

SENATE, No. 2423

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 29, 2024

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Renames Juvenile Justice Commission as Youth Justice Commission.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee with technical review.



(Sponsorship Updated As Of: 3/18/2024)

1 AN ACT renaming the Juvenile Justice Commission and amending
2 the various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.1982, c.77 (C.2A:4A-20) is amended to
8 read as follows:

9 1. This act shall be known and may be cited as the "New Jersey
10 Code of **【Juvenile】** Youth Justice."
11 (cf: P.L.1982, c.77, s.1)
12

13 2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to
14 read as follows:

15 3. General definitions. As used in this act:

16 a. "Juvenile" means an individual who is under the age of 18
17 years.

18 b. "Adult" means an individual 18 years of age or older.

19 c. "Detention" means the temporary care of juveniles in
20 physically restricting facilities pending court disposition.

21 d. "Shelter care" means the temporary care of juveniles in
22 facilities without physical restriction pending court disposition.

23 e. "Commit" means to transfer legal custody to an institution.

24 f. "Guardian" means a person, other than a parent, to whom
25 legal custody of the child has been given by court order or who is
26 acting in the place of the parent or is responsible for the care and
27 welfare of the juvenile.

28 g. "Juvenile-family crisis" means behavior, conduct or a
29 condition of a juvenile, parent or guardian or other family member
30 which presents or results in (1) a serious threat to the well-being
31 and physical safety of a juvenile, or (2) a serious conflict between a
32 parent or guardian and a juvenile regarding rules of conduct which
33 has been manifested by repeated disregard for lawful parental
34 authority by a juvenile or misuse of lawful parental authority by a
35 parent or guardian, or (3) unauthorized absence by a juvenile for
36 more than 24 hours from his home, or (4) a pattern of repeated
37 unauthorized absences from school by a juvenile subject to the
38 compulsory education provision of Title 18A of the New Jersey
39 Statutes, or (5) an act which if committed by an adult would
40 constitute prostitution in violation of N.J.S.2C:34-1 or any offense
41 which the juvenile alleges is related to the juvenile being a victim
42 of human trafficking.

43 h. "Repetitive disorderly persons offense" means the second or
44 more disorderly persons offense committed by a juvenile on at least
45 two separate occasions and at different times.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 i. "Court" means the Superior Court, Chancery Division,
2 Family Part unless a different meaning is plainly required.

3 j. "Commission" means the **【Juvenile】 Youth** Justice
4 Commission established pursuant to section 2 of P.L.1995, c.284
5 (C.52:17B-170).

6 (cf: P.L.2011, c.195, s.2)

7

8 3. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to read
9 as follows:

10 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
11 delinquency case by the Superior Court, Chancery Division, Family
12 Part to an appropriate court and prosecuting authority without the
13 consent of the juvenile shall file a motion within 60 days after the
14 receipt of the complaint, which time may be extended for good cause
15 shown. The motion shall be accompanied by a written statement of
16 reasons clearly setting forth the facts used in assessing all factors
17 contained in paragraph (3) of subsection c. of this section, together
18 with an explanation as to how evaluation of those facts support waiver
19 for each particular juvenile.

20 b. At a hearing, the court shall receive the evidence offered by the
21 State and by the juvenile. The State shall provide proof to satisfy the
22 requirements set forth in paragraphs (1) and (2) of subsection c. of this
23 section. The court also shall review whether the State considered the
24 factors set forth in paragraph (3) of subsection c. of this section.

25 c. Except as provided in paragraph (3) of this subsection, the
26 court shall waive jurisdiction of a juvenile delinquency case without
27 the juvenile's consent and shall refer the case to the appropriate court
28 and prosecuting authority having jurisdiction if:

29 (1) The juvenile was 15 years of age or older at the time of the
30 alleged delinquent act; and

31 (2) There is probable cause to believe that the juvenile committed
32 a delinquent act which if committed by an adult would constitute:

33 (a) criminal homicide, other than death by auto;

34 (b) strict liability for drug-induced deaths;

35 (c) first degree robbery;

36 (d) carjacking;

37 (e) aggravated sexual assault;

38 (f) sexual assault;

39 (g) second degree aggravated assault;

40 (h) kidnapping;

41 (i) aggravated arson;

42 (j) possession of a firearm with a purpose to use it unlawfully
43 against the person of another under subsection a. of N.J.S.2C:39-4, or
44 possession of a firearm while committing or attempting to commit,
45 including the immediate flight therefrom, aggravated assault,
46 aggravated criminal sexual contact, burglary, or escape;

47 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics Trafficking
48 Network);

1 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
2 CDS Production Facility);

3 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
4 (Weapons Possession while Committing certain CDS Offenses);

5 (n) an attempt or conspiracy to commit any of the crimes
6 enumerated in subparagraphs (a) through (m) of this paragraph; or

7 (o) a crime committed at a time when the juvenile previously had
8 been sentenced and confined in an adult correctional facility.

9 (3) The court may deny a motion by the prosecutor to waive
10 jurisdiction of a juvenile delinquency case if it is clearly convinced
11 that the prosecutor abused his discretion in considering the following
12 factors in deciding whether to seek a waiver:

13 (a) The nature and circumstances of the offense charged;

14 (b) Whether the offense was against a person or property,
15 allocating more weight for crimes against the person;

16 (c) Degree of the juvenile's culpability;

17 (d) Age and maturity of the juvenile;

18 (e) Any classification that the juvenile is eligible for special
19 education to the extent this information is provided to the prosecution
20 by the juvenile or by the court;

21 (f) Degree of criminal sophistication exhibited by the juvenile;

22 (g) Nature and extent of any prior history of delinquency of the
23 juvenile and dispositions imposed for those adjudications;

24 (h) If the juvenile previously served a custodial disposition in a
25 State juvenile facility operated by the **【Juvenile】 Youth** Justice
26 Commission, and the response of the juvenile to the programs
27 provided at the facility to the extent this information is provided to the
28 prosecution by the **【Juvenile】 Youth** Justice Commission;

29 (i) Current or prior involvement of the juvenile with child welfare
30 agencies;

31 (j) Evidence of mental health concerns, substance use disorder, or
32 emotional instability of the juvenile to the extent this information is
33 provided to the prosecution by the juvenile or by the court; and

34 (k) If there is an identifiable victim, the input of the victim or
35 victim's family.

36 The Attorney General may develop for dissemination to the county
37 prosecutors those guidelines or directives deemed necessary or
38 appropriate to ensure the uniform application of this section
39 throughout the State.

40 d. An order waiving jurisdiction over a case and referring the case
41 to the appropriate court and prosecuting authority shall specify the
42 alleged act upon which the referral is based and all other delinquent
43 acts charged against the juvenile arising out of or related to the same
44 transaction.

45 e. Testimony of a juvenile at a hearing to determine referral under
46 this section shall not be admissible for any purpose in any subsequent
47 hearing to determine delinquency or guilt of any offense.

1 f. Upon waiver of jurisdiction and referral to the appropriate
2 court and prosecuting authority having jurisdiction:

3 (1) The case shall proceed as if it originated in that court and shall
4 be subject to the sentencing provisions available to that court;
5 provided, however, upon conviction for any offense which is subject to
6 waiver pursuant to paragraph (2) of subsection c. of this section, there
7 shall be a presumption that the juvenile shall serve any custodial
8 sentence imposed in a State juvenile facility operated by the
9 **【Juvenile】 Youth** Justice Commission until the juvenile reaches the
10 age of 21, except that:

11 (a) a juvenile who has not reached the age of 21 may, in the
12 discretion of the **【Juvenile】 Youth** Justice Commission, be transferred
13 to the Department of Corrections in accordance with the plan
14 established pursuant to subsection e. of section 7 of P.L.1995, c.284
15 (C.52:17B-175) and regulations adopted pursuant to that section; and

16 (b) a juvenile who has reached or exceeds the age of 21 may
17 continue to serve a sentence in a State juvenile facility operated by the
18 **【Juvenile】 Youth** Justice Commission in the discretion of the
19 **【Juvenile】 Youth** Justice Commission and if the juvenile so consents;
20 otherwise the juvenile shall serve the remainder of the custodial
21 sentence in a State correctional facility;

22 (2) If a juvenile is not convicted of an offense set forth in
23 paragraph (2) of subsection c. of this section, a conviction for any
24 other offense shall be deemed a juvenile adjudication and be remanded
25 to the Superior Court, Chancery Division, Family Part for disposition,
26 in accordance with the dispositional options available to that court and
27 all records related to the act of delinquency shall be subject to the
28 provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60);

29 (3) With the consent of the defense and the prosecutor, at any point
30 in the proceedings subsequent to the decision ordering waiver the court
31 may remand to the Superior Court, Chancery Division, Family Part if
32 it appears that:

33 (a) the interests of the public and the best interests of the juvenile
34 require access to programs or procedures uniquely available to that
35 court; and

36 (b) the interests of the public are no longer served by waiver.

37 g. (1) The **【Juvenile】 Youth** Justice Commission, in consultation
38 with the Attorney General, shall establish a program to collect, record,
39 and analyze data regarding waiver of jurisdiction of a juvenile
40 delinquency case by the Superior Court, Chancery Division, Family
41 Part to an appropriate court and prosecuting authority. In furtherance
42 of this program, the **【Juvenile】 Youth** Justice Commission shall, in
43 cooperation with the Administrative Office of the Courts, Attorney
44 General, and county prosecutors, collect data related to the decision to
45 seek waiver of jurisdiction of a juvenile delinquency case, which shall
46 include but not be limited to data concerning:

47 (a) youth demographics, including age, gender, race, and ethnicity;

1 (b) case characteristics, including the degree of the offense waived,
2 the degree of the offense convicted, and the final court resolution;

3 (c) case processing times; and

4 (d) waiver rates by race and ethnicity.

5 (2) The commission shall prepare and publish on its Internet
6 website biennial reports summarizing the data collected, recorded, and
7 analyzed pursuant to paragraph (1) of this subsection.

8 (3) The commission shall, pursuant to section 2 of P.L. 1991,
9 c.164 (C.52:14-19.1), biennially prepare and transmit to the Governor
10 and the Legislature the reports required in paragraph (2) of this
11 subsection, along with any recommendations the commission may
12 have for legislation concerning waiver of jurisdiction of juvenile
13 delinquency cases.

14 (cf: P.L.2023, c.177, s.1)

15
16 4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
17 read as follows:

18 18. Place of detention or shelter. a. The **【Juvenile】 Youth**
19 Justice Commission established pursuant to section 2 of P.L.1995,
20 c.284 (C.52:17B-170) shall specify the place where a juvenile may
21 be detained; and the Department of Children and Families shall
22 specify where a juvenile may be placed in shelter.

23 b. No juvenile shall be placed in detention or shelter care in
24 any place other than that specified by the **【Juvenile】 Youth** Justice
25 Commission or Department of Children and Families as provided
26 in subsection a.

27 c. A juvenile being held for a charge under this act or for a
28 violation of or contempt in connection with a violation of Title 39
29 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
30 or N.J.S.2C:33-13, including a juvenile who has reached the age of
31 18 years after being charged, shall not be placed in any prison, jail
32 or lockup nor detained in any police station, except that if no other
33 facility is reasonably available a juvenile may be held in a police
34 station in a place other than one designed for the detention of
35 prisoners and apart from any adult charged with or convicted of a
36 crime for a brief period if such holding is necessary to allow release
37 to his parent, guardian, other suitable person, or approved facility.
38 No juvenile shall be placed in a detention facility which has reached
39 its maximum population capacity, as designated by the **【Juvenile】**
40 **Youth** Justice Commission.

41 d. No juvenile charged with delinquency shall be transferred to
42 an adult county jail solely by reason of having reached age 18. The
43 following standards shall apply to any juvenile who has been placed
44 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
45 and who violates the conditions of that probation after reaching the
46 age of 18; who has been placed on parole pursuant to the provisions
47 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.)
48 and who violates the conditions of that parole after reaching the age

1 of 18; or who is arrested after reaching the age of 18 on a warrant
2 emanating from the commission of an act of juvenile delinquency:

3 (1) In the case of a person 18 years of age but less than 20 years
4 of age, the court, upon application by any interested party, shall
5 determine the place of detention, taking into consideration the age
6 and maturity of the person, whether the placement of the person in a
7 juvenile detention facility would present a risk to the safety of
8 juveniles residing at the facility, the likelihood that the person
9 would influence in a negative manner juveniles incarcerated at the
10 facility, whether the facility has sufficient space available for
11 juveniles and any other factor the court deems appropriate. Upon
12 application at any time by the juvenile detention facility
13 administrator or any other interested party, the court may order that
14 the person be relocated to the county jail. The denial of an
15 application shall not preclude subsequent applications based on a
16 change in circumstances or information that was not previously
17 made available to the court. The determination of the place of
18 detention shall be made in a summary manner;

19 (2) In the case of a person 20 years of age or older, the person
20 shall be incarcerated in the county jail unless good cause is shown.

21 e. (1) The **【Juvenile】** Youth Justice Commission and the
22 Department of Children and Families shall promulgate such rules
23 and regulations from time to time as deemed necessary to establish
24 minimum physical facility and program standards for juvenile
25 detention facilities or shelters under their respective supervision.

26 (2) The **【Juvenile】** Youth Justice Commission and the
27 Department of Children and Families, in consultation with the
28 appropriate county administrator of the county facility or shelter,
29 shall assign a maximum population capacity for each juvenile
30 detention facility or shelter based on minimum standards for these
31 facilities.

32 f. (1) Where either the **【Juvenile】** Youth Justice Commission or
33 the Department of Children and Families determines that a juvenile
34 detention facility or shelter under its control or authority is
35 regularly over the maximum population capacity or is in willful and
36 continuous disregard of the minimum standards for these facilities
37 or shelters, the commission or department may restrict new
38 admissions to the facility or shelter.

39 (2) Upon making such determination, the commission or
40 department shall notify the governing body of the appropriate
41 county of its decision to impose such a restriction, which
42 notification shall include a written statement specifying the reasons
43 therefor and corrections to be made. If the commission or
44 department shall determine that no appropriate action has been
45 initiated by the administrator of the facility or shelter within 60
46 days following such notification to correct the violations specified
47 in the notification, it shall order that such juvenile detention facility
48 or shelter shall immediately cease to admit juveniles. The county

1 shall be entitled to a hearing where such a restriction is imposed by
2 the commission or department.

3 (3) Any juvenile detention facility or shelter so restricted shall
4 continue under such order until such time as the commission or
5 department determines that the violation specified in the notice has
6 been corrected or that the facility or shelter has initiated actions
7 which will ensure the correction of said violations.

8 (4) Upon the issuance of an order to cease admissions to a
9 juvenile detention facility or shelter, the commission or department
10 shall determine whether other juvenile detention facilities or
11 shelters have adequate room for admitting juveniles and shall assign
12 the juveniles to the facilities or shelters on the basis of available
13 space; provided that the department shall not assign the juvenile to
14 a facility or shelter where such facility or shelter is at the maximum
15 population. A juvenile detention facility or shelter ordered to
16 accept a juvenile shall do so within five days following the receipt
17 of an order to accept admission of such juvenile.

18 (5) A juvenile detention facility or shelter restricted by an order
19 to cease admissions shall assume responsibility for the
20 transportation of a juvenile sent to another juvenile detention
21 facility or shelter so long as the order shall remain in effect.

22 (6) A facility or shelter receiving juveniles pursuant to
23 paragraph (4) of this subsection shall receive from the sending
24 county a reasonable and appropriate per diem allowance for each
25 juvenile sent to the facility, such allowance to be used for the
26 custody, care, maintenance, and any other services normally
27 provided by the county to juveniles in the facility or shelter and
28 which reflects all county expenditures in maintaining such juvenile,
29 including a proportionate share of all buildings and grounds costs,
30 personnel costs, including fringe benefits, administrative costs and
31 all other direct and indirect costs.

32 (7) The governing body of a county whose juvenile detention
33 facility or shelter has been prohibited from accepting new
34 admissions, and whose juveniles have been assigned to other
35 juvenile detention facilities or shelters, shall appropriate an amount
36 to pay the county receiving such juveniles for all expenses incurred
37 pursuant to paragraph (6) of this subsection.

38 (cf: P.L.2006, c.47, s.16)

39

40 5. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
41 read as follows:

42 23. Predispositional evaluation. a. Before making a disposition,
43 the court may refer the juvenile to an appropriate individual, agency
44 or institution for examination and evaluation.

45 b. In arriving at a disposition, the court may also consult with
46 such individuals and agencies as may be appropriate to the
47 juvenile's situation, including the county probation division, the
48 Department of Children and Families, the **【Juvenile】** Youth Justice

1 Commission established pursuant to section 2 of P.L.1995, c.284
2 (C.52:17B-170), the county youth services commission, school
3 personnel, clergy, law enforcement authorities, family members and
4 other interested and knowledgeable parties. In so doing, the court
5 may convene a predispositional conference to discuss and
6 recommend disposition.

7 c. (1) The predisposition report ordered pursuant to the Rules of
8 Court may include a statement by the victim of the offense for
9 which the juvenile has been adjudicated delinquent or by the nearest
10 relative of a homicide victim. The statement may include the nature
11 and extent of any physical harm or psychological or emotional harm
12 or trauma suffered by the victim, the extent of any loss to include
13 loss of earnings or ability to work suffered by the victim and the
14 effect of the crime upon the victim's family. The probation division
15 shall notify the victim or nearest relative of a homicide victim of his
16 right to make a statement for inclusion in the predisposition report
17 if the victim or relative so desires. Any statement shall be made
18 within 20 days of notification by the probation division. The report
19 shall further include information on the financial resources of the
20 juvenile. This information shall be made available on request to the
21 Victims of Crime Compensation **【Board】** Office established
22 pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any
23 officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to
24 collect payment of an assessment, restitution or fine.

