

[Third Reprint]

SENATE, No. 48

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 30, 2019

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Singleton, Greenstein, Assemblywoman Vainieri Huttie,

Assemblyman Johnson, Assemblywomen Tucker, McKnight and

Assemblyman Conaway

SYNOPSIS

Concerns juvenile incarceration and parole.

CURRENT VERSION OF TEXT

As amended by the Senate on January 9, 2020.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning incarceration and parole of juveniles and
2 amending, supplementing, and repealing various parts of the
3 statutory law.

4

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

7

8 1. Section 2 of P.L.1982, c.77 (C.2A:4A-21) is amended to
9 read as follows:

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

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

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

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

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

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

36 f. Consistent with the protection of the public interest, to
37 insure that any services and sanctions for juveniles provide
38 balanced attention to the protection of the community, the
39 imposition of accountability for offenses committed, fostering
40 interaction and dialogue between the offender, victim, and
41 community, and the development of competencies to enable
42 children to become responsible and productive members of the
43 community;

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 SBA committee amendments adopted December 5, 2019.

²Senate floor amendments adopted December 16, 2019.

³Senate floor amendments adopted January 9, 2020.

1 g. To insure protection and a safe environment for those
2 sexually exploited juveniles who are charged with prostitution or
3 who are alleged to be victims of human trafficking; and to provide
4 these juveniles with the appropriate shelter, care, counseling, and
5 crisis intervention services from the time they are taken into
6 custody and for the duration of any legal proceedings; **[and]**

7 h. To insure that in any action undertaken within the provisions
8 of this act, the best interests of the child shall be a primary
9 consideration; and

10 i. To ensure a **['smarter,']** fairer¹ **[,]**¹ and more efficient and
11 effective juvenile justice system by incorporating the following
12 **['successful']** principles and strategies **['of the Juvenile Detention**
13 **Alternative Initiative (J.D.A.I.)**']¹ into every stage of the
14 delinquency action:

15 (1) promoting collaboration between juvenile court officials,
16 probation agencies, prosecutors, defense attorneys, schools,
17 community organizations, and advocates;

18 (2) using rigorous data collection and analysis to guide decision
19 making;

20 (3) utilizing objective ¹criteria, processes, and tools, such as¹
21 risk-assessment instruments^{1,1} to replace subjective decision-
22 making processes to determine:

23 (a) whether a juvenile should be incarcerated; and

24 (b) the length of time a juvenile should remain in custody;

25 (4) implementing new or expanded community-based
26 alternatives that can be used in lieu of incarceration;

27 (5) reducing delays in processing and corresponding length of
28 stay in all stages of a delinquency action, including parole and
29 revocation proceedings, to ensure that juveniles do not remain in
30 out-of-home placements longer than necessary or are unnecessarily
31 returned to custody;

32 (6) reserving the use of incarceration for only those cases in
33 which it is necessary to eliminate a substantial threat to public
34 safety ¹or as required by the Interstate Compact for Juveniles¹;

35 (7) combatting racial and ethnic disparities by collecting and
36 examining data to identify policies and practices that may
37 disadvantage minority juveniles at various stages of the process and
38 pursuing strategies to eliminate those disparities; and

39 (8) monitoring and improving conditions of confinement in
40 secure facilities.

41 (cf: P.L.2015, c.255, s.1)

42
43 2. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
44 read as follows:

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

- 1 (1) The nature and circumstances of the offense;
 - 2 (2) The degree of injury to persons or damage to property
3 caused by the juvenile's offense;
 - 4 (3) The juvenile's age, previous record, prior social service
5 received, and out-of-home placement history;
 - 6 (4) Whether the disposition supports family strength,
7 responsibility and unity and the well-being and physical safety of
8 the juvenile;
 - 9 (5) Whether the disposition provides for reasonable
10 participation by the child's parent, guardian, or custodian, provided,
11 however, that the failure of a parent or parents to cooperate in the
12 disposition shall not be weighed against the juvenile in arriving at
13 an appropriate disposition;
 - 14 (6) Whether the disposition recognizes and treats the unique
15 physical, psychological, and social characteristics and needs of the
16 child;
 - 17 (7) Whether the disposition contributes to the developmental
18 needs of the child, including the academic and social needs of the
19 child where the child has intellectual disabilities or learning
20 disabilities;
 - 21 (8) Any other circumstances related to the offense and the
22 juvenile's social history as deemed appropriate by the court;
 - 23 (9) The impact of the offense on the victim or victims;
 - 24 (10) The impact of the offense on the community; and
 - 25 (11) The threat to the safety of the public or any individual posed
26 by the child.
- 27 b. If a juvenile is adjudged delinquent, [and except to the
28 extent that an additional specific disposition is required pursuant to
29 subsection e. or f. of this section,] ¹and except to the extent that an
30 additional specific disposition is required pursuant to this section,¹ the
31 court, in accordance with subsection i. of section 2 of P.L.1982,
32 c.77 (C.2A:4A-21), may order incarceration ¹[as a last resort]¹
33 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court
34 may order any one or more of the following dispositions:
- 35 (1) Adjourn formal entry of disposition of the case for a period
36 not to exceed 12 months for the purpose of determining whether the
37 juvenile makes a satisfactory adjustment, and if during the period of
38 continuance the juvenile makes such an adjustment, dismiss the
39 complaint; provided that if the court adjourns formal entry of
40 disposition of delinquency for a violation of an offense defined in
41 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
42 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
43 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
44 juveniles adjudicated delinquent;
 - 45 (2) Release the juvenile to the supervision of the juvenile's
46 parent or guardian;
 - 47 (3) Place the juvenile on probation to the chief probation officer
48 of the county or to any other suitable person who agrees to accept

1 the duty of probation supervision for a period not to exceed three
2 years upon such written conditions as the court deems will aid
3 rehabilitation of the juvenile;

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

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

20 (6) Place the juvenile under the care and custody of the
21 Commissioner of Children and Families for the purpose of
22 receiving the services of the Division of Children's System of Care
23 of that department, provided that the juvenile has been determined
24 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
25 25.4);

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

33 (8) **【**Fine the juvenile an amount not to exceed the maximum
34 provided by law for such a crime or offense if committed by an
35 adult and which is consistent with the juvenile's income or ability to
36 pay and financial responsibility to the juvenile's family, provided
37 that the fine is specially adapted to the rehabilitation of the juvenile
38 or to the deterrence of the type of crime or offense. If the fine is
39 not paid due to financial limitations, the fine may be satisfied by
40 requiring the juvenile to submit to any other appropriate disposition
41 provided for in this section;**】** (Deleted by amendment,
42 P.L. , c.) (pending before the Legislature as this bill)

43 (9) Order the juvenile to make restitution to a person or entity
44 who has suffered loss resulting from personal injuries or damage to
45 property as a result of the offense for which the juvenile has been
46 adjudicated delinquent. The court may determine the reasonable
47 amount, terms, and conditions of restitution. If the juvenile
48 participated in the offense with other persons, the participants shall

1 be jointly and severally responsible for the payment of restitution.
2 The court shall not require a juvenile to make full or partial
3 restitution if the juvenile reasonably satisfies the court that the
4 juvenile does not have the means to make restitution and could not
5 reasonably acquire the means to pay restitution;

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

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

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

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

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

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

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

47 (b) Place the juvenile under the custody of the Juvenile Justice
48 Commission established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170) for placement with any private group home or
2 private residential facility with which the commission has entered
3 into a purchase of service contract;

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

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

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

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

26 c. (1) **【Except as otherwise provided in subsections e. and f. of**
27 **this section, if】** If the county in which the juvenile has been
28 adjudicated delinquent has a juvenile detention facility meeting the
29 physical and program standards established pursuant to this
30 subsection by the Juvenile Justice Commission, the court may, in
31 addition to any of the dispositions not involving placement out of
32 the home enumerated in this section, incarcerate the juvenile in the
33 youth detention facility in that county for a term not to exceed 60
34 consecutive days. The decision by the court to incarcerate a
35 juvenile shall be made in accordance with subsection i. of section 2
36 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
37 their own juvenile detention facilities may contract for the use of
38 approved commitment programs with counties with which they
39 have established agreements for the use of pre-disposition juvenile
40 detention facilities. The Juvenile Justice Commission shall
41 promulgate such rules and regulations from time to time as deemed
42 necessary to establish minimum physical facility and program
43 standards for the use of juvenile detention facilities pursuant to this
44 subsection.

45 (2) **【No】** A juvenile **【may】** shall not be incarcerated in any
46 county detention facility unless the county has entered into an
47 agreement with the Juvenile Justice Commission concerning the use
48 of the facility for sentenced juveniles. Upon agreement with the

1 county, the Juvenile Justice Commission shall certify detention
2 facilities which may receive juveniles sentenced pursuant to this
3 subsection and shall specify the capacity of the facility that may be
4 made available to receive such juveniles; provided, however, that in
5 no event shall the number of juveniles incarcerated pursuant to this
6 subsection exceed 50% of the maximum capacity of the facility.

7 (3) The court may fix a term of incarceration under this
8 subsection **【where】** that is in accordance with subsection i. of
9 section 2 of P.L.1982, c.77 (C.2A:4A-21) and:

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

13 (b) Incarceration of the juvenile is consistent with the goals of
14 public safety, accountability, and rehabilitation and the court is
15 clearly convinced that the aggravating factors substantially
16 outweigh the mitigating factors as set forth in section 25 of
17 P.L.1982, c.77 (C.2A:4A-44); and

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

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

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

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

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

1 (2) **【**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 60 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 aggravated
7 assault in violation of paragraph (6) of subsection b. of
8 N.J.S.2C:12-1, the second degree crime of eluding in violation of
9 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case
10 in which the juvenile has previously been adjudicated delinquent for
11 an act, which if committed by an adult, would constitute unlawful
12 taking of a motor vehicle or theft of a motor vehicle;**】** (Deleted by
13 amendment, P.L. , c.) (pending before the Legislature as this
14 bill)

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

21 (4) **【**An order of incarceration for a term of the duration
22 authorized pursuant to this section or section 25 of P.L.1982, c.77
23 (C.2A:4A-44) which shall include a minimum term of 30 days
24 during which the juvenile shall be ineligible for parole, if the
25 juvenile has been adjudicated delinquent for an act which, if
26 committed by an adult, would constitute the crime of unlawful
27 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
28 degree crime of eluding in violation of subsection b. of
29 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
30 delinquent for an act which, if committed by an adult, would
31 constitute either theft of a motor vehicle, the unlawful taking of a
32 motor vehicle or eluding.**】** (Deleted by amendment, P.L. , c.)
33 (pending before the Legislature as this bill)

34 f. (1) **【**The minimum terms of incarceration required pursuant
35 to subsection e. of this section shall be imposed regardless of the
36 weight or balance of factors set forth in this section or in section 25
37 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
38 those factors shall determine the length of the term of incarceration
39 appropriate, if any, beyond any mandatory minimum term required
40 pursuant to subsection e. of this section.**】** (Deleted by amendment,
41 P.L. , c.) (pending before the Legislature as this bill)

42 (2) **【**When a court in a county that does not have a juvenile
43 detention facility or a contractual relationship permitting
44 incarceration pursuant to subsection c. of this section is required to
45 impose a term of incarceration pursuant to subsection e. of this
46 section, the court may, subject to limitations on commitment to
47 State correctional facilities of juveniles who are under the age of 11

1 or developmentally disabled, set a term of incarceration consistent
2 with subsection c. which shall be served in a State correctional
3 facility. When a juvenile who because of age or developmental
4 disability cannot be committed to a State correctional facility or
5 cannot be incarcerated in a county facility, the court shall order a
6 disposition appropriate as an alternative to any incarceration
7 required pursuant to subsection e. **】** (Deleted by amendment, P.L. ,
8 c.) (pending before the Legislature as this bill)

