

SENATE, No. 3319

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Eliminates certain juvenile justice fines, fees, costs, and other monetary penalties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/9/2021)

1 AN ACT concerning certain juvenile justice costs, fees, and
2 monetary penalties, amending various parts of the statutory law,
3 and supplementing chapter 17B of Title 52 of the Revised
4 Statutes.

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

8
9 1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
10 read as follows:

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

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

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

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

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

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

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

30 (7) Whether the disposition contributes to the developmental
31 needs of the child, including the academic and social needs of the
32 child where the child has intellectual disabilities or learning
33 disabilities;

34 (8) Any other circumstances related to the offense and the
35 juvenile's social history as deemed appropriate by the court;

36 (9) The impact of the offense on the victim or victims;

37 (10) The impact of the offense on the community; and

38 (11) The threat to the safety of the public or any individual
39 posed by the child.

40 b. If a juvenile is adjudged delinquent, and except to the extent
41 that an additional specific disposition is required pursuant to this
42 section, the court, in accordance with subsection i. of section 2 of
43 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to
44 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order
45 any one or more of the following dispositions:

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

Matter underlined thus is new matter.

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

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

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

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

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

34 (6) Place the juvenile under the care and custody of the
35 Commissioner of Children and Families for the purpose of
36 receiving the services of the Division of Children's System of Care
37 of that department, provided that the juvenile has been determined
38 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
39 25.4);

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

47 (8) (Deleted by amendment, P.L.2019, c.363)

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

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

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

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

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

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

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

47 (16) (a) Place the juvenile in a nonresidential program operated
48 by a public or private agency, providing intensive services to

1 juveniles for specified hours, which may include education,
2 counseling to the juvenile and the juvenile's family if appropriate,
3 vocational training, employment counseling, work, or other
4 services;

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

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

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

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

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

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

1 standards for the use of juvenile detention facilities pursuant to this
2 subsection.

3 (2) A juvenile shall not be incarcerated in any county detention
4 facility unless the county has entered into an agreement with the
5 Juvenile Justice Commission concerning the use of the facility for
6 sentenced juveniles. Upon agreement with the county, the Juvenile
7 Justice Commission shall certify detention facilities which may
8 receive juveniles sentenced pursuant to this subsection and shall
9 specify the capacity of the facility that may be made available to
10 receive such juveniles; provided, however, that in no event shall the
11 number of juveniles incarcerated pursuant to this subsection exceed
12 50% of the maximum capacity of the facility.

13 (3) The court may fix a term of incarceration under this
14 subsection that is in accordance with subsection i. of section 2 of
15 P.L.1982, c.77 (C.2A:4A-21) and:

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

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

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

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

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

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

44 (1) An order to perform community service pursuant to
45 paragraph (10) of subsection b. of this section for a period of at
46 least 60 days, if the juvenile has been adjudicated delinquent for an
47 act which, if committed by an adult, would constitute the crime of
48 theft of a motor vehicle, or the crime of unlawful taking of a motor

1 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
2 degree crime of eluding in violation of subsection b. of
3 N.J.S.2C:29-2; and

4 (2) (Deleted by amendment, P.L.2019, c.363)

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

11 (4) (Deleted by amendment, P.L.2019, c.363)

12 f. (1) (Deleted by amendment, P.L.2019, c.363)

13 (2) (Deleted by amendment, P.L.2019, c.363)

14 (3) Deleted by amendment, P.L.2019, c.363)

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 (cf: P.L.2019, c.363, s.2)

26

27 2. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
28 read as follows:

29 8. a. In addition to any other disposition made pursuant to law,
30 a court shall order a juvenile charged with delinquency or
31 adjudicated delinquent for an act which, if committed by an adult
32 would constitute a crime, a disorderly persons offense or a petty
33 disorderly persons offense, to submit to an approved serological test
34 for acquired immune deficiency syndrome (AIDS) or infection with
35 the human immunodeficiency virus (HIV) or any other related virus
36 identified as a probable causative agent of AIDS if:

37 (1) in the course of the commission of the act, including the
38 immediate flight thereafter or during any investigation or arrest
39 related to that act, a law enforcement officer, the victim or other
40 person suffered a prick from a hypodermic needle, provided there is
41 probable cause to believe that the juvenile is an intravenous user of
42 controlled dangerous substances; or

43 (2) in the course of the commission of the act, including the
44 immediate flight thereafter or during any investigation or arrest
45 related to that act, a law enforcement officer, the victim or other
46 person had contact with the juvenile which involved or was likely to
47 involve the transmission of bodily fluids.