25 (2) Any predisposition report prepared pursuant to this section
26 shall include:

27 (a) an analysis of the circumstances attending the commission of
28 the act;

29 (b) the impact of the offense on the community;

30 (c) the offender's history of delinquency or criminality;

31 (d) the offender's family situation;

32 (e) the offender's financial resources;

33 (f) the financial resources of the juvenile's parent or guardian;

34 (g) the information concerning the parent or guardian's exercise
35 of supervision and control relevant to commission of the act; and

36 (h) in any case where the juvenile is charged with an act which
37 if committed by an adult would constitute prostitution in violation
38 of N.J.S.2C:34-1 or any offense which the juvenile alleges is related
39 to the juvenile being a victim of human trafficking, the
40 predisposition report may include any information relevant to the
41 commission of the act.

42 Information concerning financial resources included in the report
43 shall be made available to any officer authorized to collect payment
44 on any assessment, restitution or fine.

45 (cf: P.L.2011, c.195, s.3)

46
47 6. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
48 read as follows:

1 24. Disposition of delinquency cases. a. In determining the
2 appropriate disposition for a juvenile adjudicated delinquent the
3 court shall weigh the following factors:

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

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

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

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

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

17 (6) Whether the disposition recognizes and treats the unique
18 physical, psychological, and social characteristics and needs of the
19 child;

20 (7) Whether the disposition contributes to the developmental
21 needs of the child, including the academic and social needs of the
22 child where the child has intellectual disabilities or learning
23 disabilities;

24 (8) Any other circumstances related to the offense and the
25 juvenile's social history as deemed appropriate by the court;

26 (9) The impact of the offense on the victim or victims;

27 (10) The impact of the offense on the community; and

28 (11) The threat to the safety of the public or any individual
29 posed by the child.

30 b. If a juvenile is adjudged delinquent, and except to the extent
31 that an additional specific disposition is required pursuant to this
32 section, the court, in accordance with subsection i. of section 2 of
33 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to
34 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order
35 any one or more of the following dispositions:

36 (1) Adjourn formal entry of disposition of the case for a period
37 not to exceed 12 months for the purpose of determining whether the
38 juvenile makes a satisfactory adjustment, and if during the period of
39 continuance the juvenile makes such an adjustment, dismiss the
40 complaint;

41 (2) Release the juvenile to the supervision of the juvenile's
42 parent or guardian;

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

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

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

17 (6) Place the juvenile under the care and custody of the
18 Commissioner of Children and Families for the purpose of
19 receiving the services of the Division of Children's System of Care
20 of that department, provided that the juvenile has been determined
21 to be eligible for those services under P.L.1965, c.59, s.16
22 (C.30:4-25.4);

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

30 (8) (Deleted by amendment, P.L.2019, c.363)

31 (9) Order the juvenile to make restitution to a person or entity
32 who has suffered loss resulting from personal injuries or damage to
33 property as a result of the offense for which the juvenile has been
34 adjudicated delinquent. The court may determine the reasonable
35 amount, terms, and conditions of restitution. If the juvenile
36 participated in the offense with other persons, the participants shall
37 be jointly and severally responsible for the payment of restitution.
38 The court shall not require a juvenile to make full or partial
39 restitution if the juvenile reasonably satisfies the court that the
40 juvenile does not have the means to make restitution and could not
41 reasonably acquire the means to pay restitution;

42 (10) Order that the juvenile perform community services under
43 the supervision of a probation division or other agency or individual
44 deemed appropriate by the court. Such services shall be
45 compulsory and reasonable in terms of nature and duration. Such
46 services may be performed without compensation, provided that any
47 money earned by the juvenile from the performance of community

1 services may be applied towards any payment of restitution or fine
2 which the court has ordered the juvenile to pay;

3 (11) Order that the juvenile participate in work programs which
4 are designed to provide job skills and specific employment training
5 to enhance the employability of job participants. Such programs
6 may be without compensation, provided that any money earned by
7 the juvenile from participation in a work program may be applied
8 towards any payment of restitution or fine which the court has
9 ordered the juvenile to pay;

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

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

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

22 (15) Order the parent or guardian of the juvenile to participate in
23 appropriate programs or services when the court has found either
24 that such person's omission or conduct was a significant
25 contributing factor towards the commission of the delinquent act,
26 or, under its authority to enforce litigant's rights, that such person's
27 omission or conduct has been a significant contributing factor
28 towards the ineffective implementation of a court order previously
29 entered in relation to the juvenile;

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

36 (b) Place the juvenile under the custody of the **[Juvenile] Youth**
37 Justice Commission established pursuant to section 2 of P.L.1995,
38 c.284 (C.52:17B-170) for placement with any private group home
39 or private residential facility with which the commission has
40 entered into a purchase of service contract;

41 (17) Instead of or in addition to any disposition made according
42 to this section, the court may postpone, suspend, or revoke for a
43 period not to exceed two years the driver's license, registration
44 certificate, or both of any juvenile who used a motor vehicle in the
45 course of committing an act for which the juvenile was adjudicated
46 delinquent. In imposing this disposition and in deciding the duration
47 of the postponement, suspension, or revocation, the court shall
48 consider the circumstances of the act for which the juvenile was

1 adjudicated delinquent and the potential effect of the loss of driving
2 privileges on the juvenile's ability to be rehabilitated. Any
3 postponement, suspension, or revocation shall be imposed
4 consecutively with any custodial commitment;

5 (18) Order that the juvenile satisfy any other conditions
6 reasonably related to the rehabilitation of the juvenile;

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

13 (20) Place the juvenile, if eligible, in an appropriate juvenile
14 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
15 et al.).

16 c. (1) If the county in which the juvenile has been adjudicated
17 delinquent has a juvenile detention facility meeting the physical and
18 program standards established pursuant to this subsection by the
19 **[Juvenile]** Youth Justice Commission, the court may, in addition to
20 any of the dispositions not involving placement out of the home
21 enumerated in this section, incarcerate the juvenile in the youth
22 detention facility in that county for a term not to exceed 60
23 consecutive days. The decision by the court to incarcerate a
24 juvenile shall be made in accordance with subsection i. of section 2
25 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
26 their own juvenile detention facilities may contract for the use of
27 approved commitment programs with counties with which they
28 have established agreements for the use of pre-disposition juvenile
29 detention facilities. The **[Juvenile]** Youth Justice Commission
30 shall promulgate such rules and regulations from time to time as
31 deemed necessary to establish minimum physical facility and
32 program standards for the use of juvenile detention facilities
33 pursuant to this subsection.

34 (2) A juvenile shall not be incarcerated in any county detention
35 facility unless the county has entered into an agreement with the
36 **[Juvenile]** Youth Justice Commission concerning the use of the
37 facility for sentenced juveniles. Upon agreement with the county,
38 the **[Juvenile]** Youth Justice Commission shall certify detention
39 facilities which may receive juveniles sentenced pursuant to this
40 subsection and shall specify the capacity of the facility that may be
41 made available to receive such juveniles; provided, however, that in
42 no event shall the number of juveniles incarcerated pursuant to this
43 subsection exceed **[50%]** 50 percent of the maximum capacity of
44 the facility.

45 (3) The court may fix a term of incarceration under this
46 subsection that is in accordance with subsection i. of section 2 of
47 P.L.1982, c.77 (C.2A:4A-21) and:

- 1 (a) The act for which the juvenile was adjudicated delinquent, if
2 committed by an adult, would have constituted a crime or repetitive
3 disorderly persons offense;
- 4 (b) Incarceration of the juvenile is consistent with the goals of
5 public safety, accountability, and rehabilitation and the court is
6 clearly convinced that the aggravating factors substantially
7 outweigh the mitigating factors as set forth in section 25 of
8 P.L.1982, c.77 (C.2A:4A-44); and
- 9 (c) The detention facility has been certified for admission of
10 adjudicated juveniles pursuant to paragraph (2).
- 11 (4) If as a result of incarceration of adjudicated juveniles
12 pursuant to this subsection, a county is required to transport a
13 predisposition juvenile to a juvenile detention facility in another
14 county, the costs of such transportation shall be borne by the
15 **[Juvenile] Youth** Justice Commission.
- 16 d. Whenever the court imposes a disposition upon an
17 adjudicated delinquent which requires the juvenile to perform a
18 community service, restitution, or to participate in any other
19 program provided for in this section other than subsection c., the
20 duration of the juvenile's mandatory participation in such
21 alternative programs shall extend for a period consistent with the
22 program goal for the juvenile and shall in no event exceed one year
23 beyond the maximum duration permissible for the delinquent if the
24 juvenile had been committed to a term of incarceration.
- 25 e. In addition to any disposition the court may impose pursuant
26 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
27 following orders shall be included in dispositions of the
28 adjudications set forth below:
- 29 (1) An order to perform community service pursuant to
30 paragraph (10) of subsection b. of this section for a period of at
31 least 60 days, if the juvenile has been adjudicated delinquent for an
32 act which, if committed by an adult, would constitute the crime of
33 theft of a motor vehicle, or the crime of unlawful taking of a motor
34 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
35 degree crime of eluding in violation of subsection b. of
36 N.J.S.2C:29-2; and
- 37 (2) (Deleted by amendment, P.L.2019, c.363)
- 38 (3) An order to perform community service pursuant to
39 paragraph (10) of subsection b. of this section for a period of at
40 least 30 days, if the juvenile has been adjudicated delinquent for an
41 act which, if committed by an adult, would constitute the fourth
42 degree crime of unlawful taking of a motor vehicle in violation of
43 subsection b. of N.J.S.2C:20-10.
- 44 (4) (Deleted by amendment, P.L.2019, c.363)
- 45 f. (1) (Deleted by amendment, P.L.2019, c.363)
- 46 (2) (Deleted by amendment, P.L.2019, c.363)
- 47 (3) (Deleted by amendment, P.L.2019, c.363)

1 g. Whenever the court imposes a disposition upon an
2 adjudicated delinquent which requires the juvenile to perform a
3 community service, restitution, or to participate in any other
4 program provided for in this section, the order shall include
5 provisions which provide balanced attention to the protection of the
6 community, accountability for offenses committed, fostering
7 interaction and dialogue between the offender, victim, and
8 community and the development of competencies to enable the
9 child to become a responsible and productive member of the
10 community.

11 (cf: P.L.2021, c.342, s.1)

12

13 7. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
14 read as follows:

15 8. a. In addition to any other disposition made pursuant to law,
16 a court shall order a juvenile charged with delinquency or
17 adjudicated delinquent for an act which, if committed by an adult
18 would constitute a crime, a disorderly persons offense or a petty
19 disorderly persons offense, to submit to an approved serological test
20 for acquired immune deficiency syndrome (AIDS) or infection with
21 the human immunodeficiency virus (HIV) or any other related virus
22 identified as a probable causative agent of AIDS if:

23 (1) in the course of the commission of the act, including the
24 immediate flight thereafter or during any investigation or arrest
25 related to that act, a law enforcement officer, the victim or other
26 person suffered a prick from a hypodermic needle, provided there is
27 probable cause to believe that the juvenile is an intravenous user of
28 controlled dangerous substances; or

29 (2) in the course of the commission of the act, including the
30 immediate flight thereafter or during any investigation or arrest
31 related to that act, a law enforcement officer, the victim or other
32 person had contact with the juvenile which involved or was likely to
33 involve the transmission of bodily fluids.

34 The court may order a juvenile to submit to an approved
35 serological test for AIDS or infection with the HIV or any other
36 related virus identified as a probable causative agent of AIDS if in
37 the course of the performance of any other law enforcement duties,
38 a law enforcement officer suffers a prick from a hypodermic needle,
39 provided that there is probable cause to believe that the defendant is
40 an intravenous user of controlled dangerous substances, or had
41 contact with the defendant which involved or was likely to involve
42 the transmission of bodily fluids. The court shall issue such an
43 order only upon the request of the law enforcement officer, victim
44 of the offense or other affected person made at the time of
45 indictment, charge or conviction. If a county prosecutor declines to
46 make such an application within 72 hours of being requested to do
47 so by the law enforcement officer, the law enforcement officer may
48 appeal to the Division of Criminal Justice in the Department of Law

1 and Public Safety for that officer to bring the application. The
2 juvenile shall be ordered by the court to submit to such repeat or
3 confirmatory tests as may be medically necessary.

4 b. A court order issued pursuant to subsection a. of this section
5 shall require testing to be performed as soon as practicable by the
6 Executive Director of the **【Juvenile】 Youth** Justice Commission
7 pursuant to authority granted to the executive director by sections 6
8 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider
9 of health care or at a health care facility licensed pursuant to section
10 12 of P.L.1971, c.136 (C.26:2H-12). The order shall also require
11 that the results of the test be reported to the offender, the
12 appropriate Office of Victim-Witness Advocacy if a victim of an
13 offense is tested, and the affected law enforcement officer. Upon
14 receipt of the result of a test ordered pursuant to subsection a. of
15 this section, the Office of Victim-Witness Advocacy shall provide
16 the victim with appropriate counseling, referral for counseling and
17 if appropriate, referral for health care. The office shall notify the
18 victim or make appropriate arrangements for the victim to be
19 notified of the test result.

20 c. (Deleted by amendment, P.L.2021, c.342)

21 d. The result of a test ordered pursuant to subsection a. of this
22 section shall be confidential and health care providers and
23 employees of the **【Juvenile】 Youth** Justice Commission, the Office
24 of Victim-Witness Advocacy, a health care facility or counseling
25 service shall not disclose the result of a test performed pursuant to
26 this section except as authorized herein or as otherwise authorized
27 by law or court order. The provisions of this section shall not be
28 deemed to prohibit disclosure of a test result to the person tested.

29 e. Persons who perform tests ordered pursuant to subsection a.
30 of this section in accordance with accepted medical standards for
31 the performance of such tests shall be immune from civil and
32 criminal liability arising from their conduct.

33 f. This section shall not be construed to preclude or limit any
34 other testing for AIDS or infection with the HIV or any other
35 related virus identified as a probable causative agent of AIDS which
36 is otherwise permitted by statute, court rule or common law.

37 (cf: P.L.2021, c.342, s.2)

38
39 8. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read
40 as follows:

41 25. Incarceration--Aggravating and mitigating factors

42 a. (1) In determining whether incarceration is an appropriate
43 disposition and in addition to the considerations set forth in subsection
44 i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court shall consider
45 the following aggravating circumstances:

46 (a) The fact that the nature and circumstances of the act, and the
47 role of the juvenile therein, was committed in an especially heinous,
48 cruel, or depraved manner;

- 1 (b) The fact that there was grave and serious harm inflicted on the
- 2 victim and that based upon the juvenile's age or mental capacity the
- 3 juvenile knew or reasonably should have known that the victim was
- 4 particularly vulnerable or incapable of resistance due to advanced age,
- 5 disability, ill-health, or extreme youth, or was for any other reason
- 6 substantially incapable;
- 7 (c) The character and attitude of the juvenile indicate that the
- 8 juvenile is likely to commit another delinquent or criminal act;
- 9 (d) The juvenile's prior record and the seriousness of any acts for
- 10 which the juvenile has been adjudicated delinquent;
- 11 (e) The fact that the juvenile committed the act pursuant to an
- 12 agreement that the juvenile either pay or be paid for the commission of
- 13 the act and that the pecuniary incentive was beyond that inherent in the
- 14 act itself;
- 15 (f) The fact that the juvenile committed the act against a
- 16 policeman or other law enforcement officer, correctional employee or
- 17 fireman, acting in the performance of his duties while in uniform or
- 18 exhibiting evidence of his authority, or the juvenile committed the act
- 19 because of the status of the victim as a public servant;
- 20 (g) The need for deterring the juvenile and others from violating
- 21 the law;
- 22 (h) The fact that the juvenile knowingly conspired with others as
- 23 an organizer, supervisor, or manager to commit continuing criminal
- 24 activity in concert with two or more persons and the circumstances of
- 25 the crime show that he has knowingly devoted himself to criminal
- 26 activity as part of an ongoing business activity;
- 27 (i) The fact that the juvenile on two separate occasions was
- 28 adjudged a delinquent on the basis of acts which if committed by an
- 29 adult would constitute crimes;
- 30 (j) The impact of the offense on the victim or victims;
- 31 (k) The impact of the offense on the community; and
- 32 (l) The threat to the safety of the public or any individual posed by
- 33 the child.
- 34 (2) In determining whether incarceration is an appropriate
- 35 disposition the court shall consider the following mitigating
- 36 circumstances:
- 37 (a) The child is under the age of 14;
- 38 (b) The juvenile's conduct neither caused nor threatened serious
- 39 harm;
- 40 (c) The juvenile did not contemplate that the juvenile's conduct
- 41 would cause or threaten serious harm;
- 42 (d) The juvenile acted under a strong provocation;
- 43 (e) There were substantial grounds tending to excuse or justify the
- 44 juvenile's conduct, though failing to establish a defense;
- 45 (f) The victim of the juvenile's conduct induced or facilitated its
- 46 commission;

1 (g) The juvenile has compensated or will compensate the victim
2 for the damage or injury that the victim has sustained, or will
3 participate in a program of community service;

4 (h) The juvenile has no history of prior delinquency or criminal
5 activity or has led a law-abiding life for a substantial period of time
6 before the commission of the present act;

7 (i) The juvenile's conduct was the result of circumstances unlikely
8 to recur;

9 (j) The character and attitude of the juvenile indicate that the
10 juvenile is unlikely to commit another delinquent or criminal act;

11 (k) The juvenile is particularly likely to respond affirmatively to
12 noncustodial treatment;

13 (l) The separation of the juvenile from the juvenile's family by
14 incarceration of the juvenile would entail excessive hardship to the
15 juvenile or the juvenile's family;

16 (m) The willingness of the juvenile to cooperate with law
17 enforcement authorities;

18 (n) The conduct of the juvenile was substantially influenced by
19 another person more mature than the juvenile.

