

**SENATE, No. 1242**

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**STATE OF NEW JERSEY**

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INTRODUCED JUNE 3, 1996

By Senators CONNORS, McNAMARA and Bubba

1   **AN ACT** concerning the mandatory suspension of driving privileges for  
2   certain persons involved with diversionary programs for drug  
3   offenses and amending P.L.1982, c.77, N.J.S.2C:35-16,  
4   N.J.S.2C:36A-1, and N.J.S.2C:43-13.

5

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

8

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

11       24. Disposition of delinquency cases. a. In determining the  
12      appropriate disposition for a juvenile adjudicated delinquent the court  
13      shall weigh the following factors:

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

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

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

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

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

26       (6) Whether the disposition recognizes and treats the unique  
27      physical, psychological and social characteristics and needs of the  
28      child;

29       (7) Whether the disposition contributes to the developmental needs  
30      of the child, including the academic and social needs of the child where  
31      he has mental retardation or learning disabilities; and

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

34       b. If a juvenile is adjudged delinquent, and except to the extent that

**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 an additional specific disposition is required pursuant to subsection e.  
2 or f. of this section, the court may order incarceration pursuant to  
3 section 25 of this act or any one or more of the following dispositions:

4       (1) Adjourn formal entry of disposition of the case for a period not  
5 to exceed 12 months for the purpose of determining whether the  
6 juvenile makes a satisfactory adjustment, and if during the period of  
7 continuance the juvenile makes such an adjustment, dismiss the  
8 complaint; provided that if the court adjourns formal entry of  
9 disposition of delinquency for a violation of an offense defined in  
10 chapter 35 or 36 of Title 2C, of the New Jersey Statutes the court  
11 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 [but  
12 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
13 juveniles adjudicated delinquent] and shall immediately suspend the  
14 juvenile's privilege of operating a motorized bicycle or motor vehicle  
15 for the period of adjournment of formal entry of disposition. The  
16 court adjourning the disposition shall collect the New Jersey driver's  
17 license or licenses in accordance with the procedures set forth in  
18 N.J.S.2C:35-16;

19       (2) Release the juvenile to the supervision of his or her parent or  
20 guardian;

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

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

28       (5) Place the juvenile under the care of the Department of Human  
29 Services under the responsibility of the Division of Youth and Family  
30 Services pursuant to subsection (c) of P.L.1951, c.138, s.2  
31 (C.30:4C-2) for the purpose of providing services in or out of the  
32 home. Within 14 days, unless for good cause shown, but not later  
33 than 30 days, the Department of Human Services shall submit to the  
34 court a service plan, which shall be presumed valid, detailing the  
35 specifics of any disposition order. The plan shall be developed within  
36 the limits of fiscal and other resources available to the department. If  
37 the court determines that the service plan is inappropriate, given  
38 existing resources, the department may request a hearing on that  
39 determination;

40       (6) Place the juvenile under the care and custody of the  
41 Commissioner of the Department of Human Services for the purpose  
42 of receiving the services of the Division of Mental Retardation of that  
43 department, provided that the juvenile has been determined to be  
44 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

45       (7) Commit the juvenile, pursuant to the laws governing civil  
46 commitment, to the Department of Human Services under the

1 responsibility of the Division of Mental Health and Hospitals for the  
2 purpose of placement in a suitable public or private hospital or other  
3 residential facility for the treatment of persons who are mentally ill, on  
4 the ground that the juvenile, if not committed, would be a probable  
5 danger to himself or others or property by reason of mental illness;

6       (8) Fine the juvenile an amount not to exceed the maximum  
7 provided by law for such a crime or offense if committed by an adult  
8 and which is consistent with the juvenile's income or ability to pay and  
9 financial responsibility to his family, provided that the fine is specially  
10 adapted to the rehabilitation of the juvenile or to the deterrence of the  
11 type of crime or offense. If the fine is not paid due to financial  
12 limitations, the fine may be satisfied by requiring the juvenile to submit  
13 to any other appropriate disposition provided for in this section;

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

25       (10) Order that the juvenile perform community services under the  
26 supervision of a probation department or other agency or individual  
27 deemed appropriate by the court. Such services shall be compulsory  
28 and reasonable in terms of nature and duration. Such services may be  
29 performed without compensation, provided that any money earned by  
30 the juvenile from the performance of community services may be  
31 applied towards any payment of restitution or fine which the court has  
32 ordered the juvenile to pay;

