional years for all other
29 crimes of the first degree or second degree, if committed by an
30 adult, and one additional year for a crime of the third degree, if
31 committed by an adult.

32 (4) Upon application by the prosecutor, when a juvenile is
33 before the court at one time for disposition of three or more
34 unrelated offenses which, if committed by an adult, would
35 constitute crimes of the first, second or third degree and which
36 are not part of the same transaction, the court may sentence the
37 juvenile to an extended term of incarceration not to exceed the
38 maximum of the permissible term for the most serious offense
39 for which the juvenile has been adjudicated plus two additional
40 years.

41 (cf: P.L.1982, c.77 s.25)

42 3. This act shall take effect immediately.

43

44

45

STATEMENT

46

47 Under the present "New Jersey Code of Juvenile Justice"
48 (N.J.S.A.2A:4A-20 et seq.), sanctions for juveniles adjudicated
49 delinquent are within the discretion of the court. This bill would
50 establish the following mandatory disposition for juveniles
51 adjudicated delinquent for certain motor vehicle related offenses:

- 52 • 60 days incarceration for any juvenile adjudicated
53 delinquent for aggravated assault if an injury is caused as
54 the result of joyriding or eluding a law enforcement

- 1 officer; for eluding if the offense creates a risk of injury
2 and for motor vehicle theft by a repeat offender.
- 3 • 30 days incarceration for repeat offenders adjudicated
4 delinquent for the lawful taking of a motor vehicle or for
5 eluding which does not create a risk of injury.
 - 6 • 60 days mandatory community service for first offenders
7 adjudicated delinquent for motor vehicle theft, for the
8 unlawful taking of a motor vehicle for which creates a risk
9 of injury and for eluding which does not create a risk of
10 injury.
 - 11 • 30 days mandatory community service for the unlawful
12 taking of a motor vehicle which does not create a risk of
13 injury.

14 These mandatory dispositions would be in addition to any other
15 disposition presently authorized by the Code of Juvenile Justice.

16 In addition to these dispositions, the bill provides that parents
17 who neglect to exercise reasonable supervision and control over
18 juveniles may be ordered to pay restitution to car theft victims.

19
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21

22
23 Establishes certain mandatory dispositions for juveniles
24 adjudicated delinquent for motor vehicle related offenses.

1 shall have 30 days from the date of notice of the pending parole
2 to exercise the power granted under this paragraph. If the court
3 does not respond within that time period, the parole will be
4 deemed approved.

5 Any juvenile committed under this act who is released on
6 parole prior to the expiration of his maximum term may be
7 retained under parole supervision for a period not exceeding the
8 unserved portion of the term. The Parole Board, the juvenile, his
9 attorney, his parent or guardian or, with leave of the court any
10 other interested party, may make a motion to the court, with
11 notice to the prosecuting attorney, for the return of the child
12 from a correctional institution prior to his parole and provide for
13 an alternative disposition which would not exceed the duration of
14 the original time to be served in the institution. Nothing
15 contained in this paragraph shall be construed to limit the
16 authority of the Parole Board as set forth in Section 15 of
17 P.L.1979, c.441 (C.30:4-123.59).

18 (3) Upon application by the prosecutor, the court may sentence
19 a juvenile who has been convicted of a crime of the first, second,
20 or third degree if committed by an adult, to an extended term of
21 incarceration beyond the maximum set forth in paragraph (1) of
22 this subsection, if it finds that the juvenile was adjudged
23 delinquent on at least two separate occasions, for offenses which,
24 if committed by an adult, would constitute a crime of the first or
25 second degree, and was previously committed to an adult or
26 juvenile State correctional facility. The extended term shall not
27 exceed five additional years for an act which would constitute
28 murder and shall not exceed two additional years for all other
29 crimes of the first degree or second degree, if committed by an
30 adult, and one additional year for a crime of the third degree, if
31 committed by an adult.

32 (4) Upon application by the prosecutor, when a juvenile is
33 before the court at one time for disposition of three or more
34 unrelated offenses which, if committed by an adult, would
35 constitute crimes of the first, second or third degree and which
36 are not part of the same transaction, the court may sentence the
37 juvenile to an extended term of incarceration not to exceed the
38 maximum of the permissible term for the most serious offense
39 for which the juvenile has been adjudicated plus two additional
40 years.

