

ASSEMBLY, No. 1467

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen STEELE and PASCRELL

1 AN ACT establishing a summer boot camp program for juveniles,
2 amending P.L.1982, c.77 and supplementing Title 30 of the Revised
3 Statutes.

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

7
8 1. (New section) The Legislature finds and declares:

9 a. There is a need to provide for an alternative disposition for
10 certain youth 12 years of age and older who are adjudicated
11 delinquent. This alternative would feature a special summer program
12 of boot camp, stressing a structured routine of discipline, intensive
13 regimentation, exercise, substance abuse workshops, education and
14 self-improvement counseling.

15 b. The primary goal of this program is to divert young people from
16 long-term involvement with the criminal justice system by providing
17 a short term period of treatment in a confined setting which impresses
18 upon juveniles the harsh realities of prison confinement.

19 c. This program fosters self control, self-respect, maturity,
20 teamwork, and improved work habits. It provides juveniles with a
21 rehabilitation experience which may positively influence their behavior
22 and help thwart future criminal activity upon their release from the
23 juvenile system.

24 Therefore, the Department of Corrections shall establish a juvenile
25 summer boot camp program pursuant to the provisions of this act.

26
27 2. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to read
28 as follows:

29 24. Disposition of delinquency cases. a. In determining the
30 appropriate disposition for a juvenile adjudicated delinquent the court
31 shall weigh the following factors:

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

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

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 (3) The juvenile's age, previous record, prior social service
2 received and out-of-home placement history;
- 3 (4) Whether the disposition supports family strength, responsibility
4 and unity and the well-being and physical safety of the juvenile;
- 5 (5) Whether the disposition provides for reasonable participation
6 by the child's parent, guardian, or custodian, provided, however, that
7 the failure of a parent or parents to cooperate in the disposition shall
8 not be weighed against the juvenile in arriving at an appropriate
9 disposition;
- 10 (6) Whether the disposition recognizes and treats the unique
11 physical, psychological and social characteristics and needs of the
12 child;
- 13 (7) Whether the disposition contributes to the developmental needs
14 of the child, including the academic and social needs of the child where
15 the child has mental retardation or learning disabilities; and
- 16 (8) Any other circumstances related to the offense and the
17 juvenile's social history as deemed appropriate by the court.
- 18 b. If a juvenile is adjudged delinquent, and except to the extent
19 that an additional specific disposition is required pursuant to
20 subsection e. or f. of this section, the court may order incarceration
21 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one or
22 more of the following dispositions:
- 23 (1) Adjourn formal entry of disposition of the case for a period not
24 to exceed 12 months for the purpose of determining whether the
25 juvenile makes a satisfactory adjustment, and if during the period of
26 continuance the juvenile makes such an adjustment, dismiss the
27 complaint; provided that if the court adjourns formal entry of
28 disposition of delinquency for a violation of an offense defined in
29 chapter 35 or 36 of Title 2C, of the New Jersey Statutes the court
30 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but may
31 waive imposition of the penalty set forth in N.J.S.2C:35-16 for
32 juveniles adjudicated delinquent;
- 33 (2) Release the juvenile to the supervision of the juvenile's parent
34 or guardian;
- 35 (3) Place the juvenile on probation to the chief probation officer of
36 the county or to any other suitable person who agrees to accept the
37 duty of probation supervision for a period not to exceed three years
38 upon such written conditions as the court deems will aid rehabilitation
39 of the juvenile;
- 40 (4) Transfer custody of the juvenile to any relative or other person
41 determined by the court to be qualified to care for the juvenile;
- 42 (5) Place the juvenile under the care of the Department of Human
43 Services under the responsibility of the Division of Youth and Family
44 Services pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the
45 purpose of providing services in or out of the home. Within 14 days,
46 unless for good cause shown, but not later than 30 days, the

1 Department of Human Services shall submit to the court a service
2 plan, which shall be presumed valid, detailing the specifics of any
3 disposition order. The plan shall be developed within the limits of
4 fiscal and other resources available to the department. If the court
5 determines that the service plan is inappropriate, given existing
6 resources, the department may request a hearing on that
7 determination;

8 (6) Place the juvenile under the care and custody of the
9 Commissioner of the Department of Human Services for the purpose
10 of receiving the services of the Division of Developmental Disabilities
11 of that department, provided that the juvenile has been determined to
12 be eligible for those services under section 16 of P.L.1965, c.59 [,
13 s.16] (C.30:4-25.4);

14 (7) Commit the juvenile, pursuant to applicable laws and the Rules
15 of Court governing civil commitment, to the Department of Human
16 Services under the responsibility of the Division of Mental Health
17 Services for the purpose of placement in a suitable public or private
18 hospital or other residential facility for the treatment of persons who
19 are mentally ill, on the ground that the juvenile is in need of
20 involuntary commitment;