1 The court may order a juvenile to submit to an approved
2 serological test for AIDS or infection with the HIV or any other
3 related virus identified as a probable causative agent of AIDS if in
4 the course of the performance of any other law enforcement duties,
5 a law enforcement officer suffers a prick from a hypodermic needle,
6 provided that there is probable cause to believe that the defendant is
7 an intravenous user of controlled dangerous substances, or had
8 contact with the defendant which involved or was likely to involve
9 the transmission of bodily fluids. The court shall issue such an
10 order only upon the request of the law enforcement officer, victim
11 of the offense or other affected person made at the time of
12 indictment, charge or conviction. If a county prosecutor declines to
13 make such an application within 72 hours of being requested to do
14 so by the law enforcement officer, the law enforcement officer may
15 appeal to the Division of Criminal Justice in the Department of Law
16 and Public Safety for that officer to bring the application. The
17 juvenile shall be ordered by the court to submit to such repeat or
18 confirmatory tests as may be medically necessary.

19 b. A court order issued pursuant to subsection a. of this section
20 shall require testing to be performed as soon as practicable by the
21 Executive Director of the Juvenile Justice Commission pursuant to
22 authority granted to the executive director by sections 6 and 10 of
23 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider of health
24 care or at a health care facility licensed pursuant to section 12 of
25 P.L.1971, c.136 (C.26:2H-12). The order shall also require that the
26 results of the test be reported to the offender, the appropriate Office
27 of Victim-Witness Advocacy if a victim of an offense is tested , and
28 the affected law enforcement officer. Upon receipt of the result of a
29 test ordered pursuant to subsection a. of this section, the Office of
30 Victim-Witness Advocacy shall provide the victim with appropriate
31 counseling, referral for counseling and if appropriate, referral for
32 health care. The office shall notify the victim or make appropriate
33 arrangements for the victim to be notified of the test result.

34 c. **【In addition to any other disposition authorized, a court may**
35 **order a juvenile at the time of sentencing to reimburse the State for**
36 **the costs of the tests ordered by subsection a. of this section.】**
37 (Deleted by amendment, P.L. , c.)

38 d. The result of a test ordered pursuant to subsection a. of this
39 section shall be confidential and health care providers and
40 employees of the Juvenile Justice Commission, the Office of
41 Victim-Witness Advocacy, a health care facility or counseling
42 service shall not disclose the result of a test performed pursuant to
43 this section except as authorized herein or as otherwise authorized
44 by law or court order. The provisions of this section shall not be
45 deemed to prohibit disclosure of a test result to the person tested.

46 e. Persons who perform tests ordered pursuant to subsection a.
47 of this section in accordance with accepted medical standards for

1 the performance of such tests shall be immune from civil and
2 criminal liability arising from their conduct.

3 f. This section shall not be construed to preclude or limit any
4 other testing for AIDS or infection with the HIV or any other
5 related virus identified as a probable causative agent of AIDS which
6 is otherwise permitted by statute, court rule or common law.
7 (cf: P.L.1996, c.115, s.8)

8
9 3. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to
10 read as follows:

11 2. a. Where a complaint against a juvenile pursuant to section
12 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has
13 committed an eligible offense as defined in subsection c. of this
14 section and the court has approved diversion of the complaint
15 pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution
16 of the complaint shall include the juvenile's participation in a
17 remedial education or counseling program. The [parents or
18 guardian of the juvenile shall bear the cost of participation in the
19 program, except that the] court shall take into consideration the
20 [ability of the juvenile's parents or guardian to pay and the]
21 availability of such a program in the area in which the juvenile
22 resides and, where appropriate, may permit the juvenile to
23 participate in a self-guided awareness program in lieu of a remedial
24 education or counseling program provided that it satisfies the
25 requirements of subsection b. of this section.

26 b. A remedial education or counseling program satisfies the
27 requirements of [this act] P.L.2011, c.128 if the program is
28 designed to increase the juvenile's awareness of:

29 (1) the legal consequences and penalties for sharing sexually
30 suggestive or explicit materials, including applicable federal and
31 State statutes;

32 (2) the non-legal consequences of sharing sexually suggestive or
33 explicit materials including, but not limited to, the effect on
34 relationships, loss of educational and employment opportunities,
35 and being barred or removed from school programs and
36 extracurricular activities;

37 (3) the potential, based upon the unique characteristics of
38 cyberspace and the Internet, of long-term and unforeseen
39 consequences for sharing sexually suggestive or explicit materials;
40 and

41 (4) the possible connection between bullying and cyber-bullying
42 and juveniles sharing sexually suggestive or explicit materials.

