

SENATE, No. 1198

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Senator ZANE

1 AN ACT concerning juvenile crime and amending P.L.1982, c.77 and
2 N.J.S.2B:12-17.

3

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

6

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

9 5. Exclusive jurisdiction of the court and nature of jurisdiction.

10 a. Except as otherwise provided by N.J.S.2B:12-17 or any other
11 provision of law, the court shall have exclusive jurisdiction in all cases
12 where it is charged that a juvenile has committed an act of delinquency
13 and over all matters relating to a juvenile-family crisis. Upon the
14 determination that a juvenile has committed an act of delinquency or
15 that a juvenile-family crisis exists, the court may impose such
16 disposition or dispositions over those persons subject to its jurisdiction
17 consistent with the purposes of this act.

18 Such jurisdiction shall extend in these matters over a juvenile and
19 his parent, guardian or any family member found by the court to be
20 contributing to a juvenile-family crisis. The court shall, in accordance
21 with the Rules of Court, clearly specify the responsibilities of those
22 subject to its jurisdiction with respect to the plan of rehabilitation for
23 the juvenile.

24 b. The court shall have jurisdiction in respect to the custody of
25 any juvenile who may be held as a material witness in any case pending
26 in the court. Whenever a juvenile is a material witness in any other
27 court, the procedures established by this act shall be followed.

28 c. Juveniles who appear before the court in any capacity shall be
29 deemed to be wards of the court and protected accordingly.

30 d. Nothing in this act shall affect the jurisdiction of other courts
31 over offenses committed after a juvenile under the jurisdiction of the
32 court reaches the age of 18 years.

33 (cf: P.L.1982, c.77, s.5)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 2. N.J.S.2B:12-17 is amended to read as follows:
2 2B:12-17. Jurisdiction of specified offenses. A municipal court has
3 jurisdiction over the following cases within the territorial jurisdiction
4 of the court:
- 5 a. Violations of municipal ordinances;
 - 6 b. Violations of the motor vehicle and traffic laws;
 - 7 c. Disorderly persons offenses, petty disorderly persons offenses
8 and other non-indictable offenses except where exclusive jurisdiction
9 is given to the Superior Court;
 - 10 d. Violations of the fish and game laws;
 - 11 e. Proceedings to collect a penalty where jurisdiction is granted
12 by statute; [and]
 - 13 f. Acts committed by juveniles which, if committed by adults,
14 would constitute disorderly persons offenses or petty disorderly
15 persons offenses; and
 - 16 g. Any other proceedings where jurisdiction is granted by statute.
- 17 The municipal court having jurisdiction over a case involving a
18 juvenile pursuant to subsection f. of this section may order any
19 disposition pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
20 except incarceration and, in addition, shall order the following
21 dispositions:
- 22 (1) For a juvenile's first adjudication of delinquency pursuant to
23 subsection f. of this section or pursuant to the "New Jersey Code of
24 Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), the court shall
25 require the juvenile to make resitution, pursuant to paragraph (9) of
26 subsection b. of section 24 of P.L.1982, c.77 (C.2A:4A-43) to any
27 person or entity who suffered loss as a result of the juvenile's offense,
28 and shall also order the juvenile to perform community services
29 pursuant to paragraph (10) of subsection b. of section 24 of P.L.1982,
30 c.77 (C.2A:4A-43) for a minimum of one week;
 - 31 (2) For a juvenile's second adjudication of delinquency pursuant to
32 subsection f. of this section or pursuant to the "New Jersey Code of
33 Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), the court shall
34 require the juvenile to make resitution, pursuant to paragraph (9) of
35 subsection b. of section 24 of P.L.1982, c.77 (C.2A:4A-43), to any
36 person or entity who suffered loss as a result of the juvenile's offense,
37 and shall also order the juvenile to perform community services
38 pursuant to paragraph (10) of subsection b. of section 24 of P.L.1982,
39 c.77 (C.2A:4A-43) for a minimum of two weeks and shall order the
40 juvenile to pay a fine of \$50.00 pursuant to paragraph (8) of
41 subsection b. of section 24 of P.L.1982, c.77. In addition, the court
42 shall require any parent or guardian who has failed or neglected to
43 exercise reasonable supervision or control over the juvenile to make
44 restitution to any person or entity who has suffered a loss as a result
45 of the juvenile's offense and to perform community services for a
46 minimum of one week.

