

ASSEMBLY, No. 157

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BUCCO and GREGG

1 AN ACT concerning juveniles, amending P.L.1982, c.77 and repealing  
2 section 17 of P.L.1982, c.77 (C.2A:4A-36).

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

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7 1. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to read  
8 as follows:

9 18. Place of detention or shelter. a. The State Department of  
10 Corrections shall specify the place where a juvenile may be detained;  
11 and the Department of Human Services shall specify where a juvenile  
12 may be placed in shelter.

13 b. No juvenile shall be placed in detention or shelter care in any  
14 place other than that specified by the State Department of Corrections  
15 or Department of Human Services as provided in subsection a.

16 c. **[A] (1) Except as provided in paragraph (2) of this subsection,**  
17 a juvenile being held for a charge under this act or for a violation of or  
18 contempt in connection with a violation of Title 39 of the Revised  
19 Statutes, chapter 7 of Title 12 of the Revised Statutes or  
20 N.J.S.2C:33-13, including a juvenile who has reached the age of 18  
21 years after being charged, shall not be placed in any prison, jail or  
22 lockup nor detained in any police station, except that if no other  
23 facility is reasonably available a juvenile may be held in a police station  
24 in a place other than one designed for the detention of prisoners and  
25 apart from any adult charged with or convicted of crime for a brief  
26 period if such holding is necessary to allow release to his parent,  
27 guardian, other suitable person, or approved facility. No juvenile shall  
28 be placed in a detention facility which has reached its maximum  
29 population capacity, as designated by the Department of Corrections.

30 (2) A juvenile charged with delinquency who has been waived to  
31 another court pursuant to the provisions of section 7 of P.L.1982, c.77  
32 (C.2A:4A-26) shall be placed in any prison, jail or lockup separate and

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

**Matter underlined thus is new matter.**

1 apart from any adult charged with or convicted of a crime.

2 d. [No] Except as provided in paragraph (2) of subsection c. of this  
3 section, no juvenile charged with delinquency shall be transferred to  
4 an adult county jail solely by reason of having reached age 18.

5 e. (1) The Department of Corrections and the Department of  
6 Human Services shall promulgate such rules and regulations from time  
7 to time as deemed necessary to establish minimum physical facility and  
8 program standards for juvenile detention facilities or shelters under  
9 their respective supervision.

10 (2) The Department of Corrections and the Department of Human  
11 Services, in consultation with the appropriate county administrator of  
12 the county facility or shelter, shall assign a maximum population  
13 capacity for each juvenile detention facility or shelter based on  
14 minimum standards for these facilities.

15 f. (1) Where either the Department of Corrections or the  
16 Department of Human Services determines that a juvenile detention  
17 facility or shelter under its control or authority is regularly over the  
18 maximum population capacity or is in willful and continuous disregard  
19 of the minimum standards for these facilities or shelters, the  
20 department may restrict new admissions to the facility or shelter.

21 (2) Upon making such determination, the department shall notify  
22 the governing body of the appropriate county of its decision to impose  
23 such a restriction, which notification shall include a written statement  
24 specifying the reasons therefor and corrections to be made. If the  
25 department shall determine that no appropriate action has been  
26 initiated by the administrator of the facility or shelter within 60 days  
27 following such notification to correct the violations specified in the  
28 notification, it shall order that such juvenile detention facility or shelter  
29 shall immediately cease to admit juveniles. The county shall be  
30 entitled to a hearing where such a restriction is imposed by the  
31 department.

32 (3) Any juvenile detention facility or shelter so restricted shall  
33 continue under such order until such time as the department  
34 determines that the violation specified in the notice has been corrected  
35 or that the facility or shelter has initiated actions which will ensure the  
36 correction of said violations.

37 (4) Upon the issuance of an order to cease admissions to a juvenile  
38 detention facility or shelter, the department shall determine whether  
39 other juvenile detention facilities or shelters have adequate room for  
40 admitting juveniles and shall assign the juveniles to the facilities or  
41 shelters on the basis of available space; provided that the department  
42 shall not assign the juvenile to a facility or shelter where such facility  
43 or shelter is at the maximum population. A juvenile detention facility  
44 or shelter ordered to accept a juvenile shall do so within five days  
45 following the receipt of an order to accept admission of such juvenile.

46 (5) A juvenile detention facility or shelter restricted by an order to

1 cease admissions shall assume responsibility for the transportation of  
2 a juvenile sent to another juvenile detention facility or shelter so long  
3 as the order shall remain in effect.

4 (6) A facility or shelter receiving juveniles pursuant to paragraph  
5 (4) of this subsection shall receive from the sending county a  
6 reasonable and appropriate per diem allowance for each juvenile sent  
7 to the facility, such allowance to be used for the custody, care,  
8 maintenance, and any other services normally provided by the county  
9 to juveniles in the facility or shelter and which reflects all county  
10 expenditures in maintaining such juvenile, including a proportionate  
11 share of all buildings and grounds costs, personnel costs, including  
12 fringe benefits, administrative costs and all other direct and indirect  
13 costs.

14 (7) The governing body of a county whose juvenile detention  
15 facility or shelter has been prohibited from accepting new admissions,  
16 and whose juveniles have been assigned to other juvenile detention  
17 facilities or shelters, shall appropriate an amount to pay the county  
18 receiving such juveniles for all expenses incurred pursuant to  
19 paragraph (6) of this subsection.

20 (cf: P.L.1989, c.125, s.2)

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22 2. Section 17 of P.L. 1982 (C.2A:4A-36) is repealed.

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24 3. This act shall take effect immediately.

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#### STATEMENT

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29 Currently juveniles being held for any charge of delinquency,  
30 including juveniles who are 18 years old, are being detained in juvenile  
31 detention facilities while they are await trial. However, under the  
32 provisions of N.J.S.2A:4A-36, the court may place a juvenile in an  
33 adult detention facility after a hearing on the matter.

34 This bill would require the court to place all juveniles who have  
35 been waived to adult court in any prison, jail or lockup provided that  
36 the juveniles are kept separate and apart from any adult inmate.

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41 Requires juveniles waived to adult court to be placed in adult  
42 incarceration facilities, separate from adult inmates.