

# ASSEMBLY, No. 1201

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## STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DALTON

1    **AN ACT** concerning juveniles and amending P.L.1982, c.77.

2

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

5

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

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

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

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

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

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

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

23            (6) Whether the disposition recognizes and treats the unique  
24       physical, psychological and social characteristics and needs of the  
25       child;

26            (7) Whether the disposition contributes to the developmental needs  
27       of the child, including the academic and social needs of the child where  
28       he has mental retardation or learning disabilities; and

29            (8) Any other circumstances related to the offense and the  
30       juvenile's social history as deemed appropriate by the court.

31            b. If a juvenile is adjudged delinquent, and except to the extent that  
32       an additional specific disposition is required pursuant to subsection e.

**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     [or], f. or g. of this section, the court may order incarceration pursuant  
2     to section 25 of this act or any one or more of the following  
3     dispositions:

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

14         (2) Release the juvenile to the supervision of his or her parent or  
15    guardian;

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

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

23         (5) Place the juvenile under the care of the Department of Human  
24    Services under the responsibility of the Division of Youth and Family  
25    Services pursuant to subsection (c) of P.L.1951, c.138, s.2  
26    (C.30:4C-2) for the purpose of providing services in or out of the  
27    home. Within 14 days, unless for good cause shown, but not later  
28    than 30 days, the Department of Human Services shall submit to the  
29    court a service plan, which shall be presumed valid, detailing the  
30    specifics of any disposition order. The plan shall be developed within  
31    the limits of fiscal and other resources available to the department. If  
32    the court determines that the service plan is inappropriate, given  
33    existing resources, the department may request a hearing on that  
34    determination;

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

40         (7) Commit the juvenile, pursuant to the laws governing civil  
41    commitment, to the Department of Human Services under the  
42    responsibility of the Division of Mental Health and Hospitals for the  
43    purpose of placement in a suitable public or private hospital or other  
44    residential facility for the treatment of persons who are mentally ill, on  
45    the ground that the juvenile, if not committed, would be a probable  
46    danger to himself or others or property by reason of mental illness;

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

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

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

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

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

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

44      (14) Place the juvenile in a suitable residential or nonresidential  
45 program for the treatment of alcohol or narcotic abuse, provided that  
46 the juvenile has been determined to be in need of such services; [or]

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

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

14       (b) Place the juvenile under the custody of the Department of  
15 Corrections for placement with any private group home or private  
16 residential facility with which the department has entered into a  
17 purchase of service contract;

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

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

31       (19) Order a parent or guardian who has failed or neglected to  
32 exercise reasonable supervision or control of a juvenile who has been  
33 adjudicated delinquent for an offense which, if committed by an adult,  
34 would constitute the crime of theft of a motor vehicle or unlawful  
35 taking of a motor vehicle to make restitution to any person or entity  
36 who has suffered a loss as a result of that offense. The court may  
37 determine the reasonable amount, terms and conditions of restitution.

38       c. (1) Except as otherwise provided in subsections e. [and], f. or  
39 g. of this section, if the county in which the juvenile has been  
40 adjudicated delinquent has a juvenile detention facility meeting the  
41 physical and program standards established pursuant to this subsection  
42 by the Department of Corrections, the court may, in addition to any of  
43 the dispositions not involving placement out of the home enumerated  
44 in this section, incarcerate the juvenile in the youth detention facility  
45 in that county for a term not to exceed 60 consecutive days. Counties  
46 which do not operate their own juvenile detention facilities may

1 contract for the use of approved commitment programs with counties  
2 with which they have established agreements for the use of  
3 pre-disposition juvenile detention facilities. The Department of  
4 Corrections shall promulgate such rules and regulations from time to  
5 time as deemed necessary to establish minimum physical facility and  
6 program standards for the use of juvenile detention facilities pursuant  
7 to this subsection.

8 (2) No juvenile may be incarcerated in any county detention facility  
9 unless the county has entered into an agreement with the Department  
10 of Corrections concerning the use of the facility for sentenced  
11 juveniles. Upon agreement with the county, the Department of  
12 Corrections shall certify detention facilities which may receive  
13 juveniles sentenced pursuant to this subsection and shall specify the  
14 capacity of the facility that may be made available to receive such  
15 juveniles; provided, however, that in no event shall the number of  
16 juveniles incarcerated pursuant to this subsection exceed 50% of the  
17 maximum capacity of the facility.

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

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

23 (b) Incarceration of the juvenile is consistent with the rehabilitative  
24 goals of this act and the court is clearly convinced that the  
25 aggravating factors substantially outweigh the mitigating factors as set  
26 forth in section 25 of this act; and

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

29 (4) If as a result of incarceration of adjudicated juveniles pursuant  
30 to this subsection, a county is required to transport a predisposition  
31 juvenile to a juvenile detention facility in another county, the costs of  
32 such transportation shall be borne by the Department of Corrections.

