

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3319

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 2021

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3319.

As amended and reported by the committee, this bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

As introduced, the bill also eliminated the \$30 monthly penalty imposed on juvenile sex offenders that is deposited in the "Sex Offender Supervision Fund." The committee amended the bill to reinstate this penalty.

As of the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile

or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties. Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are deemed to be null and void. The committee amended the bill to clarify that this provision is both retroactive and prospective. The committee also amended the effective date of the bill to make this provision effective in nine months to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

Numerous costs and fees in the form of criminal penalties or administrative fees are imposed on juveniles involved in the juvenile justice system. These costs and fees can be significant. Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles' families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this debt. In addition to the emotional toll on these families, minority and low income families are disproportionately affected. While the revenue collected is minimal, the burden on families can be substantial. This State has responded to this issue by eliminating some of these costs and fees in prior legislative enactments. Further, the New Jersey Supreme Court recently issued an order to dismiss hundreds of juvenile warrants for unpaid discretionary and non-mandatory assessments. This bill would eliminate additional statutorily mandated assessments which are not within the discretion of the court to dismiss.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) reinstate the monthly \$30 sex offender penalty that covers operational expenses incurred by the State Parole Board in supervising sex offenders who have been released from incarceration;
- 2) clarify that provisions of section 8 of the bill that vacate fines, fees, costs, and other monetary penalties, discharge civil judgments, and void warrants are to apply both retroactively and prospectively; and
- 3) amend the effective date of section 8 to give the Administrative Office of the Courts nine months in which to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.