33       (11) Order that the juvenile participate in work programs which are  
34 designed to provide job skills and specific employment training to  
35 enhance the employability of job participants. Such programs may be  
36 without compensation, provided that any money earned by the juvenile  
37 from participation in a work program may be applied towards any  
38 payment of restitution or fine which the court has ordered the juvenile  
39 to pay;

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

44       (13) Order that the juvenile participate in a program of academic or  
45 vocational education or counseling, such as a youth service bureau,  
46 requiring attendance at sessions designed to afford access to

1 opportunities for normal growth and development. This may require  
2 attendance after school, evenings and weekends;

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

6 (15) Order the parent or guardian of the juvenile to participate in  
7 appropriate programs or services when the court has found either that  
8 such person's omission or conduct was a significant contributing factor  
9 towards the commission of the delinquent act, or, under its authority  
10 to enforce litigant's rights, that such person's omission or conduct has  
11 been a significant contributing factor towards the ineffective  
12 implementation of a court order previously entered in relation to the  
13 juvenile;

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

19 (b) Place the juvenile under the custody of the Department of  
20 Corrections for placement with any private group home or private  
21 residential facility with which the department has entered into a  
22 purchase of service contract;

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

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

36 (19) Order a parent or guardian who has failed or neglected to  
37 exercise reasonable supervision or control of a juvenile who has been  
38 adjudicated delinquent for an offense which, if committed by an adult,  
39 would constitute the crime of theft of a motor vehicle or unlawful  
40 taking of a motor vehicle to make restitution to any person or entity  
41 who has suffered a loss as a result of that offense. The court may  
42 determine the reasonable amount, terms and conditions of restitution.

43 c. (1) Except as otherwise provided in subsections e. and f. of this  
44 section, if the county in which the juvenile has been adjudicated  
45 delinquent has a juvenile detention facility meeting the physical and  
46 program standards established pursuant to this subsection by the

1 Department of Corrections, the court may, in addition to any of the  
2 dispositions not involving placement out of the home enumerated in  
3 this section, incarcerate the juvenile in the youth detention facility in  
4 that county for a term not to exceed 60 consecutive days. Counties  
5 which do not operate their own juvenile detention facilities may  
6 contract for the use of approved commitment programs with counties  
7 with which they have established agreements for the use of  
8 pre-disposition juvenile detention facilities. The Department of  
9 Corrections shall promulgate such rules and regulations from time to  
10 time as deemed necessary to establish minimum physical facility and  
11 program standards for the use of juvenile detention facilities pursuant  
12 to this subsection.

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

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

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

28 (b) Incarceration of the juvenile is consistent with the rehabilitative  
29 goals of this act and the court is clearly convinced that the aggravating  
30 factors substantially outweigh the mitigating factors as set forth in  
31 section 25 of this act; and

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

34 (4) If as a result of incarceration of adjudicated juveniles pursuant  
35 to this subsection, a county is required to transport a predisposition  
36 juvenile to a juvenile detention facility in another county, the costs of  
37 such transportation shall be borne by the Department of Corrections.

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

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

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

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

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

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

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

1 factors shall determine the length of the term of incarceration  
2 appropriate, if any, beyond any mandatory minimum term required  
3 pursuant to subsection e. of this section. No time spent in custody  
4 prior to adjudication of delinquency shall be considered as time served  
5 on a mandatory minimum term of incarceration pursuant to subsection  
6 e. of this section.

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

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

23 (cf: P.L.1993,c.133,s.1)

24

25 2. N.J.S.2C:35-16 is amended to read as follows:

26 2C:35-16. Mandatory Forfeiture or Postponement of Driving  
27 Privileges.

28 In addition to any disposition authorized by this title, the provisions  
29 of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute  
30 indicating the dispositions that can be ordered for an adjudication of  
31 delinquency, and notwithstanding the provisions of subsection c. of  
32 N.J.S.2C:43-2 every person convicted of or adjudicated delinquent  
33 for a violation of any offense defined in this chapter or chapter 36 of  
34 this title shall forthwith forfeit his right to operate a motor vehicle  
35 over the highways of this State for a period to be fixed by the court at  
36 not less than six months or more than two years which shall commence  
37 on the day the sentence is imposed. In the case of any person who at  
38 the time of the imposition of sentence is less than 17 years of age, the  
39 period of the suspension of driving privileges authorized herein,  
40 including a suspension of the privilege of operating a motorized  
41 bicycle, shall commence on the day the sentence is imposed and shall  
42 run for a period as fixed by the court of not less than six months or  
43 more than two years after the day the person reaches the age of 17  
44 years. If the driving privilege of any person is under revocation,  
45 suspension, or postponement for a violation of any provision of this  
46 title or Title 39 of the Revised Statutes at the time of any conviction

1 or adjudication of delinquency for a violation of any offense defined  
2 in this chapter or chapter 36 of this title, the revocation, suspension,  
3 or postponement period imposed herein shall commence as of the date  
4 of termination of the existing revocation, suspension, or  
5 postponement.