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

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

46 (1) An order of incarceration for a term of the duration authorized

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

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

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

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

38       f. (1) The minimum terms of incarceration required pursuant to  
39 subsection e. of this section shall be imposed regardless of the weight  
40 or balance of factors set forth in this section or in section 25 of  
41 P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of those  
42 factors shall determine the length of the term of incarceration  
43 appropriate, if any, beyond any mandatory minimum term required  
44 pursuant to subsection e. of this section. No time spent in custody  
45 prior to adjudication of delinquency shall be considered as time served  
46 on a mandatory minimum term of incarceration pursuant to subsection

1 e. of this section.

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

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

18       g. (1) In addition to any disposition the court may impose  
19 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44),  
20 the court may impose an adult sentence which shall be stayed on the  
21 condition that the juvenile not be adjudicated delinquent for any  
22 criminal offense within one year after completing the juvenile  
23 disposition.

24       (2) When it appears that a juvenile has violated the conditions of  
25 the juvenile disposition, the court may temporarily revoke the stay of  
26 the adult sentence and direct that the juvenile be taken into immediate  
27 custody. The court shall hold a hearing to determine whether the  
28 juvenile violated the conditions of the disposition. If the court  
29 determines that the juvenile violated the conditions of the disposition  
30 the court shall permanently revoke the stay of the adult sentence and  
31 the juvenile shall serve the adult sentence.

32 (cf: P.L.1993, c.133, s.1)

33

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

36       25. Incarceration--Aggravating and Mitigating Factors.

37       a. (1) Except as provided in subsections e. [and], f. and g. of  
38 section 24 of P.L.1982, c.77 (C.2A:4A-43), in determining whether  
39 incarceration is an appropriate disposition, the court shall consider the  
40 following aggravating circumstances:

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

44       (b) The fact that there was grave and serious harm inflicted on the  
45 victim and that based upon his age or mental capacity the juvenile  
46 knew or reasonably should have known that the victim was particularly

1 vulnerable or incapable of resistance due to advanced age, disability,  
2 ill-health, or extreme youth, or was for any other reason substantially  
3 incapable;

4 (c) The character and attitude of the juvenile indicate that he is  
5 likely to commit another delinquent or criminal act;

6 (d) The juvenile's prior record and the seriousness of any acts for  
7 which he has been adjudicated delinquent;

8 (e) The fact that the juvenile committed the act pursuant to an  
9 agreement that he either pay or be paid for the commission of the act  
10 and that the pecuniary incentive was beyond that inherent in the act  
11 itself;

12 (f) The fact that the juvenile committed the act against a policeman  
13 or other law enforcement officer, correctional employee or fireman,  
14 acting in the performance of his duties while in uniform or exhibiting  
15 evidence of his authority, or the juvenile committed the act because of  
16 the status of the victim as a public servant;

17 (g) The need for deterring the juvenile and others from violating  
18 the law;

19 (h) The fact that the juvenile knowingly conspired with others as  
20 an organizer, supervisor, or manager to commit continuing criminal  
21 activity in concert with two or more persons and the circumstances of  
22 the crime show that he has knowingly devoted himself to criminal  
23 activity as part of an ongoing business activity;

24 (i) The fact that the juvenile on two separate occasions was  
25 adjudged a delinquent on the basis of acts which if committed by an  
26 adult would constitute crimes.

27 (2) In determining whether incarceration is an appropriate  
28 disposition the court shall consider the following mitigating  
29 circumstances:

30 (a) The child is under the age of 14;

31 (b) The juvenile's conduct neither caused nor threatened serious  
32 harm;

33 (c) The juvenile did not contemplate that his conduct would cause  
34 or threaten serious harm;

35 (d) The juvenile acted under a strong provocation;

36 (e) There were substantial grounds tending to excuse or justify the  
37 juvenile's conduct, though failing to establish a defense;

38 (f) The victim of the juvenile's conduct induced or facilitated its  
39 commission;

40 (g) The juvenile has compensated or will compensate the victim for  
41 the damage or injury that the victim has sustained, or will participate  
42 in a program of community service;

43 (h) The juvenile has no history of prior delinquency or criminal  
44 activity or has led a law-abiding life for a substantial period of time  
45 before the commission of the present act;

46 (i) The juvenile's conduct was the result of circumstances unlikely

1 to recur;

2 (j) The character and attitude of the juvenile indicate that he is  
3 unlikely to commit another delinquent or criminal act;

4 (k) The juvenile is particularly likely to respond affirmatively to  
5 noncustodial treatment;

6 (l) The separation of the juvenile from his family by incarceration  
7 of the juvenile would entail excessive hardship to himself or his family;

8 (m) The willingness of the juvenile to cooperate with law  
9 enforcement authorities;

10 (n) The conduct of the juvenile was substantially influenced by  
11 another person more mature than the juvenile.

12 b. (1) There shall be a presumption of nonincarceration for any  
13 crime or offense of the fourth degree or less committed by a juvenile  
14 who has not previously been adjudicated delinquent or convicted of a  
15 crime or offense.

