ASSEMBLY, No. 5365

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MAY 16, 2019

Sponsored by:
Assemblywoman SHAVONDA E. SUMTER
District 35 (Bergen and Passaic)
Assemblywoman LINDA S. CARTER
District 22 (Middlesex, Somerset and Union)
Assemblywoman BRITNEE N. TIMBERLAKE
District 34 (Essex and Passaic)

Co-Sponsored by:
Assemblyman Giblin, Assemblywoman Reynolds-Jackson, Assemblyman Holley, Assemblywoman Vainieri Huttle, Assemblyman Karabinchak and Assemblywoman Chaparro

SYNOPSIS

The “New Jersey Youth Justice Transformation Act;” annually appropriates $100 million to Juvenile Justice Commission.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 8/26/2019)

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

1. (New section) This act shall be known and may be cited as the “New Jersey Youth Justice Transformation Act.”

2. (New section) The Legislature finds and declares that:
   a. Almost a quarter century has elapsed since the creation of the State’s Juvenile Justice Commission, and the current landscape of New Jersey’s youth justice system is in need of review and reform;
   b. New Jersey’s youth justice system currently is marred by a failed experiment with youth incarceration, staggering racial disparities, uneven community-based youth programs, and accountability deficits;
   c. New Jersey has the worst racial disparities in the nation, with a black youth thirty times more likely to be detained or committed than a white youth, even though research shows that black and white youth commit most offenses at similar rates;
   d. In 2019, New Jersey plans to spend $289,827 to incarcerate a youth in each of the Juvenile Justice Commission’s secure facilities, an increase of almost $50,000 from the previous year;
   e. New Jersey spends over $60 million to operate three secure facilities that are at less than half capacity, with the result that precious taxpayer dollars are being wasted on largely empty Juvenile Justice Commission secure facilities.
   f. While New Jersey spent only approximately $16 million in 2018 to fund county level community-based programs aimed at keeping youth from being incarcerated, the State spent $60 million, almost four times that amount, on youth incarceration;
   g. The effectiveness of county youth services commissions in creating effective community-based youth programs greatly varies across counties because of limited accountability measures and a lack of transparency;
   h. In the wake of former Governor Chris Christie’s historic announcement of the closure of the New Jersey Training School for Boys and the Female Secure Care and Intake Facility, as well as the development of two smaller youth rehabilitation centers, there is a need to create a comprehensive closure plan and timeline;
   i. Research on adolescent development and recidivism shows that neither public safety nor youth are positively impacted by

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.
youth incarceration and that incarcerated youth are more likely to be incarcerated as adults, further straining state budgets and exacerbating racial disparities;

j. There is growing public consensus that New Jersey’s system of youth incarceration does not work and must shift toward keeping at-risk young people in their home communities with intensive treatment, services, and rehabilitative resources;
k. There currently is a nationwide effort to close large, archaic congregate care facilities and to invest funds in community-based programs and services and, where necessary for public safety, in more rehabilitative out-of-home placements based in the community; and
l. It is time for New Jersey to reform its outdated youth justice system and serve as a national model by creating a system that both protects public safety and provides for effective youth rehabilitation and development.

3. (New section) a. On or before January 8, 2021, the Juvenile Justice Commission shall cease all operations at the New Jersey Training School for Boys and the Juvenile Female Secure Care and Intake Facility. The remaining facilities and property shall not be used to incarcerate juveniles or adults subsequent to the closure of the facilities.
b. A juvenile adjudicated delinquent and committed to the custody of the Juvenile Justice Commission, and any youth waived to an appropriate court and prosecuting authority pursuant to section 1 of P.L.2015, c.89, (C.2A:4A-26.1) who is serving their custodial sentence in a State juvenile facility, shall not be assigned or reassigned to the New Jersey Training School for Boys or the Juvenile Female Secure Care and Intake Facility after June 28, 2020.
c. The commission shall develop a comprehensive transition plan for the juveniles incarcerated in the juvenile facilities to be closed pursuant to subsection a. of this section. The comprehensive plan shall include:
   (1) an assessment tool to be utilized by the commission to determine whether a juvenile is to be transitioned to the community, a non-secure commission placement, or another setting or placement;
   (2) a prohibition on transitioning any juvenile to a more secure placement, including but not limited to the Juvenile Medium Security Facility or a State correctional facility, solely based on the closure of the juvenile facilities pursuant to subsection a. of this section;
   (3) an individualized and holistic plan, subject to court review and approval, for subsequent placement of each juvenile incarcerated, as of June 29, 2020, in the juvenile facilities to be closed pursuant to subsection a. of this section based on the
assessment tool pursuant to paragraph (1) of this subsection and subject to applicable confidentiality requirements;