9 (3) **【**For purposes of subsection e. of this section, in the event
10 that a "boot camp" program for juvenile offenders should be
11 developed and is available, a term of commitment to such a
12 program shall be considered a term of incarceration. **】** Deleted by
13 amendment, P.L. , c.) (pending before the Legislature as this
14 bill)

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

25 ¹**【**h. When the court imposes a term of incarceration pursuant to
26 section 25 of P.L.1982, c.77 (C.2A:4A-44), it may order the
27 Juvenile Justice Commission to provide the juvenile with specific
28 services, as the court deems appropriate. **】**¹

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

30

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

33 25. Incarceration--Aggravating and mitigating factors

34 a. (1) **【**Except as provided in subsections e. and f. of section
35 24 of P.L.1982, c.77 (C.2A:4A-43), in **】** In determining whether
36 incarceration is an appropriate disposition ¹and in addition to the
37 considerations set forth in subsection i. of section 2 of P.L.1982,
38 c.77 (C.2A:4A-21)¹, the court shall consider the following
39 aggravating circumstances:

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

43 (b) The fact that there was grave and serious harm inflicted on
44 the victim and that based upon the juvenile's age or mental capacity
45 the juvenile knew or reasonably should have known that the victim
46 was particularly vulnerable or incapable of resistance due to

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

- 1 (i) The juvenile's conduct was the result of circumstances
2 unlikely to recur;
- 3 (j) The character and attitude of the juvenile indicate that the
4 juvenile is unlikely to commit another delinquent or criminal act;
- 5 (k) The juvenile is particularly likely to respond affirmatively to
6 noncustodial treatment;
- 7 (l) The separation of the juvenile from the juvenile's family by
8 incarceration of the juvenile would entail excessive hardship to the
9 juvenile or the juvenile's family;
- 10 (m) The willingness of the juvenile to cooperate with law
11 enforcement authorities;
- 12 (n) The conduct of the juvenile was substantially influenced by
13 another person more mature than the juvenile.
- 14 b. (1) There shall be a presumption of nonincarceration for any
15 crime or offense of the fourth degree or less committed by a
16 juvenile who has not previously been adjudicated delinquent or
17 convicted of a crime or offense.
- 18 (2) Where incarceration is imposed, the court ²and the Juvenile
19 Justice Commission ¹, in consultation with a member of the State
20 Parole Board,¹ and a panel comprised of at least two members of
21 the Juvenile Justice Commission designated by the executive
22 director and a member of the State Parole Board designated by the
23 chairman² shall consider the juvenile's eligibility for release under
24 the law governing parole pursuant to the provisions of subsection
25 d. of this section.
- 26 c. The following juveniles shall not be committed to a State
27 juvenile facility:
- 28 (1) Juveniles age 11 or under unless adjudicated delinquent for
29 the crime of arson or a crime which, if committed by an adult,
30 would be a crime of the first or second degree; and
- 31 (2) Juveniles who are developmentally disabled as defined in
32 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82
33 (C.30:6D-3).
- 34 d. (1) When the court determines that, based on the
35 consideration of all the factors set forth in subsection a., the
36 juvenile shall be incarcerated, unless it orders the incarceration
37 pursuant to subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-
38 43), it shall state on the record the reasons for imposing
39 incarceration, including any findings with regard to these factors,
40 and commit the juvenile to the custody of the Juvenile Justice
41 Commission which shall provide for the juvenile's placement in a
42 suitable juvenile facility pursuant to the conditions set forth in this
43 subsection and for terms not to exceed the maximum terms as
44 provided herein for what would constitute the following crimes if
45 committed by an adult:
- 46 (a) Murder under 2C:11-3a(1) or (2) 20 years
- 47 (b) Murder under 2C:11-3a(3) 10 years

- 1 (c) Crime of the first degree, except murder 4 years
 2 (d) Crime of the second degree 3 years
 3 (e) Crime of the third degree 2 years
 4 (f) Crime of the fourth degree 1 year
 5 (g) Disorderly persons offense 6 months

6 (2) **[**Except as provided in subsection e. of section 24 of
 7 P.L.1982, c.77 (C.2A:4A-43), the**]**

8 ¹[Any juvenile sentenced to an indeterminate term shall be
 9 immediately eligible for parole.]¹ The period of confinement shall
 10 continue until the **[**appropriate paroling authority**]** ²[commission ¹,
 11 in consultation with a member of the State Parole Board,¹] panel
 12 established pursuant to subsection b. of this section² determines that
 13 **[**such a**]** the person **[**should be paroled**]** is eligible for early release
 14 ¹on parole¹ or until expiration of the term of confinement,
 15 whichever shall ¹[first]¹ occur ¹first¹; except that in no case shall
 16 the period of confinement and parole exceed the maximum provided
 17 by law for **[**such**]** the offense. A juvenile shall be granted early
 18 release on parole when it appears that the juvenile ¹[, if released,
 19 would not pose a serious risk of physical injury to persons or
 20 substantial injury to property] has made substantial progress toward
 21 positive behavioral adjustment and rehabilitative goals articulated
 22 by the ²[commission and parole board member] panel established
 23 pursuant to subsection b. of this section² to the juvenile¹. However,
 24 if a juvenile is approved for parole by the ²[commission ¹and the
 25 parole board member¹] panel established pursuant to subsection b.
 26 of this section² prior to serving one-third of any term imposed for
 27 any crime of the first, second, or third degree, including any
 28 extended term imposed pursuant to paragraph (3) or (4) of this
 29 subsection, or one-fourth of any term imposed for any other crime
 30 the granting of parole shall be subject to approval of the sentencing
 31 court. Prior to approving parole, the court shall give the
 32 prosecuting attorney notice and an opportunity to be heard. If the
 33 court denies the parole of a juvenile pursuant to this paragraph it
 34 shall state its reasons in writing and notify the **[**parole board**]**
 35 ²**[**commission**]** panel established pursuant to subsection b. of this
 36 section², the juvenile, and the juvenile's attorney. The court shall
 37 have 30 days from the date of notice of the pending parole to
 38 exercise the power granted under this paragraph. If the court does
 39 not respond within that time period, the parole will be deemed
 40 approved.

41 The ²[commission ¹and the parole board member¹] panel
 42 established pursuant to subsection b. of this section² shall determine
 43 at the time of release the conditions of parole, which shall be
 44 appropriately tailored to the needs of each juvenile. Any conditions
 45 imposed ¹at the time of release or modified thereafter as a graduated

1 intervention in lieu of initiating parole revocation proceedings¹
2 shall constitute the least restrictive alternatives necessary to
3 promote the successful return of the juvenile to the community.
4 The ¹【commission】 juvenile¹ shall not ¹【require the juvenile】 be
5 required¹ to enter or complete a residential community release
6 program, residential treatment program, or other out-of-home
7 placement as a condition of parole unless ¹【the commission
8 determines】 it is determined¹ that the condition is necessary to
9 protect the safety of the juvenile.

10 Any juvenile committed under 【this act】 P.L.1982, c.77
11 (C:2A:4A-20 et seq.) who is released on parole prior to the
12 expiration of the juvenile's maximum term may be retained under
13 parole supervision for a period not exceeding the unserved portion
14 of the term 【and any term of post-incarceration supervision
15 imposed pursuant to paragraph (5) of this subsection】. The 【Parole
16 Board】 ²【commission ¹and the parole board member¹】 panel
17 established pursuant to subsection b. of this section², the juvenile,
18 the juvenile's attorney, the juvenile's parent or guardian or, with
19 leave of the court any other interested party, may make a motion to
20 the court, with notice to the prosecuting attorney, for the return of
21 the 【child】 juvenile from a juvenile facility prior to 【his】 the
22 juvenile's parole and provide for an alternative disposition which
23 would not exceed the duration of the original time to be served in
24 the facility. 【Nothing contained in this paragraph shall be
25 construed to limit the authority of the Parole Board as set forth in
26 section 15 of P.L.1979, c.441 (C.30:4-123.59).】

27 (3) Upon application by the prosecutor, the court may sentence a
28 juvenile who has been convicted of a crime of the first, second, or
29 third degree if committed by an adult, to an extended term of
30 incarceration beyond the maximum set forth in paragraph (1) of this
31 subsection, if it finds that the juvenile was previously adjudged
32 delinquent on at least two separate occasions, for offenses which, if
33 committed by an adult, would constitute a crime of the first or
34 second degree. The extended term shall not exceed five additional
35 years for an act which would constitute murder and shall not exceed
36 three additional years for all other crimes of the first degree and
37 shall not exceed two additional years for a crime of the second
38 degree, if committed by an adult, and one additional year for a
39 crime of the third degree, if committed by an adult.

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

1 (5) **Every disposition that includes a term of incarceration shall**
2 **include** The ²commission ¹, in consultation with a member of the
3 State Parole Board,¹ panel established pursuant to subsection b. of
4 this section² may impose a term of post-incarceration supervision
5 **equivalent to one-third of the term of incarceration imposed**
6 following the juvenile's release from custody only if ¹the
7 commission deems it **it is deemed¹ necessary to effectuate the**
8 juvenile's rehabilitation and reintegration into society. Post-
9 incarceration supervision shall not exceed six months, except the
10 ¹commission may extend the term **term may be extended¹ for an**
11 additional six months if ¹it deems it **the ²commission and parole**
12 board member deem **panel established pursuant to subsection b. of**
13 this section deems² continuation of the post-incarceration
14 supervision¹ necessary to ¹prevent serious harm to the juvenile or
15 the community **effectuate the juvenile's rehabilitation and**
16 reintegration into society¹. Post-incarceration supervision shall not
17 exceed one year. Post-incarceration supervision shall not be
18 imposed on any juvenile who has completed a period of parole
19 supervision of six months or more. The term of post-incarceration
20 supervision shall commence on the date of the expiration of the
21 juvenile's maximum sentence. During the term of post-
22 incarceration supervision the juvenile shall remain in the
23 community and in the legal custody of the **Juvenile Justice**
24 Commission established pursuant to section 2 of P.L.1995, c.284
25 (C.52:17B-170) in accordance with the rules of the parole board,
26 unless the appropriate parole board panel determines that post-
27 incarceration supervision should be revoked and the juvenile
28 returned to custody in accordance with the procedures and standards
29 set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-
30 123.59 through C.30:4-123.65). The term of post-incarceration
31 supervision shall commence upon release from incarceration or
32 parole, whichever is later **commission. The ¹commission**
33 juvenile¹ shall not ¹require the juvenile **be required¹ to enter or**
34 complete a residential community release program, residential
35 treatment program, or other out-of-home placement as a condition
36 of post-incarceration supervision. A term of post-incarceration
37 supervision imposed pursuant to this paragraph may be terminated
38 by the **appropriate parole board panel** ²commission ¹and parole
39 board member¹ panel established pursuant to subsection b. of this
40 section² or court if the juvenile has made a satisfactory adjustment
41 in the community while **on parole or** under **such** supervision¹,
42 and if continued supervision is not required **and if the juvenile has**
43 made full payment of any fine or restitution.

44 (6) The commission shall review the case of each juvenile
45 sentenced to ¹incarceration or an out-of-home placement **a term**

1 of commitment¹ with the commission at least every three months
2 and submit a status report to the court, the prosecutor, and the
3 counsel for the juvenile. The commission's review and status report
4 shall include, but not be limited to:

5 (a) information on the treatment, care, and custody of the
6 juvenile;

7 (b) whether the juvenile is receiving the mental health,
8 substance abuse, educational, and other rehabilitative services
9 necessary to promote the juvenile's successful reintegration into the
10 community;

11 (c) any incidents of violence involving the juvenile; and

12 (d) the juvenile's eligibility for parole.

