

ASSEMBLY, No. 2515

STATE OF NEW JERSEY

INTRODUCED DECEMBER 5, 1996

By Assemblywoman WRIGHT and Assemblyman KRAMER

1 AN ACT concerning juvenile justice facilities and supplementing Title
2 30 of the Revised Statutes.

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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. a. The Legislature finds:

8 There has been a significant increase in juvenile crime, especially
9 violent crime. The violent crime rate for juveniles in this State has
10 increased by almost 50 percent since 1988. Reflective of this dramatic
11 increase, the juvenile arrest rate for violent crime in New Jersey grew
12 by more than two-thirds between 1980 and 1994. The numbing reality
13 of this disquieting statistical trend is found in the recognition that New
14 Jersey today is ranked fourth among all the states-- behind only New
15 York, Florida and California--in the rate of juvenile arrests for the
16 violent crimes of murder, rape, robbery and aggravated assault.

17 Since the courts often are compelled to impose custodial terms for
18 juveniles adjudicated delinquent for violent crimes, the dramatic rise
19 in the number of juveniles arrested for murder, rape, robbery and
20 aggravated assault has produced severe overcrowding in the State's
21 juvenile facilities. The problem is magnified because such
22 overcrowding often contributes to an environment that fosters
23 aggressive or antisocial behavior, posing danger not only to the
24 weaker residents of the facility, but also to the surrounding
25 community. Overcrowding also can lead to the "misplacement" of
26 juvenile offenders who should be assigned to medium security
27 facilities, but because of space constraints are placed in minimum
28 security centers. Such "misplacements" place both the residents of the
29 facility and the surrounding community at great risk. The more
30 aggressive and violent residents in such situations prey upon the
31 younger, more passive and pliant juveniles and are far more likely to
32 escape and disrupt the peace, tranquility and public well-being of the
33 surrounding community.

34 These problems are compounded by the fact that the State's current
35 juvenile facilities are outdated, outmoded, and structurally inadequate
36 to meet New Jersey's juvenile justice needs.

1 Nowhere are these myriad problems more in evidence than the New
2 Jersey Training School for Boys.

3 b. The Legislature, therefore, declares:

4 It is altogether fitting and proper, and within the public interest, to
5 close the New Jersey Training School for Boys; to establish a new,
6 centralized facility to adequately and effectively address the juvenile
7 justice needs of this State; and to assure this new facility is specifically
8 designed to provide for the general safety and well-being of both the
9 residents and the surrounding community by adequately, effectively
10 and efficiently incorporating all the security measures necessary to
11 isolate those juveniles warranting medium security incarceration from
12 those requiring only minimum security and, most importantly, insuring
13 the continued tranquility and well-being of the surrounding
14 community.

15 c. The Legislature further declares:

16 It is also fitting and proper, and valid public policy, to recognize
17 that the siting of this new juvenile facility should be a joint venture on
18 the part of the State and the host municipality; that no facility should
19 be established in any municipality without the formal approval of that
20 community; and that the State should afford certain host benefits to
21 that municipality which agrees to the construction and establishment
22 of this new juvenile justice facility within its borders.

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24 2. With the moneys allocated under the provisions of P.L. , c.
25 (C.)(now pending before the Legislature as Senate, No. 295),
26 there shall be constructed a juvenile correctional facility as hereinafter
27 provided.

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29 3. The facility shall be designed and structured to address the
30 particular juvenile justice needs of this State. To insure the most
31 efficient and cost-effective facility possible, it shall be established as
32 a centralized institution, providing both medium and minimum security
33 custodial and residential structures, but designed and constructed in
34 such a manner and location that there shall be no intermingling of the
35 juveniles committed to the medium security sector of the facility with
36 those placed in the minimum security sector.

37 To insure the peace, tranquility and public well-being of the
38 surrounding community, the facility shall be designed and shall
39 incorporate all such security equipment, structures and devices,
40 including electronic and remote video systems, as are warranted and
41 necessary.

42 The facility shall be of a size as shall be necessary to address the
43 present and future custodial and residential juvenile justice needs of
44 the State, and shall include such open spaces and separate structures
45 and facilities as shall be appropriate to adequately provide for the
46 educational, vocational and recreational requirements of the juvenile

1 justice system and the specialized physical, psychological and social
2 needs of the juveniles placed in the facility.

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4 4. No juvenile justice facility shall be constructed in any
5 municipality of this State, and no moneys raised from the sale of
6 bonds issued under the provisions of P.L. , c. (C.)(now pending
7 before the Legislature as Senate, No. 295) shall be allocated for the
8 construction of any juvenile justice facility in any municipality of this
9 State, unless that municipality shall agree, by ordinance, to the
10 construction of that facility within its borders.