20 b. (1) There shall be a presumption of nonincarceration for any
21 crime or offense of the fourth degree or less committed by a juvenile
22 who has not previously been adjudicated delinquent or convicted of a
23 crime or offense.

24 (2) Where incarceration is imposed, the court and a panel
25 comprised of at least two members of the **【Juvenile】 Youth** Justice
26 Commission designated by the executive director and a member of the
27 State Parole Board designated by the chairman shall consider the
28 juvenile's eligibility for release pursuant to the provisions of
29 subsection d. of this section.

30 c. The following juveniles shall not be committed to a State
31 juvenile facility:

32 (1) Juveniles age 11 or under unless adjudicated delinquent for the
33 crime of arson or a crime which, if committed by an adult, would be a
34 crime of the first or second degree; and

35 (2) Juveniles who are developmentally disabled as defined in
36 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82 (C.30:6D-
37 3).

38 d. (1) When the court determines that, based on the consideration
39 of all the factors set forth in subsection a., the juvenile shall be
40 incarcerated, unless it orders the incarceration pursuant to subsection
41 c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall state on the
42 record the reasons for imposing incarceration, including any findings
43 with regard to these factors, and commit the juvenile to the custody of
44 the **【Juvenile】 Youth** Justice Commission which shall provide for the
45 juvenile's placement in a suitable juvenile facility pursuant to the
46 conditions set forth in this subsection and for terms not to exceed the
47 maximum terms as provided herein for what would constitute the
48 following crimes if committed by an adult:

- | | | |
|---|----------------------------------------------|----------|
| 1 | (a) Murder under 2C:11-3a(1) or (2) | 20 years |
| 2 | (b) Murder under 2C:11-3a(3) | 10 years |
| 3 | (c) Crime of the first degree, except murder | 4 years |
| 4 | (d) Crime of the second degree | 3 years |
| 5 | (e) Crime of the third degree | 2 years |
| 6 | (f) Crime of the fourth degree | 1 year |
| 7 | (g) Disorderly persons offense | 6 months |
- 8 (2) The period of confinement shall continue until the panel
9 established pursuant to subsection b. of this section determines that the
10 person is eligible for early release on parole or until expiration of the
11 term of confinement, whichever shall occur first; except that in no case
12 shall the period of confinement and parole exceed the maximum
13 provided by law for the offense. A juvenile shall be granted early
14 release on parole when it appears that the juvenile has made
15 substantial progress toward positive behavioral adjustment and
16 rehabilitative goals articulated by the panel established pursuant to
17 subsection b. of this section to the juvenile. However, if a juvenile is
18 approved for parole by the panel established pursuant to subsection b.
19 of this section prior to serving one-third of any term imposed for any
20 crime of the first, second, or third degree, including any extended term
21 imposed pursuant to paragraph (3) or (4) of this subsection, or one-
22 fourth of any term imposed for any other crime the granting of parole
23 shall be subject to approval of the sentencing court. Prior to approving
24 parole, the court shall give the prosecuting attorney notice and an
25 opportunity to be heard. If the court denies the parole of a juvenile
26 pursuant to this paragraph it shall state its reasons in writing and notify
27 the panel established pursuant to subsection b. of this section, the
28 juvenile, and the juvenile's attorney. The court shall have 30 days from
29 the date of notice of the pending parole to exercise the power granted
30 under this paragraph. If the court does not respond within that time
31 period, the parole will be deemed approved.
- 32 The panel established pursuant to subsection b. of this section shall
33 determine at the time of release the conditions of parole, which shall
34 be appropriately tailored to the needs of each juvenile. Any conditions
35 imposed at the time of release or modified thereafter as a graduated
36 intervention in lieu of initiating parole revocation proceedings shall
37 constitute the least restrictive alternatives necessary to promote the
38 successful return of the juvenile to the community. The juvenile shall
39 not be required to enter or complete a residential community release
40 program, residential treatment program, or other out-of-home
41 placement as a condition of parole unless it is determined that the
42 condition is necessary to protect the safety of the juvenile.
- 43 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
44 seq.) who is released on parole prior to the expiration of the juvenile's
45 maximum term may be retained under parole supervision for a period
46 not exceeding the unserved portion of the term. The panel established
47 pursuant to subsection b. of this section, the juvenile, the juvenile's
48 attorney, the juvenile's parent or guardian or, with leave of the court

1 any other interested party, may make a motion to the court, with notice
2 to the prosecuting attorney, for the return of the juvenile from a
3 juvenile facility prior to the juvenile's parole and provide for an
4 alternative disposition which would not exceed the duration of the
5 original time to be served in the facility.

6 (3) Upon application by the prosecutor, the court may sentence a
7 juvenile who has been convicted of a crime of the first, second, or
8 third degree if committed by an adult, to an extended term of
9 incarceration beyond the maximum set forth in paragraph (1) of this
10 subsection, if it finds that the juvenile was previously adjudged
11 delinquent on at least two separate occasions, for offenses which, if
12 committed by an adult, would constitute a crime of the first or second
13 degree. The extended term shall not exceed five additional years for an
14 act which would constitute murder and shall not exceed three
15 additional years for all other crimes of the first degree and shall not
16 exceed two additional years for a crime of the second degree, if
17 committed by an adult, and one additional year for a crime of the third
18 degree, if committed by an adult.

19 (4) Upon application by the prosecutor, when a juvenile is before
20 the court at one time for disposition of three or more unrelated
21 offenses which, if committed by an adult, would constitute crimes of
22 the first, second or third degree and which are not part of the same
23 transaction, the court may sentence the juvenile to an extended term of
24 incarceration not to exceed the maximum of the permissible term for
25 the most serious offense for which the juvenile has been adjudicated
26 plus two additional years.

27 (5) The panel established pursuant to subsection b. of this section
28 may impose a term of post-incarceration supervision following the
29 juvenile's release from custody only if it is deemed necessary to
30 effectuate the juvenile's rehabilitation and reintegration into society.
31 Post-incarceration supervision shall not exceed six months, except the
32 term may be extended for an additional six months if the panel
33 established pursuant to subsection b. of this section deems
34 continuation of the post-incarceration supervision necessary to
35 effectuate the juvenile's rehabilitation and reintegration into society.
36 Post-incarceration supervision shall not exceed one year. Post-
37 incarceration supervision shall not be imposed on any juvenile who
38 has completed a period of parole supervision of six months or more.
39 The term of post-incarceration supervision shall commence on the date
40 of the expiration of the juvenile's maximum sentence. During the term
41 of post-incarceration supervision the juvenile shall remain in the
42 community and in the legal custody of the commission. The juvenile
43 shall not be required to enter or complete a residential community
44 release program, residential treatment program, or other out-of-home
45 placement as a condition of post-incarceration supervision. A term of
46 post-incarceration supervision imposed pursuant to this paragraph may
47 be terminated by the panel established pursuant to subsection b. of this
48 section or court if the juvenile has made a satisfactory adjustment in

1 the community while under supervision and if continued supervision is
2 not required.

3 (6) The commission shall review the case of each juvenile
4 sentenced to a term of commitment with the commission at least every
5 three months and submit a status report to the court, the prosecutor,
6 and the counsel for the juvenile. The commission's review and status
7 report shall include, but not be limited to:

8 (a) information on the treatment, care, and custody of the juvenile;

9 (b) whether the juvenile is receiving the mental health, substance
10 use disorder, educational, and other rehabilitative services necessary to
11 promote the juvenile's successful reintegration into the community;

12 (c) any incidents of violence involving the juvenile; and

13 (d) the juvenile's eligibility for parole.

14 Counsel for the juvenile shall have the opportunity to respond to
15 the report required pursuant to this paragraph.

16 The commission shall continue to submit quarterly reports to the
17 court until the juvenile is paroled or released at the expiration of the
18 term of incarceration and shall resume the quarterly reviews if the
19 juvenile is returned to the custody of the commission. The court may
20 conduct a hearing at any time to determine whether commitment with
21 the commission continues to be appropriate pursuant to section 24 of
22 P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77
23 (C.2A:4A-44), and may release the juvenile or otherwise modify the
24 dispositional order. Nothing in this paragraph shall abrogate the
25 court's retention of jurisdiction pursuant to section 26 of P.L.1982,
26 c.77 (C.2A:4A-45).

27 e. If the panel established pursuant to subsection b. of this section
28 determines there is probable cause to believe that the juvenile has
29 seriously or persistently violated the terms and conditions of parole,
30 the commission shall conduct a hearing to determine if the juvenile's
31 parole should be revoked. The juvenile shall be represented by
32 counsel at the hearing. The hearing shall be conducted by a hearing
33 officer who is licensed as an attorney-at-law in this State. The juvenile
34 shall not be incarcerated prior to the hearing unless the panel
35 established pursuant to subsection b. of this section determines by
36 objective and credible evidence that the juvenile poses an immediate
37 and substantial danger to public safety. If the juvenile is incarcerated
38 prior to the hearing, the hearing shall be held within 72 hours of the
39 juvenile's return to custody and a written decision made and
40 transmitted to the juvenile and the juvenile's counsel within 48 hours
41 of the hearing. Upon request of counsel for the juvenile, the hearing
42 officer shall adjourn the hearing for not more than 72 hours.
43 Subsequent adjournments may be granted upon request of the juvenile
44 and good cause shown.

45 The panel established pursuant to subsection b. of this section shall
46 not revoke the parole of a juvenile unless the hearing officer
47 determines, by clear and convincing evidence, that:

1 (1) the juvenile has seriously or persistently violated the conditions
2 of parole;

3 (2) the juvenile poses a substantial danger to public safety and no
4 form of community-based supervision would alleviate that danger; and

5 (3) revocation is consistent with the provisions of section 2 of
6 P.L.1982, c.77 (C.2A:4A-21).

7 The procedures and standards set forth in sections 15 through 21 of
8 P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall apply to
9 juvenile parole revocation hearings, unless the procedures and
10 standards conflict with those set forth in this subsection.

11 Notwithstanding a determination that the juvenile violated a
12 condition of parole, the panel established pursuant to subsection b. of
13 this section may modify those conditions.

14 f. The panel established pursuant to subsection b. of this section
15 may relieve a juvenile of any parole conditions, and may permit a
16 parolee to reside outside the State pursuant to the provisions of the
17 Interstate Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),
18 and after providing notice to the Attorney General, may consent to the
19 supervision of a parolee by the federal government pursuant to the
20 federal Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521
21 et seq.). The panel established pursuant to subsection b. of this section
22 may revoke permission, except in the case of a juvenile under the
23 Witness Security Reform Act, or reinstate relieved parole conditions
24 for any period of time during which a juvenile is under its jurisdiction.

25 g. The commission shall promulgate rules and regulations
26 governing the commission's duties and responsibilities concerning
27 parole eligibility, supervision, and revocation.

28 h. The member of the State Parole Board who is designated by
29 the chairman to be on the panel established pursuant to subsection b.
30 of this section shall have experience in juvenile justice or have
31 successfully completed a juvenile justice training program to be
32 established by the chairman. The training program shall be comprised
33 of seven hours of instruction including, but not limited to: emerging
34 scientific knowledge concerning adolescent development, particularly
35 adolescent brain function and how adolescent development relates to
36 incarcerated youth, the influence of peer relationships among
37 adolescents and peer contagion effects, and the effects of juvenile
38 crime on victims.

39 i. Any decision concerning parole made by the panel established
40 pursuant to subsection b. of this section shall be unanimous.

41 (cf: P.L.2023, c.177, s.2)

42

43 9. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to
44 read as follows:

45 1. The **【Juvenile】** Youth Justice Commission established
46 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) may enter
47 into an agreement with any county concerning the use of that
48 county's juvenile detention facility for the housing of juveniles the

1 court has placed under the custody of the commission for placement
2 in State correctional facilities only if the county's juvenile detention
3 facility is not over its maximum rated capacity.

4 Unless the contract otherwise provides or the commission so
5 directs in order to provide for the secure and orderly operation of
6 the facility, a juvenile placed in a county detention facility pursuant
7 to the provisions of this act shall not be segregated from the
8 juveniles otherwise placed in the county detention facility or
9 excluded from any program or activity offered in that facility.

10 Any contract entered into pursuant to this section shall ensure
11 that educational, vocational, mental health, health and rehabilitative
12 services are provided to the juveniles and that these services are, at
13 minimum, equivalent to those provided to adjudicated juveniles in
14 State-operated facilities.

15 (cf: P.L.1995, c.280, s.12)

16
17 10. Section 2 of P.L.2020, c.111 (C.2A:4A-44.2) is amended to
18 read as follows:

19 2. a. Except as provided in subsection b. of this section, the
20 award of public health emergency credits pursuant to section 1 of
21 P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile
22 serving a sentence in a State correctional facility operated by the
23 **【Juvenile】 Youth** Justice Commission who due to the expiration of
24 the juvenile's term of commitment is scheduled to be released from
25 custody within 365 days .

26 b. Public health emergency credits shall not be awarded to any
27 juvenile serving a sentence in a State correctional facility operated
28 by the **【Juvenile】 Youth** Justice Commission for:

- 29 (1) murder pursuant to N.J.S.2C:11-3;
30 (2) aggravated sexual assault pursuant to subsection a. of
31 N.J.S.2C:14-2; or
32 (3) any offense enumerated in N.J.S.2C:47-1 and who is deemed
33 a repetitive, compulsive sex offender.

34 c. A juvenile who was serving a sentence in a State
35 correctional facility operated by the **【Juvenile】 Youth** Justice
36 Commission during the Public Health Emergency and State of
37 Emergency declared by the Governor in Executive Order 103 of
38 2020 concerning the coronavirus disease 2019 pandemic shall
39 receive public health emergency credits in accordance with section
40 1 of P.L.2020, c.111 (C.30:4-123.100).

41 d. A juvenile scheduled to be released from the custody of the
42 **【Juvenile】 Youth** Justice Commission following an award of public
43 health emergency credits pursuant to section 1 of P.L.2020, c.111
44 (C.30:4-123.100) shall be released on the scheduled release date
45 based on the award of public health emergency credits.

46 e. (1) Notwithstanding the provisions of subsection d. of this
47 section, a juvenile scheduled to be released from the custody of the
48 **【Juvenile】 Youth** Justice Commission following an award of public

1 health emergency credits pursuant to section 1 of P.L.2020, c.111
2 (C.30:4-123.100) whose scheduled release date is less than 45 days
3 after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.)
4 shall be released within 45 days after the effective date, in order to
5 allow the **【Juvenile】 Youth** Justice Commission to devise and
6 implement a release plan for the juvenile and arrange for services to
7 be provided to the juvenile upon release.

8 (2) A juvenile who is released from custody following an award
9 of public health emergency credits pursuant to this section shall be
10 prohibited from making contact with a victim as set forth in section
11 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall
12 remain in force until the time that the juvenile was scheduled to be
13 released prior to the award of public health emergency credits .

14 f. Prior to releasing a juvenile from the custody of the
15 **【Juvenile】 Youth** Justice Commission following an award of public
16 health emergency credits pursuant to section 1 of P.L.2020, c.111
17 (C.30:4-123.100), the Executive Director of the **【Juvenile】 Youth**
18 Justice Commission shall:

19 (1) notify the juvenile in writing of the prohibition against
20 making contact with any victim of the crime for which the juvenile
21 was serving a sentence pursuant to section 5 of P.L.2020, c.111
22 (C.30:4-123.103);

23 (2) notify the juvenile that a violation of the prohibition against
24 contact with the victim is a crime of the fourth degree; and

25 (3) require the juvenile to acknowledge in writing the receipt of
26 the notifications provided pursuant to this subsection .
27 (cf: P.L.2020, c.111, s.2)

28
29 11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to
30 read as follows:

31 6. a. The Executive Director of the **【Juvenile】 Youth** Justice
32 Commission shall immediately identify any juvenile who is
33 scheduled to be released from the custody of the **【Juvenile】 Youth**
34 Justice Commission within 365 days as a result of the award of
35 public health emergency credits pursuant to section 1 of P.L.2020,
36 c.111 (C.30:4-123.100).

37 b. Notwithstanding any provisions of law to the contrary, the
38 Executive Director of the **【Juvenile】 Youth** Justice Commission
39 shall provide notice to the prosecutor of the county in which the
40 juvenile was adjudicated delinquent or the Attorney General if the
41 matter was prosecuted by the Attorney General. The notice shall
42 include:

43 (1) the name of any juvenile who, due to the expiration of the
44 juvenile's term of commitment, is scheduled to be released from the
45 custody of the **【Juvenile】 Youth** Justice Commission within 365
46 days as a result of the award of public health emergency credits;

1 (2) the date on which the juvenile is scheduled to be released
2 from custody based on the award of public health emergency
3 credits; and

4 (3) the date on which the juvenile was scheduled to be released
5 from custody prior to the award of public health emergency credits.