1 (3) For a juvenile's third adjudication of delinquency pursuant to
2 subsection f. of this section or pursuant to the "New Jersey Code of
3 Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), the court shall
4 require the juvenile to make resitution, pursuant to paragraph (9) of
5 subsection b. of section 24 of P.L.1982, c.77 (C.2A:4A-43) to any
6 person or entity who suffered loss as a result of the juvenile's offense,
7 and shall also order the juvenile to perform community services
8 pursuant to paragraph (10) of subsection b. of section 24 of P.L.1982,
9 c.77 (C.2A:4A-43) for a minimum of two weeks and shall order the
10 juvenile to pay a fine of \$100.00 pursuant to paragraph (8) of
11 subsection b. of section 24 of P.L.1982, c.77. In addition, the court
12 shall require any parent or guardian who has failed or neglected to
13 exercise reasonable supervision or control over the juvenile to make
14 restitution to any person or entity who has suffered a loss as a result
15 of the juvenile's offense and to perform community services for a
16 minimum of one week.

17 (4) For a juvenile's fourth adjudication of delinquency pursuant to
18 subsection f. of this section or pursuant to the "New Jersey Code of
19 Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.), the court shall
20 waive jurisdiction over the case and refer the case to the Family Part
21 of the Chancery Division, Superior Court, pursuant to section 3 of
22 P.L. , c. (C.)(now pending before the Legislature as this bill).
23 (cf: P.L.1993, c.293, s.1)

24

25 3. (New section) The Family Part of the Chancery Division of the
26 Superior Court shall have jurisdiction over any juvenile who receives
27 a fourth or subsequent adjudication of delinquency pursuant to
28 N.J.S.2B:12-17.

29

30 4. (New section) In addition to any other disposition ordered
31 pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43), the Family
32 Part shall order a juvenile who receives a fourth or subsequent
33 adjudication of delinquency pursuant to N.J.S.2B:12-17 to:

34 (a) serve a period of incarceration of not less than 30 days
35 pursuant to subsection c. of section 24 of P.L. 1982, c.77 (C.2A:4A-
36 43);

37 (b) make resitution, pursuant to paragraph (9) of subsection b. of
38 section 24 of P.L.1982, c.77 (C.2A:4A-43), to any person or entity
39 who suffered loss as a result of the juvenile's offense;

40 (c) perform community services pursuant to paragraph (10) of
41 subsection b. of section 24 of P.L.1982, c.77 (C.2A:4A-43) for a
42 minimum of two weeks; and

43 (d) pay a fine of \$100.00 pursuant to paragraph (8) of subsection
44 b. of section 24 of P.L.1982, c.77.

45 In addition, the court shall require any parent or guardian who has
46 failed or neglected to exercise reasonable supervision or control over

1 the juvenile to make restitution to any person or entity who has
2 suffered a loss as a result of the juvenile's offense and to perform
3 community services for a minimum of one week.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 jointly and severally responsible for the payment of restitution. The
2 court shall not require a juvenile to make full or partial restitution if
3 the juvenile reasonably satisfies the court that the juvenile does not
4 have the means to make restitution and could not reasonably acquire
5 the means to pay restitution;

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

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

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

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

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

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

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

46 (b) Place the juvenile under the custody of the Juvenile Justice

1 Commission established pursuant to section 2 of P.L.1995, c.284
2 (C.52:17B-170) for placement with any private group home or private
3 residential facility with which the commission has entered into a
4 purchase of service contract;

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

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

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

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

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

1 juveniles incarcerated pursuant to this subsection exceed 50% of the
2 maximum capacity of the facility.

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

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

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

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

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

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

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

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

42 (2) An order of incarceration for a term of the duration
43 authorized pursuant to this section or section 25 of P.L.1982, c.77
44 (C.2A:4A-44) which shall include a minimum term of 60 days during
45 which the juvenile shall be ineligible for parole, if the juvenile has been
46 adjudicated delinquent for an act which, if committed by an adult,

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

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

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

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

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

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

1 considered a term of incarceration.