13 Counsel for the juvenile shall have the opportunity to respond to
14 the report required pursuant to this paragraph.

15 The commission shall continue to submit quarterly reports to the
16 court until the juvenile is paroled or released at the expiration of the
17 term of incarceration and shall resume the quarterly reviews if the
18 juvenile is returned to the custody of the commission. The court
19 may conduct a hearing at any time to determine whether
20 ¹[incarceration or an out-of-home placement] commitment with the
21 commission¹ continues to be appropriate pursuant to section 24 of
22 P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77
23 (C.2A:4A-44), and may release the juvenile or otherwise modify the
24 dispositional order. Nothing in this paragraph shall abrogate the
25 court's retention of jurisdiction pursuant to section 26 of P.L.1982,
26 c.77 (C.2A:4A-45).

27 e. If the ²[commission ¹, in consultation with a member of the
28 State Parole Board,¹] panel established pursuant to subsection b. of
29 this section² determines there is probable cause to believe that the
30 juvenile has seriously or persistently violated the terms and
31 conditions of parole, the commission shall conduct a hearing to
32 determine if the juvenile's parole should be revoked. The juvenile
33 shall be represented by counsel at the hearing. The hearing shall be
34 conducted by a hearing officer who is licensed as an attorney-at-law
35 in this State. The juvenile shall not be incarcerated prior to the
36 hearing unless the ²[commission ¹[determines] and the parole
37 board member determine¹] panel established pursuant to subsection
38 b. of this section determines² by objective and credible evidence
39 that the juvenile poses an immediate and substantial danger to
40 public safety. If the juvenile is incarcerated prior to the hearing, the
41 hearing shall be held within 72 hours of the juvenile's return to
42 custody and a written decision made and transmitted to the juvenile
43 and the juvenile's counsel within 48 hours of the hearing. Upon
44 request of counsel for the juvenile, the hearing officer shall adjourn
45 the hearing for not more than 72 hours. Subsequent adjournments
46 may be granted upon request of the juvenile and good cause shown.

1 The ²[commission ¹and the parole board member¹] panel
2 established pursuant to subsection b. of this section² shall not
3 revoke the parole of a juvenile unless the hearing officer
4 determines, by clear and convincing evidence, that:

5 (1) the juvenile has seriously or persistently violated the
6 conditions of parole;

7 (2) the juvenile poses a substantial danger to public safety and
8 no form of community-based supervision would alleviate that
9 danger; and

10 (3) revocation is consistent with the provisions of section 2 of
11 P.L.1982, c.77 (C.2A:4A-21).

12 The procedures and standards set forth in sections 15 through 21
13 of P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall
14 apply to juvenile parole revocation hearings, unless the procedures
15 and standards conflict with those set forth in this subsection.

16 Notwithstanding a determination that the juvenile violated a
17 condition of parole, the ²[commission ¹and the parole board
18 member¹] panel established pursuant to subsection b. of this
19 section² may modify those conditions.

20 f. The ²[commission ¹, in consultation with a member of the
21 State Parole Board,¹] panel established pursuant to subsection b. of
22 this section² may relieve a juvenile of any parole conditions, and
23 may permit a parolee to reside outside the State pursuant to the
24 provisions of the Interstate Compact on Juveniles, P.L.1955, c.55
25 (C.9:23-1 to 9:23-4), and after providing notice to the Attorney
26 General, ¹may consent to the supervision of a parolee by the federal
27 government pursuant to¹ the federal Witness Security Reform Act,
28 ¹[if the commission is satisfied that the change will not result in a
29 substantial likelihood that the juvenile will commit an offense
30 which would be a crime under the laws of this State] Pub.L.98-473
31 (18 U.S.C. s.3521 et seq.)¹. The ²[commission ¹and the parole
32 board member¹] panel established pursuant to subsection b. of this
33 section² may revoke permission, except in the case of a juvenile
34 under the Witness Security Reform Act, or reinstate relieved parole
35 conditions for any period of time during which a juvenile is under
36 its jurisdiction.

37 g. The commission shall promulgate rules and regulations
38 governing the commission's duties and responsibilities concerning
39 parole eligibility, supervision, and revocation.

40 ¹h. The member of the State Parole Board ²[with whom the
41 commission is required to consult pursuant to the provisions of this
42 section] who is designated by the chairman to be on the panel
43 established pursuant to subsection b. of this section² shall have
44 experience in juvenile justice or have successfully completed a
45 juvenile justice training program to be established by the chairman.
46 The training program shall be comprised of seven hours of

1 instruction including, but not ²[be]² limited to: emerging scientific
2 knowledge concerning adolescent development, particularly
3 adolescent brain function and how adolescent development relates
4 to incarcerated youth, the influence of peer relationships among
5 adolescents and peer contagion effects, and the effects of juvenile
6 crime on victims.¹

7 ³i. Any decision concerning parole made by the panel
8 established pursuant to subsection b. of this section shall be
9 unanimous.³

10 (cf: P.L.2015, c.89, s.3)

11

12 4. N.J.S.2C:35-15 is amended to read as follows:

13 2C:35-15. a. (1) In addition to any disposition authorized by
14 this title, **[the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-**
15 **43), or any other statute indicating the dispositions that can be**
16 **ordered for an adjudication of delinquency,]** every person convicted
17 of **[or adjudicated delinquent for]** a violation of any offense
18 defined in this chapter or chapter 36 of this title shall be assessed
19 for each **[such]** offense a penalty fixed at:

20 (a) **[\$3,000.00]** \$3,000 in the case of a crime of the first degree;

21 (b) **[\$2,000.00]** \$2,000 in the case of a crime of the second
22 degree;

23 (c) **[\$1,000.00]** \$1,000 in the case of a crime of the third
24 degree;

25 (d) **[\$750.00]** \$750 in the case of a crime of the fourth degree;

26 (e) **[\$500.00]** \$500 in the case of a disorderly persons or petty
27 disorderly persons offense.

28 (2) A person being sentenced for more than one offense set forth
29 in subsection a. of this section who is **[neither]** not placed in
30 supervisory treatment pursuant to this section **[nor]** or ordered to
31 perform reformatory service pursuant to subsection f. of this section
32 may, in the discretion of the court, be assessed a single penalty
33 applicable to the highest degree offense for which the person is
34 convicted **[or adjudicated delinquent]**, if the court finds that the
35 defendant has established the following:

36 (a) the imposition of multiple penalties would constitute a
37 serious hardship that outweighs the need to deter the defendant
38 from future criminal activity; and

39 (b) the imposition of a single penalty would foster the
40 defendant's rehabilitation.

41 Every person placed in supervisory treatment pursuant to the
42 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of
43 any offense defined in this chapter or chapter 36 of this title shall be
44 assessed the penalty prescribed **[herein]** in this section and
45 applicable to the degree of the offense charged, except that the court
46 shall not impose more than one such penalty regardless of the

1 number of offenses charged. If the person is charged with more than
2 one offense, the court shall impose as a condition of supervisory
3 treatment the penalty applicable to the highest degree offense for
4 which the person is charged.

5 All penalties provided for in this section shall be in addition to
6 and not in lieu of any fine authorized by law or required to be
7 imposed pursuant to the provisions of N.J.S.2C:35-12.

8 b. All penalties provided for in this section shall be collected as
9 provided for collection of fines and restitutions in section 3 of
10 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
11 Department of the Treasury as provided in subsection c. of this
12 section.

13 c. All moneys collected pursuant to this section shall be
14 forwarded to the Department of the Treasury to be deposited in a
15 nonlapsing revolving fund to be known as the "Drug Enforcement
16 and Demand Reduction Fund." Moneys in the fund shall be
17 appropriated by the Legislature on an annual basis for the purposes
18 of funding in the following order of priority: (1) the Alliance to
19 Prevent Alcoholism and Drug Abuse and its administration by the
20 Governor's Council on Alcoholism and Drug Abuse; (2) the
21 "Alcoholism and Drug Abuse Program for the Deaf, Hard of
22 Hearing and Disabled" established pursuant to section 2 of
23 P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free
24 New Jersey," the State affiliate of the "Partnership for a Drug Free
25 America"; and (4) other alcohol and drug abuse programs.

26 Moneys appropriated for the purpose of funding the "Alcoholism
27 and Drug Abuse Program for the Deaf, Hard of Hearing and
28 Disabled" shall not be used to supplant moneys that are available to
29 the Department of Health and Senior Services as of the effective
30 date of P.L.1995, c.318 (C.26:2B-36 et al.), and that would
31 otherwise have been made available to provide alcoholism and drug
32 abuse services for the deaf, hard of hearing and disabled, nor shall
33 the moneys be used for the administrative costs of the program.

34 d. (Deleted by amendment, P.L.1991, c.329).

35 e. The court may suspend the collection of a penalty imposed
36 pursuant to this section; provided the person is ordered by the court
37 to participate in a drug or alcohol rehabilitation program approved
38 by the court; and further provided that the person agrees to pay for
39 all or some portion of the costs associated with the rehabilitation
40 program. In this case, the collection of a penalty imposed pursuant
41 to this section shall be suspended during the person's participation
42 in the approved, court-ordered rehabilitation program. Upon
43 successful completion of the program, as determined by the court
44 upon the recommendation of the treatment provider, the person may
45 apply to the court to reduce the penalty imposed pursuant to this
46 section by any amount actually paid by the person for **his**
47 **participation** participating in the program. The court shall not
48 reduce the penalty pursuant to this subsection unless the person

1 establishes to the satisfaction of the court that **[he]** the person has
2 successfully completed the rehabilitation program. If the person's
3 participation is for any reason terminated before **[his]** successful
4 completion of the rehabilitation program, collection of the entire
5 penalty imposed pursuant to this section shall be enforced. Nothing
6 in this section shall be deemed to affect or suspend any other
7 criminal sanctions imposed pursuant to this chapter or chapter 36 of
8 this title.

9 f. A person required to pay a penalty under this section may
10 propose to the court and the prosecutor a plan to perform
11 reformatory service in lieu of payment of up to one-half of the
12 penalty amount imposed under this section. The reformatory
13 service plan option shall not be available if the provisions of
14 paragraph (2) of subsection a. of this section apply or if the person
15 is placed in supervisory treatment pursuant to the provisions of
16 N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section,
17 "reformatory service" shall include training, education or work, in
18 which regular attendance and participation is required, supervised,
19 and recorded, and which would assist in the defendant's
20 rehabilitation and reintegration. "Reformatory service" shall
21 include, but not be limited to, substance abuse treatment or services,
22 other therapeutic treatment, educational or vocational services,
23 employment training or services, family counseling, service to the
24 community and volunteer work. For the purposes of this section, an
25 application to participate in a court-administered alcohol and drug
26 rehabilitation program shall have the same effect as the submission
27 of a reformatory service plan to the court.

28 The court, in its discretion, shall determine whether to accept the
29 plan, after considering the position of the prosecutor, the plan's
30 appropriateness and practicality, the defendant's ability to pay, and
31 the effect of the proposed service on the defendant's rehabilitation
32 and reintegration into society. The court shall determine the amount
33 of the credit that would be applied against the penalty upon
34 successful completion of the reformatory service, not to exceed one-
35 half of the amount assessed, except that the court may, in the case
36 of an extreme financial hardship, waive additional amounts of the
37 penalty owed by a person who has completed a court administered
38 alcohol and drug rehabilitation program if necessary to aid the
39 person's rehabilitation and reintegration into society. The court shall
40 not apply the credit against the penalty unless the person establishes
41 to the satisfaction of the court that **[he]** the person has successfully
42 completed the reformatory service. If the person's participation is
43 for any reason terminated before his successful completion of the
44 reformatory service, collection of the entire penalty imposed
45 pursuant to this section shall be enforced. Nothing in this
46 subsection shall be deemed to affect or suspend any other criminal
47 sanctions imposed pursuant to this chapter or chapter 36 of this
48 title.