41 (cf: P.L.1982, c.77 s.25)

42 3. This act shall take effect immediately.

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STATEMENT

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47 Under the present "New Jersey Code of Juvenile Justice"
48 (N.J.S.A.2A:4A-20 et seq.), sanctions for juveniles adjudicated
49 delinquent are within the discretion of the court. This bill would
50 establish the following mandatory disposition for juveniles
51 adjudicated delinquent for certain motor vehicle related offenses:

- 52 • 60 days incarceration for any juvenile adjudicated
53 delinquent for aggravated assault if an injury is caused as
54 the result of joyriding or eluding a law enforcement

- 1 officer; for eluding if the offense creates a risk of injury
2 and for motor vehicle theft by a repeat offender.
- 3 • 30 days incarceration for repeat offenders adjudicated
4 delinquent for the lawful taking of a motor vehicle or for
5 eluding which does not create a risk of injury.
 - 6 • 60 days mandatory community service for first offenders
7 adjudicated delinquent for motor vehicle theft, for the
8 unlawful taking of a motor vehicle for which creates a risk
9 of injury and for eluding which does not create a risk of
10 injury.
 - 11 • 30 days mandatory community service for the unlawful
12 taking of a motor vehicle which does not create a risk of
13 injury.

14 These mandatory dispositions would be in addition to any other
15 disposition presently authorized by the Code of Juvenile Justice.

16 In addition to these dispositions, the bill provides that parents
17 who neglect to exercise reasonable supervision and control over
18 juveniles may be ordered to pay restitution to car theft victims.

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23 Establishes certain mandatory dispositions for juveniles
24 adjudicated delinquent for motor vehicle related offenses.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 1206

STATE OF NEW JERSEY

DATED: APRIL 5, 1993

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1206.

Under the present "New Jersey Code of Juvenile Justice" (N.J.S.A.2A:4A-20 et seq.), sanctions for juveniles adjudicated delinquent are within the discretion of the court. This bill would establish the following mandatory disposition for juveniles adjudicated delinquent for certain motor vehicle related offenses:

- 60 days incarceration for any juvenile adjudicated delinquent for aggravated assault if an injury is caused as the result of joyriding or eluding a law enforcement officer; for eluding if the offense creates a risk of injury and for motor vehicle theft by a repeat offender. (Paragraph (2) of subsection e. of 2A:4A-43)
- 30 days incarceration for repeat offenders adjudicated delinquent for the unlawful taking of a motor vehicle or for eluding which does not create a risk of injury. (Paragraph (4) of subsection e. of 2A:4A-43)
- 60 days mandatory community service for first offenders adjudicated delinquent for motor vehicle theft, for the unlawful taking of a motor vehicle which creates a risk of injury and for eluding which does not create a risk of injury. (Paragraph (1) of subsection e. of 2A:4A-43)
- 30 days mandatory community service for the unlawful taking of a motor vehicle which does not create a risk of injury. (Paragraph (3) of subsection e. of 2A:4A-43)

These mandatory dispositions would be in addition to any other disposition presently authorized by the Code of Juvenile Justice.

In addition to these dispositions, the bill provides that parents who neglect to exercise reasonable supervision and control over juveniles may be ordered to pay restitution to car theft victims.

This bill is identical to Assembly Committee Substitute for Assembly Bill Nos. 46/314/315/1068/2105.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1206

STATE OF NEW JERSEY

DATED: OCTOBER 8, 1992

The Senate Judiciary Committee reports favorably Senate Bill No. 1206.

Under the present "New Jersey Code of Juvenile Justice" (N.J.S.A.2A:4A-20 et seq.), sanctions for juveniles adjudicated delinquent are within the discretion of the court. This bill would establish the following mandatory disposition for juveniles adjudicated delinquent for certain motor vehicle related offenses:

- 60 days incarceration for any juvenile adjudicated delinquent for aggravated assault if an injury is caused as the result of joyriding or eluding a law enforcement officer; for eluding if the offense creates a risk of injury and for motor vehicle theft by a repeat offender.
- 30 days incarceration for repeat offenders adjudicated delinquent for the lawful taking of a motor vehicle or for eluding which does not create a risk of injury.
- 60 days mandatory community service for first offenders adjudicated delinquent for motor vehicle theft, for the unlawful taking of a motor vehicle which creates a risk of injury and for eluding which does not create a risk of injury.
- 30 days mandatory community service for the unlawful taking of a motor vehicle which does not create a risk of injury.