(a) if the commission determines that a juvenile should not be transitioned into the community, it shall provide, in writing, the reasons necessitating an out-of-home placement;

(b) each plan shall take into account the needs and progress of each juvenile, any public safety risk the juvenile may pose, and the community resources needed to serve the best interests of the juvenile and the public;

(c) a juvenile whose case has been waived to an appropriate court and prosecuting authority pursuant to section 1 of P.L.2015, c.89 (C.2A:4A-26.1) but has been placed in the custody of the commission shall, to the greatest extent possible, receive the same consideration during the development of a transition plan as a juvenile adjudicated delinquent and placed in the custody of the commission;

(4) in coordination with the Department of Labor and Workforce Development, a transition plan for affected employees, including recommendations for placing them in existing departmental vacancies, assisting them with placement in other State agencies, and creating training opportunities to increase their qualifications for positions in other commission facilities;

(5) recommendations for alternative uses of the facilities and property of the juvenile facilities to be closed pursuant to subsection a. of this section based on input solicited by the commission from juveniles who have been committed to the custody of the commission and from residents of the communities in which the two secure juvenile facilities are located; and

(6) a plan to close the Juvenile Medium Security Facility on or before December 31, 2025.

d. The commission shall submit the comprehensive plan on or before August 1, 2020 to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). An executive summary of the plan’s findings, subject to applicable confidentiality requirements, shall be published on the official website of the commission.

e. Commencing August 1, 2020, and on the first day of each subsequent month until the juvenile facilities are closed pursuant to subsection a. of this section, the commission shall submit to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and publish on its official website, a status report including:

(1) the total number of juveniles placed in each secure facility;

(2) the demographics of the juveniles, including age, gender, race, ethnicity, offense, length of stay in the secure facility, whether the juvenile has been waived to an appropriate court and prosecuting authority pursuant to section 1 of P.L.2015, c.89 (C.2A:4A-26.1), and municipality of residence;
(3) the number of juveniles transitioned out of each facility and
the placement to which they were transferred; and
(4) the number of juveniles, if any, placed in each facility during
the previous month, and the reason this placement was made over
another, subject to applicable confidentiality requirements.

4. (New section)  a. On or before December 1, 2019, the
Juvenile Justice Commission, in consultation with the Attorney
General, shall submit the following information to the Governor and
the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) and make the information available on its official website:
(1) the total number of juveniles committed to the custody of the
commission and juveniles waived to an appropriate court and
prosecuting authority pursuant to section 1 of P.L.2015, c.89
(C.2A:4A-26.1) who are serving their custodial sentence in a State
juvenile facility each year between 2015 and 2019 to date,
categorized by municipality of residence, race, ethnicity, age,
gender, and offense, subject to applicable confidentiality
requirements;
(2) the average daily population for each juvenile secure facility
for each year between 2015 and 2019 to date and the total
population of juveniles in each juvenile secure facility on January 1,
2015; January 1, 2016; January 1, 2017; January 1, 2018; and
January 1, 2019 by municipality of residence, race, ethnicity, age,
gender, length of stay in the secure facility to date, whether the
juvenile has been waived to an appropriate court and prosecuting
authority pursuant to section 1 of P.L.2015, c.89 (C.2A:4A-26.1),
and offense, subject to applicable confidentiality requirements; and
(3) an admissions projection of the total number of juveniles to
be committed to custody of the commission for each year between
2019 and 2030, including a projection of the number of juveniles
that would be assigned to a secure juvenile facility.