6 c. The Executive Director of the **【Juvenile】 Youth** Justice
7 Commission shall make available to the public on the Internet
8 website of the **【Juvenile】 Youth** Justice Commission, in both
9 English and Spanish, information concerning:

10 (1) the procedures for filing an application for a restraining
11 order pursuant to the "Prevention of Domestic Violence Act of
12 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

13 (2) resources for victims of domestic violence; and

14 (3) procedures for filing with the court a petition to dissolve the
15 prohibition established pursuant to section 5 of P.L.2020, c.111
16 (C.30:4-123.103) prohibiting a juvenile from making contact with
17 any victim of the crime for which the juvenile was serving a
18 sentence.

19 (cf: P.L.2020, c.111, s.6)

20
21 12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to
22 read as follows:

23 7. Notwithstanding the provisions of any law to the contrary,
24 upon receipt of notice from the Executive Director of the
25 **【Juvenile】 Youth** Justice Commission that a juvenile is scheduled
26 to be released from the custody of the **【Juvenile】 Youth** Justice
27 Commission within 365 days based on the award of public health
28 emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-
29 123.100), the prosecutor or Attorney General, prior to the juvenile's
30 scheduled release date, may:

31 a. use any reasonable means available to notify any identifiable
32 victim of the crime for which the juvenile is serving a sentence in a
33 State correctional facility operated by the **【Juvenile】 Youth** Justice
34 Commission of the juvenile's scheduled release date;

35 b. notify the identifiable victim that the law prohibits the
36 juvenile from having any contact with the victim unless a petition is
37 filed with the court to dissolve the prohibition in accordance with
38 the procedures established by the court;

39 c. notify the victim of the duration of the prohibition against
40 the juvenile having contact with the victim;

41 d. notify the victim of the penalties imposed for the juvenile's
42 violation of the prohibition against contact;

43 e. provide information to the victim concerning how a petition
44 may be filed with the court to dissolve the prohibition against the
45 juvenile having contact with the victim; and

46 f. provide information to the victim concerning the procedures
47 for filing an application for a restraining order pursuant to the
48 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261

1 (C.2C:25-17 et seq.), and resources for victims of domestic
2 violence.

3 (cf: P.L.2020, c.111, s.7)

4

5 13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
6 read as follows:

7 1. Disclosure of juvenile information; penalties for disclosure.

8 a. Social, medical, psychological, legal and other records of the
9 court and probation division, and records of law enforcement
10 agencies, pertaining to juveniles charged as a delinquent or found to
11 be part of a juvenile-family crisis, shall be strictly safeguarded from
12 public inspection. Such records shall be made available only to:

13 (1) Any court or probation division;

14 (2) The Attorney General or county prosecutor;

15 (3) The parents or guardian and to the attorney of the juvenile;

16 (4) The Department of Human Services or Department of
17 Children and Families, if providing care or custody of the juvenile;

18 (5) Any institution or facility to which the juvenile is currently
19 committed or in which the juvenile is placed;

20 (6) Any person or agency interested in a case or in the work of
21 the agency keeping the records, by order of the court for good cause
22 shown, except that information concerning adjudications of
23 delinquency, records of custodial confinement, payments owed on
24 assessments imposed pursuant to section 2 of P.L.1979, c.396
25 (C.2C:43-3.1) or restitution ordered following conviction of a crime
26 or adjudication of delinquency, and the juvenile's financial
27 resources, shall be made available upon request to the Victims of
28 Crime Compensation Agency established pursuant to section 2 of
29 P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information
30 and records confidential;

31 (7) The **【Juvenile】** Youth Justice Commission established
32 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

33 (8) Law enforcement agencies for the purpose of reviewing
34 applications for a permit to purchase a handgun or firearms
35 purchaser identification card;

36 (9) Any potential party in a subsequent civil action for damages
37 related to an act of delinquency committed by a juvenile, including
38 the victim or a member of the victim's immediate family, regardless
39 of whether the action has been filed against the juvenile; provided,
40 however, that records available under this paragraph shall be
41 limited to official court documents, such as complaints, pleadings
42 and orders, and that such records may be disclosed by the recipient
43 only in connection with asserting legal claims or obtaining
44 indemnification on behalf of the victim or the victim's family and
45 otherwise shall be safeguarded from disclosure to other members of
46 the public. Any potential party in a civil action related to the
47 juvenile offense may file a motion with the civil trial judge seeking

1 to have the juvenile's social, medical or psychological records
2 admitted into evidence in a civil proceeding for damages;

3 (10) Any potential party in a subsequent civil action for
4 damages related to an act of delinquency committed by a juvenile,
5 including the victim or a member of the victim's immediate family,
6 regardless of whether the action has been filed against the juvenile;
7 provided, however, that records available under this paragraph shall
8 be limited to police or investigation reports concerning acts of
9 delinquency, which shall be disclosed by a law enforcement agency
10 only with the approval of the County Prosecutor's Office or the
11 Division of Criminal Justice. Prior to disclosure, all personal
12 information regarding all individuals, other than the requesting
13 party and the arresting or investigating officer, shall be redacted.
14 Such records may be disclosed by the recipient only in connection
15 with asserting legal claims or obtaining indemnification on behalf
16 of the victim or the victim's family, and otherwise shall be
17 safeguarded from disclosure to other members of the public;

18 (11) The Office of the Child Advocate established pursuant to
19 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
20 information received by the child advocate pursuant to this
21 paragraph shall be in accordance with the provisions of section 76
22 of P.L.2005, c.155 (C.52:27EE-76);

23 (12) Law enforcement agencies with respect to information
24 available on the juvenile central registry maintained by the courts
25 pursuant to subsection g. of this section, including, but not limited
26 to: records of official court documents, such as complaints,
27 pleadings and orders for the purpose of obtaining juvenile arrest
28 information; juvenile disposition information; juvenile pretrial
29 information; and information concerning the probation status of a
30 juvenile; and

31 (13) A Court Appointed Special Advocate as defined in section
32 1 of P.L.2009, c.217 (C.2A:4A-92).

33 b. Records of law enforcement agencies may be disclosed for
34 law enforcement purposes, or for the purpose of reviewing
35 applications for a permit to purchase a handgun or a firearms
36 purchaser identification card to any law enforcement agency of this
37 State, another state or the United States, and the identity of a
38 juvenile under warrant for arrest for commission of an act that
39 would constitute a crime if committed by an adult may be disclosed
40 to the public when necessary to execution of the warrant.

41 c. At the time of charge, adjudication or disposition,
42 information as to the identity of a juvenile charged with an offense,
43 the offense charged, the adjudication and disposition shall, upon
44 request, be disclosed to:

45 (1) The victim or a member of the victim's immediate family;

46 (2) (Deleted by amendment, P.L.2005, c.165).

47 (3) On a confidential basis, the principal of the school where the
48 juvenile is enrolled for use by the principal and such members of

1 the staff and faculty of the school as the principal deems
2 appropriate for maintaining order, safety or discipline in the school
3 or to planning programs relevant to the juvenile's educational and
4 social development, provided that no record of such information
5 shall be maintained except as authorized by regulation of the
6 Department of Education; or

7 (4) A party in a subsequent legal proceeding involving the
8 juvenile, upon approval by the court.

9 d. A law enforcement or prosecuting agency shall, at the time
10 of a charge, adjudication or disposition, send written notice to the
11 principal of the school where the juvenile is enrolled of the identity
12 of the juvenile charged, the offense charged, the adjudication and
13 the disposition if:

14 (1) The offense occurred on school property or a school bus,
15 occurred at a school-sponsored function or was committed against
16 an employee or official of the school; or

17 (2) The juvenile was taken into custody as a result of
18 information or evidence provided by school officials; or

19 (3) The offense, if committed by an adult, would constitute a
20 crime, and the offense:

21 (a) resulted in death or serious bodily injury or involved an
22 attempt or conspiracy to cause death or serious bodily injury; or

23 (b) involved the unlawful use or possession of a firearm or other
24 weapon; or

25 (c) involved the unlawful manufacture, distribution or
26 possession with intent to distribute a controlled dangerous
27 substance or controlled substance analog; or

28 (d) was committed by a juvenile who acted with a purpose to
29 intimidate an individual or group of individuals because of race,
30 color, religion, sexual orientation or ethnicity; or

31 (e) would be a crime of the first, second, or third degree.

32 Information provided to the principal pursuant to this subsection
33 shall be maintained by the school and shall be treated as
34 confidential but may be made available to such members of the staff
35 and faculty of the school as the principal deems appropriate for
36 maintaining order, safety or discipline in the school or for planning
37 programs relevant to a juvenile's educational and social
38 development.

39 e. Nothing in this section prohibits a law enforcement or
40 prosecuting agency from providing the principal of a school with
41 information identifying one or more juveniles who are under
42 investigation or have been taken into custody for commission of any
43 act that would constitute an offense if committed by an adult when
44 the law enforcement or prosecuting agency determines that the
45 information may be useful to the principal in maintaining order,
46 safety or discipline in the school or in planning programs relevant
47 to the juvenile's educational and social development. Information
48 provided to the principal pursuant to this subsection shall be treated

1 as confidential but may be made available to such members of the
2 staff and faculty of the school as the principal deems appropriate for
3 maintaining order, safety or discipline in the school or for planning
4 programs relevant to the juvenile's educational and social
5 development. No information provided pursuant to this section
6 shall be maintained.

7 f. Information as to the identity of a juvenile adjudicated
8 delinquent, the offense, the adjudication and the disposition shall be
9 disclosed to the public where the offense for which the juvenile has
10 been adjudicated delinquent if committed by an adult, would
11 constitute a crime of the first, second or third degree, or aggravated
12 assault, destruction or damage to property to an extent of more than
13 \$500.00, unless upon application at the time of disposition the
14 juvenile demonstrates a substantial likelihood that specific and
15 extraordinary harm would result from such disclosure in the specific
16 case. Where the court finds that disclosure would be harmful to the
17 juvenile, the reasons therefor shall be stated on the record.

18 g. (1) Nothing in this section shall prohibit the establishment and
19 maintaining of a central registry of the records of law enforcement
20 agencies relating to juveniles for the purpose of exchange between
21 State and local law enforcement agencies and prosecutors of this
22 State, another state, or the United States. These records of law
23 enforcement agencies shall be available on a 24-hour basis.

24 (2) Certain information and records relating to juveniles in the
25 central registry maintained by the courts, as prescribed in paragraph
26 (12) of subsection a. of this section, shall be available to State and
27 local law enforcement agencies and prosecutors on a 24-hour basis.

28 h. Whoever, except as provided by law, knowingly discloses,
29 publishes, receives, or makes use of or knowingly permits the
30 unauthorized use of information concerning a particular juvenile
31 derived from records listed in subsection a. or acquired in the
32 course of court proceedings, probation, or police duties, shall, upon
33 conviction thereof, be guilty of a disorderly persons offense.

34 i. Juvenile delinquency proceedings.

35 (1) Except as provided in paragraph (2) of this subsection, the
36 court may, upon application by the juvenile or his parent or
37 guardian, the prosecutor or any other interested party, including the
38 victim or complainant or members of the news media, permit public
39 attendance during any court proceeding at a delinquency case,
40 where it determines that a substantial likelihood that specific harm
41 to the juvenile would not result. The court shall have the authority
42 to limit and control attendance in any manner and to the extent it
43 deems appropriate;

44 (2) The court or, in cases where the county prosecutor has
45 entered an appearance, the county prosecutor shall notify the victim
46 or a member of the victim's immediate family of any court
47 proceeding involving the juvenile and the court shall permit the
48 attendance of the victim or family member at the proceeding except

1 when, prior to completing testimony as a witness, the victim or
2 family member is properly sequestered in accordance with the law
3 or the Rules Governing the Courts of the State of New Jersey or
4 when the juvenile or the juvenile's family member shows, by clear
5 and convincing evidence, that such attendance would result in a
6 substantial likelihood that specific harm to the juvenile would result
7 from the attendance of the victim or a family member at a
8 proceeding or any portion of a proceeding and that such harm
9 substantially outweighs the interest of the victim or family member
10 to attend that portion of the proceeding;

11 (3) The court shall permit a victim, or a family member of a
12 victim to make a statement prior to ordering a disposition in any
13 delinquency proceeding involving an offense that would constitute a
14 crime if committed by an adult.

15 j. The Department of Education, in consultation with the
16 Attorney General, shall adopt, pursuant to the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
18 regulations concerning the creation, maintenance and disclosure of
19 pupil records including information acquired pursuant to this
20 section.

21 (cf: P.L.2009, c.217, s.2)

22

23 14. N.J.S.2C:4-11 is amended to read as follows:

24 2C:4-11. a. A person shall not be tried for or convicted of an
25 offense if:

26 (1) At the time of the conduct charged to constitute the offense
27 he was less than 14 years of age, in which case the family court
28 shall have exclusive jurisdiction unless pursuant to section 8 of the
29 "New Jersey Code of **【Juvenile】 Youth** Justice" the juvenile has
30 demanded indictment and trial by jury; or

31 (2) At the time of the conduct charged to constitute the offense
32 he was 14, 15, 16 or 17 years of age, unless:

33 (a) The family court has no jurisdiction over him;

34 (b) The family court has, pursuant to section 7 of the "New
35 Jersey Code of **【Juvenile】 Youth** Justice," entered an order waiving
36 jurisdiction and referring the case to the county prosecutor for the
37 institution of criminal proceedings against him;

38 (c) The juvenile has, pursuant to section 8 of the "New Jersey
39 Code of **【Juvenile】 Youth** Justice," demanded indictment and trial
40 by jury.

41 b. No court shall have jurisdiction to try and convict a person of
42 an offense if criminal proceedings against him are barred by
43 subsection a. of this section. When it appears that a person charged
44 with the commission of an offense may be of such an age that
45 proceedings may be barred under subsection a. of this section, the
46 court shall hold a hearing thereon, and the burden shall be on such
47 person to establish to the satisfaction of the court that the
48 proceeding is barred upon such grounds. If the court determines

1 that the proceeding is barred, custody of the person charged shall be
2 surrendered to the family court and the case, including all papers
3 and processes relating thereto shall be transferred.

4 (cf: P.L.1982, c.77, s.32)

5
6 15. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
7 as follows:

8 2. a. (1) A person who has been convicted, adjudicated
9 delinquent or found not guilty by reason of insanity for commission
10 of a sex offense as defined in subsection b. of this section shall
11 register as provided in subsections c. and d. of this section.

12 (2) A person who in another jurisdiction is required to register
13 as a sex offender and (a) is enrolled on a full-time or part-time basis
14 in any public or private educational institution in this State,
15 including any secondary school, trade or professional institution,
16 institution of higher education or other post-secondary school, or
17 (b) is employed or carries on a vocation in this State, on either a
18 full-time or a part-time basis, with or without compensation, for
19 more than 14 consecutive days or for an aggregate period exceeding
20 30 days in a calendar year, shall register in this State as provided in
21 subsections c. and d. of this section.

22 (3) A person who fails to register as required under this act shall
23 be guilty of a crime of the third degree.

24 b. For the purposes of this act a sex offense shall include the
25 following:

26 (1) Aggravated sexual assault, sexual assault, aggravated
27 criminal sexual contact, kidnapping pursuant to paragraph (2) of
28 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
29 crimes if the court found that the offender's conduct was
30 characterized by a pattern of repetitive, compulsive behavior,
31 regardless of the date of the commission of the offense or the date
32 of conviction;

33 (2) A conviction, adjudication of delinquency, or acquittal by
34 reason of insanity for aggravated sexual assault; sexual assault;
35 aggravated criminal sexual contact; kidnapping pursuant to
36 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
37 welfare of a child by engaging in sexual conduct which would
38 impair or debauch the morals of the child pursuant to subsection a.
39 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
40 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or
41 (ii) of subparagraph (b) of paragraph (5) of subsection b. of
42 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
43 c.291 (C.2C:13-6); criminal sexual contact pursuant to
44 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to
45 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false
46 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
47 the offender is not the parent of the victim; knowingly promoting
48 prostitution of a child pursuant to paragraph (3) or paragraph (4) of

1 subsection b. of N.J.S.2C:34-1; leader of a child pornography
2 network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or
3 an attempt to commit any of these enumerated offenses if the
4 conviction, adjudication of delinquency or acquittal by reason of
5 insanity is entered on or after the effective date of this act or the
6 offender is serving a sentence of incarceration, probation, parole or
7 other form of community supervision as a result of the offense or is
8 confined following acquittal by reason of insanity or as a result of
9 civil commitment on the effective date of this act;

10 (3) A conviction, adjudication of delinquency, or acquittal by
11 reason of insanity for an offense similar to any offense enumerated
12 in paragraph (2) or a sentence on the basis of criteria similar to the
13 criteria set forth in paragraph (1) of this subsection entered or
14 imposed under the laws of the United States, this State, or another
15 state.