These mandatory dispositions would be in addition to any other disposition presently authorized by the Code of Juvenile Justice.

In addition to these dispositions, the bill provides that parents who neglect to exercise reasonable supervision and control over juveniles may be ordered to pay restitution to car theft victims.

FISCAL NOTE TO
SENATE, No. 1206

STATE OF NEW JERSEY

DATED: February 18, 1993

Senate Bill No. 1206 of 1992 would establish the following mandatory disposition for juveniles adjudicated delinquent for certain motor vehicle related offenses:

- 60 days incarceration for any juvenile adjudicated delinquent for aggravated assault if an injury is caused as the result of joyriding or eluding a law enforcement officer; for eluding if the offense creates a risk of injury and for motor vehicle theft by a repeat offender.
- 30 days incarceration for repeat offenders adjudicated delinquent for the lawful taking of a motor vehicle or for eluding which does not create a risk of injury.
- 60 days mandatory community service for first offenders adjudicated delinquent for motor vehicle theft, for the unlawful taking of a motor vehicle for which creates a risk of injury and for eluding which does not create a risk of injury.
- 30 days mandatory community service for the unlawful taking of a motor vehicle which does not create a risk of injury.

In addition, the bill provides that parents who neglect to exercise reasonable supervision and control over juveniles may be ordered to pay restitution to car theft victims.

The Department of Corrections notes that since many auto theft arrests result in charges of larceny, theft, receiving stolen property or possession of stolen property, there are no accurate statistics regarding the specific crime of auto theft. It is therefore unable to predict the fiscal impact of this bill. However, the department adds that unofficial data maintained by the State Police indicate that there were 2,112 arrests of juveniles made for auto theft in 1991, but fewer than 100 juveniles are currently incarcerated in secure State facilities for property offenses, not all of which are auto theft. The department states that enactment of this bill would increase the number of juveniles committed and the length of stay for those convicted of auto theft.

The Office of Legislative Services concurs.

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



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

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Release: Thursday
June 3, 1993

GOVERNOR SIGNS LAWS GIVING POLICE NEW WEAPONS AGAINST CAR THEFT

PLAINFIELD -- Giving police new weapons in the fight to keep New Jersey safe and secure, Governor Jim Florio today signed into law a comprehensive plan aimed at cracking down on car theft through tougher penalties aimed at both adults and juveniles. The legislation was developed by Attorney General Robert Del Tufo at the Governor's request following a rash of car theft incidents last summer.

"Car theft isn't a game. It's a reckless and increasingly violent crime. People who steal cars need to know that there's a steep price to pay even if they are juveniles," said Governor Florio, as he signed the four-bill package at the Plainfield Police Department. "These bills give police four powerful new weapons in their efforts to create a safe and secure New Jersey."

"We're sending a message to car thieves: from now on, if you do the crime, you do the time even if you're a first-time offender," he said.

The comprehensive plan

- *increases penalties for crimes involving motor vehicle thefts.*
- *establishes mandatory penalties for juveniles involved in motor vehicle-related crimes.*
- *provides extended prison terms for persons who use stolen vehicles to commit certain crimes.*
- *imposes jail terms for repeat offenders convicted of vehicle-related offenses.*

Under the new laws, parents who neglect to exercise reasonable supervision and control over a child who commits car theft may be ordered to pay restitution to car theft victims.

"The signing of these bills today is the culmination of the most comprehensive and effective law enforcement program in recent memory," said Frederick DeVesa, First Assistant Attorney General. "Punishment for car theft will be more certain. Jail terms for

repeat offenders will be the rule rather than the exception, and jail terms for first offenders will be a strong possibility."

The legislative component signed today is only one piece of the comprehensive plan developed by the state. The plan was developed following a meeting of Governor Florio, Attorney General Del Tufo, state officials and Essex and Union county law enforcement, government and community leaders in Newark last September.

Other components of the plan include:

- partnering state troopers, vehicles, computers and other equipment to an already-successful auto theft task force in Union and Essex counties.
- developing a special unit in the Essex County Prosecutor's office to deal exclusively with auto theft cases.
- increased state and local police patrols at shopping malls statewide.
- a statewide public information campaign to alert the public on tips to avoid carjacking and car theft.

