

[First Reprint]  
ASSEMBLY, No. 1458

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen ASSELTA, GIBSON, Blee, Holzapfel, Wolfe,  
Stuhltrager, Augustine, Bagger, Kelly, Barnes and  
Assemblywoman Buono

1 AN ACT concerning the establishing of specialized county  
2 rehabilitative programs for certain juvenile offenders, <sup>1</sup>[and]<sup>1</sup>  
3 supplementing chapter 8 of Title 30 of the Revised Statutes and  
4 P.L.1970, c.13 (C.5:9-1 et seq.) <sup>1</sup>, and amending P.L.1982, c.77<sup>1</sup>.

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

8  
9 1. This act shall be known and may be cited as the “Juvenile  
10 Offender Rehabilitation Act.”

11  
12 2. The Legislature finds that specialized rehabilitation programs  
13 which utilize proven military techniques of regimentation and  
14 structured discipline have been shown to develop positive attitudes  
15 and behavior traits in juvenile offenders; such programs foster self-  
16 control, self-respect, and dramatically improve a juvenile offender’s  
17 potential for rehabilitation and re-integration into the community; and,  
18 by complementing that regimen and structure with education,  
19 vocational training, counseling, and aftercare services, such a program  
20 can significantly reduce recidivism among juvenile offenders.

21 The Legislature, therefore, declares that the counties of this State  
22 should be authorized to establish and maintain specialized  
23 rehabilitation programs for juvenile offenders; these specialized  
24 programs should be designed as short-term incarcerations during  
25 which the juvenile offender is exposed to a highly structured routine  
26 of discipline, intensive regimentation, exercise and work therapy,  
27 together with substance abuse treatment, self-improvement counseling,  
28 and educational and vocational training; and following the term of  
29 incarceration, the program should provide a period of intensive

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALP committee amendments adopted February 3, 1997.

1 aftercare supervision or mentoring for the juvenile offender.

2

3 3. As used in this act:

4 “Commission” means the Juvenile Justice Commission established  
5 pursuant to <sup>1</sup>[P.L. , c. (C. )(now pending before the  
6 Legislature as Senate, No. 2211(2R) of 1995)] section 2 of P.L.1996,  
7 c.284 (C.52:17B-170)<sup>1</sup>.

8 “Juvenile offender” means a person <sup>1</sup>[ at least 14 years old and]<sup>1</sup>  
9 under the age of 18 who has been adjudicated delinquent for an act  
10 which, if committed by an adult, would constitute a crime of the third  
11 or fourth degree, excluding an adjudication for any act which would  
12 constitute a crime under chapter 14 of Title 2C of the New Jersey  
13 Statutes.

14

15 4. a. The governing body of any county, by resolution or  
16 ordinance, as appropriate, may establish and maintain a juvenile  
17 offender rehabilitation program.

18 b. The governing bodies of two or more counties, in accordance  
19 with the provisions of the “Interlocal Services Act,” P.L.1973, c.208  
20 (C.40:8A-1 et seq.), may establish and maintain a joint juvenile  
21 offender rehabilitation program.

22

23 5. A juvenile offender rehabilitation program established and  
24 maintained pursuant to this act shall consist of the following  
25 components:

26 a. A comprehensive, <sup>1</sup>[four to six week]<sup>1</sup> residential program <sup>1</sup>for  
27 a minimum period of four weeks<sup>1</sup> consisting of:

28 (1) Highly structured routines of discipline;

29 (2) Physical exercise;

30 (3) Work;

31 (4) Substance abuse counseling;

32 (5) Educational and vocational counseling <sup>1</sup>[:] and<sup>1</sup>

33 (6) <sup>1</sup>[Psychological counseling; and

34 (7)]<sup>1</sup> Self-improvement and personal growth counseling stressing  
35 moral values and cognitive reasoning.