16 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)
17 of this subsection, a sex offense shall not include an adjudication of
18 delinquency for endangering the welfare of a child pursuant to
19 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that
20 the actor demonstrates that:

21 (a) the facts of the case are limited to the creation, exhibition or
22 distribution of a photograph depicting nudity or portraying a child
23 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
24 through the use of an electronic communications device, an
25 interactive wireless communications device, or a computer;

26 (b) the creator and subject of the photograph are juveniles or
27 were juveniles at the time of its making; and

28 (c) the subject of the photograph whose nudity is depicted or
29 who is portrayed in a sexually suggestive manner, as the case may
30 be, knowingly consented to the making of the photograph.

31 c. A person required to register under the provisions of this act
32 shall do so on forms to be provided by the designated registering
33 agency as follows:

34 (1) A person who is required to register and who is under
35 supervision in the community on probation, parole, furlough, work
36 release, or a similar program, shall register at the time the person is
37 placed under supervision or no later than 120 days after the
38 effective date of this act, whichever is later, in accordance with
39 procedures established by the Department of Corrections, the
40 Department of Human Services, the **【Juvenile】 Youth** Justice
41 Commission established pursuant to section 2 of P.L.1995, c.284
42 (C.52:17B-170) or the Administrative Office of the Courts,
43 whichever is responsible for supervision;

44 (2) A person confined in a correctional or juvenile facility or
45 involuntarily committed who is required to register shall register
46 prior to release in accordance with procedures established by the
47 Department of Corrections, the Department of Human Services or
48 the **【Juvenile】 Youth** Justice Commission and, within 48 hours of

1 release, shall also register with the chief law enforcement officer of
2 the municipality in which the person resides or, if the municipality
3 does not have a local police force, the Superintendent of State
4 Police;

5 (3) A person moving to or returning to this State from another
6 jurisdiction shall register with the chief law enforcement officer of
7 the municipality in which the person will reside or, if the
8 municipality does not have a local police force, the Superintendent
9 of State Police within 120 days of the effective date of this act or 10
10 days of first residing in or returning to a municipality in this State,
11 whichever is later;

12 (4) A person required to register on the basis of a conviction
13 prior to the effective date who is not confined or under supervision
14 on the effective date of this act shall register within 120 days of the
15 effective date of this act with the chief law enforcement officer of
16 the municipality in which the person will reside or, if the
17 municipality does not have a local police force, the Superintendent
18 of State Police;

19 (5) A person who in another jurisdiction is required to register
20 as a sex offender and who is enrolled on a full-time or part-time
21 basis in any public or private educational institution in this State,
22 including any secondary school, trade or professional institution,
23 institution of higher education or other post-secondary school shall,
24 within ten days of commencing attendance at such educational
25 institution, register with the chief law enforcement officer of the
26 municipality in which the educational institution is located or, if the
27 municipality does not have a local police force, the Superintendent
28 of State Police;

29 (6) A person who in another jurisdiction is required to register
30 as a sex offender and who is employed or carries on a vocation in
31 this State, on either a full-time or a part-time basis, with or without
32 compensation, for more than 14 consecutive days or for an
33 aggregate period exceeding 30 days in a calendar year, shall, within
34 ten days after commencing such employment or vocation, register
35 with the chief law enforcement officer of the municipality in which
36 the employer is located or where the vocation is carried on, as the
37 case may be, or, if the municipality does not have a local police
38 force, the Superintendent of State Police;

39 (7) In addition to any other registration requirements set forth in
40 this section, a person required to register under this act who is
41 enrolled at, employed by or carries on a vocation at an institution of
42 higher education or other post-secondary school in this State shall,
43 within 10 days after commencing such attendance, employment or
44 vocation, register with the law enforcement unit of the educational
45 institution, if the institution has such a unit.

46 d. (1) Upon a change of address, a person shall notify the law
47 enforcement agency with which the person is registered and shall
48 re-register with the appropriate law enforcement agency no less

1 than 10 days before he intends to first reside at his new address.
2 Upon a change of employment or school enrollment status, a person
3 shall notify the appropriate law enforcement agency no later than
4 five days after any such change. A person who fails to notify the
5 appropriate law enforcement agency of a change of address or status
6 in accordance with this subsection is guilty of a crime of the third
7 degree.

8 (2) A person required to register under this act shall provide the
9 appropriate law enforcement agency with information as to whether
10 the person has routine access to or use of a computer or any other
11 device with Internet capability. A person who fails to notify the
12 appropriate law enforcement agency of such information or of a
13 change in the person's access to or use of a computer or other
14 device with Internet capability or who provides false information
15 concerning the person's access to or use of a computer or any other
16 device with Internet capability is guilty of a crime of the third
17 degree.

18 e. A person required to register under paragraph (1) of
19 subsection b. of this section or under paragraph (3) of subsection b.
20 due to a sentence imposed on the basis of criteria similar to the
21 criteria set forth in paragraph (1) of subsection b. shall verify his
22 address with the appropriate law enforcement agency every 90 days
23 in a manner prescribed by the Attorney General. A person required
24 to register under paragraph (2) of subsection b. of this section or
25 under paragraph (3) of subsection b. on the basis of a conviction for
26 an offense similar to an offense enumerated in paragraph (2) of
27 subsection b. shall verify his address annually in a manner
28 prescribed by the Attorney General. In addition to address
29 information, the person shall provide as part of the verification
30 process any additional information the Attorney General may
31 require. One year after the effective date of this act, the Attorney
32 General shall review, evaluate and, if warranted, modify pursuant to
33 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.) the verification requirement. Any person who knowingly
35 provides false information concerning his place of residence or who
36 fails to verify his address with the appropriate law enforcement
37 agency or other entity, as prescribed by the Attorney General in
38 accordance with this subsection, is guilty of a crime of the third
39 degree.

40 f. Except as provided in subsection g. of this section, a person
41 required to register under this act may make application to the
42 Superior Court of this State to terminate the obligation upon proof
43 that the person has not committed an offense within 15 years
44 following conviction or release from a correctional facility for any
45 term of imprisonment imposed, whichever is later, and is not likely
46 to pose a threat to the safety of others.

47 g. A person required to register under this section who has
48 been convicted of, adjudicated delinquent, or acquitted by reason of

1 insanity for more than one sex offense as defined in subsection b. of
2 this section or who has been convicted of, adjudicated delinquent,
3 or acquitted by reason of insanity for aggravated sexual assault
4 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
5 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
6 eligible under subsection f. of this section to make application to
7 the Superior Court of this State to terminate the registration
8 obligation.

9 (cf: P.L.2017, c.141, s.3)

10
11 16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
12 as follows:

13 3. Notice of the obligation to register shall be provided as
14 follows:

15 (1) A court imposing a sentence, disposition or order of
16 commitment following acquittal by reason of insanity shall notify
17 the defendant of the obligation to register pursuant to section 2 of
18 this act.

19 (2) The Department of Corrections, the Administrative Office of
20 the Courts, the **【Juvenile】** Youth Justice Commission established
21 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and the
22 Department of Human Services shall (a) establish procedures for
23 notifying persons under their supervision of the obligation to
24 register pursuant to this act and (b) establish procedures for
25 registration by persons with the appropriate law enforcement
26 agency who are under supervision in the community on probation,
27 parole, furlough, work release or similar program outside the
28 facility, and registration with the appropriate law enforcement
29 agency of persons who are released from the facility in which they
30 are confined without supervision.

31 (3) The Division of Motor Vehicles in the Department of Law
32 and Public Safety shall provide notice of the obligation to register
33 pursuant to this section in connection with each application for a
34 license to operate a motor vehicle and each application for an
35 identification card issued pursuant to section 2 of P.L.1980, c.47
36 (C.39:3-29.3).

37 (4) The Attorney General shall cause notice of the obligation to
38 register to be published in a manner reasonably calculated to reach
39 the general public within 30 days of the effective date of this act.

40 (cf: P.L.1995, c.280, s.19)

41
42 17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
43 as follows:

44 4. a. Within 60 days of the effective date of this act, the
45 Superintendent of State Police, with the approval of the Attorney
46 General, shall prepare the form of registration statement as required
47 in subsection b. of this section and shall provide such forms to each
48 organized full-time municipal police department, the Department of

1 Corrections, the Administrative Office of the Courts and the
2 Department of Human Services. In addition, the Superintendent of
3 State Police shall make such forms available to the **[Juvenile]**
4 Youth Justice Commission established pursuant to section 2 of
5 P.L.1995, c.284 (C.52:17B-170).

6 b. The form of registration required by this act shall include:

7 (1) A statement in writing signed by the person required to
8 register acknowledging that the person has been advised of the duty
9 to register and reregister imposed by this act and including the
10 person's name, social security number, age, race, sex, date of birth,
11 height, weight, hair and eye color, address of legal residence,
12 address of any current temporary residence, date and place of
13 employment; and any anticipated or current school enrollment,
14 including but not limited to enrollment at or employment by any
15 institution of higher education;

16 (2) Date and place of each conviction, adjudication or acquittal
17 by reason of insanity, indictment number, fingerprints, and a brief
18 description of the crime or crimes for which registration is required;
19 and

20 (3) Any other information that the Attorney General deems
21 necessary to assess risk of future commission of a crime, including
22 criminal and corrections records, nonprivileged personnel,
23 treatment, and abuse registry records, and evidentiary genetic
24 markers when available.

25 c. Within three days of receipt of a registration pursuant to
26 subsection c. of section 2 of this act, the registering agency shall
27 forward the statement and any other required information to the
28 prosecutor who shall, as soon as practicable, transmit the form of
29 registration to the Superintendent of State Police, and, if the
30 registrant will reside in a different county, to the prosecutor of the
31 county in which the person will reside. The prosecutor of the
32 county in which the person will reside shall transmit the form of
33 registration to the law enforcement agency responsible for the
34 municipality in which the person will reside and other appropriate
35 law enforcement agencies. The superintendent shall promptly
36 transmit the conviction data and fingerprints to the Federal Bureau
37 of Investigation.

38 d. The Superintendent of State Police shall maintain a central
39 registry of registrations provided pursuant to this act.

40 (cf: P.L.2003, c.34, s.2)

41
42 18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
43 read as follows:

44 2. Application for Temporary Protective Order.

45 a. (1) Any person alleging to be a victim of nonconsensual sexual
46 contact, sexual penetration, or lewdness, or any attempt at such
47 conduct, or stalking or cyber-harassment, and who is not eligible for
48 a restraining order as a "victim of domestic violence" as defined by

1 the provisions of subsection d. of section 3 of P.L.1991, c.261
2 (C.2C:25-19), may, except as provided in subsection b. of this
3 section, file an application with the Superior Court pursuant to the
4 Rules of Court alleging the commission of such conduct or
5 attempted conduct and seeking a temporary protective order.

6 As used in this section and in sections 3, 4, and 8 of P.L.2015,
7 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

8 "Sexual contact" means an intentional touching by the victim or
9 actor, either directly or through clothing, of the victim's or actor's
10 intimate parts for the purpose of degrading or humiliating the victim
11 or sexually arousing or sexually gratifying the actor.

12 "Sexual penetration" means vaginal intercourse, cunnilingus,
13 fellatio or anal intercourse between persons or insertion of the hand,
14 finger or object into the anus or vagina either by the actor or upon
15 the actor's instruction.

16 "Lewdness" means the exposing of the genitals for the purpose
17 of arousing or gratifying the sexual desire of the actor or of any
18 other person.

19 "Intimate parts" means the following body parts: sexual organs,
20 genital area, anal area, inner thigh, groin, buttock or breast of a
21 person.

22 "Stalking" means purposefully or knowingly engaging in a
23 course of conduct directed at or toward a person that would cause a
24 reasonable person to fear for the reasonable person's own safety or
25 the safety of a third person, or suffer other emotional distress,
26 because the conduct involves: repeatedly maintaining a visual or
27 physical proximity to a person; directly, indirectly, or through third
28 parties, by any action, method, device, or means, following,
29 monitoring, observing, surveilling, threatening, or communicating
30 to or about a person, or interfering with a person's property;
31 repeatedly committing harassment against a person; or repeatedly
32 conveying, or causing to be conveyed, verbal or written threats or
33 threats conveyed by any other means of communication or threats
34 implied by conduct or a combination thereof directed at or towards
35 a person.

36 "Repeatedly" means on two or more occasions.

37 "Emotional distress" means significant mental suffering or
38 distress.

39 "Cause a reasonable person to fear" means to cause fear which a
40 reasonable victim, similarly situated, would have under the
41 circumstances.

42 "Cyber-harassment" means conduct that occurs, while making
43 one or more communications in an online capacity via any
44 electronic device or through a social networking site and with the
45 purpose to harass another, that involves: threatening to inflict injury
46 or physical harm to any person or the property of any person;
47 knowingly sending, posting, commenting, requesting, suggesting, or
48 proposing any lewd, indecent, or obscene material to or about a

1 person with the intent to emotionally harm a reasonable person or
2 place a reasonable person in fear of physical or emotional harm to
3 the reasonable person; or threatening to commit any crime against a
4 person or the person's property.

5 (2) Except as provided in subsection b. of this section, an
6 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
7 be filed by the alleged victim's parent or guardian on behalf of the
8 alleged victim in any case in which the alleged victim:

9 (a) is less than 18 years of age; or

10 (b) has a developmental disability as defined in section 3 of
11 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
12 renders the alleged victim temporarily or permanently incapable of
13 understanding the nature of the alleged victim's conduct, including,
14 but not limited to, being incapable of providing consent, or of
15 understanding the nature of the alleged conduct that is the subject of
16 the application.

17 b. (1) When it is alleged that nonconsensual sexual contact,
18 sexual penetration, or lewdness, or any attempt at such conduct, or
19 stalking or cyber-harassment has been committed by an
20 unemancipated minor, an applicant seeking a protective order shall
21 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
22 al.), but may seek a protective order and other relief under the "New
23 Jersey Code of **Juvenile** Youth Justice," P.L.1982, c.77
24 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
25 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

26 (2) When it is alleged that nonconsensual sexual contact, sexual
27 penetration, or lewdness, or any attempt at such conduct, or stalking
28 or cyber-harassment has been committed against an unemancipated
29 minor by a parent, guardian, or other person having care, custody
30 and control of that child as defined in R.S.9:6-2, an applicant
31 seeking a protective order shall not proceed under the provisions of
32 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
33 the Department of Children and Families for appropriate action.

34 c. (1) An applicant may seek a protective order pursuant to
35 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
36 order regardless of whether criminal charges based on the incident
37 were filed and regardless of the disposition of any such charges.

38 (2) The filing of an application pursuant to this section shall not
39 prevent the filing of a criminal complaint, or the institution or
40 maintenance of a criminal prosecution based on the same act.

41 d. The court shall waive any requirement that the applicant's or
42 alleged victim's place of residence appear on the application.

43 e. An applicant may seek a protective order pursuant to
44 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
45 over the place where the alleged conduct or attempted conduct
46 occurred, where the respondent resides, or where the alleged victim
47 resides or is sheltered.

1 f. No fees or other costs shall be assessed against an applicant
2 for seeking a protective order pursuant to P.L.2015, c.147
3 (C.2C:14-13 et al.).
4 (cf: P.L.2023, c.127, s.2)

5
6 19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to
7 read as follows:

8 1. a. For the purposes of this section:

9 "County correctional facility" means any prison or other secure
10 facility managed and operated by any county of this State in which
11 adult offenders are incarcerated.

12 "County juvenile detention facility" means any secure juvenile
13 facility managed and operated by any county of this State.

14 "Secure juvenile facility" means the New Jersey Training School
15 for Boys, the Juvenile Medium Security Facility, and any other
16 secure juvenile facility managed and operated by the **【Juvenile】**
17 Youth Justice Commission.

18 "State correctional facility" means a State prison or other penal
19 institution.

20 b. A person who possesses or uses an electronic
21 communication device or a battery or device to recharge an
22 electronic communication device while confined to a State
23 correctional facility, secure juvenile facility, county correctional
24 facility, or county juvenile detention facility is guilty of a crime of
25 the third degree.

26 c. A person, other than an employee or a contract employee of
27 the Department of Corrections, the **【Juvenile】** Youth Justice
28 Commission, a county correctional facility, or a county juvenile
29 detention facility who knowingly sells, transfers, assigns, provides,
30 or otherwise gives an electronic communication device to a person
31 who is confined in a State correctional facility, secure juvenile
32 facility, county correctional facility, or county juvenile detention
33 facility is guilty of a crime of the third degree.

34 d. An employee or a contract employee of the Department of
35 Corrections, the **【Juvenile】** Youth Justice Commission, a county
36 correctional facility, or a county juvenile detention facility who
37 knowingly sells, transfers, assigns, provides, or otherwise gives an
38 electronic communication device to a person who is confined in a
39 State correctional facility, secure juvenile facility, county
40 correctional facility, or county juvenile detention facility is guilty of
41 a crime of the second degree.

42 (cf: P.L.2007, c.127, s.1)

43
44 20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
45 read as follows:

46 4. a. (1) The Attorney General shall biannually issue a
47 comprehensive report detailing the number of occurrences and other
48 statistics, without revealing or including any personal identifying

1 information, concerning first, second, third and subsequent
2 violations of paragraph (1) of subsection a. of section 1 of
3 P.L.1979, c.264 (C.2C:33-15) involving the possession or
4 consumption of any alcoholic beverage, marijuana, hashish, or
5 cannabis items by persons under the legal age to purchase alcoholic
6 beverages or cannabis items, the municipal, county or other
7 geographic areas within which first, second, third and subsequent
8 violations occur, and the law enforcement agencies involved in
9 first, second, third and subsequent violations, covering the previous
10 six-month period. The initial report shall be issued by June 30,
11 2021, the second report shall be issued by January 30, 2022, and
12 then the next report issued every six months thereafter. Each report
13 shall also be submitted to the Governor and the Legislature pursuant
14 to section 2 of P.L.1991, c.164 (C.52:14-19.1).