b. The commission shall conduct an assessment of all non-
secure residential community homes and, on or before December 1,
2019, shall submit to the Governor and the Legislature pursuant to
section 2 of P.L.1991, c.164 (C.52:14-19.1), and publish on its
official website, a facilities status report including:
(1) the average daily juvenile population in each residential
community home in 2018 and the current juvenile population of
each residential community home as of June 1, 2019, disaggregated
by juveniles who are committed to the custody of the commission
and juveniles serving a term of probation in a residential
community home;
(2) the average age of the juvenile population in each residential
community home in 2018 and the age range for the current juvenile
population of each residential community home as of June 1, 2019;
(3) the total number of persons employed in each residential community home as of June 1, 2019 and the classification of the employee;

(4) the total number of persons employed in each residential community home in 2018 and the classification of the employee; and

(5) the daily and annual per capita cost to operate each residential community home.

c. The facilities status report required pursuant to subsection b. of this section shall include recommendations concerning whether any residential community home:

(1) should be closed because it is underutilized or is failing to successfully provide rehabilitation while protecting public safety, or it is not an appropriate placement for juveniles; or

(2) can be renovated or repurposed to accommodate juveniles transitioning from, or who would otherwise have been incarcerated in, a juvenile secure facility being closed pursuant to subsection a. of section 3 of P.L. __ , __ (C. __ ) (pending before the Legislature as this bill).

The recommendation in the facilities status report shall be based on the information submitted by the commission pursuant to subsection a. of this section and that juveniles shall be placed in a residential community home near the juvenile’s municipality of residence.

d. If the commission determines that a residential community home cannot be renovated or repurposed to achieve the aims of paragraph (2) of subsection c. of this section, the commission shall develop a youth rehabilitation center report outlining a plan to provide effective rehabilitation for the projected number of juveniles in the custody of the commission who require an out-of-home placement to protect public safety, but cannot be housed in a residential community home. The report shall take into account the:

(1) municipality of residence of juveniles committed to the custody of the commission;

(2) actual and projected admission totals of juveniles committed to the custody of the commission;

(3) the unique needs of this State’s committed juveniles, including juveniles waived to an appropriate court and prosecuting authority pursuant to section 1 of P.L.2015, c.89 (C.2A:4A-26.1) serving their custodial sentence in a juvenile facility;

(4) research on effective rehabilitative and restorative youth justice models; and

(5) protection of public safety.

e. The commission shall provide the youth rehabilitation center report to the Governor and the Legislature, submit it for public comment on its official website for 90 days, and hold at least three public hearings during which testimony from the public shall be
permitted and encouraged, in municipalities with a high rate of juveniles committed to the custody of the commission.

f. Subsequent to the public comment and hearing period for the youth rehabilitation center report required pursuant to subsection d. of this section, and in consultation with the Division of Property Management and Construction in the Department of the Treasury, the commission shall identify State-owned or private properties, located in the 10 municipalities with the highest rates of juveniles committed to custody of the commission between 2015 to 2018, that either comply with or can be repurposed or renovated to comply with the youth rehabilitation center report. Priority shall be given to properties that are easily accessible via public transportation to families located in the north, central, and southern regions of the State.

g. Based on the youth rehabilitation center report required pursuant to subsection d. of this section, and in consultation with an architectural firm, the commission shall identify, as needed based on actual and projected admission totals, potential sites for the repurposing or renovating of property into new youth rehabilitation centers. A youth rehabilitation center site shall not have a capacity of more than 30 beds.

h. The commission shall hold public hearings in the north, central, and southern regions of the State to receive public comment on the proposed sites before proceeding with any further design or development. The design or development of any new juvenile rehabilitation center shall include a plan to reduce the juvenile population of each center on an annual basis with the eventual goal of closing the center as a juvenile facility and transitioning it into a community center open to all community residents.

i. The commission shall not use any funds to construct any new secure juvenile facility.