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

6 (1) If the juvenile has been adjudicated delinquent for an act which,
7 if committed by an adult, would constitute a crime of the fourth
8 degree, the court's disposition shall include the following:

9 (a) an order to perform community service pursuant to paragraph
10 (10) of subsection b. of this section for a period of at least 30 days:
11 and

12 (b) an order to make restitution pursuant to paragraph (9) of
13 subsection b. of this section to any person or entity who suffered loss
14 as a result of the juvenile's offense.

15 (2) If the juvenile is adjudicated delinquent on a second occasion
16 for an act which, if committed by an adult, would constitute a crime
17 of the fourth degree, the court shall, in addition to the provisions of
18 subparagraph (b) of paragraph (1):

19 (a) order the juvenile to perform community service for a period of
20 at least 60 days;

21 (b) order the juvenile to pay a fine of \$50 pursuant to paragraph (8)
22 of subsection b. of this section; and

23 (c) if the court finds that any parent or guardian of the juvenile
24 failed or neglected to exercise reasonable supervision or control over
25 the juvenile, order that parent or guardian to make restitution to any
26 person or entity who suffered a loss as a result of the juvenile's
27 offense.

28 (3) If the juvenile is adjudicated delinquent on a third or
29 subsequent occasion for an act which, if committed by an adult, would
30 constitute a crime of the fourth degree, the court shall, in addition to
31 the provisions of subparagraphs (a) and (c) of paragraph (2), order the
32 juvenile to pay a fine of \$100.00.

33 (4) If the juvenile is adjudicated delinquent for an act which, if
34 committed by an adult, would constitute a crime of the third degree,
35 the court's disposition shall include the following:

36 (a) an order to perform community service pursuant to paragraph
37 (10) of subsection b. of this section for a period of at least 60 days:
38 and

39 (b) an order to make restitution pursuant to paragraph (9) of
40 subsection b. of this section to any person or entity who suffered loss
41 as a result of the juvenile's offense.

42 (5) If the juvenile is adjudicated delinquent on a second occasion
43 for an act which, if committed by an adult, would constitute a crime
44 of the third degree, the court shall, in addition to the provisions of
45 subparagraph (b) of paragraph (4):

46 (a) order the juvenile to perform community service for a period of

- 1 at least 90 days;
- 2 (b) order the juvenile to pay a fine of \$100.00 pursuant to
3 paragraph (8) of subsection b. of this section; and
- 4 (c) of the court finds that any parent or guardian of the juvenile
5 failed or neglected to exercise reasonable supervision or control over
6 the juvenile, order that parent or guardian to make restitution to any
7 person or entity who suffered a loss as a result of the juvenile's
8 offense.
- 9 (6) if the juvenile is adjudicated delinquent on a third or subsequent
10 occasion for an act which, if committed by an adult, would constitute
11 a crime of the third degree, the court shall, in addition to the
12 provisions of subparagraph (a) and (c) of paragraph (5), order the
13 juvenile to pay a fine of \$150.00.
- 14 (7) If the juvenile is adjudicated delinquent for an act which, if
15 committed by an adult, would constitute a crime of the second degree,
16 the court's disposition shall include the following:
- 17 (a) an order of incarceration for a term of the duration authorized
18 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)
19 which shall include a minimum term of 30 days during which the
20 juvenile shall be ineligible for parole;
- 21 (b) an order to perform community service for a period of at least
22 90 days; and
- 23 (c) an order to make restitution pursuant to paragraph (9) of
24 subsection b. of this section to any person or entity who suffered loss
25 as a result of the juvenile's offense.
- 26 (8) If the juvenile is adjudicated delinquent on a second occasion
27 for an act which, if committed by an adult, would constitute a crime
28 of the second degree, the court shall, in addition to the provisions of
29 subparagraph (c) of paragraph (7):
- 30 (a) issue an order of incarceration for a term of the duration
31 authorized pursuant to this section or section 25 of P.L.1982, c.77
32 (C.2A:4A-44) which shall include a minimum term of 60 days during
33 which the juvenile shall be ineligible for parole;
- 34 (b) order the juvenile to perform community service for a period of
35 at least 90 days;
- 36 (c) order the juvenile to pay a fine of \$150.00 pursuant to
37 paragraph (8) of subsection b. of this section; and
- 38 (d) if the court finds that any parent or guardian of the juvenile
39 failed or neglected to exercise reasonable supervision or control over
40 the juvenile, order that parent or guardian to make restitution to any
41 person or entity who suffered a loss as a result of the juvenile's
42 offense.
- 43 (9) If the juvenile is adjudicated delinquent on a third or subsequent
44 occasion for an act which, if committed by an adult, would constitute
45 a crime of the second degree, the court shall, in addition to
46 subparagraph (c) of the provisions of paragraph (7),