15 (2) The Attorney General shall also make reports available to
16 the task force established pursuant to subsection b. of this section
17 based on the Attorney General's periodic review of body worn
18 camera recordings of law enforcement officers responding to a call
19 for service related to a violation or suspected violation of paragraph
20 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
21 at the initiation of any other law enforcement or investigative
22 encounter between an officer and a person related to a violation or
23 suspected violation of that paragraph, which recordings are required
24 to be made in accordance with paragraph (4) of subsection a. of
25 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
26 shall be conducted using body worn camera recordings both
27 selected by the Attorney General and randomly determined, and the
28 task force may request an Attorney General review a particular
29 municipality, region, or time period. The identity of any person
30 included in a recording reviewed by the Attorney General shall be
31 kept confidential and shall not be revealed to the members of the
32 task force or any staff provided to the task force by the Department
33 of Law and Public Safety pursuant to paragraph (6) of subsection b.
34 of this section to support its work.

35 b. (1) A taskforce shall be established in the Department of Law
36 and Public Safety, comprised of 26 members to review each
37 Attorney General report described in subsection a. of this section,
38 and make recommendations thereon to the Governor and
39 Legislature related to law enforcement activities to address the
40 enforcement of underage possession or consumption of alcoholic
41 beverages, marijuana, hashish, or cannabis items in violation of
42 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
43 issue of underage possession or consumption of these substances.

44 (2) The membership of the taskforce shall include the following
45 individuals:

- 46 (a) the Attorney General, or a designee;
47 (b) the Public Defender, or a designee;

- 1 (c) the Commissioner of the Department of Children and
2 Families, or a designee;
- 3 (d) the Commissioner of Education, or a designee;
- 4 (e) a representative from the **【Juvenile】** Youth Justice
5 Commission, appointed by the Governor;
- 6 (f) a representative from the Division of Criminal Justice in the
7 Department of Law and Public Safety, appointed by the Governor;
- 8 (g) the Chair of the Governor's **【Juvenile】** Youth Justice
9 Delinquency and Prevention Committee;
- 10 (h) two members appointed by the Governor upon the
11 recommendation of the President of the Senate, at least one of
12 whom shall be a member of the Legislative Black Caucus or
13 Legislative Latino Caucus, determined in coordination with the
14 members recommended by the Speaker of the General Assembly
15 pursuant to subparagraph (i) of this paragraph, so that there is at
16 least one member of each caucus serving as a member of the task
17 force;
- 18 (i) two members appointed by the Governor
19 upon the recommendation of the Speaker of the General
20 Assembly, at least one of whom shall be a member of the
21 Legislative Black Caucus or Legislative Latino Caucus, determined
22 in coordination with the members recommended by the Senate
23 President pursuant to subparagraph (h) of this paragraph, so that
24 there is at least one member of each caucus serving as a member of
25 the task force;
- 26 (j) the Administrative Director of the Courts, or a designee;
- 27 (k) a representative from the New Jersey Institute for Social
28 Justice, appointed by the Governor;
- 29 (l) a representative from the American Civil Liberties Union of
30 New Jersey, appointed by the Governor;
- 31 (m) a representative from the County Prosecutors Association of
32 New Jersey who is actively and presently involved in juvenile
33 matters, appointed by the Governor;
- 34 (n) a representative from the New Jersey Juvenile Officers
35 Association, appointed by the Governor;
- 36 (o) one representative each from the Annie E. Casey Foundation
37 and Vera Institute of Justice, both appointed by the Governor;
- 38 (p) a representative of the NAACP New Jersey State
39 Conference, appointed by the Governor;
- 40 (q) a representative of Salvation and Social Justice, appointed
41 by the Governor;
- 42 (r) a representative from the County Youth Services
43 Commission Administrators, appointed by the Governor;
- 44 (s) a representative from the faith-based ethical community in
45 New Jersey, appointed by the Governor;
- 46 (t) a representative of an employee organization representing
47 employees who work at juvenile justice facilities, appointed by the
48 Governor; and

1 (u) three representatives who have been involved with the New
2 Jersey juvenile justice system, appointed by the Governor,
3 including at least one representative of a non-profit organization
4 that deals with juvenile justice issues and at least one individual
5 who has been subject to the custody of the juvenile justice system.

6 (3) All members appointed by the Governor, other than the
7 members of the Legislature recommended for appointment, shall
8 serve at the pleasure of the Governor. The members of the
9 Legislature shall serve on the task force during their elective term
10 of office. Any vacancies in the membership of the task force shall
11 be filled in the same manner as the original appointments were
12 made.

13 (4) Members of the task force shall serve without compensation,
14 but shall be reimbursed for necessary expenditures incurred in the
15 performance of their duties as members of the task force within the
16 limits of funds appropriated or otherwise made available to the task
17 force for its purposes.

18 (5) The task force shall organize as soon as practicable
19 following the appointment of its members. The task force shall
20 choose a chairperson from among its members and shall appoint a
21 secretary who need not be a member of the task force.

22 (6) The Department of Law and Public Safety shall provide such
23 stenographic, clerical, and other administrative assistants, and such
24 professional staff as the task force requires to carry out its work.

25 (cf: P.L.2021, c.25, s.4)

26

27 21. N.J.S.2C:39-6 is amended to read as follows:

28 2C:39-6. a. Provided a person complies with the requirements of
29 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

30 (1) Members of the Armed Forces of the United States or of the
31 National Guard while actually on duty, or while traveling between
32 places of duty and carrying authorized weapons in the manner
33 prescribed by the appropriate military authorities;

34 (2) Federal law enforcement officers, and any other federal
35 officers and employees required to carry firearms in the
36 performance of their official duties;

37 (3) Members of the State Police and, under conditions
38 prescribed by the superintendent, members of the Marine Law
39 Enforcement Bureau of the Division of State Police;

40 (4) A sheriff, undersheriff, sheriff's officer, prosecutor's
41 detective or investigator, State investigator employed by the
42 Division of Criminal Justice of the Department of Law and Public
43 Safety, investigator employed by the State Commission of
44 Investigation, inspector of the Alcoholic Beverage Control
45 Enforcement Bureau of the Division of State Police in the
46 Department of Law and Public Safety authorized to carry weapons
47 by the Superintendent of State Police, State park police officer, or
48 State conservation police officer;

1 (5) Except as hereinafter provided, a State correctional police
2 officer, or a prison or jail warden of any penal institution in this
3 State or the warden's deputies, or an employee of the Department of
4 Corrections engaged in the interstate transportation of convicted
5 offenders, while in the performance of the employee's duties, and
6 when required to possess the weapon by a superior officer, or a
7 correctional police officer or keeper of a penal institution in this
8 State at all times while in the State of New Jersey, provided the
9 person annually passes an examination approved by the
10 superintendent testing the person's proficiency in the handling of
11 firearms;

12 (6) A civilian employee of the United States Government under
13 the supervision of the commanding officer of any post, camp,
14 station, base or other military or naval installation located in this
15 State who is required, in the performance of the employee's official
16 duties, to carry firearms, and who is authorized to carry firearms by
17 the commanding officer, while in the actual performance of the
18 employee's official duties;

19 (7) (a) A regularly employed member, including a detective, of
20 the police department of any county or municipality, or of any
21 State, interstate, municipal or county park police force or boulevard
22 police force, at all times while in the State of New Jersey;

23 (b) A special law enforcement officer authorized to carry a
24 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
25 (C.40A:14-146.14);

26 (c) An airport security officer or a special law enforcement
27 officer appointed by the governing body of any county or
28 municipality, except as provided in subparagraph (b) of this
29 paragraph, or by the commission, board or other body having
30 control of a county park or airport or boulevard police force, while
31 engaged in the actual performance of the officer's official duties and
32 when specifically authorized by the governing body to carry
33 weapons;

34 (8) A full-time, paid member of a paid or part-paid fire
35 department or force of any municipality who is assigned full-time
36 or part-time to an arson investigation unit created pursuant to
37 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
38 investigation unit in the county prosecutor's office, while either
39 engaged in the actual performance of arson investigation duties or
40 while actually on call to perform arson investigation duties and
41 when specifically authorized by the governing body or the county
42 prosecutor, as the case may be, to carry weapons. Prior to being
43 permitted to carry a firearm, a member shall take and successfully
44 complete a firearms training course administered by the Police
45 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
46 seq.), and shall annually qualify in the use of a revolver or similar
47 weapon prior to being permitted to carry a firearm;

1 (9) A juvenile correctional police officer in the employment of
2 the **【Juvenile】 Youth** Justice Commission established pursuant to
3 section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the
4 regulations promulgated by the commission;

5 (10) A designated employee or designated licensed agent for a
6 nuclear power plant under license of the Nuclear Regulatory
7 Commission, while in the actual performance of the person's
8 official duties, if the federal licensee certifies that the designated
9 employee or designated licensed agent is assigned to perform site
10 protection, guard, armed response or armed escort duties and is
11 appropriately trained and qualified, as prescribed by federal
12 regulation, to perform those duties. Any firearm utilized by an
13 employee or agent for a nuclear power plant pursuant to this
14 paragraph shall be returned each day at the end of the employee's or
15 agent's authorized official duties to the employee's or agent's
16 supervisor. All firearms returned each day pursuant to this
17 paragraph shall be stored in locked containers located in a secure
18 area;

19 (11) A county correctional police officer at all times while in the
20 State of New Jersey, provided the officer annually passes an
21 examination approved by the superintendent testing the officer's
22 proficiency in the handling of firearms;

23 (12) A county prosecutor, assistant prosecutor, federal
24 prosecutor, municipal prosecutor, Attorney General, assistant
25 attorney general, deputy attorney general and federal, State, county,
26 or municipal court judge, including a judge of the Tax Court and
27 any other court of limited jurisdiction established, altered, or
28 abolished by law, a judge of the Office of Administrative Law, a
29 judge of the Division of Workers' Compensation at all times while
30 in this State. Prior to being permitted to carry a firearm, a person
31 subject to this paragraph shall take and successfully complete a
32 firearms training course administered by the Police Training
33 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
34 shall annually qualify in the use of a handgun or similar weapon
35 prior to being permitted to carry a firearm. The superintendent may
36 issue identification cards indicating that such a person is permitted
37 to carry a handgun pursuant to this paragraph.

38 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

39 (1) A law enforcement officer employed by a governmental
40 agency outside of the State of New Jersey while actually engaged in
41 the officer's official duties, provided, however, that the officer has
42 first notified the superintendent or the chief law enforcement officer
43 of the municipality or the prosecutor of the county in which the
44 officer is engaged; or

45 (2) A licensed dealer in firearms and the dealer's registered
46 employees during the course of their normal business while
47 traveling to and from their place of business and other places for the
48 purpose of demonstration, exhibition or delivery in connection with

1 a sale, provided, however, that the weapon is carried in the manner
2 specified in subsection g. of this section.

3 c. Provided a person complies with the requirements of
4 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
5 do not apply to:

6 (1) A special agent of the Division of Taxation who has passed
7 an examination in an approved police training program testing
8 proficiency in the handling of any firearm which the agent may be
9 required to carry, while in the actual performance of the agent's
10 official duties and while going to or from the agent's place of duty,
11 or any other police officer, while in the actual performance of the
12 officer's official duties;

13 (2) A State deputy conservation police officer or a full-time
14 employee of the Division of Parks and Forestry having the power of
15 arrest and authorized to carry weapons, while in the actual
16 performance of the officer's official duties;

17 (3) (Deleted by amendment, P.L.1986, c.150.)

18 (4) A court attendant appointed by the sheriff of the county or
19 by the judge of any municipal court or other court of this State,
20 while in the actual performance of the attendant's official duties;

21 (5) A guard employed by any railway express company, banking
22 or building and loan or savings and loan institution of this State,
23 while in the actual performance of the guard's official duties;

24 (6) A member of a legally recognized military organization
25 while actually under orders or while going to or from the prescribed
26 place of meeting and carrying the weapons prescribed for drill,
27 exercise or parade;

28 (7) A municipal humane law enforcement officer, authorized
29 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
30 14.1), or humane law enforcement officer of a county society for
31 the prevention of cruelty to animals authorized pursuant to
32 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
33 in the actual performance of the officer's duties;

34 (8) An employee of a public utilities corporation actually
35 engaged in the transportation of explosives;

36 (9) A railway policeman, except a transit police officer of the
37 New Jersey Transit Police Department, at all times while in the
38 State of New Jersey, provided that the person has passed an
39 approved police academy training program consisting of at least
40 280 hours. The training program shall include, but need not be
41 limited to, the handling of firearms, community relations, and
42 juvenile relations;

43 (10) A campus police officer appointed under P.L.1970, c.211
44 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
45 a firearm, a campus police officer shall take and successfully
46 complete a firearms training course administered by the Police
47 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm;

3 (11) (Deleted by amendment, P.L.2003, c.168).

4 (12) A transit police officer of the New Jersey Transit Police
5 Department, at all times while in the State of New Jersey, provided
6 the officer has satisfied the training requirements of the Police
7 Training Commission, pursuant to subsection c. of section 2 of
8 P.L.1989, c.291 (C.27:25-15.1);

9 (13) A parole officer employed by the State Parole Board at all
10 times. Prior to being permitted to carry a firearm, a parole officer
11 shall take and successfully complete a basic course for regular
12 police officer training administered by the Police Training
13 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
14 shall annually qualify in the use of a revolver or similar weapon
15 prior to being permitted to carry a firearm;

16 (14) A Human Services police officer at all times while in the
17 State of New Jersey, as authorized by the Commissioner of Human
18 Services;

19 (15) A person or employee of any person who, pursuant to and
20 as required by a contract with a governmental entity, supervises or
21 transports persons charged with or convicted of an offense;

22 (16) A housing authority police officer appointed under
23 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
24 State of New Jersey; or

25 (17) A probation officer assigned to the "Probation Officer
26 Community Safety Unit" created by section 2 of P.L.2001, c.362
27 (C.2B:10A-2) while in the actual performance of the probation
28 officer's official duties. Prior to being permitted to carry a firearm,
29 a probation officer shall take and successfully complete a basic
30 course for regular police officer training administered by the Police
31 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
32 seq.), and shall annually qualify in the use of a revolver or similar
33 weapon prior to being permitted to carry a firearm.

34 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
35 antique firearms, provided that the antique firearms are unloaded or
36 are being fired for the purposes of exhibition or demonstration at an
37 authorized target range or in another manner approved in writing by
38 the chief law enforcement officer of the municipality in which the
39 exhibition or demonstration is held, or if not held on property under
40 the control of a particular municipality, the superintendent.

41 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
42 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
43 being fired but that is unloaded and immobile, provided that the
44 antique cannon is possessed by (a) a scholastic institution, a
45 museum, a municipality, a county or the State, or (b) a person who
46 obtained a firearms purchaser identification card as specified in
47 N.J.S.2C:58-3.

1 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
2 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
3 being transported by one eligible to possess it, in compliance with
4 regulations the superintendent may promulgate, between its
5 permanent location and place of purchase or repair.

6 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
7 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
8 or fired by one eligible to possess an antique cannon, for purposes
9 of exhibition or demonstration at an authorized target range or in
10 the manner as has been approved in writing by the chief law
11 enforcement officer of the municipality in which the exhibition or
12 demonstration is held, or if not held on property under the control
13 of a particular municipality, the superintendent, provided that
14 performer has given at least 30 days' notice to the superintendent.

15 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
16 N.J.S.2C:39-5 do not apply to the transportation of unloaded
17 antique cannons directly to or from exhibitions or demonstrations
18 authorized under paragraph (4) of subsection d. of this section,
19 provided that the transportation is in compliance with safety
20 regulations the superintendent may promulgate. Those subsections
21 shall not apply to transportation directly to or from exhibitions or
22 demonstrations authorized under the law of another jurisdiction,
23 provided that the superintendent has been given 30 days' notice and
24 that the transportation is in compliance with safety regulations the
25 superintendent may promulgate.

26 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
27 be construed to prevent a person keeping or carrying about the
28 person's place of business, residence, premises or other land owned
29 or possessed by the person, any firearm, or from carrying the same,
30 in the manner specified in subsection g. of this section, from any
31 place of purchase to the person's residence or place of business,
32 between the person's dwelling and place of business, between one
33 place of business or residence and another when moving, or
34 between the person's dwelling or place of business and place where
35 the firearms are repaired, for the purpose of repair. For the
36 purposes of this section, a place of business shall be deemed to be a
37 fixed location.