1 Any reformatory service ordered pursuant to this section shall be
2 in addition to and not in lieu of any community service imposed by
3 the court or otherwise required by law. Nothing in this section shall
4 limit the court's authority to order a person to participate in any
5 activity, program, or treatment in addition to those proposed in a
6 reformatory service plan.

7 (cf: P.L.2008, c.15, s.2)

8
9 5. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to
10 read as follows:

11 2. a. (1) In addition to any disposition made pursuant to the
12 provisions of N.J.S.2C:43-2, any person convicted of a crime of
13 violence, theft of an automobile pursuant to N.J.S.2C:20-2, eluding
14 a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-
15 2, or unlawful taking of a motor vehicle pursuant to subsection b.,
16 c., or d. of N.J.S.2C:20-10 shall be assessed at least **[\$100.00]**
17 \$100, but not to exceed **[\$10,000.00]** \$10,000 for each **[such]**
18 crime for which **[he]** the person was convicted which resulted in
19 the injury or death of another person. In imposing this assessment,
20 the court shall consider factors such as the severity of the crime, the
21 defendant's criminal record, defendant's ability to pay, and the
22 economic impact of the assessment on the defendant's dependents.

23 (2) (a) In addition to any other disposition made pursuant to the
24 provisions of N.J.S.2C:43-2 or any other statute imposing sentences
25 for crimes, any person convicted of any disorderly persons offense,
26 any petty disorderly persons offense, or any crime not resulting in
27 the injury or death of any other person shall be assessed **[\$50.00]**
28 \$50 for each **[such]** offense or crime for which **[he]** the person was
29 convicted.

30 (b) **[In addition to any other disposition made pursuant to the**
31 **provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any**
32 **other statute indicating the dispositions that can be ordered for**
33 **adjudications of delinquency, any juvenile adjudicated delinquent,**
34 **according to the definition of "delinquency" established in section 4**
35 **of P.L.1982, c.77 (C.2A:4A-23), shall be assessed at least \$30.00**
36 **for each such adjudication, but not to exceed the amount which**
37 **could be assessed pursuant to paragraph (1) or paragraph (2) (a) of**
38 **subsection a. of this section if the offense was committed by an**
39 **adult.]** (Deleted by amendment, P.L. c.) (pending before the
40 Legislature as this bill)

41 (c) In addition to any other assessment imposed pursuant to the
42 provisions of R.S.39:4-50, the provisions of section 12 of P.L.1990,
43 c.103 (C.39:3-10.20) relating to a violation of section 5 of
44 P.L.1990, c.103 (C.39:3-10.13), the provisions of section 19 of
45 P.L.1954, c.236 (C.12:7-34.19) or the provisions of section 3 of
46 P.L.1952, c.157 (C.12:7-46), any person convicted of operating a

1 motor vehicle, commercial motor vehicle or vessel while under the
2 influence of liquor or drugs shall be assessed **[\$50.00]** \$50.

3 (d) In addition to any term or condition that may be included in
4 an agreement for supervisory treatment pursuant to N.J.S.2C:43-13
5 or imposed as a term or condition of conditional discharge pursuant
6 to N.J.S.2C:36A-1, a participant in either program shall be required
7 to pay an assessment of **[\$50.00]** \$50.

8 (3) All assessments provided for in this section shall be
9 collected as provided in section 3 of P.L.1979, c.396 (C.2C:46-4)
10 and the court shall so order at the time of sentencing. When a
11 defendant who is sentenced to incarceration in a State correctional
12 facility has not, at the time of sentencing, paid an assessment for the
13 crime for which **[he]** the defendant is being sentenced or an
14 assessment imposed for a previous crime, the court shall
15 specifically order the Department of Corrections to collect the
16 assessment during the period of incarceration and to deduct the
17 assessment from any income the inmate receives as a result of labor
18 performed at the institution or on any work release program or from
19 any personal account established in the institution for the benefit of
20 the inmate. All moneys collected, whether in part or in full
21 payment of any assessment imposed pursuant to this section, shall
22 be forwarded monthly by the parties responsible for collection,
23 together with a monthly accounting on forms prescribed by the
24 Victims of Crime Compensation Board pursuant to section 19 of
25 P.L.1991, c.329 (C.52:4B-8.1), to the Victims of Crime
26 Compensation Board.

27 (4) The Victims of Crime Compensation Board shall forward
28 monthly all moneys received from assessments collected pursuant
29 to this section to the State Treasury for deposit as follows:

30 (a) Of moneys collected on assessments imposed pursuant to
31 paragraph **[a.]** (1) subsection a. of this section:

32 (i) the first **[\$72.00]** \$72 collected for deposit in the Victims of
33 Crime Compensation Board Account,

34 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal
35 Disposition and Revenue Collection Fund,

36 (iii) the next **[\$25.00]** \$25 collected for deposit in the Victim
37 Witness Advocacy Fund, and

38 (iv) moneys collected in excess of **[\$100.00]** \$100 for deposit in
39 the Victims of Crime Compensation Board Account;

40 (b) Of moneys collected on assessments imposed pursuant to
41 **[paragraph a. (2)]** subparagraphs (a), (c), or (d) of paragraph (2) of
42 subsection a. of this section:

43 (i) the first **[\$39.00]** \$39 collected for deposit in the Victims of
44 Crime Compensation Board Account,

45 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal
46 Disposition and Revenue Collection Fund, and

1 (iii) the next **[\$8.00]** \$8 collected for deposit in the Victim and
2 Witness Advocacy Fund;

3 (c) Of moneys collected on assessments imposed pursuant to
4 **[paragraph a. (2) (b)]** subparagraph (b) of paragraph (2) of
5 subsection a. of this section:

6 (i) the first **[\$17.00]** \$17 for deposit in the Victims of Crime
7 Compensation Board Account, and

8 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal
9 Disposition and Revenue Collection Fund, and

10 (iii) the next **[\$10.00]** \$10 for deposit in the Victim and Witness
11 Advocacy Fund, and

12 (iv) moneys collected in excess of **[\$30.00]** \$30 for deposit in
13 the Victims of Crime Compensation Board Account.

14 (5) The Victims of Crime Compensation Board shall provide the
15 Attorney General with a monthly accounting of moneys received,
16 deposited and identified as receivable, on forms prescribed pursuant
17 to section 19 of P.L.1991, c.329 (C.52:4B-8.1).

18 (6) (a) The Victims of Crime Compensation Board Account
19 shall be a separate, nonlapsing, revolving account that shall be
20 administered by the Victims of Crime Compensation Board. All
21 moneys deposited in that Account shall be used in satisfying claims
22 pursuant to the provisions of the "Criminal Injuries Compensation
23 Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) and for related
24 administrative costs.

25 (b) The Criminal Disposition and Revenue Collection Fund shall
26 be a separate, nonlapsing, revolving account that shall be
27 administered by the Victims of Crime Compensation Board. All
28 moneys deposited in that Fund shall be used as provided in section
29 19 of P.L.1991, c.329 (C.52:4B-8.1).

30 (c) The Victim and Witness Advocacy Fund shall be a separate,
31 nonlapsing, revolving fund and shall be administered by the
32 Division of Criminal Justice, Department of Law and Public Safety
33 and all moneys deposited in that Fund pursuant to this section shall
34 be used for the benefit of victims and witnesses of crime as
35 provided in section 20 of P.L.1991, c.329 (C.52:4B-43.1) and for
36 related administrative costs.

37 b. (Deleted by amendment, P.L.1991, c.329).

38 c. (Deleted by amendment, P.L.1991, c.329).

39 d. (Deleted by amendment, P.L.1991, c.329).

40 (cf: P.L.1995, c.135, s.1)

41

42 6. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
43 as follows:

44 3. a. All fines, assessments imposed pursuant to section 2 of
45 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
46 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
47 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties

1 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
2 penalties imposed pursuant to section 1 of P.L.2009, c.143
3 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
4 P.L.2013, c.214 (C.30:4-123.97),² and restitution shall be collected
5 as follows:

6 (1) All fines, assessments imposed pursuant to section 2 of
7 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
8 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
9 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
10 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
11 penalties imposed pursuant to section 1 of P.L.2009, c.143
12 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
13 P.L.2013, c.214 (C.30:4-123.97),² and restitution imposed by the
14 Superior Court or otherwise imposed at the county level, shall be
15 collected by the county probation division except when **[such]** the
16 fine, assessment,² or restitution is imposed in conjunction with a
17 custodial sentence to a State correctional facility or in conjunction
18 with a term of incarceration imposed pursuant to section 25 of
19 P.L.1982, c.77 (C.2A:4A-44) in which event **[such]** the fine,
20 assessment,² or restitution shall be collected by the Department of
21 Corrections **[or the Juvenile Justice Commission established**
22 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)]** ¹or the
23 Juvenile Justice Commission established pursuant to section 2 of
24 P.L.1995, c.284 (C.52:17B-170)¹. An adult prisoner of a State
25 correctional institution **[or a juvenile serving a term of**
26 **incarceration imposed pursuant to section 25 of P.L.1982, c.77**
27 **(C.2A:4A-44)]** ¹or a juvenile serving a term of incarceration imposed
28 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)¹ who has not
29 paid an assessment imposed pursuant to section 2 of P.L.1979,
30 c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of
31 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
32 section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed
33 pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty
34 imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97),²
35 or restitution shall have the assessment, penalty, fine,² or restitution
36 deducted from any income the inmate receives as a result of labor
37 performed at the institution or on any type of work release program
38 or, pursuant to regulations promulgated by the Commissioner of the
39 Department of Corrections **[or the Juvenile Justice Commission]**
40 ¹or the Juvenile Justice Commission¹, from any personal account
41 established in the institution for the benefit of the inmate.

42 (a) A payment of restitution collected by the Department of
43 Corrections pursuant to this paragraph shall be maintained by the
44 department for two years during which the department shall attempt
45 to locate the victim to whom the restitution is owed. If the
46 department has not located the victim and the victim has not come
47 forward to claim the payment within this two-year period, the

1 payment shall be transferred to the Victims of Crime Compensation
2 Office Account to be used in satisfying claims pursuant to the
3 provisions of the "Criminal Injuries Compensation Act of 1971,"
4 P.L.1971, c.317 (C.52:4B-1 et seq.).

5 (b) If the Department of Corrections has transferred a payment
6 of restitution to the Victims of Crime Compensation Office
7 pursuant to subparagraph (a) of this paragraph, the department shall
8 provide the office with the order for restitution and any other
9 information regarding the identity of the victim to whom the
10 payment is owed. The office shall be responsible for maintaining
11 this information and for distributing payments of restitution to
12 victims who can prove they are owed the payments.

13 (2) All fines, assessments imposed pursuant to section 2 of
14 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
15 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed
16 by a municipal court shall be collected by the municipal court
17 administrator except if **[such]** the fine, assessments imposed
18 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
19 restitution is ordered as a condition of probation in which event it
20 shall be collected by the county probation division.