21 (8) Fine the juvenile an amount not to exceed the maximum
22 provided by law for such a crime or offense if committed by an adult
23 and which is consistent with the juvenile's income or ability to pay and
24 financial responsibility to the juvenile's family, provided that the fine
25 is specially adapted to the rehabilitation of the juvenile or to the
26 deterrence of the type of crime or offense. If the fine is not paid due
27 to financial limitations, the fine may be satisfied by requiring the
28 juvenile to submit to any other appropriate disposition provided for in
29 this section;

30 (9) Order the juvenile to make restitution to a person or entity who
31 has suffered loss resulting from personal injuries or damage to
32 property as a result of the offense for which the juvenile has been
33 adjudicated delinquent. The court may determine the reasonable
34 amount, terms and conditions of restitution. If the juvenile
35 participated in the offense with other persons, the participants shall be
36 jointly and severally responsible for the payment of restitution. The
37 court shall not require a juvenile to make full or partial restitution if
38 the juvenile reasonably satisfies the court that the juvenile does not
39 have the means to make restitution and could not reasonably acquire
40 the means to pay restitution;

41 (10) Order that the juvenile perform community services under the
42 supervision of a probation division or other agency or individual
43 deemed appropriate by the court. Such services shall be compulsory
44 and reasonable in terms of nature and duration. Such services may be
45 performed without compensation, provided that any money earned by
46 the juvenile from the performance of community services may be

1 applied towards any payment of restitution or fine which the court has
2 ordered the juvenile to pay;

3 (11) Order that the juvenile participate in work programs which are
4 designed to provide job skills and specific employment training to
5 enhance the employability of job participants. Such programs may be
6 without compensation, provided that any money earned by the juvenile
7 from participation in a work program may be applied towards any
8 payment of restitution or fine which the court has ordered the juvenile
9 to pay;

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

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

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

22 (15) Order the parent or guardian of the juvenile to participate in
23 appropriate programs or services when the court has found either that
24 such person's omission or conduct was a significant contributing factor
25 towards the commission of the delinquent act, or, under its authority
26 to enforce litigant's rights, that such person's omission or conduct has
27 been a significant contributing factor towards the ineffective
28 implementation of a court order previously entered in relation to the
29 juvenile;

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

35 (b) Place the juvenile under the custody of the Juvenile Justice
36 Commission established pursuant to section 2 of P.L.1995, c.284
37 (C.52:17B-169 et seq.)[(now pending before the Legislature as
38 section 2 of Assembly Bill No. of 1995 or Senate Bill No. of
39 1995)] for placement with any private group home or private
40 residential facility with which the commission has entered into a
41 purchase of service contract;

42 (c) Place the juvenile if the juvenile is 12 years of age or older
43 under the custody of the Department of Corrections for placement in
44 a summer boot camp program established pursuant to P.L. , c.
45 (C.) (now pending before the Legislature as this bill);

46 (17) Instead of or in addition to any disposition made according to

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

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

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

18 c. (1) Except as otherwise provided in subsections e. and f. of this
19 section, if the county in which the juvenile has been adjudicated
20 delinquent has a juvenile detention facility meeting the physical and
21 program standards established pursuant to this subsection by the
22 Juvenile Justice Commission, the court may, in addition to any of the
23 dispositions not involving placement out of the home enumerated in
24 this section, incarcerate the juvenile in the youth detention facility in
25 that county for a term not to exceed 60 consecutive days. Counties
26 which do not operate their own juvenile detention facilities may
27 contract for the use of approved commitment programs with counties
28 with which they have established agreements for the use of
29 pre-disposition juvenile detention facilities. The Juvenile Justice
30 Commission shall promulgate such rules and regulations from time to
31 time as deemed necessary to establish minimum physical facility and
32 program standards for the use of juvenile detention facilities pursuant
33 to this subsection.

34 (2) No juvenile may be incarcerated in any county detention facility
35 unless the county has entered into an agreement with the Juvenile
36 Justice Commission concerning the use of the facility for sentenced
37 juveniles. Upon agreement with the county, the Juvenile Justice
38 Commission shall certify detention facilities which may receive
39 juveniles sentenced pursuant to this subsection and shall specify the
40 capacity of the facility that may be made available to receive such
41 juveniles; provided, however, that in no event shall the number of
42 juveniles incarcerated pursuant to this subsection exceed 50% of the
43 maximum capacity of the facility.