1 (a) issue an order of incarceration for a term of the duration
2 authorized pursuant to this section or section 25 of P.L.1982, c.77
3 (C.2A:4A-44) which shall include a minimum term of 180 days during
4 which the juvenile shall be ineligible for parole;

5 (b) order the juvenile to perform community service for a period of
6 at least 90 days;

7 (c) order the juvenile to pay a fine of \$200.00 pursuant to
8 paragraph (8) of subsection b. of this section; and

9 (d) if the court finds that any parent or guardian of the juvenile
10 failed or neglected to exercise reasonable supervision or control over
11 the juvenile, order that parent or guardian to make restitution to any
12 person or entity who suffered a loss as a result of the juvenile's
13 offense.

14 (10) If the juvenile is adjudicated delinquent for an act which, if
15 committed by an adult, would constitute a crime of the first degree,
16 the court's disposition shall include the following:

17 (a) an order of incarceration for a term of the duration authorized
18 pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44)
19 which shall include a minimum term of one year during which the
20 juvenile shall be ineligible for parole;

21 (b) an order to perform community service pursuant to paragraph
22 (10) of subsection b. of this section for a period of at least 90 days:
23 and

24 (c) an order to make restitution pursuant to paragraph (9) of
25 subsection b. of this section to any person or entity who suffered loss
26 as a result of the juvenile's offense.

27 (11) If the juvenile is adjudicated delinquent on a second occasion
28 for an act which, if committed by an adult, would constitute a crime
29 of the first degree, the court shall, in addition to the provisions of
30 subparagraph (c) of paragraph (10):

31 (a) issue an order of incarceration for a term of the duration
32 authorized pursuant to this section or section 25 of P.L.1982, c.77
33 (C.2A:4A-44) which shall include a minimum term of three years
34 during which the juvenile shall be ineligible for parole;

35 (b) order the juvenile to perform community service for a period of
36 at least 90 days;

37 (c) order the juvenile to pay a fine of \$250.00 pursuant to
38 paragraph (8) of subsection b. of this section; and

39 (d) if the court finds that any parent or guardian of the juvenile
40 failed or neglected to exercise reasonable supervision or control over
41 the juvenile, order that parent or guardian to serve a term of
42 incarceration for a term of 30 days and order the parent or guardian to
43 make restitution to any person or entity who suffered a loss as a result
44 of the juvenile's offense.

45 (12) If the juvenile is adjudicated delinquent on a third or
46 subsequent occasion for an act which, if committed by an adult, would

1 constitute a crime of the first degree, the court shall, in addition to the
2 provisions subparagraph (c) of paragraph (10).

3 (a) issue an order of incarceration for a term of the duration
4 authorized pursuant to this section or section 25 of P.L.1982, c.77
5 (C.2A:4A-44) which shall include a minimum term of five years during
6 which the juvenile shall be ineligible for parole;

7 (b) order the juvenile to perform community service for a period of
8 at least 90 days;

9 (c) order the juvenile to pay a fine of \$300.00 pursuant to
10 paragraph (8) of subsection b. of this section; and

11 (d) if the court finds that any parent or guardian of the juvenile
12 failed or neglected to exercise reasonable supervision or control over
13 the juvenile, order that parent or guardian to serve a term of
14 incarceration for a term of 30 days and order the parent or guardian to
15 make restitution to any person or entity who suffered a loss as a result
16 of the juvenile's offense.

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

18

19 6. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill would impose mandatory dispositions on every juvenile
25 who is adjudicated delinquent for an act which, if committed by an
26 adult, would constitute a crime or a criminal offense. Parents and
27 guardians of juveniles who fail or neglect to exercise reasonable
28 supervision or control over the juveniles would also be subject to
29 court sanctions depending on the severity of the juvenile's offense,
30 ranging from community service to incarceration.