21 b. Except as provided in subsection c. with respect to fines
22 imposed on appeals following convictions in municipal courts and
23 except as provided in subsection i. with respect to restitution
24 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
25 al.), all fines imposed by the Superior Court or otherwise imposed
26 at the county level, shall be paid over by the officer entitled to
27 collect **[same]** the fines to:

28 (1) The county treasurer with respect to fines imposed on
29 defendants who are sentenced to and serve a custodial term,
30 including a term as a condition of probation, in the county jail,
31 workhouse, or penitentiary except where such county sentence is
32 served concurrently with a sentence to a State institution; or

33 (2) The State Treasurer with respect to all other fines.

34 c. All fines imposed by municipal courts, except a central
35 municipal court established pursuant to N.J.S.2B:12-1 on
36 defendants convicted of crimes, disorderly persons offenses, and
37 petty disorderly persons offenses, and all fines imposed following
38 conviction on appeal therefrom, and all forfeitures of bail shall be
39 paid over by the officer entitled to collect **[same]** the fines to the
40 treasury of the municipality wherein the municipal court is located.

41 In the case of an intermunicipal court, fines shall be paid into the
42 municipal treasury of the municipality in which the offense was
43 committed, and costs, fees, and forfeitures of bail shall be
44 apportioned among the several municipalities to which the court's
45 jurisdiction extends according to the ratios of the municipalities'
46 contributions to the total expense of maintaining the court.

47 In the case of a central municipal court, established by a county
48 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of

1 bail shall be paid into the county treasury of the county where the
2 central municipal court is located.

3 d. All assessments imposed pursuant to section 2 of P.L.1979,
4 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
5 in that section.

6 e. All mandatory Drug Enforcement and Demand Reduction
7 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
8 and deposited as provided for in that section.

9 f. All forensic laboratory fees assessed pursuant to
10 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
11 that section.

12 g. All restitution ordered to be paid to the Victims of Crime
13 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
14 to the office for deposit in the Victims of Crime Compensation
15 Office Account.

16 h. All assessments imposed pursuant to section 11 of P.L.1993,
17 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
18 in that section.

19 i. All restitution imposed on defendants under the provisions
20 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
21 enforcement entity in extraditing the defendant from another
22 jurisdiction shall be paid over by the officer entitled to collect
23 **[same]** the restitution to the law enforcement entities which
24 participated in the extradition of the defendant.

25 j. All penalties imposed pursuant to section 1 of P.L.1999,
26 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
27 in that section.

28 k. All penalties imposed pursuant to section 11 of P.L.2001,
29 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
30 that section.

31 l. All mandatory penalties imposed pursuant to section 1 of
32 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
33 provided in that section.

34 m. All mandatory Computer Crime Prevention penalties
35 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
36 shall be forwarded and deposited as provided in that section.

37 n. All mandatory Sex Offender Supervision penalties imposed
38 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
39 forwarded and deposited as provided in that section.

40 (cf: P.L.2015, c.55, s.1)

41

42 7. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to
43 read as follows:

44 3. a. There is hereby created and established within the
45 Department of Corrections a State Parole Board which shall consist
46 of a chairman, 14 associate members and three alternate board
47 members. The chairman, associate members and alternate board
48 members shall be appointed by the Governor with the advice and

1 consent of the Senate from qualified persons with training or
2 experience in law, sociology, criminal justice, **[juvenile justice]** or
3 related branches of the social sciences. Members of the board and
4 the alternate board members shall be appointed for terms of six
5 years and the terms of their successors shall be calculated from the
6 expiration of the incumbent's term. Members shall serve until their
7 successors are appointed and have qualified.

8 The Governor shall designate a vice-chairman from among the
9 associate members. The vice-chairman shall assume the duties of
10 the chairman when the chairman is absent, unavailable or otherwise
11 unable to perform his duties, or, in the case of removal or a
12 permanent incapacity, until the qualification of a successor
13 chairman appointed by the Governor.

14 Any alternate board member may assume the duties of an
15 associate member when the associate member is absent, unavailable
16 or otherwise unable to perform his duties, or the associate member
17 assumes the duties of the chairman, and shall perform those duties
18 only until the associate resumes his duties, or, in the case of
19 removal or a permanent incapacity, the qualification of a successor
20 appointed by the Governor.

21 b. (1) Any vacancy occurring in the membership of the board,
22 otherwise than by expiration of term, shall be filled in the same
23 manner as one occurring by expiration of term, but for the
24 unexpired term only. Any member of the board, including any
25 alternate board member, may be removed from office by the
26 Governor for cause.

27 (2) Upon certification of the chairman that additional parole
28 panels are needed on a temporary basis for the efficient processing
29 of parole decisions, the Governor also may appoint not more than
30 four temporary acting parole board members from qualified persons
31 with training or experience in law, sociology, criminal justice,
32 juvenile justice or related branches of the social sciences. A
33 temporary acting member shall be appointed for a term of three
34 months. The Governor may extend the appointment of any or all of
35 the temporary acting members for additional terms of three months,
36 upon certification of the chairman that additional parole panels are
37 needed on a temporary basis for the efficient processing of parole
38 decisions. A temporary acting member shall be authorized to
39 participate in administrative review of initial parole hearing
40 decisions, parole consideration hearings and determinations
41 concerning revocation or rescission of parole.

42 c. The members of the board shall devote their full time to the
43 performance of their duties and be compensated pursuant to section
44 2 of P.L.1974, c.55 (C.52:14-15.108). Any alternate member and
45 any temporary acting members shall be entitled to compensation.
46 The amount of such compensation shall be determined by
47 multiplying the rate an associate member would be paid on a per
48 diem basis times the number of days the alternate board member or

1 temporary acting member actually performed the duties of an
2 associate member in accordance with the provisions of this section.

3 d. **【At the time of appointment, the Governor shall designate**
4 **two associate members of the board to serve on a panel on juvenile**
5 **commitments. The remaining 12】** The associate members of the
6 board shall be appointed by the Governor to panels on adult
7 sentences and assigned by the chairman of the board to six panels
8 on adult sentences. The chairman of the board shall be a member of
9 each panel. Nothing provided herein shall prohibit the chairman
10 from reassigning any member appointed to a panel on adult
11 sentences to facilitate the efficient function of the board. Nothing
12 provided herein shall prohibit the chairman from temporarily
13 reassigning any member appointed **【to a panel on juvenile**
14 **commitments】** to a panel on adult sentences or a panel on young
15 adult sentences to facilitate the efficient function of the board. The
16 alternate board member may assume, in accordance with the
17 provisions of this section, the duties of any associate member**【,**
18 **regardless of whether that associate member serves on a panel on**
19 **juvenile commitments or panels on adult sentences】**. The chairman
20 may assign a temporary acting member to a panel on adult
21 sentences **【or juvenile commitments】**.

22 e. Of the associate members first appointed to the four
23 positions created pursuant to the provisions of P.L.2001, c.141, one
24 shall be appointed for a term of six years; one shall be appointed for
25 a term of five years; one shall be appointed for a term of four years
26 and one shall be appointed for a term of three years.

27 (cf: P.L.2001, c.141, s.1)

28

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

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

33 b. Except where otherwise noted, parole determinations on
34 individual cases pursuant to this act shall be made by the majority
35 vote of a quorum of the appropriate board panel established
36 pursuant to this section.

37 c. The chairman of the board shall be the chief executive
38 officer of the board and, after consulting with the board, shall be
39 responsible for designating the time and place of all board
40 meetings, for appointing the board's employees, for organizing,
41 controlling and directing the work of the board and its employees,
42 and for preparation and justification of the board's budget. Only the
43 employees in those titles and positions as are designated by the
44 Civil Service Commission shall serve at the pleasure of the
45 chairman and shall not be subject to the provisions of Title 11A of
46 the New Jersey Statutes. All other employees, including hearing
47 officers, shall be in the career service and subject to the provisions

1 of Title 11A of the New Jersey Statutes. All such career service
2 employees who are employed by the State Parole Board on
3 September 5, 2001, and in the case of hearing officers, those who
4 have been employed by the State Parole Board for a period of at
5 least one year prior to the effective date of P.L.2005, c.344, shall
6 have permanent career service status with seniority awarded from
7 the date of their appointments. Parole officers assigned to supervise
8 adult parolees and all supervisory titles associated with the
9 supervision of adult parolees in the parole officer series shall be
10 classified employees subject to the provisions of Title 11A of the
11 New Jersey Statutes. Parole officers assigned to supervise adult
12 parolees and all supervisory titles associated with the supervision of
13 adult parolees in the parole officer job classification series shall be
14 organizationally assigned to the State Parole Board with a sworn
15 member of the Division of Parole appointed to act as director of
16 parole supervision. The director of parole supervision shall report
17 directly to the Chairman of the State Parole Board or to such person
18 as the chairman may designate.

19 d. The board shall promulgate **【such】** reasonable rules and
20 regulations, consistent with this act, as may be necessary for the
21 proper discharge of its responsibilities. The chairman shall file
22 **【such】** the rules and regulations with the Secretary of State. The
23 provisions of the "Administrative Procedure Act," P.L.1968, c.410
24 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and
25 regulations concerning policy and administration, but not to other
26 actions taken under this act, such as parole hearings, parole
27 revocation hearings and review of parole cases. In determination of
28 its rules and regulations concerning policy and administration, the
29 board shall consult the Governor**【,】** and the Commissioner of
30 Corrections **【and the Juvenile Justice Commission established**
31 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)】**.

32 e. The board, in conjunction with the Department of
33 Corrections **【and the Juvenile Justice Commission】**, shall develop a
34 uniform information system in order to closely monitor the parole
35 process. **【Such】** The system shall include participation in the
36 Uniform Parole Reports of the National Council on Crime and
37 Delinquency.

38 f. The board annually shall transmit a report of its work for the
39 preceding fiscal year, including information on the causes and
40 extent of parole recidivism**【,】** to the Governor**【,】** and the
41 Legislature **【and the Juvenile Justice Commission annually】**. The
42 report shall include information regarding medical parole including,
43 but not limited to, the number of inmates who applied for medical
44 parole, the number of inmates who were granted medical parole,
45 and the number of inmates who were denied medical parole. The
46 report also may include relevant information on compliance with
47 established time frames in the processing of parole eligibility

1 determinations, the effectiveness of any pertinent legislative or
2 administrative measures, and any recommendations to enhance
3 board operations or to effectuate the purposes of the "Parole Act of
4 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

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

7 h. **【**The board shall give notice to the appropriate prosecutor's
8 office and to the committing court prior to the initial consideration
9 of any juvenile inmate for release.**】** Deleted by amendment,
10 P.L. c. (pending before the Legislature as this bill)
11 (cf: P.L.2017, c.235, s.2)

12

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

15 5. a. The chairman of the board, after consulting with the
16 board, shall assign any case not otherwise assigned, such as county
17 jail, workhouse, or penitentiary cases, to a special panel composed
18 of any two members or any one member and one hearing officer as
19 necessary for the efficient functioning of the board.

20 b. Nothing contained in this act shall be deemed to preclude a
21 member of any board panel from exercising all the functions,
22 powers, and duties of a hearing officer upon designation by the
23 chairman; provided, however, that no member so designated shall
24 participate in the disposition of a panel or board review of his initial
25 decision.

26 c. **【**No hearing officer assigned to review adult cases shall be
27 assigned to review juvenile cases pursuant to sections 13 and 19 of
28 P.L.1979, c.441 (C.30:4-123.57 and 30:4-123.63), nor shall any
29 hearing officer assigned to review juvenile cases be assigned to
30 review adult cases**】** (Deleted by amendment, P.L. c.)
31 (pending before the Legislature as this bill)

32 d. Representatives of the board or the chairman designated
33 pursuant to this act may include employees of the board and
34 employees of other agencies such as the Department of Corrections
35 **【**or the Juvenile Justice Commission established pursuant to section
36 2 of P.L.1995, c.284 (C.52:17B-170)**】**, provided that no employee
37 of the Department of Corrections **【**or the Juvenile Justice
38 Commission**】** shall be so designated without the approval of the
39 Commissioner of Corrections **【**or the Executive Director of the
40 Commission**】**. Such representatives shall not participate in the
41 disposition of parole cases.