16 (2) Where incarceration is imposed, the court shall consider the  
17 juvenile's eligibility for release under the law governing parole.

18 c. The following juveniles shall not be committed to a State  
19 correctional facility:

20 (1) Juveniles age 11 or under unless adjudicated delinquent for the  
21 crime of arson or a crime which, if committed by an adult, would be  
22 a crime of the first or second degree; and

23 (2) Juveniles who are developmentally disabled as defined in  
24 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82  
25 (C.30:6D-3).

26 d. (1) When the court determines that, based on the consideration  
27 of all the factors set forth in subsection a., the juvenile shall be  
28 incarcerated, unless it orders the incarceration pursuant to subsection  
29 c. of section 24 of this act, it shall state on the record the reasons for  
30 imposing incarceration, including any findings with regard to these  
31 factors, and commit the juvenile to a suitable institution maintained by  
32 the Department of Corrections for the rehabilitation of delinquents  
33 pursuant to the conditions set forth in this subsection and for terms not  
34 to exceed the maximum terms as provided herein for what would  
35 constitute the following crimes if committed by an adult:

36 (a) Murder under 2C:11-3a(1) or (2) .....20 years

37 (b) Murder under 2C:11-3a(3) .....10 years

38 (c) Crime of the first degree, except murder ....4 years

39 (d) Crime of the second degree .....3 years

40 (e) Crime of the third degree .....2 years

41 (f) Crime of the fourth degree .....1 year

42 (g) Disorderly persons offense .....6 months

43 (2) Except as provided in subsection e. of section 24 of P.L.1982,  
44 c.77 (C.2A:4A-43), the period of confinement shall continue until the  
45 appropriate paroling authority determines that such a person should be  
46 paroled; except that in no case shall the period of confinement and

1 parole exceed the maximum provided by law for such offense.  
2 However, if a juvenile is approved for parole prior to serving one-third  
3 of any term imposed for any crime of the first, second or third degree,  
4 including any extended term imposed pursuant to paragraph (3) or (4)  
5 of this subsection, or one-fourth of any term imposed for any other  
6 crime the granting of parole shall be subject to approval of the  
7 sentencing court. Prior to approving parole, the court shall give the  
8 prosecuting attorney notice and an opportunity to be heard. If the  
9 court denies the parole of a juvenile pursuant to this paragraph it shall  
10 state its reasons in writing and notify the parole board, the juvenile and  
11 the juvenile's attorney. The court shall have 30 days from the date of  
12 notice of the pending parole to exercise the power granted under this  
13 paragraph. If the court does not respond within that time period, the  
14 parole will be deemed approved.

15 Any juvenile committed under this act who is released on parole  
16 prior to the expiration of his maximum term may be retained under  
17 parole supervision for a period not exceeding the unserved portion of  
18 the term. The Parole Board, the juvenile, his attorney, his parent or  
19 guardian or, with leave of the court any other interested party, may  
20 make a motion to the court, with notice to the prosecuting attorney,  
21 for the return of the child from a correctional institution prior to his  
22 parole and provide for an alternative disposition which would not  
23 exceed the duration of the original time to be served in the institution.  
24 Nothing contained in this paragraph shall be construed to limit the  
25 authority of the Parole Board as set forth in Section 15 of P.L.1979,  
26 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 adjudged delinquent on at  
32 least two separate occasions, for offenses which, if committed by an  
33 adult, would constitute a crime of the first or second degree, and was  
34 previously committed to an adult or juvenile State correctional facility.  
35 The extended term shall not exceed five additional years for an act  
36 which would constitute murder and shall not exceed two additional  
37 years for all other crimes of the first degree or second degree, if  
38 committed by an adult, and one additional year for a crime of the third  
39 degree, if committed by an adult.

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

1 adjudicated plus two additional years.

2 (cf: P.L.1993, c.133, s.2)

3

4 3. This act shall take effect immediately.

5

6

7 STATEMENT

8

9 Presently, a juvenile who commits a serious offense may be waived  
10 up to adult court or tried in family court. Under the provisions of this  
11 bill, the court would have the option of imposing a juvenile disposition  
12 with a conditional adult sentence. In addition to any other juvenile  
13 disposition, the court would impose an adult sentence, which would  
14 be stayed on the condition that the juvenile not be adjudicated  
15 delinquent for any criminal offense within one year after completing  
16 the juvenile disposition. If the juvenile violates the conditions of the  
17 juvenile disposition the court would temporarily revoke the stay of the  
18 adult sentence and the juvenile would be taken into custody. The  
19 court would hold a hearing to determine whether the juvenile violated  
20 the conditions of the disposition. If the court determines that the  
21 conditions were violated the stay of the adult sentence would be  
22 revoked and the juvenile would begin serving the adult sentence.

23 It is the sponsor's intent in creating this unique sentencing option  
24 to give the court the tools to reach those juveniles who commit serious  
25 offenses but cannot be waived to adult court because they do not  
26 satisfy the conditions for a waiver.

27

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29

30

31 Providing for adult sentence for certain juveniles.