36 b. A six to nine month aftercare or mentoring program. The  
37 program, which may include a residential period, shall consist of  
38 counseling services and assistance, including, but not limited to:  
39 educational and vocational counseling and assistance; psychological  
40 counseling; substance abuse counseling and assistance; personal  
41 development and self-improvement counseling; and counseling and  
42 assistance relating to the juvenile’s re-integration into his family and  
43 the community.

44

45 <sup>1</sup>[6. In imposing a term of incarceration on a juvenile offender, if  
46 information obtained during court proceedings or information

1 contained in the presentence investigation and report prepared for the  
2 court prior to sentencing leads the court to conclude that the offender  
3 may be eligible for participation in the juvenile offender program the  
4 county has established and maintains pursuant to the provisions of this  
5 act, the court shall note that conclusion and the reasons for it in  
6 writing and shall include it as part of the juvenile's record to be  
7 forwarded to the Juvenile Justice Commission.]<sup>1</sup>

8  
9 <sup>1</sup>[7. a.] 6.<sup>1</sup> Any juvenile offender who is serving a term of  
10 incarceration at a facility operated by the commission may:

11 <sup>1</sup>[(1)] a.<sup>1</sup> request admission to the juvenile offender program  
12 maintained by the county wherein the juvenile offender <sup>1</sup>[is  
13 incarcerated] resides<sup>1</sup>; or

14 <sup>1</sup>[(2)] b.<sup>1</sup> be offered admission to the juvenile offender program  
15 by the commission, if, following its assessment of the juvenile  
16 offender's record, the commission determines that the offender is an  
17 appropriate candidate for the program.

18  
19 <sup>1</sup>[b.] 7.<sup>1</sup> If an offender fails to comply with the requirements of the  
20 juvenile offender program, the offender shall be <sup>1</sup>[returned to] placed  
21 in<sup>1</sup> the custody of the commission to serve the remainder of the  
22 sentence originally imposed and shall be eligible for parole pursuant to  
23 the provisions of P.L.1979, c. 441 (C.30:4-123.45 et seq.). The  
24 offender shall not subsequently be eligible for re-admission at any time  
25 to any program established and maintained pursuant to the provisions  
26 of this act.

27  
28 8. Notwithstanding any other provisions of law to the contrary  
29 concerning primary parole eligibility dates and parole release dates of  
30 juvenile inmates, <sup>1</sup>whenever<sup>1</sup> a person <sup>1</sup>[who]<sup>1</sup> successfully completes  
31 a juvenile offender rehabilitation program established and maintained  
32 pursuant to this act <sup>1</sup>, the sentencing judge<sup>1</sup> shall <sup>1</sup>[not] determine  
33 whether that person shall<sup>1</sup> be required to serve parole.

34  
35 9. Nothing in this act shall be construed to exempt any person who  
36 is admitted to a juvenile offender program established and maintained  
37 pursuant to the provisions of this act from the payment of any fine,  
38 penalty, restitution or other financial obligation imposed by law or the  
39 court as a result of any adjudication.

40  
41 10. For the purposes of P.L.1970, c.13 (C.5:9-1 et seq.), a juvenile  
42 offender rehabilitation program established and maintained pursuant  
43 to the provisions of P.L. , c. (C. )(now pending before the  
44 Legislature as this bill) shall be considered an education program  
45 eligible for State aid <sup>1</sup>, to the extent permitted by law.<sup>1</sup> from the net  
46 proceeds of any State lottery; provided, however, no such program,

1 regardless of whether that program is established and maintained by  
2 one county or by two or more counties, shall receive in any fiscal year  
3 an amount of State aid under the provisions of this section more than  
4 either the actual cost of the program or \$1,000,000, whichever is less.  
5

6 <sup>1</sup>[11. The commission, in accordance with the provisions of the  
7 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
8 seq.), shall promulgated rules and regulations to effectuate the  
9 purposes of this act. Those rules and regulations shall include, but not  
10 be limited to, minimum standards and guidelines for the several  
11 component parts of the residential and aftercare elements of a program  
12 set forth in section 4 of this act; procedures concerning the voluntary  
13 admission of incarcerated juvenile offenders into a program; and  
14 procedures providing for the commission’s monitoring and evaluating  
15 of the effectiveness of each program.]<sup>1</sup>  
16