42 (cf: P.L.2001, c.79, s.17)

43

44 10. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to
45 read as follows:

46 7. a. Each adult inmate sentenced to a term of incarceration in
47 a county penal institution, or to a specific term of years at the State

1 Prison or the correctional institution for women shall become
2 primarily eligible for parole after having served any judicial or
3 statutory mandatory minimum term, or one-third of the sentence
4 imposed where no mandatory minimum term has been imposed less
5 commutation time for good behavior pursuant to N.J.S.2A:164-24
6 or R.S.30:4-140 and credits for diligent application to work and
7 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-
8 28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the
9 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,
10 2C:43-6, 2C:43-7), commutation and work credits shall not in any
11 way reduce any judicial or statutory mandatory minimum term and
12 such credits accrued shall only be awarded subsequent to the
13 expiration of the term.

14 b. Each adult inmate sentenced to a term of life imprisonment
15 shall become primarily eligible for parole after having served any
16 judicial or statutory mandatory minimum term, or 25 years where
17 no mandatory minimum term has been imposed less commutation
18 time for good behavior and credits for diligent application to work
19 and other institutional assignments. If an inmate sentenced to a
20 specific term or terms of years is eligible for parole on a date later
21 than the date upon which he would be eligible if a life sentence had
22 been imposed, then in such case the inmate shall be eligible for
23 parole after having served 25 years, less commutation time for good
24 behavior and credits for diligent application to work and other
25 institutional assignments. Consistent with the provisions of the
26 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,
27 2C:43-6, 2C:43-7), commutation and work credits shall not in any
28 way reduce any judicial or statutory mandatory minimum term and
29 such credits accrued shall only be awarded subsequent to the
30 expiration of the term.

31 c. Each adult inmate sentenced to a specific term of years
32 pursuant to the "Controlled Dangerous Substances Act," P.L.1970,
33 c.226 (C.24:21-1 et al.) shall become primarily eligible for parole
34 after having served one-third of the sentence imposed less
35 commutation time for good behavior and credits for diligent
36 application to work and other institutional assignments.

37 d. Each adult inmate sentenced to an indeterminate term of
38 years as a young adult offender pursuant to N.J.S.2C:43-5 shall
39 become primarily eligible for parole consideration pursuant to a
40 schedule of primary eligibility dates developed by the board, less
41 adjustment for program participation. In no case shall the board
42 schedule require that the primary parole eligibility date for a young
43 adult offender be greater than the primary parole eligibility date
44 required pursuant to this section for the presumptive term for the
45 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

46 e. Each adult inmate sentenced for an offense specified in
47 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

1 (1) If the court finds that the offender's conduct was not
2 characterized by a pattern of repetitive, compulsive behavior or
3 finds that the offender is not amenable to sex offender treatment, or
4 if after sentencing the Department of Corrections in its most recent
5 examination determines that the offender is not amenable to sex
6 offender treatment, the offender shall become primarily eligible for
7 parole after having served any judicial or statutory mandatory
8 minimum term or one-third of the sentence imposed where no
9 mandatory minimum term has been imposed. Neither such term
10 shall be reduced by commutation time for good behavior pursuant
11 to R.S.30:4-140 or credits for diligent application to work and other
12 institutional assignments pursuant to R.S.30:4-92.

13 (2) **【All other】** Young adult offenders shall be eligible for
14 parole pursuant to the provisions of N.J.S.2C:47-5, except no
15 offender shall become primarily eligible for parole prior to the
16 expiration of any judicial or statutory mandatory minimum term.

17 f. **【Each juvenile inmate committed to an indeterminate term**
18 **shall be immediately eligible for parole】** (Deleted by amendment,
19 P.L. c.) (pending before the Legislature as this bill)

20 g. Each adult inmate of a county jail, workhouse, or
21 penitentiary shall become primarily eligible for parole upon service
22 of 60 days of his aggregate sentence or as provided for in
23 subsection a. of this section, whichever is greater. Whenever any
24 such inmate's parole eligibility is within six months of the date of
25 such sentence, the judge shall state such eligibility on the record
26 which shall satisfy all public and inmate notice requirements. The
27 chief executive officer of the institution in which county inmates
28 are held shall generate all reports pursuant to subsection d. of
29 section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board
30 shall have the authority to promulgate time periods applicable to the
31 parole processing of inmates of county penal institutions, except
32 that no inmate may be released prior to the primary eligibility date
33 established by this subsection, unless consented to by the
34 sentencing judge. No inmate sentenced to a specific term of years
35 at the State Prison or the correctional institution for women shall
36 become primarily eligible for parole until service of a full nine
37 months of his aggregate sentence.

38 h. When an inmate is sentenced to more than one term of
39 imprisonment, the primary parole eligibility terms calculated
40 pursuant to this section shall be aggregated by the board for the
41 purpose of determining the primary parole eligibility date**【**, except
42 that no juvenile commitment shall be aggregated with any adult
43 sentence**】**. The board shall promulgate rules and regulations to
44 govern aggregation under this subsection.

45 i. The primary eligibility date shall be computed by a
46 designated representative of the board and made known to the
47 inmate in writing not later than 90 days following the

1 commencement of the sentence. In the case of an inmate sentenced
2 to a county penal institution such notice shall be made pursuant to
3 subsection g. of this section. Each inmate shall be given the
4 opportunity to acknowledge in writing the receipt of such
5 computation. Failure or refusal by the inmate to acknowledge the
6 receipt of such computation shall be recorded by the board but shall
7 not constitute a violation of this subsection.

8 j. Except as provided in this subsection, each inmate sentenced
9 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,
10 N.J.S.2A:164-17 for a fixed minimum and maximum term or
11 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for
12 parole on a date computed pursuant to this section, but shall be
13 primarily eligible on a date computed pursuant to P.L.1948, c.84
14 (C.30:4-123.1 et seq.), which is continued in effect for this purpose.
15 Inmates classified as second, third or fourth offenders pursuant to
16 section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become
17 primarily eligible for parole after serving one-third, one-half, or
18 two-thirds of the maximum sentence imposed, respectively, less in
19 each instance commutation time for good behavior and credits for
20 diligent application to work and other institutional assignments;
21 provided, however, that if the prosecuting attorney or the
22 sentencing court advises the board that the punitive aspects of the
23 sentence imposed on such inmates will not have been fulfilled by
24 the time of parole eligibility calculated pursuant to this subsection,
25 then the inmate shall not become primarily eligible for parole until
26 serving an additional period which shall be one-half of the
27 difference between the primary parole eligibility date calculated
28 pursuant to this subsection and the parole eligibility date calculated
29 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the
30 prosecuting attorney or the sentencing court advises the board that
31 the punitive aspects of the sentence have not been fulfilled, such
32 advice need not be supported by reasons and will be deemed
33 conclusive and final. Any such decision shall not be subject to
34 judicial review except to the extent mandated by the New Jersey
35 and United States Constitutions. The board shall, reasonably prior
36 to considering any such case, advise the prosecuting attorney and
37 the sentencing court of all information relevant to such inmate's
38 parole eligibility.

39 k. Notwithstanding any provisions of this section to the
40 contrary, a person sentenced to imprisonment pursuant to paragraph
41 (2), (3), or (4) of subsection b. of N.J.S.2C:11-3 shall not be
42 eligible for parole.

43 l. Notwithstanding the provisions of subsections a. through j.
44 of this section, the appropriate board panel, as provided in section 1
45 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving
46 a sentence of imprisonment on medical parole at any time.
47 (cf: P.L.2007, c.204, s.6)

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

3 1. a. As used in this act: "Prosecutor" means the county
4 prosecutor of the county in which the defendant was convicted
5 unless the matter was prosecuted by the Attorney General, in which
6 case "prosecutor" means the Attorney General.

7 "Office of Victim Witness Advocacy" means the Office of
8 Victim Witness Advocacy of the county in which the defendant was
9 convicted.

10 b. Notwithstanding any other provision of law to the contrary,
11 the State shall provide written notice to the prosecutor of the
12 anticipated release from incarceration in a county or State penal
13 institution or the Adult Diagnostic and Treatment Center of a
14 person convicted of murder; manslaughter; aggravated sexual
15 assault; sexual assault; aggravated assault; aggravated criminal
16 sexual contact; kidnapping pursuant to paragraph (2) of subsection
17 c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging
18 in sexual conduct which would impair or debauch the morals of the
19 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
20 welfare of a child pursuant to paragraph (4) of subsection b. of
21 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
22 c.291 (C.2C:13-6); any other offense involving serious bodily
23 injury or an attempt to commit any of the aforementioned offenses.
24 In cases involving a release on parole, the State Parole Board shall
25 provide the notice required by this subsection. In all other cases,
26 including but not limited to release upon expiration of sentence or
27 release from incarceration due to a change in sentence, the
28 Department of Corrections shall provide the notice required by this
29 subsection.

30 c. **【**Notwithstanding any other provision of law to the contrary,
31 the Juvenile Justice Commission established pursuant to section 2
32 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to
33 the prosecutor of the anticipated release from incarceration of a
34 juvenile adjudicated delinquent on the basis of an offense which, if
35 committed by an adult, would constitute murder; manslaughter;
36 aggravated sexual assault; sexual assault; aggravated assault;
37 aggravated criminal sexual contact; kidnapping pursuant to
38 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
39 welfare of a child by engaging in sexual conduct which would
40 impair or debauch the morals of the child pursuant to subsection a.
41 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
42 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing
43 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other
44 offense involving serious bodily injury or an attempt to commit any
45 of the aforementioned offenses**】** (Deleted by amendment,
46 P.L. c.) (pending before the Legislature as this bill)

47 d. If available, the notice shall be provided to the prosecutor 90
48 days before the inmate's anticipated release; provided however, the

1 notice shall be provided at least 30 days before release. The notice
2 shall include the person's name, identifying factors, offense history,
3 and anticipated future residence. The prosecutor shall notify the
4 Office of Victim Witness Advocacy and that office shall use any
5 reasonable means available to them to notify the victim of the
6 anticipated release, unless the victim has requested not to be
7 notified. The Office of Victim Witness Advocacy shall use any
8 reasonable means available to also notify witnesses and other
9 appropriate persons, as determined by the prosecutor in accordance
10 with the directive issued by the Attorney General, who have
11 requested notification of the anticipated release.

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

17 (cf: P.L.2013, c.270, s.2)

18

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

21 15. a. Each adult parolee shall at all times remain in the legal
22 custody of the Commissioner of Corrections and under the
23 supervision of the State Parole Board **【**and each juvenile parolee
24 shall at all times remain in the legal custody of the Juvenile Justice
25 Commission established pursuant to section 2 of P.L.1995, c.284
26 (C.52:17B-170)**】**, except that the Commissioner of Corrections **【**or
27 the Executive Director of the Juvenile Justice Commission**】**, after
28 providing notice to the Attorney General, may consent to the
29 supervision of a parolee by the federal government pursuant to the
30 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521 et
31 seq.). An adult parolee, except those under the Witness Security
32 Reform Act, shall remain under the supervision of the State Parole
33 Board and in the legal custody of the Department of Corrections**【**,
34 and a juvenile parolee, except those under the Witness Security
35 Reform Act, shall remain under the supervision of the Juvenile
36 Justice Commission, as appropriate,**】** in accordance with the
37 policies and rules of the board.

