

[First Reprint]

SENATE, No. 1564

STATE OF NEW JERSEY
214th LEGISLATURE

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Sponsored by:

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District 15 (Mercer)

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SYNOPSIS

Creates Juvenile Transfer Task Force.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on May 10, 2010, with amendments.



(Sponsorship Updated As Of: 6/29/2010)

1 AN ACT establishing the Juvenile Transfer Task Force.

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

5

6 1. The Legislature finds and declares:

7 a. A recent study conducted by the Centers for Disease Control
8 and Prevention task force examined the issue of whether laws or
9 policies that govern the transfer of juvenile offenders to the adult
10 criminal justice system effectively deter youth from committing
11 crimes. The study found that juveniles transferred to the adult
12 criminal justice system are 34 percent more likely to be re-arrested
13 for violent or other crimes. The study also found that strengthening
14 transfer policies is harmful to juveniles because it may result in
15 increased pretrial violence, victimization of juveniles in adult
16 facilities, and elevated suicide rates for juveniles incarcerated in
17 adult facilities. The task force concluded that transferring juveniles
18 to the adult criminal justice system increases risks for the juveniles
19 without significantly increasing public safety. As a result of its
20 findings, the task force recommended against laws or policies
21 facilitating the transfer of juveniles from the juvenile justice system
22 to the adult judicial system for the purpose of reducing violence;

23 b. Other studies have questioned whether juveniles are
24 developmentally competent to make the legal decisions required in
25 adult criminal court proceedings. One of these studies found that
26 many juveniles were impaired in capacities that affected their
27 competence to stand trial as are seriously mentally ill adults who
28 would likely be considered incompetent. Moreover, studies indicate
29 that maturity may affect the performance of juveniles as defendants
30 even beyond their competency, because adolescents are more likely
31 to comply with authority figures, less likely to recognize the risks
32 inherent in the choices they face, and less likely to consider the
33 long-term consequences of their legal decisions; and

34 c. Therefore, it is in the public interest for the State to establish
35 a task force to study and make recommendations concerning the
36 statutes that permit juveniles to be tried as adults in the criminal
37 justice system.

38

39 2. There is established the Juvenile Transfer Task Force. The
40 purpose of the task force shall be to study, evaluate, and develop
41 recommendations concerning the transfer of juveniles from the
42 juvenile justice system to the adult criminal justice system.

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:

¹Senate SLP committee amendments adopted May 10, 2010.

1 3. a. The task force shall consist of '~~10~~ 11' members as
2 follows:

3 (1) The Chief Justice of the Supreme Court or a designee 'who
4 may be a judge or retired judge of the Superior Court with
5 experience in juvenile delinquency matters, the Administrative
6 Director of the Courts or a designee', the Attorney General or a
7 designee, the President of New Jersey Prosecutors Association or a
8 designee, the Executive Director of the Juvenile Justice
9 Commission or a designee, 'the New Jersey Public Defender or a
10 designee,' and the Commissioner of Corrections or a designee, who
11 shall serve ex-officio; and

12 (2) Four public members, two of whom shall be appointed by
13 the President of the Senate and who shall not be of the same
14 political party, and two of whom shall be appointed by the Speaker
15 of the Assembly and who shall not be of the same political party.
16 The public members shall have, by experience or training,
17 demonstrated expertise in juvenile justice, law enforcement, crime
18 prevention, victim advocacy or social sciences.

19 b. Vacancies in the membership of the task force shall be filled
20 in the same manner provided for the original appointments.

21
22 4. The task force shall organize as soon as practicable
23 following the appointment of its members and shall select a
24 chairperson and vice-chairperson from among the members. The
25 chairperson shall appoint a secretary who need not be a member of
26 the task force.

27
28 5. The public members shall serve without compensation, but
29 shall be reimbursed for necessary expenses incurred in the
30 performance of their duties and within the limits of funds available
31 to the task force.

32
33 6. The task force shall be entitled to call to its assistance and
34 avail itself of the services of the employees of any State, county or
35 municipal department, board, bureau, commission or agency as it
36 may require and as may be available to it for its purposes.

37
38 7. The task force may meet and hold hearings at the places it
39 designates during the sessions or recesses of the Legislature.

40
41 8. The task force shall report its findings and recommendations
42 to the Governor, and to the Legislature pursuant to section 2 of
43 P.L.1991, c.164 (C.52:14-19.1), along with any legislative bills that
44 it desires to recommend for adoption by the Legislature, no later
45 than 12 months after the organizational meeting of the task force.

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- 1 9. This act shall take effect immediately and shall expire upon
- 2 the issuance of the task force report.