17 <sup>1</sup>11. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to  
18 read as follows:

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

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

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

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

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

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

34 (6) Whether the disposition recognizes and treats the unique  
35 physical, psychological and social characteristics and needs of the  
36 child;

37 (7) Whether the disposition contributes to the developmental needs  
38 of the child, including the academic and social needs of the child where  
39 the child has mental retardation or learning disabilities; and

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

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

1 (1) Adjourn formal entry of disposition of the case for a period not  
2 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 may  
9 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 parent  
12 or guardian;

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

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

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

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

37 (7) Commit the juvenile, pursuant to applicable laws and the Rules  
38 of Court governing civil commitment, to the Department of Human  
39 Services under the responsibility of the Division of Mental Health  
40 Services for the purpose of placement in a suitable public or private  
41 hospital or other residential facility for the treatment of persons who  
42 are mentally ill, on the ground that the juvenile is in need of  
43 involuntary commitment;

44 (8) Fine the juvenile an amount not to exceed the maximum  
45 provided by law for such a crime or offense if committed by an adult  
46 and which is consistent with the juvenile's income or ability to pay and

1 financial responsibility to the juvenile's family, provided that the fine  
2 is specially adapted to the rehabilitation of the juvenile or to the  
3 deterrence of the type of crime or offense. If the fine is not paid due  
4 to financial limitations, the fine may be satisfied by requiring the  
5 juvenile to submit to any other appropriate disposition provided for in  
6 this section;

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

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

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

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

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

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

45 (15) Order the parent or guardian of the juvenile to participate in  
46 appropriate programs or services when the court has found either that

1 such person's omission or conduct was a significant contributing factor  
2 towards the commission of the delinquent act, or, under its authority  
3 to enforce litigant's rights, that such person's omission or conduct has  
4 been a significant contributing factor towards the ineffective  
5 implementation of a court order previously entered in relation to the  
6 juvenile;

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

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

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

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

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

36 (20) Place the juvenile, if eligible, in an appropriate juvenile  
37 offender program established pursuant to P.L. , c. (C. )(now  
38 pending before the Legislature as this bill).

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

1 which do not operate their own juvenile detention facilities may  
2 contract for the use of approved commitment programs with counties  
3 with which they have established agreements for the use of  
4 pre-disposition juvenile detention facilities. The Juvenile Justice  
5 Commission shall promulgate such rules and regulations from time to  
6 time as deemed necessary to establish minimum physical facility and  
7 program standards for the use of juvenile detention facilities pursuant  
8 to this subsection.

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

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

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

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

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

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

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

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

1 set forth below:

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

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

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

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

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

1 (2) When a court in a county that does not have a juvenile  
2 detention facility or a contractual relationship permitting incarceration  
3 pursuant to subsection c. of this section is required to impose a term  
4 of incarceration pursuant to subsection e. of this section, the court  
5 may, subject to limitations on commitment to State correctional  
6 facilities of juveniles who are under the age of 11 or developmentally  
7 disabled, set a 0term of incarceration consistent with subsection c.  
8 which shall be served in a State correctional facility. When a juvenile  
9 who because of age or developmental disability cannot be committed  
10 to a State correctional facility or cannot be incarcerated in a county  
11 facility, the court shall order a disposition appropriate as an alternative  
12 to any incarceration required pursuant to subsection e.

13 (3) For purposes of subsection e. of this section, in the event that  
14 a "boot camp" program for juvenile offenders should be developed and  
15 is available, a term of commitment to such a program shall be  
16 considered a term of incarceration.<sup>1</sup>

17 (cf: P.L.1995, c.280, s.10)

18

19 12. This act shall take effect on the first day of the sixth month  
20 following enactment, except that section 9 shall take effect  
21 immediately.

22

23

24

25

26 \_\_\_\_\_  
Permits counties to establish boot camps for juvenile offenders.