38 b. (1) Each parolee shall agree, as evidenced by his signature
39 to abide by specific conditions of parole established by the
40 appropriate board panel which shall be enumerated in writing in a
41 certificate of parole and shall be given to the parolee upon release.
42 Such conditions shall include, among other things, a requirement
43 that the parolee conduct himself in society in compliance with all
44 laws and refrain from committing any crime, a requirement that the
45 parolee will not own or possess any firearm as defined in subsection
46 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.
47 of N.J.S.2C:39-1, a requirement that the parolee refrain from the

1 use, possession or distribution of a controlled dangerous substance,
2 controlled substance analog or imitation controlled dangerous
3 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a
4 requirement that the parolee obtain permission from his parole
5 officer for any change in his residence, and a requirement that the
6 parolee report at reasonable intervals to an assigned parole officer.
7 In addition, based on prior history of the parolee or information
8 provided by a victim or a member of the family of a murder victim,
9 the member or board panel certifying parole release pursuant to
10 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any
11 other specific conditions of parole deemed reasonable in order to
12 reduce the likelihood of recurrence of criminal or delinquent
13 behavior, including a requirement that the parolee comply with the
14 Internet access conditions set forth in paragraph (2) of this
15 subsection. Such special conditions may include, among other
16 things, a requirement that the parolee make full or partial
17 restitution, the amount of which restitution shall be set by the
18 sentencing court upon request of the board. In addition, the member
19 or board panel certifying parole release may, giving due regard to a
20 victim's request, impose a special condition that the parolee have no
21 contact with the victim, which special condition may include, but
22 need not be limited to, restraining the parolee from entering the
23 victim's residence, place of employment, business or school, and
24 from harassing or stalking the victim or victim's relatives in any
25 way. Further, the member, board panel or board certifying parole
26 release may impose a special condition that the person shall not
27 own or possess an animal for an unlawful purpose or to interfere in
28 the performance of duties by a parole officer.

29 (2) In addition, the member or board panel certifying parole
30 release may impose on any person who has been convicted **【or**
31 **adjudicated delinquent】** for the commission of a sex offense as
32 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2),
33 and who is required to register as provided in subsections c. and d.
34 of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been
35 convicted **【or adjudicated delinquent】** for a violation of
36 N.J.S.2C:34-3 any of the following Internet access conditions:

37 (a) Prohibit the person from accessing or using a computer or
38 any other device with Internet capability without the prior written
39 approval of the court, except the person may use a computer or any
40 other device with Internet capability in connection with that
41 person's employment or search for employment with the prior
42 approval of the person's parole officer;

43 (b) Require the person to submit to periodic unannounced
44 examinations of the person's computer or any other device with
45 Internet capability by a parole officer, law enforcement officer or
46 assigned computer or information technology specialist, including
47 the retrieval and copying of all data from the computer or device
48 and any internal or external peripherals and removal of such

1 information, equipment or device to conduct a more thorough
2 inspection;

3 (c) Require the person to submit to the installation on the
4 person's computer or device with Internet capability, at the person's
5 expense, one or more hardware or software systems to monitor the
6 Internet use; and

7 (d) Require the person to submit to any other appropriate
8 restrictions concerning the person's use or access of a computer or
9 any other device with Internet capability.

10 c. The appropriate board panel may in writing relieve a parolee
11 of any parole conditions, and may permit a parolee to reside outside
12 the State pursuant to the provisions of the Uniform Act for Out-of-
13 State Parolee Supervision (N.J.S.2A:168-14 et seq.)**],** the Interstate
14 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),**]** and,
15 with the consent of the Commissioner of the Department of
16 Corrections **[**or the Executive Director of the Juvenile Justice
17 Commission**]** after providing notice to the Attorney General, the
18 federal Witness Security Reform Act, if satisfied that **[such]** the
19 change will not result in a substantial likelihood that the parolee
20 will commit an offense which would be a crime under the laws of
21 this State. The appropriate board panel may revoke **[such]**
22 permission, except in the case of a parolee under the Witness
23 Security Reform Act, or reinstate relieved parole conditions for any
24 period of time during which a parolee is under its jurisdiction.

25 d. The appropriate board panel may parole an inmate to any
26 residential facility funded in whole or in part by the State if the
27 inmate would not otherwise be released pursuant to section 9 of
28 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the
29 residential facility provides treatment for mental illness or mental
30 retardation, the board panel only may parole the inmate to the
31 facility pursuant to the laws and admissions policies that otherwise
32 govern the admission of persons to that facility, and the facility
33 shall have the authority to discharge the inmate according to the
34 laws and policies that otherwise govern the discharge of persons
35 from the facility, on 10 days' prior notice to the board panel. The
36 board panel shall acknowledge receipt of this notice in writing prior
37 to the discharge. Upon receipt of the notice the board panel shall
38 resume jurisdiction over the inmate.

39 e. Parole officers shall provide assistance to the parolee in
40 obtaining employment, education, or vocational training or in
41 meeting other obligations to assure the parolee's compliance with
42 meeting legal requirements related to sex offender notification,
43 address changes and participation in rehabilitation programs as
44 directed by the assigned parole officer.

45 f. **[**The board panel on juvenile commitments and the assigned
46 parole officer shall insure that the least restrictive available
47 alternative is used for any juvenile parolee**]** (Deleted by

1 amendment, P.L. c.) (pending before the Legislature as this
2 bill)

3 g. If the board has granted parole to any inmate from a State
4 correctional facility **【or juvenile facility】** and the court has imposed
5 a fine on **【such】** the inmate, the appropriate board panel shall
6 release **【such】** the inmate on condition that the parolee make
7 specified fine payments to the State Parole Board **【or the Juvenile**
8 **Justice Commission】**. For violation of **【such】** these conditions, or
9 for violation of a special condition requiring restitution, parole may
10 be revoked only for refusal or failure to make a good faith effort to
11 make **【such】** the payment.

12 h. Upon collection of the fine **【the same shall be paid over by】**
13 the Department of Corrections shall forward it **【or by the Juvenile**
14 **Justice Commission】** to the State Treasury.
15 (cf: P.L.2007, c.219, s.5)

16
17 13. Section 16 of L.1979, c.441 (C.30:4-123.60) is amended to
18 read as follows:

19 16. a. Any parolee who violates a condition of parole may be
20 subject to an order pursuant to section 17 of P.L.1979, c.441
21 (C.30:4-123.61) providing for one or more of the following: (1)
22 That he be required to conform to one or more additional conditions
23 of parole; (2) That he forfeit all or a part of commutation time
24 credits granted pursuant to R.S.30:4-140.

25 b. Any parolee who has seriously or persistently violated the
26 conditions of his parole, may have his parole revoked and may be
27 returned to custody pursuant to sections 18 and 19 of P.L.1979,
28 c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified
29 immediately upon the arrest or indictment of a parolee or upon the
30 filing of charges that the parolee committed an act which, if
31 committed by an adult, would constitute a crime. The board shall
32 not revoke parole on the basis of new charges which have not
33 resulted in a disposition at the trial level except that upon
34 application by the prosecuting authority**【, the Juvenile Justice**
35 **Commission established pursuant to section 2 of P.L.1995, c.284**
36 **(C.52:17B-170)】** or the Director of the State Parole Board's
37 Division of Parole or his designee, the chairman of the board or his
38 designee may at any time detain the parolee and commence
39 revocation proceedings pursuant to sections 18 and 19 of P.L.1979,
40 c.441 (C.30:4-123.62 and 30:4-123.63) when the chairman
41 determines that the new charges against the parolee are of a serious
42 nature and it appears that the parolee otherwise poses a danger to
43 the public safety. In such cases, a parolee shall be informed that, if
44 he testifies at the revocation proceedings, his testimony and the
45 evidence derived therefrom shall not be used against him in a
46 subsequent criminal prosecution **【or delinquency adjudication】**.

1 c. **【Any】** The parole of any parolee who is convicted of a
2 crime **【or adjudicated delinquent for an act which, if committed by**
3 **an adult, would constitute a crime,】** committed while on parole
4 shall **【have his parole】** be revoked and the parolee shall be returned
5 to custody unless the parolee demonstrates, by clear and convincing
6 evidence at a hearing pursuant to section 19 of P.L.1979, c.441
7 (C.30:4-123.63), that good cause exists why **【he】** the parolee
8 should not be returned to confinement.
9 (cf: P.L.2001, c.141, s.5)

10
11 14. Section 18 of P.L.1979, c.441 (C.30:4-123.62) is amended to
12 read as follows:

13 18. a. (1) If a parole officer assigned to supervise a parolee has
14 probable cause to believe that the parolee has violated a condition
15 of **【his】** parole, **【such】** the violation being a basis for return to
16 custody pursuant to subsection b. of section 16 of P.L.1979, c.441
17 (C.30:4-123.60), a designated representative of the chairman of the
18 board may issue a warrant for the arrest of the parolee if evidence
19 indicates that the parolee may not appear at the preliminary hearing
20 or if the parolee poses a danger to the public safety. **【With the**
21 **parole warrant, a law enforcement officer may apprehend the**
22 **delinquent parolee.】**

23 (2) If a parole officer assigned to supervise a parolee has
24 probable cause to believe that the parolee has committed a crime**【,**
25 **has committed an act or is about to commit an act which, if**
26 **committed by an adult, would constitute a crime】**, is about to
27 commit a crime, or is about to flee the jurisdiction, which violation
28 is a basis for return to custody pursuant to subsection b. of section
29 16 of P.L.1979, c.441 (C.30:4-123.60), and the situation is one of
30 immediate emergency that cannot await the issuance of a warrant by
31 a designated representative, the parole officer, by the parole
32 officer's own warrant, may apprehend the parolee and cause **【his】**
33 the parolee's detention in a suitable facility designated by the
34 Department of Corrections **【or the Juvenile Justice Commission**
35 **established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-**
36 **170), as appropriate,】** or cause the parolee's confinement in an
37 appropriate institution pending return to a facility designated by the
38 Department of Corrections **【or the Juvenile Justice Commission, as**
39 **appropriate,】** to await the conduction of a preliminary hearing. The
40 warrant shall be in the form prescribed **【,** as appropriate, by the
41 Juvenile Justice Commission or**】** by the State Parole Board and,
42 when signed by the officer in charge of the case, shall be a
43 sufficient instrument and authority to all peace officers to assist in
44 the apprehension of the parolee. It shall also be sufficient authority
45 for detention of the parolee in a suitable facility, to await the
46 conduction of the preliminary hearing. Upon enforcement of the

1 warrant, the appropriate board panel shall be promptly notified. No
2 parolee held in custody on a parole warrant shall be entitled to
3 release on bail.

4 b. A parolee retaken under this section shall within 14 days be
5 granted a preliminary hearing to be conducted by a hearing officer
6 not previously involved in the case, unless the parolee, the hearing
7 officer, or the parole officer requests postponement of the
8 preliminary hearing, which may be granted by the appropriate board
9 panel for good cause, but in no event shall such postponement, if
10 requested by the hearing officer or the parole officer, exceed 14
11 days.

12 c. The preliminary hearing shall be for the purpose of
13 determining:

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

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

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

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

23 (2) The time, date, place and circumstances of the alleged
24 violation;

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

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

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

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

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

34 f. If the evidence presented at the preliminary hearing does not
35 support a finding of probable cause to believe that the parolee has
36 violated a condition of his parole, such violation being a basis for
37 return to custody pursuant to subsection b. of section 16 of
38 P.L.1979, c.441 (C.30:4-123.60), or if it is otherwise determined
39 that revocation is not desirable, the hearing officer may, in
40 accordance with the provisions of subsection a. of section 16 of
41 P.L.1979, c.441 (C.30:4-123.60) and section 17 of P.L.1979, c.441
42 (C.30:4-123.61), issue an order modifying parole and releasing the
43 offender, or continuing parole and releasing the offender.