5. (New section) a. There is created in the Juvenile Justice Commission, in but not of the Department of Law and Public Safety, a dedicated, nonlapsing, revolving fund to be known as the “Youth Justice Transformation Fund.” The fund shall be credited with the monies appropriated pursuant to subsection g. of this section, and any interest or other income earned on those monies. Monies in the account shall be allocated and exclusively used by the commission for the purposes of P.L. , c. (pending before the Legislature as this bill), including, but not limited to:

(1) developing and implementing community-based programs, including prevention, diversion, intervention, and alternatives-to-incarceration programs;

(2) repurposing or renovating commission facilities and other facilities into community centers or other resources that provide effective youth programming and services; and
(3) other innovative programming, projects, or services designed
to decrease the number of juveniles in the custody of the
commission.

b. No more than 10 percent of the monies in the fund shall be
used for administrative purposes.

c. Monies administered pursuant to the fund shall not replace
any other funds distributed by the commission, including those
administered through the State/Community Partnership Grant
Program established pursuant to section 1 of P.L.1995, c.283
(C.52:17B-179).

d. Priority in distributing monies in the fund shall be given to
municipalities with a high rate of juveniles committed to the
commission.

e. Monies from the fund shall not be used for the construction
of any commission or other facility.

f. Within 30 days after the effective date of P.L. c. (C. )
(pending before the Legislature as this bill), the commission shall
set the terms and conditions of distribution of the fund monies,
publish the terms and conditions on its official website, and
schedule a public meeting in the north, central, and southern regions
of the State to announce the fund.

g. There is appropriated $100,000,000 from the General Fund
to the commission for deposit into the “Youth Justice
Transformation Fund” for State Fiscal Year 2021 and each
subsequent fiscal year.

h. To determine if additional monies may be appropriated to
supplement the fund, the commission shall conduct an audit to
identify the total amount of all available federal and State
department and agency funds intended to support juveniles involved
at any point with the State’s juvenile justice system.

6. (New section) a. The Juvenile Justice Commission, the
Department of Education, the Administrative Office of the Courts,
and the Attorney General shall conduct a racial and ethnic
disparities study. The report shall present data concerning racial
and ethnic disparities at the following stages of the youth justice
system:

   (1) school exclusion, including in-school and out-of-school
       suspension and expulsion;
   (2) law enforcement interaction, including arrest and law
       enforcement diversion;
   (3) court diversion;
   (4) waiver pursuant to section 1 of P.L. 2015, c.89 (C.2A:4A-
       26.1);
   (5) detention;
   (6) adjudication of delinquency; and
   (7) disposition, including the disposition imposed.
b. The data in the study should be categorized by key juvenile demographics, including age, gender, race, municipality of residence, ethnicity, and, where applicable, offense.

c. The study shall include the affirmative steps the Juvenile Justice Commission, the Department of Education, the Administrative Office of the Courts, and the Attorney General shall take to address racial and ethnic disparities at each stage of the juvenile justice system.

d. The Juvenile Justice Commission, the Department of Education, the Administrative Office of the Courts, and the Attorney General shall submit the report to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) by October 1, 2019, and publish the report on each of their official websites.

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

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

(1) The nature and circumstances of the offense;
(2) The degree of injury to persons or damage to property caused by the juvenile's offense;
(3) The juvenile's age, previous record, prior social service received, and out-of-home placement history;
(4) Whether the disposition supports family strength, responsibility and unity and the well-being and physical safety of the juvenile;
(5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition;
(6) Whether the disposition recognizes and treats the unique physical, psychological, and social characteristics and needs of the child;
(7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where the child has intellectual disabilities or learning disabilities;
(8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court;
(9) The impact of the offense on the victim or victims;
(10) The impact of the offense on the community; and
(11) The threat to the safety of the public or any individual posed by the child.