6       The court before whom any person is convicted of or adjudicated  
7 delinquent for a violation of any offense defined in this chapter or  
8 chapter 36 of this title shall collect forthwith the New Jersey driver's  
9 license or licenses of the person and forward such license or licenses  
10 to the Director of the Division of Motor Vehicles along with a report  
11 indicating the first and last day of the suspension or postponement  
12 period imposed by the court pursuant to this section. If the court is  
13 for any reason unable to collect the license or licenses of the person,  
14 the court shall cause a report of the conviction or adjudication of  
15 delinquency to be filed with the Director. That report shall include the  
16 complete name, address, date of birth, eye color, and sex of the person  
17 and shall indicate the first and last day of the suspension or  
18 postponement period imposed by the court pursuant to this section.  
19 The court shall inform the person orally and in writing that if the  
20 person is convicted of personally operating a motor vehicle during the  
21 period of license suspension or postponement imposed pursuant to this  
22 section, the person shall, upon conviction, be subject to the penalties  
23 set forth in R.S.39:3-40. A person shall be required to acknowledge  
24 receipt of the written notice in writing. Failure to receive a written  
25 notice or failure to acknowledge in writing the receipt of a written  
26 notice shall not be a defense to a subsequent charge of a violation of  
27 R.S.39:3-40. If the person is the holder of a driver's license from  
28 another jurisdiction, the court shall not collect the license but shall  
29 notify forthwith the Director who shall notify the appropriate officials  
30 in the licensing jurisdiction. The court shall, however, in accordance  
31 with the provisions of this section, revoke the person's non-resident  
32 driving privilege in this State.

33       [In addition to any other condition imposed, a court may in its  
34 discretion suspend, revoke or postpone in accordance with the  
35 provisions of this section the driving privileges of a person admitted  
36 to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12  
37 without a plea of guilty or finding of guilt] The court shall suspend the  
driving privileges of a person admitted to supervisory treatment  
pursuant to N.J.S.2C:36A-1 or N.J.S.2C:43-12 during the first six  
months of supervisory treatment.

41 (cf: P.L.1988, c.44, s.7)

42

43       3. N.J.S.2C:36A-1 is amended to read as follows:

44       2C:36A-1. Conditional discharge for certain first offenses;  
45 expunging of records. a. Whenever any person who has not previously  
46 been convicted of any offense under section 20 of P.L.1970, c.226

1 (C.24:21-20), or a disorderly persons or petty disorderly persons  
2 offense defined in chapter 35 or 36 of this title or, subsequent to the  
3 effective date of this title, under any law of the United States, this  
4 State or any other state relating to marijuana, or stimulant, depressant,  
5 or hallucinogenic drugs, is charged with or convicted of any disorderly  
6 persons offense or petty disorderly persons offense under chapter 35  
7 or 36 of this title, the court upon notice to the prosecutor and subject  
8 to subsection c. of this section, may on motion of the defendant or the  
9 court:

10 (1) Suspend further proceedings and with the consent of the person  
11 after reference to the State Bureau of Identification criminal history  
12 record information files, place him under supervisory treatment upon  
13 such reasonable terms and conditions as it may require including the  
14 mandatory condition of suspension of driving privileges during the first  
15 six months of supervisory treatment; or

16 (2) After plea of guilty or finding of guilty, and without entering  
17 a judgment of conviction, and with the consent of the person after  
18 proper reference to the State Bureau of Identification criminal history  
19 record information files, place him on supervisory treatment upon  
20 reasonable terms and conditions as it may require, or as otherwise  
21 provided by law.