43 c. As used in [this act] P.L.2011, c.128, "eligible offense"
44 means an offense in which:

45 (1) the facts of the case involve the creation, exhibition, or
46 distribution of a photograph depicting nudity or portraying a child
47 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,

1 through the use of an electronic communication device, an
2 interactive wireless communications device, or a computer; and

3 (2) the creator and subject of the photograph are juveniles or
4 were juveniles at the time of its making.

5 (cf: P.L.2017, c.141, s.2)

6

7 4. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to
8 read as follows:

9 3. a. Any person who violates the provisions of N.J.S.2C:33-3
10 shall be liable for a civil penalty of not less than \$2,000 or actual
11 costs incurred by or resulting from the law enforcement and
12 emergency services response to the false alarm, whichever is
13 higher.

14 b. Any monies collected pursuant to this section shall be made
15 payable to the municipality or other entity providing the law
16 enforcement or emergency services response to the false alarm.

17 c. For the purposes of this section:

18 "Emergency services" includes, but is not limited to, paid or
19 volunteer fire fighters, paramedics, members of an ambulance team,
20 rescue squad or mobile intensive care unit.

21 "Person" excludes a juvenile as defined in section 3 of P.L.1982,
22 c.77 (C.2A:4A-22).

23 (cf: P.L.2002, c.26, s.17)

24

25 5. Section 1 of P.L.1987, c.106 (C.2C:35-20) is amended to read
26 as follows:

27 2C:35-20. Forensic Laboratory Fees. a. In addition to any
28 disposition made pursuant to the provisions of N.J.S. 2C:43-2, any
29 person convicted of an offense under this chapter shall be assessed
30 a criminal laboratory analysis fee of ~~[\$50.00]~~ \$50 for each offense
31 for which ~~[he]~~ the person was convicted. Any person who is
32 placed in supervisory treatment pursuant to N.J.S.2C:36A-1 or
33 N.J.S.2 C:43-12 shall be assessed a criminal laboratory analysis fee
34 of ~~[\$50.00]~~ \$50 for each ~~[such]~~ offense for which ~~[he]~~ the person
35 was charged.

36 b. ~~[In addition to any other disposition made pursuant to the~~
37 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any~~
38 ~~other statute indicating the dispositions that can be ordered for~~
39 ~~adjudications of delinquency, any juvenile adjudicated delinquent~~
40 ~~for a violation of this chapter shall be assessed a laboratory analysis~~
41 ~~fee of \$25.00 for each adjudication.]~~ (Deleted by amendment,
42 P.L. , c.)

43 c. All criminal laboratory analysis fees provided for in this
44 section shall be collected as provided for the collection of fines and
45 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall
46 be forwarded to the appropriate forensic laboratory fund as
47 provided in subsection d. of this section.

1 d. Forensic laboratory funds shall be established as follows:

2 (1) Any county or municipality which maintains a publicly
3 funded forensic laboratory that regularly employs at least one
4 forensic chemist or scientist engaged in the analysis of controlled
5 dangerous substances may establish a forensic laboratory fund
6 within the office of the county or municipal treasurer.

7 (2) Any other county or municipality which has agreed by
8 contract to pay or reimburse the entire salary of at least one forensic
9 chemist or scientist employed by a laboratory designated as a State
10 Forensic Laboratory pursuant to N.J.S.2C:35-19, may establish a
11 forensic laboratory fund within the office of the county or
12 municipal treasurer.

13 (3) A separate account shall be established in the State Treasury
14 and shall be designated the "State Forensic Laboratory Fund."

15 e. The analysis fee provided for in subsections a. and b. of this
16 section shall be forwarded to the office of the treasurer of the
17 county or municipality that performed the laboratory analysis if that
18 county or municipality has established a forensic laboratory fund or,
19 to the State forensic laboratory fund if the analysis was performed
20 by a laboratory operated by the State. If the county or municipality
21 has not established a forensic laboratory fund, then the analysis fee
22 shall be forwarded to the State forensic laboratory fund within the
23 State Treasury. If the analysis was performed by a forensic chemist
24 or scientist whose salary was paid or reimbursed by a county or
25 municipality pursuant to a contract, the analysis fee shall be
26 forwarded to the appropriate forensic laboratory fund established
27 pursuant to paragraph (2) of subsection d. of this section unless the
28 contract provides for a different means of allocating and
29 distributing forensic laboratory fees, in which event the terms of the
30 contract may determine the amounts to be forwarded to each
31 forensic laboratory fund. The county or municipal treasurer and
32 State Treasurer may retain an amount of the total of all collected
33 analysis fees equal to the administrative costs incurred pursuant to
34 carrying out their respective responsibilities under this section.