31 The mandatory penalties increase in severity for every subsequent
32 adjudication of delinquency.

33 The bill also provides that municipal courts, rather than the family
34 court, would handle cases involving juveniles who commit the
35 equivalent of disorderly persons and petty disorderly persons offenses.

36 Under the bill, in addition to any other remedies which can be
37 ordered by the court under current law, a juvenile who is adjudicated
38 delinquent for the first time for an offense which, if committed by an
39 adult, would constitute a disorderly persons or petty disorderly
40 persons offense, would be required to pay restitution to any victim of
41 the offense he committed, and to perform community service for at
42 least one week. Second adjudications would require the juvenile to
43 also pay a fine of \$50.00 to the court; third adjudications would also
44 require a fine of \$100 and, in addition, would require a parent or
45 guardian who failed or neglected to exercise reasonable supervision or
46 control over the juvenile to himself pay restitution and to perform one

1 week's community service.

2 The family court would handle all cases involving juveniles who are
3 adjudicated delinquent on a fourth or subsequent occasion for petty
4 disorderly persons and disorderly persons offenses. For a fourth
5 adjudication, the court would be required to impose a term of 30 days'
6 incarceration; require the juvenile to pay restitution to the victim;
7 require the juvenile to serve two weeks' community service; and
8 require him to pay a \$100 fine. In addition, a parent or guardian of a
9 fourth offender who failed or neglected to exercise reasonable
10 supervision or control over the juvenile would himself be required to
11 pay restitution and perform one week's community service.

12 For juveniles who commit acts which are the equivalent of fourth,
13 third, second and first degree crimes, this bill requires the family court,
14 in addition to imposing any other penalties permitted by law, to impose
15 mandatory minimum penalties as follows:

16 **Juveniles who commit the equivalent of crimes of the fourth**
17 **degree:** A minimum of 30 days' community service and payment
18 of restitution to the victim for first offenders. Second offenders
19 would, in addition to these penalties, be required to perform
20 community service for at least 60 days, pay a fine of \$50, make
21 payment of restitution and, if the court finds that a parent or guardian
22 of the juvenile failed or neglected to exercise reasonable supervision
23 or control over him, the parent or guardian would be required to pay
24 restitution. Third offenders would be required to perform community
25 service. The parent or guardian could be required to pay restitution
26 and the juvenile would pay a fine of \$100.00

27 **Juveniles who commit the equivalent of crimes of the third**
28 **degree:** 60 days' community service and restitution for a first
29 offense. Second offenders would also serve community service for at
30 least 90 days, pay a fine of \$100.00, make a payment of restitution
31 and their parent or guardian could be ordered to make restitution.
32 Third offenders would be required to perform community service for
33 a period of 90 days, the parent could be required to pay restitution and
34 the juvenile could pay a fine of \$150.00.

35 **Juveniles who commit the equivalent of crimes of the second**
36 **degree:** Incarceration for at least 30 days during which the
37 juvenile would be ineligible for parole; at least 90 days' community
38 service; payment of restitution. Second offenders would serve a term
39 of incarceration of at least 60 days without parole eligibility; perform
40 at least 90 days' community service, make restitution, pay a fine of
41 \$150.00; and parents or guardians would be subject to payment of
42 restitution. Third offenders would be required to serve at least 180
43 days' incarceration, perform 90 days' community service, make
44 restitution, pay a \$200 fine, and the juvenile's parent or guardian
45 would be subject to payment of restitution.

46 **Juveniles who commit the equivalent of crimes of the first**

1 **degree:** Incarceration for at least one year during which the
2 juvenile would be ineligible for parole; community service for at least
3 90 days; payment of restitution. Second offenders would serve
4 mandatory minimum terms of incarceration of at least three years,
5 community service for a period of at least 90 days, pay a fine of
6 \$250.00, and make restitution, third offenders, would serve a minimum
7 term of incarceration for at least five years, community service for at
8 least 90 days, make restitution and a fine of \$300. Parents of these
9 offenders would be subject to a term of 30 days' incarceration as well
10 as payment of restitution.

11

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14

15 Imposes mandatory dispositions and terms of incarceration on all
16 juveniles adjudicated delinquent and on certain parents and guardians
17 of such juveniles.