38 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
39 be construed to prevent:

40 (1) A member of any rifle or pistol club organized in accordance
41 with the rules prescribed by the National Board for the Promotion
42 of Rifle Practice, in going to or from a place of target practice,
43 carrying firearms necessary for target practice, provided that the
44 club has filed a copy of its charter with the superintendent and
45 annually submits a list of its members to the superintendent and
46 provided further that the firearms are carried in the manner
47 specified in subsection g. of this section;

1 (2) A person carrying a firearm or knife in the woods or fields or
2 upon the waters of this State for the purpose of hunting, target
3 practice or fishing, provided that the firearm or knife is legal and
4 appropriate for hunting or fishing purposes in this State and the
5 person has in the person's possession a valid hunting license, or,
6 with respect to fresh water fishing, a valid fishing license;

7 (3) A person transporting any firearm or knife while traveling:

8 (a) Directly to or from any place for the purpose of hunting or
9 fishing, provided the person has in the person's possession a valid
10 hunting or fishing license; or

11 (b) Directly to or from any target range, or other authorized
12 place for the purpose of practice, match, target, trap or skeet
13 shooting exhibitions, provided in all cases that during the course of
14 the travel all firearms are carried in the manner specified in
15 subsection g. of this section and the person has complied with all
16 the provisions and requirements of Title 23 of the Revised Statutes
17 and any amendments thereto and all rules and regulations
18 promulgated thereunder; or

19 (c) In the case of a firearm, directly to or from any exhibition or
20 display of firearms which is sponsored by any law enforcement
21 agency, any rifle or pistol club, or any firearms collectors club, for
22 the purpose of displaying the firearms to the public or to the
23 members of the organization or club, provided, however, that not
24 less than 30 days prior to the exhibition or display, notice of the
25 exhibition or display shall be given to the Superintendent of the
26 State Police by the sponsoring organization or club, and the sponsor
27 has complied with any reasonable safety regulations the
28 superintendent may promulgate. Any firearms transported pursuant
29 to this section shall be transported in the manner specified in
30 subsection g. of this section;

31 (4) A person from keeping or carrying about a private or
32 commercial aircraft or any boat, or from transporting to or from the
33 aircraft or boat for the purpose of installation or repair of a visual
34 distress signaling device approved by the United States Coast
35 Guard.

36 g. Any weapon being transported under paragraph (2) of
37 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
38 of this section shall be carried unloaded and contained in a closed
39 and fastened case, gunbox, securely tied package, or locked in the
40 trunk of the automobile in which it is being transported, and in the
41 course of travel shall include only deviations as are reasonably
42 necessary under the circumstances.

43 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent any employee of a public utility, as defined in R.S.48:2-
45 13, doing business in this State or any United States Postal Service
46 employee, while in the actual performance of duties which
47 specifically require regular and frequent visits to private premises,
48 from possessing, carrying or using any device which projects,

1 releases or emits any substance specified as being noninjurious to
2 canines or other animals by the Commissioner of Health and which
3 immobilizes only on a temporary basis and produces only
4 temporary physical discomfort through being vaporized or
5 otherwise dispensed in the air for the sole purpose of repelling
6 canine or other animal attacks.

7 The device shall be used solely to repel only those canine or
8 other animal attacks when the canines or other animals are not
9 restrained in a fashion sufficient to allow the employee to properly
10 perform the employee's duties.

11 Any device used pursuant to this act shall be selected from a list
12 of products, which consist of active and inert ingredients, permitted
13 by the Commissioner of Health.

14 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
15 any person who is 18 years of age or older and who has not been
16 convicted of a crime, from possession for the purpose of personal
17 self-defense of one pocket-sized device which contains and releases
18 not more than three-quarters of an ounce of chemical substance not
19 ordinarily capable of lethal use or of inflicting serious bodily injury,
20 but rather, is intended to produce temporary physical discomfort or
21 disability through being vaporized or otherwise dispensed in the air.
22 Any person in possession of any device in violation of this
23 subsection shall be deemed and adjudged to be a disorderly person,
24 and upon conviction thereof, shall be punished by a fine of not less
25 than \$100.

26 (2) Notwithstanding the provisions of paragraph (1) of this
27 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
28 health inspector or investigator operating pursuant to the provisions
29 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
30 inspector from possessing a device which is capable of releasing
31 more than three-quarters of an ounce of a chemical substance, as
32 described in paragraph (1) of this subsection, while in the actual
33 performance of the inspector's or investigator's duties, provided that
34 the device does not exceed the size of those used by law
35 enforcement.

36 j. A person shall qualify for an exemption from the provisions
37 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
38 section, if the person has satisfactorily completed a firearms
39 training course approved by the Police Training Commission.

40 The exempt person shall not possess or carry a firearm until the
41 person has satisfactorily completed a firearms training course and
42 shall annually qualify in the use of a revolver or similar weapon.
43 For purposes of this subsection, a "firearms training course" means
44 a course of instruction in the safe use, maintenance and storage of
45 firearms which is approved by the Police Training Commission.
46 The commission shall approve a firearms training course if the
47 requirements of the course are substantially equivalent to the
48 requirements for firearms training provided by police training

1 courses which are certified under section 6 of P.L.1961, c.56
2 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
3 or (6) of subsection a. of this section shall be exempt from the
4 requirements of this subsection.

5 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
6 to prevent any financial institution, or any duly authorized
7 personnel of the institution, from possessing, carrying or using for
8 the protection of money or property, any device which projects,
9 releases or emits tear gas or other substances intended to produce
10 temporary physical discomfort or temporary identification.

11 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
12 to prevent a law enforcement officer who retired in good standing,
13 including a retirement because of a disability pursuant to section 6
14 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
15 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
16 substantially similar statute governing the disability retirement of
17 federal law enforcement officers, provided the officer was a
18 regularly employed, full-time law enforcement officer for an
19 aggregate of four or more years prior to the officer's disability
20 retirement and further provided that the disability which constituted
21 the basis for the officer's retirement did not involve a certification
22 that the officer was mentally incapacitated for the performance of
23 the officer's usual law enforcement duties and any other available
24 duty in the department which the officer's employer was willing to
25 assign to the officer or does not subject that retired officer to any of
26 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
27 would disqualify the retired officer from possessing or carrying a
28 firearm, who semi-annually qualifies in the use of the handgun the
29 officer is permitted to carry in accordance with the requirements
30 and procedures established by the Attorney General pursuant to
31 subsection j. of this section and pays the actual costs associated
32 with those semi-annual qualifications, who is 75 years of age or
33 younger, and who was regularly employed as a full-time member of
34 the State Police; a full-time member of an interstate police force; a
35 full-time member of a county or municipal police department in this
36 State; a full-time member of a State law enforcement agency; a full-
37 time sheriff, undersheriff or sheriff's officer of a county of this
38 State; a full-time State or county correctional police officer; a full-
39 time State correctional police officer or county correctional police
40 officer; a full-time State or county park police officer; a full-time
41 special agent of the Division of Taxation; a full-time Human
42 Services police officer; a full-time transit police officer of the New
43 Jersey Transit Police Department; a full-time campus police officer
44 exempted pursuant to paragraph (10) of subsection c. of this
45 section; a full-time State conservation police officer exempted
46 pursuant to paragraph (4) of subsection a. of this section; a full-time
47 Palisades Interstate Park officer appointed pursuant to
48 R.S.32:14-21; a full-time Burlington County Bridge police officer

1 appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a
2 full-time housing authority police officer exempted pursuant to
3 paragraph (16) of subsection c. of this section; a full-time juvenile
4 correctional police officer exempted pursuant to paragraph (9) of
5 subsection a. of this section; a full-time parole officer exempted
6 pursuant to paragraph (13) of subsection c. of this section; a full-
7 time railway policeman exempted pursuant to paragraph (9) of
8 subsection c. of this section; a full-time county prosecutor's
9 detective or investigator; a full-time federal law enforcement
10 officer; or is a qualified retired law enforcement officer, as used in
11 the federal "Law Enforcement Officers Safety Act of 2004,"
12 Pub.L.108-277, domiciled in this State from carrying a handgun in
13 the same manner as law enforcement officers exempted under
14 paragraph (7) of subsection a. of this section. A retired law
15 enforcement officer shall be entitled to carry a handgun pursuant to
16 this subsection under the following conditions:

17 (1) The retired law enforcement officer shall make application
18 in writing to the Superintendent of State Police for approval to carry
19 a handgun every two years. A renewal application shall be
20 submitted in the same manner.

21 (2) Upon receipt of the written application of the retired law
22 enforcement officer, the superintendent shall request a verification
23 of service from the chief law enforcement officer of the
24 organization in which the retired officer was last regularly
25 employed as a full-time law enforcement officer prior to retiring.
26 The verification of service shall include:

27 (a) The name and address of the retired officer;

28 (b) The date that the retired officer was hired and the date that
29 the officer retired;

30 (c) A list of all handguns known to be registered to that officer;

31 (d) A statement that, to the reasonable knowledge of the chief
32 law enforcement officer, the retired officer is not subject to any of
33 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

34 (e) A statement that the officer retired in good standing.

35 (3) If the superintendent approves a retired officer's application
36 or reapplication to carry a handgun pursuant to the provisions of
37 this subsection, the superintendent shall notify in writing the chief
38 law enforcement officer of the municipality wherein that retired
39 officer resides. In the event the retired officer resides in a
40 municipality which has no chief law enforcement officer or law
41 enforcement agency, the superintendent shall maintain a record of
42 the approval.

43 (4) The superintendent shall issue to an approved retired officer
44 an identification card permitting the retired officer to carry a
45 handgun pursuant to this subsection. This identification card shall
46 be valid for two years from the date of issuance and shall be valid
47 throughout the State. The identification card shall not be
48 transferable to any other person. The identification card shall be

1 carried at all times on the person of the retired officer while the
2 retired officer is carrying a handgun. The retired officer shall
3 produce the identification card for review on the demand of any law
4 enforcement officer or authority.

5 (5) Any person aggrieved by the denial of the superintendent of
6 approval for a permit to carry a handgun pursuant to this subsection
7 may request a hearing in the Superior Court of New Jersey in the
8 county in which the person resides by filing a written request for a
9 hearing within 30 days of the denial. Copies of the request shall be
10 served upon the superintendent and the county prosecutor. The
11 hearing shall be held within 30 days of the filing of the request, and
12 no formal pleading or filing fee shall be required. Appeals from the
13 determination of the hearing shall be in accordance with law and the
14 rules governing the courts of this State.

15 (6) A judge of the Superior Court may revoke a retired officer's
16 privilege to carry a handgun pursuant to this subsection for good
17 cause shown on the application of any interested person. A person
18 who becomes subject to any of the disabilities set forth in
19 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
20 superintendent, the person's identification card issued under
21 paragraph (4) of this subsection to the chief law enforcement officer
22 of the municipality wherein the person resides or the
23 superintendent, and shall be permanently disqualified to carry a
24 handgun under this subsection.

25 (7) The superintendent may charge a reasonable application fee
26 to retired officers to offset any costs associated with administering
27 the application process set forth in this subsection.

28 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
29 to prevent duly authorized personnel of the New Jersey Division of
30 Fish and Wildlife, while in the actual performance of duties, from
31 possessing, transporting or using any device that projects, releases
32 or emits any substance specified as being non-injurious to wildlife
33 by the Director of the Division of Animal Health in the Department
34 of Agriculture, and which may immobilize wildlife and produces
35 only temporary physical discomfort through being vaporized or
36 otherwise dispensed in the air for the purpose of repelling bear or
37 other animal attacks or for the aversive conditioning of wildlife.

38 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
39 be construed to prevent duly authorized personnel of the New
40 Jersey Division of Fish and Wildlife, while in the actual
41 performance of duties, from possessing, transporting or using hand
42 held pistol-like devices, rifles or shotguns that launch pyrotechnic
43 missiles for the sole purpose of frightening, hazing or aversive
44 conditioning of nuisance or depredating wildlife; from possessing,
45 transporting or using rifles, pistols or similar devices for the sole
46 purpose of chemically immobilizing wild or non-domestic animals;
47 or, provided the duly authorized person complies with the
48 requirements of subsection j. of this section, from possessing,

1 transporting or using rifles or shotguns, upon completion of a Police
2 Training Commission approved training course, in order to dispatch
3 injured or dangerous animals or for non-lethal use for the purpose
4 of frightening, hazing or aversive conditioning of nuisance or
5 depredating wildlife.

6 (cf: P.L.2022, c.131, s.8)

7
8 22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to
9 read as follows:

10 4. a. In addition to any other disposition made pursuant to law,
11 a court shall order a person convicted of, indicted for or formally
12 charged with, or a juvenile charged with delinquency or adjudicated
13 delinquent for an act which if committed by an adult would
14 constitute, aggravated sexual assault or sexual assault as defined in
15 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
16 serological test for acquired immune deficiency syndrome (AIDS)
17 or infection with the human immunodeficiency virus (HIV) or any
18 other related virus identified as a probable causative agent of AIDS.
19 The court shall issue such an order only upon the request of the
20 victim and upon application of the prosecutor immediately
21 following the request. The person or juvenile shall be ordered by
22 the court to submit to such repeat or confirmatory tests as may be
23 medically necessary.

24 As used in this section, "formal charge" includes a proceeding by
25 accusation in the event that the defendant has waived the right to an
26 indictment.

27 b. A court order issued pursuant to subsection a. of this section
28 shall require testing to be performed as soon as practicable by the
29 Commissioner of the Department of Corrections pursuant to
30 authority granted to the commissioner by sections 6 and 10 of
31 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
32 care, at a health facility licensed pursuant to section 12 of P.L.1971,
33 c.136 (C.26:2H-12) or the **【Juvenile】** Youth Justice Commission
34 established pursuant to section 2 of P.L.1995, c.284
35 (C.52:17B-170). If the victim makes the request prior to or at the
36 time of indictment, or accusation if the defendant has waived the
37 right to an indictment, the court order shall require the testing be
38 performed within 48 hours. The order shall also require that the
39 results of the test be reported to the offender and to the appropriate
40 Office of Victim-Witness Advocacy.

41 c. The Office of Victim-Witness Advocacy, established
42 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
43 reimburse the Department of Corrections, Department of Health or
44 the **【Juvenile】** Youth Justice Commission for the direct costs
45 incurred by these departments for any tests ordered by a court
46 pursuant to subsection a. of this section. Reimbursement shall be
47 made following a request from the department.

1 d. In addition to any other disposition authorized, a court may
2 order an offender at the time of sentencing to reimburse the State
3 for the costs of the tests ordered by subsection a. of this section.

4 e. Upon receipt of the result of a test ordered pursuant to
5 subsection a. of this section, the Office of Victim-Witness
6 Advocacy shall provide the victim with appropriate counseling,
7 referral for counseling and if appropriate, referral for health care.
8 The office shall notify the victim or make appropriate arrangements
9 for the victim to be notified of the test result.

10 f. The result of a test ordered pursuant to subsection a. of this
11 section shall be confidential and employees of the Department of
12 Corrections, the **【Juvenile】 Youth** Justice Commission, the Office
13 of Victim-Witness Advocacy, a health care provider, health care
14 facility or counseling service shall not disclose the result of a test
15 performed pursuant to this section except as authorized herein or as
16 otherwise authorized by law or court order. The provisions of this
17 section shall not be deemed to prohibit disclosure of a test result to
18 the person tested.

19 g. Persons who perform tests ordered pursuant to subsection a.
20 of this section in accordance with accepted medical standards for
21 the performance of such tests shall be immune from civil and
22 criminal liability arising from their conduct.

23 h. This section shall not be construed to preclude or limit any
24 other testing for acquired immune deficiency syndrome (AIDS) or
25 infection with the human immunodeficiency virus (HIV) or any
26 other related virus identified as a probable causative agent of AIDS
27 which is otherwise permitted by statute, court rule or common law.
28 (cf: P.L.2013, c.140, s.1)

29
30 23. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
31 as follows:

32 3. a. All fines, assessments imposed pursuant to section 2 of
33 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
34 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
35 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
36 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
37 penalties imposed pursuant to section 1 of P.L.2009, c.143
38 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
39 P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected
40 as follows:

41 (1) All fines, assessments imposed pursuant to section 2 of
42 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
43 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
44 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
45 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
46 penalties imposed pursuant to section 1 of P.L.2009, c.143
47 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
48 P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the

1 Superior Court or otherwise imposed at the county level, shall be
2 collected by the county probation division except when the fine,
3 assessment, or restitution is imposed in conjunction with a custodial
4 sentence to a State correctional facility or in conjunction with a
5 term of incarceration imposed pursuant to section 25 of P.L.1982,
6 c.77 (C.2A:4A-44) in which event the fine, assessment, or
7 restitution shall be collected by the Department of Corrections or
8 the **【Juvenile】 Youth** Justice Commission established pursuant to
9 section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
10 a State correctional institution or a juvenile serving a term of
11 incarceration imposed pursuant to section 25 of P.L.1982, c.77
12 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
13 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed
14 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty
15 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a
16 penalty imposed pursuant to section 1 of P.L.2009, c.143
17 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013,
18 c.214 (C.30:4-123.97), or restitution shall have the assessment,
19 penalty, fine, or restitution deducted from any income the inmate
20 receives as a result of labor performed at the institution or on any
21 type of work release program or, pursuant to regulations
22 promulgated by the Commissioner of the Department of Corrections
23 or the **【Juvenile】 Youth** Justice Commission, from any personal
24 account established in the institution for the benefit of the inmate.

25 (a) A payment of restitution collected by the Department of
26 Corrections pursuant to this paragraph shall be maintained by the
27 department for two years during which the department shall attempt
28 to locate the victim to whom the restitution is owed. If the
29 department has not located the victim and the victim has not come
30 forward to claim the payment within this two-year period, the
31 payment shall be transferred to the Victims of Crime Compensation
32 Office Account to be used in satisfying claims pursuant to the
33 provisions of the "Criminal Injuries Compensation Act of 1971,"
34 P.L.1971, c.317 (C.52:4B-1 et seq.).