22 b. In no event shall the court require as a term or condition of  
23 supervisory treatment under this section, referral to any residential  
24 treatment facility for a period exceeding the maximum period of  
25 confinement prescribed by law for the offense for which the individual  
26 has been charged or convicted, nor shall any term of supervisory  
27 treatment imposed under this subsection exceed a period of three  
28 years. If a person is placed under supervisory treatment under this  
29 section after a plea of guilty or finding of guilt, the court as a term and  
30 condition of supervisory treatment shall suspend the person's driving  
31 privileges for a period to be fixed by the court at not less than six  
32 months or more than two years. In the case of a person who at the  
33 time of placement under supervisory treatment under this section is  
34 less than 17 years of age, the period of suspension of driving privileges  
35 authorized herein, including a suspension of the privilege of operating  
36 a motorized bicycle, shall commence on the day the person is placed  
37 on supervisory treatment and shall run for a period as fixed by the  
38 court of not less than six months or more than two years after the day  
39 the person reaches the age of 17 years.

40 If the driving privilege of a person is under revocation, suspension,  
41 or postponement for a violation of this title or Title 39 of the Revised  
42 Statutes at the time of the person's placement on supervisory treatment  
43 under this section, the revocation, suspension or postponement period  
44 imposed herein shall commence as of the date of the termination of the  
45 existing revocation, suspension or postponement. The court which  
46 places a person on supervisory treatment under this section shall

1 collect and forward the person's driver's license to the Division of  
2 Motor Vehicles and file an appropriate report with the division in  
3 accordance with the procedure set forth in N.J.S.2C:35-16. The court  
4 shall also inform the person of the penalties for operating a motor  
5 vehicle during the period of license suspension or postponement as  
6 required in N.J.S.2C:35-16.

7 Upon violation of a term or condition of supervisory treatment the  
8 court may enter a judgment of conviction and proceed as otherwise  
9 provided, or where there has been no plea of guilty or finding of  
10 guilty, resume proceedings. Upon fulfillment of the terms and  
11 conditions of supervisory treatment the court shall terminate the  
12 supervisory treatment and dismiss the proceedings against him.  
13 Termination of supervisory treatment and dismissal under this section  
14 shall be without court adjudication of guilt and shall not be deemed a  
15 conviction for purposes of disqualifications or disabilities, if any,  
16 imposed by law upon conviction of a crime or disorderly persons  
17 offense but shall be reported by the clerk of the court to the State  
18 Bureau of Identification criminal history record information files.  
19 Termination of supervisory treatment and dismissal under this section  
20 may occur only once with respect to any person. Imposition of  
21 supervisory treatment under this section shall not be deemed a  
22 conviction for the purposes of determining whether a second or  
23 subsequent offense has occurred under section 29 of P.L.1970, c.226  
24 (C.24:21-29), chapter 35 or 36 of this title or any law of this State.

25 c. Proceedings under this section shall not be available to any  
26 defendant unless the court in its discretion concludes that:

27 (1) The defendant's continued presence in the community, or in a  
28 civil treatment center or program, will not pose a danger to the  
29 community; or

30 (2) That the terms and conditions of supervisory treatment will be  
31 adequate to protect the public and will benefit the defendant by serving  
32 to correct any dependence on or use of controlled substances which he  
33 may manifest; and

34 (3) The person has not previously received supervisory treatment  
35 under section 27 of P.L.1970, c.226 (C.24:21-27), N.J.S.2C:43-12, or  
36 the provisions of this chapter.

37 d. A person seeking conditional discharge pursuant to this section  
38 shall pay to the court a fee of \$75.00. The court shall forward all  
39 money collected under this subsection to the treasurer of the county  
40 in which the court is located. This money shall be used to defray the  
41 cost of juror compensation within that county. A person may apply  
42 for a waiver of this fee, by reason of poverty, pursuant to the Rules  
43 Governing the Courts of the State of New Jersey. Of the moneys  
44 collected under this subsection, \$30.00 of each fee shall be deposited  
45 in the temporary reserve fund created by section 25 of P.L.1993,  
46 c.275. After December 31, 1994, the \$75.00 fee shall be paid to the

1 court, for use by the State.

2 (cf: P.L.1993,c.275,s.14)

3

4 4. N.J.S.2C:43-13 is amended to read as follows:

5 2C:43-13. Supervisory Treatment Procedure a. Agreement. The  
6 terms and duration of the supervisory treatment shall be set forth in  
7 writing, signed by the prosecutor and agreed to and signed by the  
8 participant. One of the terms shall be the mandatory suspension of  
driving privileges during the first six months of supervisory treatment.