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

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

(2) Release the juvenile to the supervision of the juvenile's parent or guardian;

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

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

(5) Place the juvenile under the care and responsibility of the Department of Children and Families so that the commissioner may designate a division or organizational unit in the department pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Children and Families shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

(6) Place the juvenile under the care and custody of the Commissioner of Children and Families for the purpose of receiving the services of the Division of Children's System of Care of that department, provided that the juvenile has been determined to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

(7) Commit the juvenile, pursuant to applicable laws and the Rules of Court governing civil commitment, to the Department of Children and Families under the responsibility of the Division of Children's System of Care for the purpose of placement in a suitable public or private hospital or other residential facility for the
treatment of persons who are mentally ill, on the ground that the juvenile is in need of involuntary commitment;

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

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

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

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

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

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development. This may require attendance after school, evenings, and weekends;
(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services;

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

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

(b) Place the juvenile under the custody of the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) for placement with any private group home or private residential facility with which the commission has entered into a purchase of service contract;

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

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

(19) Order a parent or guardian who has failed or neglected to exercise reasonable supervision or control of a juvenile who has been adjudicated delinquent to make restitution to any person or entity who has suffered a loss as a result of that offense. The court may determine the reasonable amount, terms, and conditions of restitution;

(20) Place the juvenile, if eligible, in an appropriate juvenile offender program established pursuant to P.L.1997, c.81 (C.30:8-61 et al.); or

(21) If the court determines there is no available disposition to promote the juvenile’s rehabilitation and protect public safety, the court may order incarceration pursuant to section 25 of P.L.1982,
c.77 (C.2A:4A-44), stating the reasons for this disposition on the record.

c. (1) Except as otherwise provided in subsections e. and f. of this section, if the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Juvenile Justice Commission, the court may, in addition to any of the dispositions not involving placement out of the home enumerated in this section, incarcerate the juvenile in the youth detention facility in that county for a term not to exceed 60 consecutive days. Counties which do not operate their own juvenile detention facilities may contract for the use of approved commitment programs with counties with which they have established agreements for the use of pre-disposition juvenile detention facilities. The Juvenile Justice Commission shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection.

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

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

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

(b) Incarceration of the juvenile is consistent with the goals of public safety, accountability, and rehabilitation and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of P.L.1982, c.77 (C.2A:4A-44); and (c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2).

(4) If as a result of incarceration of adjudicated juveniles pursuant to this subsection, a county is required to transport a predisposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Juvenile Justice Commission.

d. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a
community service, restitution, or to participate in any other
program provided for in this section other than subsection c., the
duration of the juvenile's mandatory participation in such
alternative programs shall extend for a period consistent with the
program goal for the juvenile and shall in no event exceed one year
beyond the maximum duration permissible for the delinquent if the
juvenile had been committed to a term of incarceration.

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

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

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

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

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

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

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

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

g. Whenever the court imposes a disposition upon an
adjudicated delinquent which requires the juvenile to perform a
community service, restitution, or to participate in any other
program provided for in this section, the order shall include
provisions which provide balanced attention to the protection of the
community, accountability for offenses committed, fostering
interaction and dialogue between the offender, victim and
community and the development of competencies to enable the
child to become a responsible and productive member of the
community.

