

[Second Reprint]
SENATE, No. 454

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator CAFIERO

1 AN ACT concerning the establishing of specialized county
2 rehabilitative programs for certain juvenile offenders, ²[and]²
3 supplementing chapter 8 of Title 30 of the Revised Statutes and
4 P.L.1970, c.13 (C.5:9-1 et seq.)², and amending P.L.1982,
5 c.77².
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. This act shall be known and may be cited as the “Juvenile
11 Offender Rehabilitation Act.”
12

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

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

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:

¹ Senate SLP committee amendments adopted November 7, 1996.

² Assembly ALP committee amendments adopted February 3, 1997.

1 3. As used in this act:

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

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

12

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

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

20

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

24 a. A comprehensive, ¹ [four to six week]¹ residential program ¹for
25 a minimum period of four weeks¹ consisting of:

26 (1) Highly structured routines of discipline;

27 (2) Physical exercise;

28 (3) Work;

29 (4) Substance abuse counseling;

30 (5) Educational and vocational counseling¹[:] and:¹

31 (6) ¹[Psychological counseling; and

32 (7)]¹ Self-improvement and personal growth counseling stressing
33 moral values and cognitive reasoning.

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

42

43 ²[6. In imposing a term of incarceration on a juvenile offender, if
44 information obtained during court proceedings or information
45 contained in the presentence investigation and report prepared for the
46 court prior to sentencing leads the court to conclude that the offender

1 may be eligible for participation in the juvenile offender program the
2 county has established and maintains pursuant to the provisions of this
3 act, the court shall note that conclusion and the reasons for it in
4 writing and shall include it as part of the juvenile's record to be
5 forwarded to the Juvenile Justice Commission.]²

6
7 ²[7. a.] 6.² Any juvenile offender who is serving a term of
8 incarceration at a facility operated by the commission may:

9 ²[(1)] a.² request admission to the juvenile offender program
10 maintained by the county wherein the juvenile offender ¹[is
11 incarcerated] resides¹; or

12 ²[(2)] b.² be offered admission to the juvenile offender program by
13 the commission, if, following its assessment of the juvenile offender's
14 record, the commission determines that the offender is an appropriate
15 candidate for the program.

16
17 ²[b.] 7.² If an offender fails to comply with the requirements of the
18 juvenile offender program, the offender shall be ²[returned to] placed
19 in² the custody of the commission to serve the remainder of the
20 sentence originally imposed and shall be eligible for parole pursuant to
21 the provisions of P.L.1979, c.441 (C.30:4-123.45 et seq.). The
22 offender shall not subsequently be eligible for re-admission at any time
23 to any program established and maintained pursuant to the provisions
24 of this act.

25
26 8. Notwithstanding any other provisions of law to the contrary
27 concerning primary parole eligibility dates and parole release dates of
28 juvenile inmates, ¹whenever¹ a person ¹[who]¹ successfully completes
29 a juvenile offender rehabilitation program established and maintained
30 pursuant to this act ¹, the sentencing judge¹ shall ¹[not] determine
31 whether that person shall¹ be required to serve parole.

32
33 9. Nothing in this act shall be construed to exempt any person who
34 is admitted to a juvenile offender program established and maintained
35 pursuant to the provisions of this act from the payment of any fine,
36 penalty, restitution or other financial obligation imposed by law or the
37 court as a result of any adjudication.

38
39 10. For the purposes of P.L.1970, c.13 (C.5:9-1 et seq.), a juvenile
40 offender rehabilitation program established and maintained pursuant
41 to the provisions of P.L. , c. (C.)(now pending before the
42 Legislature as this bill) shall be considered an education program
43 eligible for State aid ¹, to the extent permitted by law.¹ from the net
44 proceeds of any State lottery; provided, however, no such program,
45 regardless of whether that program is established and maintained by
46 one county or by two or more counties, shall receive in any fiscal year

1 an amount of State aid under the provisions of this section more than
2 either the actual cost of the program or \$1,000,000, whichever is less.