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

46 (a) The act for which the juvenile was adjudicated delinquent, if

1 committed by an adult, would have constituted a crime or repetitive
2 disorderly persons offense;

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

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

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

14 d. Whenever the court imposes a disposition upon an adjudicated
15 delinquent which requires the juvenile to perform a community service,
16 restitution, or to participate in any other program provided for in this
17 section other than subsection c., the duration of the juvenile's
18 mandatory participation in such alternative programs shall extend for
19 a period consistent with the program goal for the juvenile and shall in
20 no event exceed one year beyond the maximum duration permissible
21 for the delinquent if the juvenile had been committed to a term of
22 incarceration.

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

27 (1) 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 or an order to perform community service pursuant to paragraph (10)
30 of subsection b. of this section for a period of at least 60 days, if the
31 juvenile has been adjudicated delinquent for an act which, if committed
32 by an adult, would constitute the crime of theft of a motor vehicle, or
33 the crime of unlawful taking of a motor vehicle in violation of
34 subsection c. of N.J.S.2C:20-10, or the third degree crime of eluding
35 in violation of subsection b. of N.J.S.2C:29-2;

36 (2) An order of incarceration for a term of the duration authorized
37 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)
38 which shall include a minimum term of 60 days during which the
39 juvenile shall be ineligible for parole, if the juvenile has been
40 adjudicated delinquent for an act which, if committed by an adult,
41 would constitute the crime of aggravated assault in violation of
42 paragraph (6) of subsection b. of N.J.S.2C:12-1, the second degree
43 crime of eluding in violation of subsection b. of N.J.S.2C:29-2, or
44 theft of a motor vehicle, in a case in which the juvenile has previously
45 been adjudicated delinquent for an act, which if committed by an adult,
46 would constitute unlawful taking of a motor vehicle or theft of a motor

1 vehicle;

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

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

19 f. (1) The minimum terms of incarceration required pursuant to
20 subsection e. of this section shall be imposed regardless of the weight
21 or balance of factors set forth in this section or in section 25 of
22 P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of those
23 factors shall determine the length of the term of incarceration
24 appropriate, if any, beyond any mandatory minimum term required
25 pursuant to subsection e. of this section. No time spent in custody
26 prior to adjudication of delinquency shall be considered as time served
27 on a mandatory minimum term of incarceration pursuant to subsection
28 e. of this section.

29 (2) When a court in a county that does not have a juvenile
30 detention facility or a contractual relationship permitting incarceration
31 pursuant to subsection c. of this section is required to impose a term
32 of incarceration pursuant to subsection e. of this section, the court
33 may, subject to limitations on commitment to State correctional
34 facilities of juveniles who under the age of 11 or developmentally
35 disabled, set a term of incarceration consistent with subsection c.
36 which shall be served in a State correctional facility. When a juvenile
37 who because of age or developmental disability cannot be committed
38 to a State correctional facility or cannot be incarcerated in a county
39 facility, the court shall order a disposition appropriate as an alternative
40 to any incarceration required pursuant to subsection e.

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

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

1 3. (New section) a. The Department of Corrections shall
2 establish, staff, and maintain a summer boot camp program within this
3 State. The Department of Corrections shall also develop the
4 administrative, supervisory, and custodial procedures for the program
5 and the structure of the daily program to be implemented by the staff
6 and followed by the juveniles.

7 Summer boot camp shall be an alternative form of sentencing for
8 juvenile offenders who are 12 years of age or older that includes a
9 highly structured and regimented daily routine of extensive discipline
10 and counseling. The program shall be designed as a learning period,
11 with a participant expected to join in considerable physical work,
12 exercise, and therapeutic programs. A summer boot camp program,
13 as developed by the Department of Corrections, shall consist of 60
14 days of a highly structured, disciplined, and regimented daily routine
15 conducted during the months of July and August.

16 b. A participant shall be expected to adhere to a strict standard of
17 discipline within the summer boot camp. Attendance at all scheduled
18 activities shall be mandatory, except upon an approved excuse, and
19 disrespect or disobedience to lawful orders shall not be tolerated at
20 any time.

21 c. The procedures and guidelines to be established by the
22 Department of Corrections shall include, but shall not be limited to, a
23 written policy governing the conditions for expulsion from the
24 program, a policy on discipline and summary punishment for
25 disciplinary violations, and a policy for the enforcement of rules and
26 discipline by the program staff.

27
28 4. (New section) The participant referred by the Family Court
29 shall be medically and psychologically fit to participate in the summer
30 boot camp program. The medical and psychological fitness of the
31 applicant shall be assessed by a health professional appointed by the
32 Department of Corrections. A participant who is not deemed fit shall
33 be returned to the Family Court for alternative disposition.

34
35 5. (New section) A participant approved for participation in the
36 summer boot camp program shall sign an agreement specifying the
37 terms and conditions of participation. The content of the agreement
38 shall be substantially as follows:

39
40 Summer Boot Camp Program
41 Agreement

42
43 I agree to participate in the Summer Boot Camp Program of the
44 Department of Corrections.