(cf: P.L.2012, c.16, s.1)

8. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
read as follows:

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

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

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

d. The executive board shall consist of the following members: The Attorney General, who shall serve as chair of the executive board; the Commissioner of Corrections and the Commissioner of Children and Families, who shall serve as vice-chairs of the executive board; the Commissioner of Education; the chair of the Juvenile Justice Commission advisory council, established pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members who serve as chairs of a county youth services commission, established pursuant to section 1 of P.L.1995, c.282 (C.52:17B-180), to be appointed by the Governor to serve at the Governor's pleasure. The Administrative Director of the Administrative Office of the Courts is invited to participate on the executive board, subject to the approval of the Supreme Court. A member of the executive board may name a designee who shall have the authority to act for the member. Members of the executive board shall serve without compensation for their services to the commission. The executive board shall meet at least quarterly and at such other times as designated by the chair. Except with respect to matters concerning distribution of funds to counties, four members of the executive board shall constitute a quorum to transact business of the executive board and action of the executive board shall require an affirmative vote of four members. A member of the executive board who is also a member of a county youth services commission shall not participate in matters concerning distribution of funds to counties; in these matters, three members of the executive board shall constitute a quorum to transact business and an action of the executive board shall require an affirmative vote of three members.

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

(1) To specify qualifications for and to employ, within the limits of available appropriations and subject to the provisions of P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New Jersey Statutes, such staff as are necessary to accomplish the work of the commission or as are needed for the proper performance of the functions and duties of the commission, including but not limited to:
(a) The number of deputy directors, assistant directors, superintendents, assistant superintendents and other assistants who shall be in the unclassified service and shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

(b) Juvenile corrections officers;

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

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

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

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

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

(7) To assume the custody and care of all juveniles committed by court order, law, classification, regulation or contract to the custody of the commission or transferred to the custody of the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176);

(8) To manage and operate all State secure juvenile facilities which shall include the New Jersey Training School for Boys created pursuant to R.S.30:1-7 and transferred to the Commissioner of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile Medium Security Facility created pursuant to R.S.30:1-7 and both transferred to the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any other secure juvenile facility established by the commission in the future;

(9) To manage and operate all State juvenile facilities or juvenile programs for juveniles adjudicated delinquent which shall include facilities and programs transferred to the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or established or contracted for in the future by the commission;

(10) To prepare a State Juvenile Justice Master Plan every third year, which shall be published on the official website of the commission, which identifies facilities, sanctions and services available for juveniles adjudicated or charged as delinquent and juvenile delinquency prevention programs and which identifies additional needs based upon the extent and nature of juvenile
delinquency and the adequacy and effectiveness of available facilities, services, sanctions and programs;

(11) To approve plans for each county submitted by the county youth services commission pursuant to section 1 of P.L.1995, c.282 (C.52:17B-180);

(12) To administer the State/Community Partnership Grant Program established pursuant to section 1 of P.L.1995, c.283 (C.52:17B-179);

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

(14) To formulate and adopt standards and rules for the efficient conduct of the work of the commission, the facilities, services, sanctions and programs within its jurisdiction, and its officers and employees;

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

(16) To institute, or cause to be instituted, such legal proceedings or processes as may be necessary to enforce properly and give effect to any of its powers or duties including the authority to compel by subpoena, subject to the sanction for contempt of subpoena issued by a court, attendance and production of records;

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

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

(19) To supervise compliance with conditions of parole;

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

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

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

(cf: P.L.2006, c.47, s.192)

9. Section 1 of P.L.1995, c.282 (C.52:17B-180) is amended to read as follows:

1. a. In order to qualify for award of State/Community Partnership Grant funds established pursuant to section 1 of P.L.1995, c.283 (C.52:17B-179) a county shall:

(1) Establish a county youth services commission in accordance with regulations promulgated by the Juvenile Justice Commission
established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

(2) Submit and obtain Juvenile Justice Commission approval of a triennial comprehensive plan for services and sanctions for juveniles adjudicated or charged as delinquent and programs for the prevention of juvenile delinquency which:
   (a) are designed to promote the goals of section 1 of P.L.1995, c.283 (C.52:17B-179);
   (b) provide recommendations for funding of programs, sanctions and services that enhance and expand the range of sanctions and services for juveniles adjudicated or charged as delinquent and programs designed to prevent delinquency;
   (c) make services available in geographical locations within the county where juveniles in need reside; and
   (d) provide for distribution of State/Community Partnership Grant funds by the county in accordance with contracts or agreements executed by the appropriate county officials in accordance with applicable law.