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

1 h. Conviction of a crime committed while on parole [or
2 adjudication of delinquency for an act which, if committed by an
3 adult, would constitute a crime] shall be deemed to constitute
4 probable cause to believe that the parolee has violated a condition
5 of parole.

6 (cf: P.L.2001, c.79, s.12)

7
8 15. Section 19 of P.L.1979, c.441 (C.30:4-123.63) is amended to
9 read as follows:

10 19. a. If the hearing officer finds probable cause pursuant to
11 subsection c. (1) of section 18 of P.L.1979, c.441 (C.30:4-123.62)
12 and finds that revocation is desirable pursuant to subsection c. (2)
13 of section 18 of P.L.1979, c.441 (C.30:4-123.62), or if the parolee is
14 convicted of a criminal offense committed while on parole [or is
15 adjudicated delinquent for an act which, if committed by an adult,
16 would constitute a crime], the board shall cause a revocation
17 hearing to be conducted by a hearing officer, other than the hearing
18 officer previously designated pursuant to section 18 of P.L.1979,
19 c.441 (C.30:4-123.62), within 60 days after the date a parolee is
20 taken into custody as a parole violator unless the parolee or the
21 hearing officer requests postponement of the revocation hearing,
22 which may be granted by appropriate board panel for good cause,
23 but in no event shall such postponement, if requested by the hearing
24 officer, exceed 120 days.

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

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

28 (2) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et
29 seq.), to representation by an attorney or such other qualified person
30 as the parolee chooses;

31 (3) The right to confront and cross-examine witnesses, and to
32 rebut adverse documentary evidence [against him]; and

33 (4) The right to testify, to present evidence and to [subpena]
34 subpoena witnesses [in his] on the parolee's own behalf, provided
35 a prima facie showing is made that the prospective witnesses will
36 provide material testimony.

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

39 d. After consideration of all evidence presented, if there is clear
40 and convincing evidence that a parolee has violated the conditions
41 of his parole, such violation being a basis for return to custody
42 pursuant to subsection b. or c. of section 16 of P.L.1979, c.441
43 (C.30:4-123.60), and if revocation and return to custody is desirable
44 in the instant matter, the appropriate board panel may revoke parole
45 and return such parolee to custody, for a specified length of time, or
46 in accordance with the provisions of sections 16 and 17 of
47 P.L.1979, c.441 (C.30:4-123.60 and 30:4-123.61), or the

1 appropriate board panel may issue an order modifying parole and
2 releasing the offender or continuing parole and releasing the
3 offender.

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

8 (cf: P.L.1995, c.280, s.43)

9

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

12 23. a. The appropriate board panel and the Department of
13 Corrections **【**or the Juvenile Justice Commission established
14 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)**】** shall
15 enter into formal parole contract agreements with officials of the
16 board **【,** and officials of the Department of Corrections **【**or the
17 Juvenile Justice Commission**】** and individual parolees or inmates
18 reduced to writing and signed by all parties **【,** which**】**. The parole
19 contract agreements shall stipulate individual programs of
20 education, training, or other activity which shall result in a specified
21 reduction of the parolee's parole term pursuant to section 22 of
22 P.L.1979, c.441 (C.30:4-123.66) or the inmate's primary parole
23 eligibility date pursuant to section 8 of P.L.1979, c.441 (C.30:4-
24 123.52), upon such successful completion of the program. The
25 formal parole contract agreements required under this subsection
26 shall be entered into within two months of an inmate's admission to
27 a correctional facility.

28 b. Any parolee or inmate shall be permitted to apply to the
29 board for such an agreement. The board panel shall accept all such
30 applications. The board panel shall approve any application
31 consistent with eligibility requirements promulgated by the board
32 pursuant to section 4 of P.L.1979, c.441 (C.30:4-123.48). **【**The
33 commission may, by regulation, specify eligibility requirements for
34 agreements with juvenile parolees and inmates and the procedures
35 for effecting such agreements and reviewing juveniles' application
36 for such agreements.**】**

37 c. Upon approval of the parolee or inmate's application, the
38 board panel shall be responsible for specifying the components
39 necessary for **【**any such**】** the agreement. Upon acceptance of the
40 agreement by the Department of Corrections **【**or by the
41 commission**】**, by the board panel, and by the parolee or the inmate,
42 the board panel shall reduce the agreement to writing and monitor
43 compliance with the parole contract agreement at least once every
44 12 months. The parolee or inmate and the Department of
45 Corrections **【**or the Juvenile Justice Commission**】** shall be given a
46 copy of **【**any such**】** the agreement.

1 d. **Any such** An agreement shall be terminated by the board
2 panel in the event the parolee or inmate fails to or refuses to
3 satisfactorily complete each component of the agreement. The
4 inmate or parolee shall be notified in writing of **any such** a
5 termination and the reasons **therefor** for the termination. **Any**
6 such A termination may be appealed to the full board pursuant to
7 section 14 of P.L.1979, c.441 (C.30:4-123.58).

8 (cf: P.L.2009, c.330, s.7)

9

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

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

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

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

30 d. The executive board shall consist of the following members:
31 The Attorney General, who shall serve as chair of the executive
32 board; the Commissioner of Corrections and the Commissioner of
33 Children and Families, who shall serve as vice-chairs of the
34 executive board; the Commissioner of Education; the chair of the
35 Juvenile Justice Commission advisory council, established pursuant
36 to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members
37 who serve as chairs of a county youth services commission,
38 established pursuant to P.L.1995, c.282 (C.52:17B-180), to be
39 appointed by the Governor to serve at the Governor's pleasure. The
40 Administrative Director of the Administrative Office of the Courts
41 is invited to participate on the executive board, subject to the
42 approval of the Supreme Court. A member of the executive board
43 may name a designee who shall have the authority to act for the
44 member. Members of the executive board shall serve without
45 compensation for their services to the commission. The executive
46 board shall meet at least quarterly and at such other times as
47 designated by the chair. Except with respect to matters concerning
48 distribution of funds to counties, four members of the executive

1 board shall constitute a quorum to transact business of the executive
2 board and action of the executive board shall require an affirmative
3 vote of four members. A member of the executive board who is
4 also a member of a county youth services commission shall not
5 participate in matters concerning distribution of funds to counties;
6 in these matters, three members of the executive board shall
7 constitute a quorum to transact business and an action of the
8 executive board shall require an affirmative vote of three members.

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

11 (1) To specify qualifications for and to employ, within the limits
12 of available appropriations and subject to the provisions of
13 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
14 Jersey Statutes, such staff as are necessary to accomplish the work
15 of the commission or as are needed for the proper performance of
16 the functions and duties of the commission, including but not
17 limited to:

18 (a) The number of deputy directors, assistant directors,
19 superintendents, assistant superintendents and other assistants who
20 shall be in the unclassified service and shall be deemed confidential
21 employees for the purposes of the "New Jersey Employer-Employee
22 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

23 (b) Juvenile corrections officers;

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

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

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

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

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

40 (7) To assume the custody and care of all juveniles committed
41 by court order, law, classification, regulation or contract to the
42 custody of the commission or transferred to the custody of the
43 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-
44 176);

45 (8) To manage and operate all State secure juvenile facilities
46 which shall include the New Jersey Training School for Boys
47 created pursuant to R.S.30:1-7 and transferred to the Commissioner
48 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)

- 1 and the Juvenile Medium Security Facility created pursuant to
2 R.S.30:1-7 and both transferred to the commission pursuant to
3 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
4 other secure juvenile facility established by the commission in the
5 future;
- 6 (9) To manage and operate all State juvenile facilities or
7 juvenile programs for juveniles adjudicated delinquent which shall
8 include facilities and programs transferred to the commission
9 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
10 established or contracted for in the future by the commission;
- 11 (10) To prepare a State Juvenile Justice Master Plan every third
12 year which identifies facilities, sanctions and services available for
13 juveniles adjudicated or charged as delinquent and juvenile
14 delinquency prevention programs and which identifies additional
15 needs based upon the extent and nature of juvenile delinquency and
16 the adequacy and effectiveness of available facilities, services,
17 sanctions and programs;
- 18 (11) To approve plans for each county submitted by the county
19 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-
20 180);
- 21 (12) To administer the State/Community Partnership Grant
22 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 23 (13) To accept from any governmental department or agency,
24 public or private body or any other source, grants or contributions
25 to be used in exercising its power, and in meeting its duties and
26 responsibilities;
- 27 (14) To formulate and adopt standards and rules for the efficient
28 conduct of the work of the commission, the facilities, services,
29 sanctions and programs within its jurisdiction, and its officers and
30 employees;
- 31 (15) To provide for the development of the facilities, services,
32 sanctions and programs within its jurisdiction and to promote the
33 integration of State, county and local facilities, sanctions, services
34 and programs, including probation and parole;
- 35 (16) To institute, or cause to be instituted, such legal proceedings
36 or processes as may be necessary to enforce properly and give
37 effect to any of its powers or duties including the authority to
38 compel by subpoena, subject to the sanction for contempt of
39 subpoena issued by a court, attendance and production of records;
- 40 (17) To provide for the timely and efficient collection and
41 analysis of data regarding the juvenile justice system to insure the
42 continuing review and evaluation of services, policies and
43 procedures;
- 44 (18) To receive and classify juveniles committed to the custody
45 of the commission;
- 46 (19) To determine whether an incarcerated juvenile is eligible for
47 parole and to supervise compliance with conditions of parole;

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

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

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

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

9

10 18. (New section) a. The Juvenile Justice Commission shall
11 establish a program to collect, record, and analyze data regarding
12 juveniles who were sentenced to a term of incarceration. In
13 furtherance of this program, the commission shall collect the
14 following data:

15 (1) the offense for which the juvenile was incarcerated; the term
16 of incarceration imposed on the juvenile, including a term of
17 incarceration imposed for a violation of parole; the age, gender,
18 race, and ethnicity of the juvenile; the county where the juvenile
19 was adjudicated delinquent; the classification of the juvenile; and
20 whether the juvenile was sentenced to an extended term of
21 incarceration;

22 (2) aggregate data of incidents of violence, suicide, suicide
23 attempts, hospitalizations, and any form of segregation or isolation
24 of a juvenile for all facilities where juveniles are placed; and

25 (3) the amount of time remaining on each sentence of
26 incarceration imposed on a juvenile whose parole ¹["or post-
27 incarceration supervision"]¹ was revoked; whether the violation that
28 was the basis for the revocation was technical or based upon a new
29 offense; the age, gender, race, and ethnicity of the juvenile; and the
30 county where the juvenile's parole ¹["or post-incarceration
31 supervision"]¹ was revoked by the court.

32 b. The commission shall prepare and publish on its Internet
33 website ¹["and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
34 19.1), prepare and transmit to the Governor and the Legislature"]¹
35 biennial reports summarizing the ¹aggregated¹ data collected,
36 recorded, and analyzed pursuant to subsection a. of this section.

37 c. The commission shall publish on its Internet website the
38 criteria that are used to determine whether a juvenile is granted
39 parole. The commission also shall provide this information to every
40 juvenile who is sentenced to a term of incarceration.

41

42 19. Section 13 of P.L.1979, c.441 (C.30:4-123.57) is repealed.

43

44 20. This act shall take effect on the first day of the ¹["seventh"]
45 tenth¹ month after enactment ¹, but the Chairman of the State Parole
46 Board may take any administrative action in advance of the effective
47 date as may be necessary¹.