35 f. Moneys deposited in the county or municipal forensic
36 laboratory fund created pursuant to paragraph (1) of subsection d.
37 of this section shall be in addition to any allocations pursuant to
38 existing law and shall be designated for the exclusive use of the
39 county or municipal forensic laboratory. These uses may include,
40 but are not limited to, the following:

41 (1) costs incurred in providing analyses for controlled
42 substances in connection with criminal investigations conducted
43 within this State;

44 (2) purchase and maintenance of equipment for use in
45 performing analyses; and

46 (3) continuing education, training, and scientific development of
47 forensic scientists regularly employed by these laboratories.

1 g. Moneys deposited in the State forensic laboratory fund
2 created pursuant to paragraph (3) of subsection d. of this section
3 shall be used by State forensic laboratories that the Attorney
4 General designates pursuant to N. J.S. 2C:35-19, and the Division
5 of State Police in the Department of Law and Public Safety. These
6 moneys shall be in addition to any allocations pursuant to existing
7 law and shall be designated for the exclusive use of State forensic
8 facilities. These uses may include those enumerated in subsection f.
9 of this section.

10 h. For the purposes of this section, "person" excludes a
11 juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).
12 (cf: P.L.1988, c.44, s.10)

13
14 6. Section 9 of P.L.1996, c.115 (C.2C:43-3.3) is amended to
15 read as follows:

16 9. a. In addition to any disposition made pursuant to the
17 provisions of Title 2C of the New Jersey Statutes, any person
18 convicted of a crime shall be assessed a penalty of \$30.

19 b. **[**In addition to any other disposition made pursuant to the
20 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any
21 other statute indicating the dispositions that may be ordered for
22 adjudications of delinquency, a juvenile adjudicated delinquent for
23 an offense which if committed by an adult would be a crime shall
24 be assessed a penalty of \$15.**]** Deleted by amendment, P.L. c.
25 (C.) (pending before the Legislature as this bill)

26 c. The penalties assessed under subsections a. and b. of this
27 section shall be collected as provided for the collection of fines and
28 restitution in section 3 of P.L.1979, c.396 (C.2C:46-4) and
29 forwarded to the State Treasury for deposit in a separate account to
30 be known as the "Law Enforcement Officers Training and
31 Equipment Fund." The penalty assessed in this section shall be
32 collected only after a penalty assessed in section 2 of P.L.1979,
33 c.396 (C.2C:43-3.1) and any restitution ordered is collected.

34 The fund shall be used to support the development and provision
35 of basic and in-service training courses for law enforcement officers
36 by police training schools approved pursuant to P.L.1961, c.56
37 (C.52:17B-66 et seq.). In addition, the fund shall also be used to
38 enable police training schools to purchase equipment needed for the
39 training of law enforcement officers. Distributions from the fund
40 shall only be made directly to such approved schools.

41 d. The Police Training Commission in the Department of Law
42 and Public Safety shall be responsible for the administration and
43 distribution of the fund pursuant to its authority under section 6 of
44 P.L.1961, c.56 (C.52:17B-71).

45 e. An adult prisoner of a State correctional institution who does
46 not pay the penalty imposed pursuant to this section shall have the
47 penalty deducted from any income the inmate receives as a result of
48 labor performed at the institution or any type of work release

1 program. If any person, including an inmate, fails to pay the
2 penalty imposed pursuant to this section, the court may order the
3 suspension of the person's driver's license or nonresident reciprocity
4 privilege, or prohibit the person from receiving or obtaining a
5 license until the assessment is paid. The court shall notify the
6 Director of the Division of Motor Vehicles of such an action. Prior
7 to any action being taken pursuant to this subsection, the person
8 shall be given notice and a hearing before the court to contest the
9 charge of the failure to pay the assessment.

10 f. For the purposes of this section, "person" excludes a juvenile
11 as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

12 (cf: P.L.1996, c.115, s.9)

13
14 7. Section 7 of P.L.2013, c.214 (C.30:4-123.97) is amended to
15 read as follows:

16 7. a. In addition to any fine, fee, assessment, or penalty
17 authorized under the provisions of Title 2C of the New Jersey
18 Statutes, a person convicted of **[or adjudicated delinquent for]** a
19 sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2),
20 shall be assessed a penalty of \$30 per month.

21 b. All penalties provided for in this section, collected as
22 provided for the collection of fines and restitutions in section 3 of
23 P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department
24 of the Treasury to be deposited in the "Sex Offender Supervision
25 Fund" established pursuant to section 8 of P.L.2013, c.214 (C.30:4-
26 123.98).