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12 5. Recognizing the financial stress the establishment of a juvenile
13 justice facility can pose for a host municipality, the State, through the
14 Juvenile Justice Commission, is hereby authorized to negotiate and
15 enter into an agreement to offer that municipality certain host benefits
16 as compensation for agreeing to accept the construction of a juvenile
17 justice facility within its borders. The host benefit agreement may
18 include any or all of the following:

19 a. Annual payments in lieu of taxes, as authorized under P.L.1977,
20 c.272 (C.54:4-2a et seq.);

21 b. Annual grants from the "Safe Neighborhoods Services Fund"
22 established under the provisions of the "Safe and Secure Communities
23 Act," P.L.1993, c.220 (C.52:17B-159 et seq.) to provide funding for
24 additional municipal law enforcement officers to insure the public
25 safety and well being of the communities surrounding the juvenile
26 facility;

27 c. Reimbursement payments, based on a contractual agreement
28 between the municipality and the Juvenile Justice Commission, to
29 compensate the municipality for any direct and actual law enforcement
30 costs incurred in providing mutual assistance or other support services
31 to the facility;

32 d. Preferential employment opportunities at the facility for qualified
33 residents of the municipality; and

34 e. Establishment of an Income Tax Reinvestment Zone in which the
35 State agrees to remit annually to the chief financial officer of the host
36 municipality an amount of the total collected by the State under the
37 provisions of the "New Jersey Gross Income Tax Act" (N.J.S.54A:1-1
38 et seq.) from the employees of the juvenile justice facility. The amount
39 annually remitted shall not exceed 75 percent of the total collected by
40 the State from those employees and shall be utilized exclusively to
41 provide property tax relief to the residential property owners of the
42 municipality.

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44 6. Upon the construction of the juvenile justice facility authorized
45 under this act, the State shall dispose of the properties it holds in any
46 county of the second class having a population in excess of 600,000,

1 according to the 1990 federal decennial census, which, on the effective
2 date of this act, is being used as a residential training facility and
3 custodial center for more than 250 juvenile offenders.

4 Any moneys realized from the disposition of that property shall be
5 used exclusively by the State for the purposes of the defraying the
6 costs associated with the construction of the facility authorized under
7 this act.

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9 7. No moneys shall be allocated from the amounts raised from the
10 sale of bonds issued under the provisions of P.L. , c. (C.)(now
11 pending before the Legislature as Senate, No. 295) to renovate,
12 rehabilitate or expand any residential training facility or custodial
13 center operated by the Juvenile Justice Commission and which:

14 a. has a design capacity in excess of 350 juvenile offenders; and
15 b. is located in a county of the second class having a population in
16 excess of 600,000, according to the 1990 federal decennial census,
17 unless the governing body of that municipality, by ordinance, shall
18 approve such renovation, rehabilitation or expansion.

19 If a municipality approves any such renovation, rehabilitation or
20 expansion, it shall be entitled to enter into a host benefit agreement as
21 authorized in section 5 of this act.

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23 8. This act shall take effect immediately, but shall remain
24 inoperative until the approval of P.L. , c. (C.)(now pending
25 before the Legislature as Senate, No. 295) by the voters of this State.

26 27 28 STATEMENT

29
30 This bill authorizes the construction of a new juvenile justice
31 correctional facility.

32 The dramatic increase in juveniles adjudicated delinquent of violent
33 crimes has produced severe overcrowding in the State's juvenile
34 facilities. This overcrowding poses risks and dangers both to the
35 residents of the juvenile facilities and the communities surrounding
36 those facilities. Overcrowding often leads to the intermingling of
37 aggressive and violent juvenile offenders with younger and weaker
38 youths. In many instances, the older more violent juveniles in the
39 facility prey on the less aggressive residents. Overcrowding also is
40 responsible for the "misplacement" into minimum security facilities of
41 some juvenile offenders who should be in medium security facilities.
42 Without the security systems and structures these "misplaced"
43 offenders warrant, these minimum facilities are simply incapable of
44 preventing escapes which threaten the public safety and well being of
45 the surrounding community.

46 This bill calls for the construction of a new juvenile justice

1 correctional facility with the moneys generated by the sale of bonds
2 authorized upon the enactment of Senate Bill No. 295 of 1996
3 following voter approval.

4 The bill specifies that no facility may be constructed in any
5 municipality without the approval of that municipality. A municipality
6 would give its approval by adopting an ordinance.

7 Recognizing that a juvenile justice facility may pose certain financial
8 stress for the host municipality, the bill authorizes the State to enter
9 into host municipality benefit agreements. The host benefit agreement
10 could provide the host municipality with payments in lieu of taxes;
11 annual "Safe and Secure Communities" grants to provide for additional
12 law enforcement officers; reimbursement payments to defray the actual
13 and direct law enforcement costs the host municipality may incur in
14 providing mutual assistance or other support services to the facility;
15 preferential employment opportunities at the facility for residents of
16 the host municipality; and the establishment of an "Income Tax
17 Reinvestment Zone" in which the State would agree to annually remit
18 a portion of the income tax money it collects from the employees of
19 the facility. This remission, which could equal up to 75 percent of the
20 amount the State collects, must be used to provide property tax relief
21 to the residential property owners of the host municipality.

22 There are two final provisions of the bill. First, the bill directs the
23 State to dispose of any property it currently uses as a residential
24 training or custodial facility for more than 250 juveniles which is
25 located in a county of the second class that has a population in excess
26 of 600,000 and to utilize any moneys it realizes from the disposition
27 of that facility to defray the costs of constructing a new facility.

28 Second, the bill prohibits the expenditure of any bond moneys for
29 the renovation, rehabilitation or expansion of any existing residential
30 training or custodial facility that is designed to house more than 350
31 juveniles and located in a county of the second class that has a
32 population in excess of 600,000 without the approval of the host
33 municipality. If the host municipality does give its approval for any
34 such renovation, rehabilitation or expansion, it becomes eligible to
35 participate in the host benefit program.

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Authorizes construction of new juvenile justice facility.