

2A:4A-44.1

LEGISLATIVE HISTORY CHECKLIST
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(Dept. Community Affairs--
juveniles--county detention)

NJSA: 2A:4A-44.1

LAWS OF: 1992 CHAPTER: 211

BILL NO: S1288

SPONSOR(S) Littell

DATE INTRODUCED: October 19, 1992

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

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: December 17, 1992
SENATE: December 17, 1992

DATE OF APPROVAL: January 6, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

P.L.1992, CHAPTER 211, approved January 6, 1993
1992 Senate No. 1288 (First Reprint)

1 AN ACT concerning the incarceration of certain juveniles, and
2 supplementing P.L.1982, c.77 (C.2A:4A-20 et seq.).
3

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

6 1. The Department of Corrections may enter into an
7 agreement with any county concerning the use of that county's
8 juvenile detention facility for the housing of juveniles the court
9 has placed under the custody of the department for placement in
10 State correctional facilities ¹only if the county's juvenile
11 detention facility is not over its maximum rated capacity¹.

12 Unless the contract otherwise provides or the Commissioner of
13 Corrections so directs in order to provide for the secure and
14 orderly operation of the facility, a juvenile placed in a county
15 detention facility pursuant to the provisions of this act shall not
16 be segregated from the juveniles otherwise placed in the county
17 detention facility or excluded from any program or activity
18 offered in that facility.

19 ¹Any contract entered into pursuant to this section shall ensure
20 that educational, vocational, mental health, health and
21 rehabilitative services are provided to the juveniles and that
22 these services are, at minimum, equivalent to those provided to
23 adjudicated juveniles in State-operated facilities.¹

24 2. This act shall take effect on the first day of the third month
25 following enactment, except that the Department of Corrections
26 may take such anticipatory administrative action as shall be
27 necessary for the implementation of this act.
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32 Permits DOC to place certain juveniles in county detention
33 centers.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Senate floor amendments adopted December 14, 1992.

SENATE, No. 1288

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1992

By Senator LITTELL

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17 offered in that facility.

18 2. This act shall take effect on the first day of the third month
19 following enactment, except that the Department of Corrections
20 may take such anticipatory administrative action as shall be
21 necessary for the implementation of this act.

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STATEMENT

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26 This bill would permit the Department of Corrections to
27 contract to place juveniles who have been sentenced to State
28 correctional facilities in county detention centers.

29 In County of Monmouth v. Department of Corrections, State of
30 N.J., 236 N.J. Super. 523 (A.D. 1989), the Appellate Court found
31 that there was no statutory authority for the Department of
32 Corrections to house youths that are sentenced to State facilities
33 in county detention centers and, therefore, that the department
34 was prohibited from negotiating any such agreements.

35 Since the department is statutorily authorized to contract with
36 private entities for the housing of such juveniles, this prohibition
37 against the department contracting for surplus beds in county
38 detention centers appears unreasonable, especially since those
39 county facilities are subject to State regulation and certification.

40 This bill would address the court's objections by granting the
41 department statutory authority to contract for the placement in
42 county detention facilities of juveniles who have been sentenced
43 to State correctional facilities.

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3 Permits DOC to place certain juveniles in county detention
4 centers.

SENATE LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 1288

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1992

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1288 of 1992.

This bill would permit the Department of Corrections to contract to place juveniles who have been sentenced to State correctional facilities in county detention centers.

In a recent decision, County of Monmouth v. Department of Corrections, State of N.J., 236 N.J. Super. 523 (App. Div. 1989), the Appellate Division found that there was no statutory authority for the Department of Corrections to house youths that are sentenced to State facilities in county detention centers. The court held, therefore, that the department was prohibited from negotiating any such agreements.

Since the department is statutorily authorized to contract with private entities for the housing of these juveniles, this prohibition against the department contracting for surplus beds in county detention centers appears unreasonable, especially since those county facilities are subject to State regulation and certification.

This bill would address the court's objections by granting the department the statutory authority to contract for the placement in county detention facilities of juveniles who have been sentenced to State correctional facilities.

RECEIVED
DEC 14 1992

SENATE Amendments
(Proposed by Senator Littell)

to

SENATE, No. 1288

(Sponsored by Senator Littell)

REPLACE SECTION 1 TO READ:

1. The Department of Corrections may enter into an agreement with any county concerning the use of that county's juvenile detention facility for the housing of juveniles the court has placed under the custody of the department for placement in State correctional facilities ¹ only if the county's juvenile detention facility is not over its maximum rated capacity¹. ✓

Unless the contract otherwise provides or the Commissioner of Corrections so directs in order to provide for the secure and orderly operation of the facility, a juvenile placed in a county detention facility pursuant to the provisions of this act shall not be segregated from the juveniles otherwise placed in the county detention facility or excluded from any program or activity offered in that facility.

¹Any contract entered into pursuant to this section shall ensure that educational, vocational, mental health, health and rehabilitative services are provided to the juveniles and that these services are, at minimum, equivalent to those provided to adjudicated juveniles in State-operated facilities.¹

STATEMENT

This amendment provides that juveniles may only be placed in county facilities by the Department of Corrections if the county facility's population does not exceed its rated capacity. Further the amendments provide that juveniles placed in county facilities must receive services comparable to those provided in State-operated facilities.