45 I understand the Summer Boot Camp Program is a 60 day discipline
46 and treatment-oriented program. The activities involve intensive

1 instructions in military bearing and courtesy, drills, physical exercise,
2 substance and alcohol counseling and structured educational
3 programming. I am required to practice good grooming and personal
4 hygiene habits.

5 I promise that I shall abide by all the conditions specified in this
6 agreement and all other conditions and instructions given to me by any
7 representative of the Department of Corrections and will be subject to
8 removal from the program for failure to do so.

9 I understand that during this 60 day period, I will wear only a
10 uniform provided for me. Other civilian clothing and jewelry will not
11 be permitted, except for one item of jewelry of religious significance
12 and a wedding ring.

13 Packages will not be permitted and personal property will be limited
14 in accordance with rules.

15 Visits, telephone, religious services, commissary privileges and
16 recreational activities will be limited.

17 I agree to abide by all the rules. I understand that strict discipline
18 will be exercised at all times and that failure to comply with such rules
19 will result in my removal from the Summer Boot Camp Program.

20

21 6. (New section) a. A participant shall be frequently evaluated in
22 order to obtain an objective assessment of his progress in the summer
23 boot camp program. A participant shall be evaluated in writing at
24 least once every 14 days by appropriate program staff members who
25 have direct daily contact with the participant.

26 b. Disciplinary procedures for the summer boot camp program shall
27 be established by the Department of Corrections.

28 c. A participant's ability to continue to participate in the summer
29 boot camp program may be revoked by the Commissioner of
30 Corrections or his designee. A juvenile whose participation is revoked
31 shall be returned to the Family Court for an alternative disposition.

32

33 7. (New section) The Department of Corrections shall submit to
34 the Governor and the Legislature an annual report describing and
35 assessing the implementation, operation, and results of the summer
36 boot camp program created by this act. The report shall include any
37 recommendations for administrative changes to the program and for
38 the enactment of any legislation deemed necessary for the more
39 effective operation of the program.

40

41 8. (New section) The Department of Corrections shall promulgate
42 rules and regulations pursuant to the "Administrative Procedure Act,"
43 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
44 this act. The rules and regulations shall include, but shall not be
45 limited to, those regarding the establishment, staffing, and operation
46 of a summer boot camp program, the daily programs and schedules to

1 be followed by participants, and a procedure to monitor the
2 effectiveness of the summer boot camp program for purposes of
3 compiling the report to be submitted to the Governor and the
4 Legislature.

5
6 9. This act shall take effect on the 30th day after enactment except
7 for section 8 which shall take effect immediately.

8
9
10 STATEMENT

11
12 This bill creates a Summer Boot Camp Program as an alternative
13 disposition for juveniles 12 years of age and older who are adjudicated
14 delinquent. The bill amends N.J.S.A.2A:4A-43 to include
15 participation in this boot camp program as a possible alternative
16 disposition available to the Family Court. The bill provides that the
17 Department of Corrections shall establish, staff, and maintain a
18 summer boot camp program within this State. The Department of
19 Corrections shall also develop the administrative, supervisory, and
20 custodial procedures for the program and the structure of the daily
21 program.

22 A summer boot camp program, as developed by the Department of
23 Corrections, shall consist of 60 days of a highly structured, disciplined,
24 and regimented daily routine conducted during the months of July and
25 August.

26 A participant shall be expected to adhere to a strict standard of
27 discipline within the summer boot camp. The procedures and
28 guidelines to be established by the Department of Corrections shall
29 include a written policy governing the conditions for expulsion from
30 the program, a policy on discipline and summary punishment for
31 disciplinary violations, and a policy for the enforcement of rules and
32 discipline by the program staff.

33 The participant referred by the Family Court shall be medically and
34 psychologically fit to participate in the summer boot camp program.
35 The medical and psychological fitness of the applicant shall be
36 assessed by a health professional appointed by the Department of
37 Corrections. A participant who is not deemed fit shall be returned to
38 the Family Court for alternative disposition.

39 A participant shall be evaluated in writing at least once every 14
40 days by appropriate program staff members who have direct daily
41 contact with the participant. A participant's ability to continue to
42 participate in the summer boot camp program may be revoked by the
43 Commissioner of Corrections or his designee. A juvenile whose
44 participation is revoked shall be returned to the Family Court for an
45 alternative disposition.

46 The Department of Corrections shall submit to the Governor and

1 the Legislature an annual report describing and assessing the
2 implementation, operation, and results of the summer boot camp
3 program. The Department of Corrections shall promulgate rules and
4 regulations to effectuate the purposes of this act.

5

6

7

8

9 Establishes summer boot camp program as alternative disposition for
10 certain juveniles.