b. The Juvenile Justice Commission shall establish by regulation:
   (1) Specific guidelines as to membership of a county youth services commission, including mandatory positions for youth and community residents;
        (2) Specific requirements for the administration of the State/Community Partnership Grant funds awarded by the county. Awarded funds shall be published on the commission’s official website. In awarding funds, the Juvenile Justice Commission shall prioritize effective non-traditional youth programs in addition to evidenced-based programs.

c. Notwithstanding the provisions of subsection a. of this section, the county governing body may elect, upon annual written request approved by the executive director, to designate a commission, council or agency to assume the responsibilities of a county youth services commission in that county. Approval of such a request shall be contingent upon the governing body demonstrating that the membership of the designated entity is sufficiently representative of persons and agencies interested in the juvenile justice system to permit the entity to perform the duties and responsibilities of a county youth services commission, that the members of the designated entity are otherwise qualified to perform the duties and responsibilities of members of a county youth services commission, and that the designated entity has the authority and responsibility to carry out the duties and responsibilities of a county youth services commission.

d. A county youth services commission shall:
   (1) Recommend to the governing body of the county the approval or disapproval of contracts with local government or
private agencies that desire participation in the State/Community Partnership Grant Program;
(2) Monitor the operations of programs receiving State/Community Partnership Grant funds with reference to compliance with standards, policies and rules established by the Juvenile Justice Commission;
(3) Monitor and evaluate the impact of the programs receiving State/Community Partnership Grant funds, including the nature of the offender or at risk populations served by the funded programs, and prepare a written report with relevant documentation, on an annual basis, to be submitted to the Juvenile Justice Commission as part of the commission's triennial plan and annual update; [and]
(4) Perform such other duties as may be established by the Juvenile Justice Commission to achieve the purposes of P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the Juvenile Justice Commission and section 1 of P.L.1995, c.283 (C.52:17B-179) which creates the State/Community Partnership Grant Program;
(5) Maintain an official website, to include the commission’s triennial plan, annual update, any additional commission financial documents, and a calendar of meetings for the year;
(6) Hold monthly public meetings at a time and place that will maximize community member participation;
(7) Hold quarterly information sessions, at a time and place that will maximize community member participation, for interested program providers on the application process for commission funds; and
(8) Hold an annual community meeting, at a time and place that will maximize community member participation, to apprise community members on the annual update, triennial plan, and any other additional pertinent information.
  e. No county may use funds received pursuant to this section to supplant or replace existing funds or other resources from federal, State or county government for existing juvenile justice-related programs or for purposes of capital construction or renovation.
  f. If a county elects not to participate in the State/Community Partnership Grant Program, the commission is authorized to allocate and expend that county's share of Partnership funding in a manner consistent with the commission's Juvenile Justice Master Plan. (cf: P.L.2005, c.164, s.2)
10. This act shall take effect immediately.

STATEMENT

This bill, entitled the “New Jersey Youth Justice Transformation Act” requires the Juvenile Justice Commission (JJC) to close its secure juvenile facilities and develop a transition plan for juveniles.
incarcerated in these facilities; requires an assessment of non-secure residential community homes; annually appropriates $100 million for youth rehabilitation centers and other programs; and imposes other reporting and meeting requirements on the JJC and county youth services commissions.

The bill specifically requires two of the JJC’s secure juvenile facilities to close by January 8, 2021: the New Jersey Training School for Boys and the Juvenile Female Secure Care and Intake Facility. Juveniles adjudicated delinquent in the custody of the JJC are not to be placed in either facility after June 28, 2020. The JJC is to develop a comprehensive transition plan for the juveniles incarcerated in the two facilities. The plan is to include an assessment tool chosen by the JJC to evaluate whether a juvenile should be transitioned to the community, a non-secure commission placement, or another placement or setting. The bill prohibits a juvenile from being committed to a more secure facility, such as the Juvenile Medium Security Facility or a State correctional facility because of the closure of the training school and intake facility. An individualized and holistic plan, subject to court review and approval, is to be developed for the placement of each juvenile incarcerated in either facility by June 29, 2020 based on the assessment tool, and subject to applicable confidentiality requirements.