The state's efforts to combat car theft have contributed to a decrease in auto thefts across the state. In Union and Essex Counties where the problem of car theft is most severe, car theft rates have decreased 20 percent and 5 percent respectively from 1991 to 1992.

"We're taking the joy out of joyriding. We know from experience that tough measures work," said Governor Florio. "These new laws help us continue our efforts to put the brakes on crime and car theft, and to get the thugs who commit these crimes out of the headlines and into jail."

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CAR THEFT CRIME PACKAGE FACT SHEET

- ***INCREASED PENALTIES FOR CRIMES INVOLVING MOTOR VEHICLE THEFTS***

Previously, joyriding was punishable as a disorderly persons offense with jail terms of up to six months and a \$1,000 fine. Under the new law, "joyriding" is classified as a fourth degree crime. If the stolen vehicle is also operated in a way that creates a risk of injury or property damage, the crime would be upgraded to third degree, carrying a penalty of three to five years in jail and a maximum \$7,500 fine. The penalty for a fourth-degree crime is 18 months in prison and a maximum \$7,500 fine.

For both third and fourth-degree offenses, there is a presumption against incarceration for first-time offenders. Under another law signed by the Governor as part of the package, the presumption against incarceration would be eliminated in cases involving joyriding that creates a risk of injury and auto theft. The new law also permits occupants who knowingly ride in a stolen vehicle to be charged with a fourth-degree crime. The offense was previously graded as a petty disorderly persons offense.

S 1207/A 47; sponsored by Senators Joe Bubba and Ronald Rice, and Assemblypersons Marion Crecco and John Hartmann.

- ***ESTABLISHES MANDATORY PENALTIES FOR JUVENILES INVOLVED IN MOTOR VEHICLE-RELATED CRIMES***

Under previous law, penalties for juveniles were within the discretion of the court. The new law sets the following mandatory penalties for juveniles who commit certain motor vehicle-related offenses:

- Minimum 60 days incarceration for any juvenile guilty of aggravated assault who causes injury as the result of joyriding or eluding police, or for eluding if the offense creates a risk of injury, or for motor vehicle theft by a repeat offender.
- Minimum 30 days incarceration for repeated offenders guilty of joyriding or for eluding police which does not create a risk of injury.
- Sixty days mandatory community service, or a term of incarceration, for first offenders guilty of motor vehicle theft, for joyriding which creates a risk of injury or for eluding which does not create a risk of injury.
- Thirty days mandatory community service or some term of incarceration for joyriding which does not create a risk of injury.

Parents who neglect to exercise reasonable supervision and control over a child who commits car theft may be ordered to pay restitution to car theft victims.

S 1206/A 46/314: sponsored by Senators Louis Bassano and Randy Corman, and Assemblypersons Paul DiGaetano, John Kelly and Marion Crecco.

- ***INCREASED JAIL TIME FOR PERSONS WHO USE STOLEN VEHICLES TO COMMIT CERTAIN CRIMES***

The new law authorizes prosecutors to seek an extended term of imprisonment for persons who use stolen vehicles to commit certain crimes, such as robbery, aggravated assault, manslaughter, eluding the police, sexual assault, kidnapping, burglary, escape and drug distribution.

An extended term means a longer sentence. For example, if a person committed a burglary and used a stolen car to leave the scene, the court could, at the prosecutor's request, sentence the defendant to between five and ten years in prison, even though the sentence for burglary is ordinarily between three to five years. The defendant could also be tried and punished for the actual theft of the vehicle as well.

S 1090/A 1719/1841; sponsored by Senators Joe Bubba and Ronald Rice, and Assemblypersons Marion Crecco, Maureen Ogden and Monroe Jay Lustbader.

- ***REQUIRES JAIL TERMS FOR REPEAT OFFENDERS CONVICTED OF VEHICLE-RELATED OFFENSES***

In order to make the punishment for auto theft more certain, this law establishes a presumption of incarceration for repeat offenders who have been previously convicted of motor vehicle theft or joyriding. Under previous law, there was no presumption of incarceration no matter how many cars a person stole.

S 1208/A 48; sponsored by Senators Louis Kosco and Jack Sinagra, and Assemblyman Monroe Jay Lustbader.