9  
10 Payment of the assessment required by section 2 of P.L.1979, c.396  
11 (C.2C:43-3.1) shall be included as a term of the agreement. If the  
12 participant is represented by counsel, defense counsel shall also sign  
13 the agreement. Each order of supervisory treatment shall be filed with  
14 the county clerk.

15 b. Charges. During a period of supervisory treatment the charge  
16 or charges on which the participant is undergoing supervisory  
17 treatment shall be held in an inactive status pending termination of the  
18 supervisory treatment pursuant to subsection d. or e. of this section.

19 c. Period of treatment. Supervisory treatment may be for such  
20 period, as determined by the designated judge or the assignment judge,  
21 not to exceed three years, provided, however, that the period of  
22 supervisory treatment may be shortened or terminated as the program  
23 director may determine with the consent of the prosecutor and the  
24 approval of the court.

25 d. Dismissal. Upon completion of supervisory treatment, and with  
26 the consent of the prosecutor, the complaint, indictment or accusation  
27 against the participant may be dismissed with prejudice.

28 e. Violation of conditions. Upon violation of the conditions of  
29 supervisory treatment, the court shall determine, after summary  
30 hearing, whether said violation warrants the participant's dismissal  
31 from the supervisory treatment program or modification of the  
32 conditions of continued participation in that or another supervisory  
33 treatment program. Upon dismissal of the participant from the  
34 supervisory treatment program, the charges against the participant may  
35 be reactivated and the prosecutor may proceed as though no  
36 supervisory treatment had been commenced.

37 f. Evidence. No statement or other disclosure by a participant  
38 undergoing supervisory treatment made or disclosed to the person  
39 designated to provide such supervisory treatment shall be disclosed,  
40 at any time, to the prosecutor in connection with the charge or charges  
41 against the participant, nor shall any such statement or disclosure be  
42 admitted as evidence in any civil or criminal proceeding against the  
43 participant. Nothing provided herein, however, shall prevent the  
44 person providing supervisory treatment from informing the prosecutor,  
45 or the court, upon request or otherwise as to whether or not the  
46 participant is satisfactorily responding to supervisory treatment.

g. Delay. No participant agreeing to undergo supervisory treatment shall be permitted to complain of a lack of speedy trial for any delay caused by the commencement of supervisory treatment.

4 A person applying for admission to a program of supervisory  
5 treatment shall pay to the court a fee of \$75.00. The court shall  
6 forward all money collected under this subsection to the treasurer of  
7 the county in which the court is located. This money shall be used to  
8 defray the cost of juror compensation within that county. A person  
9 may apply for a waiver of this fee, by reason of poverty, pursuant to  
10 the Rules Governing the Courts of the State of New Jersey. Of the  
11 moneys collected under this subsection, \$30.00 of each application fee  
12 shall be deposited in the temporary reserve fund created by section 25  
13 of P.L.1993, c.275. After December 31, 1994, the \$75.00 fee shall be  
14 paid to the court, for use by the State.

15 (cf: P.L.1993,c.275,s.15)

16

17        5. This act shall take effect immediately.

18

## STATEMENT

22 This bill removes the statutory language which made permissive  
23 certain suspensions or postponements of driving privileges for  
24 drug-related offenses. The bill requires that juveniles for whom a  
25 formal entry of adjudication is postponed for a drug-related offense  
26 shall be subject to a mandatory suspension of driving privileges during  
27 this period of adjournment. Previously, the statute permitted the court  
28 to waive imposition of the suspension or postponement. This  
29 provision would now make the suspension run concurrently with the  
30 period of adjournment. It does not trigger postponement.

31 The bill also removes the court's discretion to avoid imposing the  
32 suspension or postponement for persons admitted to supervisory  
33 treatment or persons admitted to pretrial intervention. The suspension  
34 of driving privileges during a period of supervisory treatment would  
35 be a term and condition of the treatment. The suspension would run  
36 concurrently with the period of treatment for the first six months of  
37 treatment.

38 The sponsor believes that these measures are necessary to ensure  
39 that the loss of driving privileges remains a strong deterrent to persons  
40 involved or considering involvement with drugs. Particularly for  
41 juveniles, the possibility of losing this privilege may exert a strong  
42 deterrent effect.

1

2

3 Makes suspension of driving privileges mandatory for persons,  
4 including juveniles, who are diverted for drug offenses.