The transition plan developed by the JJC also is to make arrangements for placing affected employees in existing departmental vacancies, assisting the employees in being placed in other State agencies, and creating training opportunities to increase their qualifications for positions in other JJC facilities. Recommendations are to be made for alternative uses of the facilities and property of the two juvenile secure facilities being closed. Finally, the JJC is to include in the plan provisions for closing the Juvenile Medium Security Facility by December 31, 2025.

The JJC is to submit the transition plan to the Governor and the Legislature by August 1, 2020 and publish an executive summary of the plan on its website. Monthly status reports are to be submitted until the facilities are closed.

The bill also requires the JJC to conduct an assessment of all non-secure residential community homes for juveniles by December 1, 2019 and submit the results of the assessment to the Governor and Legislature, as well as make them available on the JJC website. Demographic information on the number of juveniles committed to the custody of the commission and juveniles waived to adult court who are serving their custodial sentence in a State juvenile facility are to be submitted as part of the assessment. A facilities status report including information on the average daily juvenile population in each residential community home, the average age, age range, number of employees in each home, and the daily and
annual per capita cost to operate each home also is to be included in
the assessment. Recommendations as to whether a residential
community home should be renovated or closed are to be made.
In the case of residential community homes that cannot be
renovated, the JJC is to develop a youth rehabilitation center report,
including a plan to provide effective rehabilitation for the projected
number of juveniles in the custody of the JJC who require an out-
of-home placement to protect the public safety, but cannot be
housed in a residential community home. Public comments are to be
taken and a hearing held on the report. The JJC is to consult with
the Division of Property Management and Construction in the
Department of the Treasury to identify State-owned or private
properties in the 10 municipalities with the highest rates of
juveniles committed to custody of the JJC that either comply with
or can be repurposed or renovated to comply with the youth
rehabilitation center report. Priority is to be given to properties that
are easily accessible via public transportation to families located in
the north, central, and southern regions of the State. Potential sites
are to be identified by the JJC, but a home is not to have a capacity
of more than 30 beds. Hearings on the proposed sites are to be held
in the north, central, and southern regions of the State to receive
public comment. The design of a new youth rehabilitation center is
to include a plan to reduce the juvenile population of each center on
an annual basis with the eventual goal of closing the center as a
juvenile facility and transitioning it into a community center open to
all community residents. The JJC is prohibited from using funds to
construct any new secure juvenile facility.

The bill appropriates $100 million to the “Youth Transformation
Fund” in fiscal year 2021 and each fiscal year thereafter for the
purposes of the bill, including developing and implementing
community-based programs, repurposing or renovating JJC
commission facilities and other facilities into community centers,
and other innovative programming to reduce the number of
juveniles in the custody of the JJC. The funds are not to replace
other JJC funds, such as the State/Community Partnership Grant
Program, and are not to be used for construction of JJC facilities.
Preference in distributing the funds is to be given to municipalities
with high rates of juveniles in the custody of the JJC. The funds
may be supplemented with other federal and State funds intended to
benefit juveniles involved in the State’s juvenile justice system.

The bill further requires the JJC, the Department of Education,
the Administrative Office of the Courts, and the Attorney General
to conduct a racial and ethnic disparities study. Data concerning
school exclusion, law enforcement interaction, court diversion,
waiver of juveniles from family court to Superior Court, detention,
judication of delinquency, and disposition is to be included in the
report. The study shall include steps the State will take to address
racial and ethnic disparities in the State’s juvenile justice system.
Finally, the bill requires county youth services commissions to have mandatory youth and community members, maintain an official website, and hold monthly public meetings, quarterly information sessions, and an annual community meeting.