3
4 ²11. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
5 read as follows:

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

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

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

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

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

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

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

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

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

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

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

44 (2) Release the juvenile to the supervision of the juvenile's parent
45 or guardian;

46 (3) Place the juvenile on probation to the chief probation officer of

1 the county or to any other suitable person who agrees to accept the
2 duty of probation supervision for a period not to exceed three years
3 upon such written conditions as the court deems will aid rehabilitation
4 of the juvenile;

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

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

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

24 (7) Commit the juvenile, pursuant to applicable laws and the Rules
25 of Court governing civil commitment, to the Department of Human
26 Services under the responsibility of the Division of Mental Health
27 Services for the purpose of placement in a suitable public or private
28 hospital or other residential facility for the treatment of persons who
29 are mentally ill, on the ground that the juvenile is in need of
30 involuntary commitment;

31 (8) Fine the juvenile an amount not to exceed the maximum
32 provided by law for such a crime or offense if committed by an adult
33 and which is consistent with the juvenile's income or ability to pay and
34 financial responsibility to the juvenile's family, provided that the fine
35 is specially adapted to the rehabilitation of the juvenile or to the
36 deterrence of the type of crime or offense. If the fine is not paid due
37 to financial limitations, the fine may be satisfied by requiring the
38 juvenile to submit to any other appropriate disposition provided for in
39 this section;

40 (9) Order the juvenile to make restitution to a person or entity who
41 has suffered loss resulting from personal injuries or damage to
42 property as a result of the offense for which the juvenile has been
43 adjudicated delinquent. The court may determine the reasonable
44 amount, terms and conditions of restitution. If the juvenile
45 participated in the offense with other persons, the participants shall be
46 jointly and severally responsible for the payment of restitution. The

1 court shall not require a juvenile to make full or partial restitution if
2 the juvenile reasonably satisfies the court that the juvenile does not
3 have the means to make restitution and could not reasonably acquire
4 the means to pay restitution;

5 (10) Order that the juvenile perform community services under the
6 supervision of a probation division or other agency or individual
7 deemed appropriate by the court. Such services shall be compulsory
8 and reasonable in terms of nature and duration. Such services may be
9 performed without compensation, provided that any money earned by
10 the juvenile from the performance of community services may be
11 applied towards any payment of restitution or fine which the court has
12 ordered the juvenile to pay;

13 (11) Order that the juvenile participate in work programs which are
14 designed to provide job skills and specific employment training to
15 enhance the employability of job participants. Such programs may be
16 without compensation, provided that any money earned by the juvenile
17 from participation in a work program may be applied towards any
18 payment of restitution or fine which the court has ordered the juvenile
19 to pay;

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

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

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

32 (15) Order the parent or guardian of the juvenile to participate in
33 appropriate programs or services when the court has found either that
34 such person's omission or conduct was a significant contributing factor
35 towards the commission of the delinquent act, or, under its authority
36 to enforce litigant's rights, that such person's omission or conduct has
37 been a significant contributing factor towards the ineffective
38 implementation of a court order previously entered in relation to the
39 juvenile;

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

45 (b) Place the juvenile under the custody of the Juvenile Justice
46 Commission established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170) for placement with any private group home or private
2 residential facility with which the commission has entered into a
3 purchase of service contract;

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

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

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

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

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

42 (2) No juvenile may be incarcerated in any county detention facility
43 unless the county has entered into an agreement with the Juvenile
44 Justice Commission concerning the use of the facility for sentenced
45 juveniles. Upon agreement with the county, the Juvenile Justice
46 Commission shall certify detention facilities which may receive

1 juveniles sentenced pursuant to this subsection and shall specify the
2 capacity of the facility that may be made available to receive such
3 juveniles; provided, however, that in no event shall the number of
4 juveniles incarcerated pursuant to this subsection exceed 50% of the
5 maximum capacity of the facility.

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

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

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

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

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

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

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

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

44 (2) An order of incarceration for a term of the duration authorized
45 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)
46 which shall include a minimum term of 60 days during which the

1 juvenile shall be ineligible for parole, if the juvenile has been
2 adjudicated delinquent for an act which, if committed by an adult,
3 would constitute the crime of aggravated assault in violation of
4 paragraph (6) of subsection b. of N.J.S.2C:12-1, the second degree
5 crime of eluding in violation of subsection b. of N.J.S.2C:29-2, or
6 theft of a motor vehicle, in a case in which the juvenile has previously
7 been adjudicated delinquent for an act, which if committed by an adult,
8 would constitute unlawful taking of a motor vehicle or theft of a motor
9 vehicle;

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

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

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

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

46 (3) For purposes of subsection e. of this section, in the event that

1 a "boot camp" program for juvenile offenders should be developed and
2 is available, a term of commitment to such a program shall be
3 considered a term of incarceration.²

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

5

6 ¹[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.]¹

16

17 ¹[12.] ²[11.1] 12.² This act shall take effect on the first day of the
18 sixth month following enactment, except that section 9 shall take
19 effect immediately.

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21

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24 _____
Permits counties to establish boot camps for juvenile offenders.