27 A person shall not be assessed the penalty established in
28 subsection a. of this section if the person's income does not exceed
29 149 percent of the federal poverty level.

30 c. For the purposes of this section, "person" excludes a juvenile
31 as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

32 (cf: P.L.2013, c.214, s.7)

33
34 8. (New section) On the effective date of P.L. c. (pending
35 before the Legislature as this bill):

36 a. any unpaid outstanding balance of any statutory or court-
37 ordered fines, fees, costs, or other monetary penalties previously
38 assessed or imposed upon a juvenile or the juvenile's parent or
39 guardian in relation to a juvenile delinquency complaint shall be
40 unenforceable and uncollectable and the portion of any judgment
41 that imposed those fines, fees, costs, or monetary penalties shall be
42 vacated;

43 b. all unsatisfied civil judgments based on statutory or court-
44 ordered fines, fees, costs, or other monetary penalties previously
45 assessed or imposed upon a juvenile or the juvenile's parent or
46 guardian in relation to a juvenile delinquency complaint are deemed
47 to be null and void and, for all legal purposes, shall be vacated and
48 discharged; and

1 c. all warrants issued solely based on the alleged failure of a
2 juvenile or a juvenile's parent or guardian to pay or to appear on a
3 court date set for the sole purpose of payment of statutory or court-
4 ordered fines, fees, costs, or other monetary penalties previously
5 assessed or imposed in relation to a juvenile delinquency complaint
6 shall be deemed null and void.

7
8 9. This act shall take effect immediately.

9
10
11 STATEMENT

12
13 This bill eliminates certain statutory costs, fees, and penalties
14 imposed on juveniles involved in the juvenile justice system.

15 The bill specifically eliminates the following fees, fines, costs,
16 and other monetary penalties:

17 (1) The Drug Enforcement and Demand Reduction (DEDR)
18 penalty required pursuant to N.J.S.2C:35-15 when the court
19 dismisses a complaint against a juvenile who has made satisfactory
20 adjustment during a period of continuance of up to 12 months.

21 (2) The costs of the juvenile's serological test for acquired
22 immune deficiency syndrome (AIDS), infection with the human
23 immunodeficiency virus (HIV), or other related virus identified as a
24 probable causative agent of AIDS when a law enforcement officer,
25 victim, or other person suffered a prick from a hypodermic needle
26 or had contact with the juvenile which involved or was likely to
27 involve the transmission of bodily fluids.

28 (3) The costs of an approved remedial education or counseling
29 program to which a juvenile is diverted by the court.

30 (4) The civil penalty of at least \$2,000 or actual costs,
31 whichever is higher, incurred by law enforcement and emergency
32 services in responding to a false public alarm.

33 (5) The \$25 forensic laboratory fee imposed on juveniles
34 adjudicated delinquent.

35 (6) The \$15 Law Enforcement Officers Training and Equipment
36 Fund fee imposed on juveniles adjudicated delinquent.

37 (7) The \$30 monthly penalty imposed on juvenile sex offenders
38 deposited in the "Sex Offender Supervision Fund."

39 As of the effective date of the bill, any unpaid outstanding
40 balances of statutory or court-ordered fines, fees, costs, or other
41 monetary penalties previously assessed or imposed upon a juvenile
42 or the juvenile's parent or guardian are vacated, as are any
43 unsatisfied civil judgements based on these monetary penalties.
44 Further, all warrants based on the alleged failure of the juvenile or
45 parent or guardian to pay or to appear in court to pay these
46 monetary penalties are deemed to be null and void.

47 Numerous costs and fees in the form of criminal penalties or
48 administrative fees are imposed on juveniles involved in the

1 juvenile justice system. These costs and fees can be significant.
2 Juveniles often are unable to earn enough money to pay these costs
3 and fines, particularly if they are too young to be employed. The
4 juveniles' families also often lack the means to pay these costs and
5 fines, sometimes forcing them to choose between paying for
6 necessities, such as food, housing, and utilities and paying off this
7 debt. In addition to the emotional toll on these families, minority
8 and low income families are disproportionately affected. While the
9 revenue collected is minimal, the burden on families can be
10 substantial. This State has responded to this issue by eliminating
11 some of these costs and fees in prior legislative enactments.
12 Further, the New Jersey Supreme Court recently issued an order to
13 dismiss hundreds of juvenile warrants for unpaid discretionary and
14 non-mandatory assessments. This bill would eliminate additional
15 statutorily mandated assessments which are not within the
16 discretion of the court to dismiss.