35 (b) If the Department of Corrections has transferred a payment
36 of restitution to the Victims of Crime Compensation Office
37 pursuant to subparagraph (a) of this paragraph, the department shall
38 provide the office with the order for restitution and any other
39 information regarding the identity of the victim to whom the
40 payment is owed. The office shall be responsible for maintaining
41 this information and for distributing payments of restitution to
42 victims who can prove they are owed the payments.

43 (2) All fines, assessments imposed pursuant to section 2 of
44 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
45 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed
46 by a municipal court shall be collected by the municipal court
47 administrator except if the fine, assessments imposed pursuant to
48 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered

1 as a condition of probation in which event it shall be collected by
2 the county probation division.

3 b. Except as provided in subsection c. with respect to fines
4 imposed on appeals following convictions in municipal courts and
5 except as provided in subsection i. with respect to restitution
6 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
7 al.), all fines imposed by the Superior Court or otherwise imposed
8 at the county level, shall be paid over by the officer entitled to
9 collect the fines to:

10 (1) The county treasurer with respect to fines imposed on
11 defendants who are sentenced to and serve a custodial term,
12 including a term as a condition of probation, in the county jail,
13 workhouse, or penitentiary except where such county sentence is
14 served concurrently with a sentence to a State institution; or

15 (2) The State Treasurer with respect to all other fines.

16 c. All fines imposed by municipal courts, except a central
17 municipal court established pursuant to N.J.S.2B:12-1 on
18 defendants convicted of crimes, disorderly persons offenses, and
19 petty disorderly persons offenses, and all fines imposed following
20 conviction on appeal therefrom, and all forfeitures of bail shall be
21 paid over by the officer entitled to collect the fines to the treasury
22 of the municipality wherein the municipal court is located.

23 In the case of an intermunicipal court, fines shall be paid into the
24 municipal treasury of the municipality in which the offense was
25 committed, and costs, fees, and forfeitures of bail shall be
26 apportioned among the several municipalities to which the court's
27 jurisdiction extends according to the ratios of the municipalities'
28 contributions to the total expense of maintaining the court.

29 In the case of a central municipal court, established by a county
30 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of
31 bail shall be paid into the county treasury of the county where the
32 central municipal court is located.

33 d. All assessments imposed pursuant to section 2 of P.L.1979,
34 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
35 in that section.

36 e. All mandatory Drug Enforcement and Demand Reduction
37 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
38 and deposited as provided for in that section.

39 f. All forensic laboratory fees assessed pursuant to
40 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
41 that section.

42 g. All restitution ordered to be paid to the Victims of Crime
43 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
44 to the office for deposit in the Victims of Crime Compensation
45 Office Account.

46 h. All assessments imposed pursuant to section 11 of P.L.1993,
47 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
48 in that section.

1 i. All restitution imposed on defendants under the provisions
2 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
3 enforcement entity in extraditing the defendant from another
4 jurisdiction shall be paid over by the officer entitled to collect the
5 restitution to the law enforcement entities which participated in the
6 extradition of the defendant.

7 j. All penalties imposed pursuant to section 1 of P.L.1999,
8 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
9 in that section.

10 k. All penalties imposed pursuant to section 11 of P.L.2001,
11 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
12 that section.

13 l. All mandatory penalties imposed pursuant to section 1 of
14 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
15 provided in that section.

16 m. All mandatory Computer Crime Prevention penalties
17 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
18 shall be forwarded and deposited as provided in that section.

19 n. All mandatory Sex Offender Supervision penalties imposed
20 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
21 forwarded and deposited as provided in that section.

22 (cf: P.L.2019, c.363, s.6)

23
24 24. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
25 read as follows:

26 14. a. No person under the age of 18 years shall purchase, barter
27 or otherwise acquire a firearm and no person under the age of 21
28 years shall purchase, barter or otherwise acquire a handgun, unless
29 the person is authorized to possess the handgun in connection with
30 the performance of official duties under the provisions of
31 N.J.S.2C:39-6.

32 b. No person under the age of 18 years shall possess, carry, fire
33 or use a firearm except as provided under paragraphs (1), (2), (3)
34 and (4) of this subsection; and, unless authorized in connection with
35 the performance of official duties under the provisions of
36 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
37 carry, fire or use a handgun except under the following
38 circumstances:

39 (1) In the actual presence or under the direct supervision of his
40 father, mother or guardian, or some other person who holds a permit
41 to carry a handgun or a firearms purchaser identification card, as the
42 case may be; or

43 (2) For the purpose of military drill under the auspices of a
44 legally recognized military organization and under competent
45 supervision; or

46 (3) For the purpose of competition, target practice, instruction,
47 and training in and upon a firing range approved by the governing
48 body of the municipality in which the range is located or the

1 National Rifle Association and which is under competent
2 supervision at the time of such supervision or target practice or
3 instruction and training at any location; or

4 (4) For the purpose of hunting during the regularly designated
5 hunting season, provided that he possesses a valid hunting license
6 and has successfully completed a hunter's safety course taught by a
7 qualified instructor or conservation police officer and possesses a
8 certificate indicating the successful completion of such a course.

9 c. A person who violates this section shall be guilty of a crime
10 of the fourth degree. For purposes of this section the fact that the
11 act would not constitute a crime if committed by an adult shall not
12 be deemed to prohibit or require waiver of family court jurisdiction
13 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
14 under the "New Jersey Code of **【Juvenile】 Youth** Justice,"
15 P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60
16 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81
17 (C.2A:4A-70 et seq.).

18 (cf: P.L.2019, c.407, s.3)

19
20 25. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
21 read as follows:

22 20. Records involving abuse or neglect. When the Department
23 of Children and Families receives a report or complaint that a child
24 may be abused or neglected; when the department provides services
25 to a child; or when the department receives a request from the
26 Superior Court, Chancery Division, Family Part to investigate an
27 allegation of abuse or neglect, the department may request of any
28 and all public or private institutions, or agencies including law
29 enforcement agencies, or any private practitioners, their records
30 past and present pertaining to that child and other children under the
31 same care, custody and control. The department shall not be
32 charged a fee for the copying of the records. Records kept pursuant
33 to the "New Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982,
34 c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon
35 issuance by a court of an order on good cause shown directing these
36 records to be released to the department for the purpose of aiding in
37 evaluation to determine if the child is abused or neglected. In the
38 release of the aforementioned records, the source shall have
39 immunity from any liability, civil or criminal.

40 (cf: P.L.2006, c.47, s.51)

41
42 26. Section 9 of P.L.1947, c.179 (C.9:22-9) is amended to read
43 as follows:

44 9. Any municipal youth guidance council having an adjustment
45 committee may petition the Superior Court, Chancery Division,
46 Family Part, in its discretion, to either:

1 A. Establish a schedule for a holding of juvenile hearings in a
2 suitable location chosen by the adjustment committee within the
3 limits of the petitioning municipality; or

4 B. Appoint a referee to hear and recommend disposition of any
5 cases specifically referred to the referee by the Family Part of the
6 county and any cases coming within the provisions of the "New
7 Jersey Code of **【Juvenile】** Youth Justice," P.L.1982, c. 77
8 (C.2A:4A-20 et seq.) arising within the limits of the petitioning
9 municipality. It shall be the duty of the petitioning municipality to
10 see that adequate diagnostic services shall be made available to
11 such children.

12 Any case requiring the detention of a child shall be referred to
13 the Family Part for hearing.

14 Upon receipt of a petition to appoint a referee the Family Part
15 shall proceed to appoint a member of the adjustment committee, or
16 some other suitable person, as referee, in accordance with
17 N.J.S.2A:4-12. Nothing in this provision shall limit the present
18 discretionary power of the Family Part to appoint referees on their
19 own initiative or to prevent such a court from hearing cases
20 scheduled to be heard in the petitioning municipality in place of the
21 referee so appointed by it.

22 (cf: P.L.1991, c.91, s.215)

23
24 27. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read as
25 follows:

26 2. Pursuant to said compact, the Governor is hereby authorized
27 and empowered to designate an officer within the **【Juvenile】** Youth
28 Justice Commission established pursuant to section 2 of P.L.1995,
29 c.284 (C.52:17B-170) who shall be the compact administrator and
30 who, acting jointly with like officers of other party States, shall
31 promulgate rules and regulations to carry out more effectively the
32 terms of the compact. Said compact administrator shall serve
33 subject to the pleasure of the Governor. The compact administrator
34 is hereby authorized, empowered and directed to co-operate with all
35 departments, agencies and officers of and in the government of this
36 State and its political subdivisions in facilitating the proper
37 administration of the compact or of any supplementary agreement
38 or agreements entered into by this State thereunder.

39 (cf: P.L.1995, c.280, s.23)

40
41 28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to
42 read as follows:

43 1. a. The Civil Service Commission shall effectuate the
44 following title changes in the career service:

45 (1) Correction officer recruit shall be retitled as correctional
46 police officer;

47 (2) Senior correction officer shall be retitled as senior
48 correctional police officer;

1 (3) Correction sergeant shall be retitled as correctional police
2 sergeant;

3 (4) Correction lieutenant shall be retitled as correctional police
4 lieutenant;

5 (5) Correction captain shall be retitled as correctional police
6 captain;

7 (6) Director of custody operations shall be retitled as
8 correctional police chief ;

9 (7) Correction officer apprentice shall be retitled as correctional
10 police officer apprentice; and

11 (8) Correction major shall be retitled as correctional police
12 major.

13 b. The title changes provided under this section shall apply to
14 all corrections officers employed by the New Jersey Department of
15 Corrections and the **【Juvenile】 Youth** Justice Commission.

16 c. Any fees associated with the retitling pursuant to subsection
17 a. of this section shall be borne by the corrections officer whose
18 title is changed.

19 (cf: P.L.2017, c.293, s.1)

20

21 29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read
22 as follows:

23 6. a. For each State-placed child who is resident in a district
24 and in a State facility on the last school day prior to October 16 of
25 the prebudget year, and for each district-placed child who is
26 resident in a district and in a State facility on the last school day
27 prior to October 16 of the budget year, the Commissioner of
28 Education shall deduct from the State aid payable to that district an
29 amount equal to the approved per pupil cost established pursuant to
30 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
31 except that for a child in a county juvenile detention center, no
32 deduction shall be made until Fiscal Year 1999, in which year and
33 thereafter **【50%】 50 percent** of the per pupil cost shall be deducted.

34 b. If, for any district, the amount to be deducted pursuant to
35 subsection a. of this section is greater than State aid payable to the
36 district, the district shall pay to the Department of Education the
37 difference between the amount to be deducted and the State aid
38 payable to the district.

39 c. The amount deducted pursuant to subsection a. of this
40 section and the amount paid to the Department of Education
41 pursuant to subsection b. of this section shall be forwarded to the
42 Department of Human Services or the Department of Children and
43 Families, as applicable, if the facility is operated by or under
44 contract with that department, or to the Department of Corrections
45 if the facility is operated by or under contract with that department,
46 or to the **【Juvenile】 Youth** Justice Commission established pursuant
47 to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
48 operated by or under contract with that commission, and shall serve

1 as payment by the district of tuition for the child. In the case of
2 county juvenile detention centers, the tuition shall be deemed to
3 supplement funds currently provided by the county for this purpose
4 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
5 In Fiscal Year 1998, a county shall not decrease its level of
6 contribution as a result of the payment of tuition pursuant to this
7 section. In Fiscal Year 1999 and thereafter, a county shall be
8 required to pay **【50%】** 50 percent of the approved per pupil costs
9 established pursuant to the provisions of section 24 of P.L.1996,
10 c.138 (C.18A:7F-24) for the purpose of implementing chapters 10
11 and 11 of Title 9 of the Revised Statutes. Amounts so deducted
12 shall be used solely for the support of educational programs and
13 shall be maintained in a separate account for that purpose. No
14 district shall be responsible for the tuition of any child admitted by
15 the State to a State facility after the last school day prior to October
16 16 of the prebudget year.

17 (cf: P.L.2006, c.47, s.81)

18
19 30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
20 read as follow:

21 8. Funds received pursuant to this act by the Department of
22 Human Services, the Department of Children and Families, the
23 Department of Corrections or the **【Juvenile】** Youth Justice
24 Commission established pursuant to section 2 of P.L.1995, c.284
25 (C.52:17B-170) shall be used only for the salaries of teachers,
26 educational administrators at the program level, child study team
27 personnel, clerical staff assigned to child study teams or to
28 educational day programs, paraprofessionals assigned to
29 educational programs in State facilities, and for diagnostic services
30 required as part of the child study team evaluations and related
31 educational services personnel whose function requires an
32 educational certificate issued by the State Department of Education,
33 and for the costs of educational materials, supplies and equipment
34 for these programs. No such funds shall be used for the renovation
35 or construction of capital facilities, for the maintenance and
36 operation of educational facilities, or for custodial, habilitation or
37 other noneducational costs.

38 There are hereby authorized to be appropriated to the
39 Departments of Human Services, Children and Families and
40 Corrections such funds as may be necessary to provide for adult,
41 post-secondary and college programs.

42 (cf: P.L.2006, c.47, s.82)

43
44 31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to
45 read as follows:

46 9. The Commissioner of Education, with the approval of the
47 State Board of Education, shall promulgate rules and regulations to
48 ensure a thorough and efficient education, consistent with the

1 provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), for the children
2 in State facilities. In the case of county juvenile detention centers,
3 the Office of Education in the **【Juvenile】 Youth** Justice
4 Commission shall develop, in consultation with the commissioner,
5 appropriate standards, to be effective for Fiscal Year 1999, for the
6 provision of a thorough and efficient education by the county for
7 facilities established under chapter 10 and chapter 11 of Title 9 of
8 the Revised Statutes.

9 The commissioner shall continually review the operation of
10 educational programs in State facilities. If he finds that the
11 operation of any of these programs does not meet the educational
12 standard required by the regulations, he shall direct that a remedial
13 plan be prepared by the education director of the facility in which
14 the program is located, together with the director of educational
15 services of the department which is operating or contracting with
16 the facility. The plan shall be submitted to the Commissioner of
17 Education for his approval. If he approves the plan, it shall be
18 implemented in a timely and effective manner. If he finds the plan
19 or its implementation to be insufficient, he may, until the
20 insufficiency is corrected, withhold and place in a special account
21 any State aid funds which otherwise would have been forwarded
22 pursuant to section 6 of P.L.1979, c.207.

23 (cf: P.L.2007, c.260, s.26)

24
25 32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
26 read as follows:

27 11. a. Any parent or guardian of a pupil in a State facility and
28 any pupil in a State facility between 18 and 20 years of age, may
29 request an administrative review on matters of educational
30 classification or educational program.

31 b. The administrative review process shall include the
32 following sequence:

33 (1) A conference with teaching staff members or child study
34 team personnel;

35 (2) A conference with the Director of Educational Services of
36 the Department of Human Services, the Department of Children and
37 Families, the Department of Corrections, or the **【Juvenile】 Youth**
38 Justice Commission, whichever is appropriate;

39 (3) A hearing by the Commissioner of Education pursuant to
40 law and regulation.

41 c. The due process rights available to children, parents and
42 guardians in the public schools on matters of educational
43 classification or educational program shall be available to children,
44 parents and guardians in State facilities.

45 d. The placement of a child in a particular State facility shall
46 not be subject to an administrative review or hearing pursuant to
47 this section.

48 (cf: P.L.2006, c.47, s.83)

1 33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
2 read as follows:

3 19. For school funding purposes, the Commissioner of
4 Education shall determine district of residence as follows:

5 a. (1) In the case of a child placed in a resource family home
6 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
7 the district of residence shall be the district in which the resource
8 family parents reside. If such a child in a resource family home is
9 subsequently placed in a State facility or by a State agency, the
10 district of residence of the child shall then be determined as if no
11 such resource family placement had occurred.

12 (2) In the case of a child placed in a resource family home on or
13 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
14 district of residence shall be the present district of residence of the
15 parent or guardian with whom the child lived prior to the most
16 recent placement in a resource family home.

17 b. The district of residence for children who are in residential
18 State facilities, or who have been placed by State agencies in group
19 homes, skill development homes, private schools or out-of-State
20 facilities, shall be the present district of residence of the parent or
21 guardian with whom the child lived prior to his most recent
22 admission to a State facility or most recent placement by a State
23 agency.

24 c. The district of residence for children whose parent or
25 guardian temporarily moves from one school district to another as
26 the result of being homeless shall be the district in which the parent
27 or guardian last resided prior to becoming homeless. For the
28 purpose of this amendatory and supplementary act, "homeless" shall
29 mean an individual who temporarily lacks a fixed, regular and
30 adequate residence.

31 d. If the district of residence cannot be determined according to
32 the criteria contained herein, if the criteria contained herein identify
33 a district of residence outside of the State, or if the child has resided
34 in a domestic violence shelter, homeless shelter, or transitional
35 living facility located outside of the district of residence for more
36 than one year, the State shall assume fiscal responsibility for the
37 tuition of the child. The tuition shall equal the approved per pupil
38 cost established pursuant to section 24 of P.L.1996, c.138
39 (C.18A:7F-24). This amount shall be appropriated in the same
40 manner as other State aid under this act. The Department of
41 Education shall pay the amount to the Department of Human
42 Services, the Department of Children and Families, the Department
43 of Corrections or the **【Juvenile】 Youth** Justice Commission
44 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
45 or, in the case of a homeless child or a child in a family resource
46 home, the Department of Education shall pay to the school district
47 in which the child is enrolled the weighted base per pupil amount
48 calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49)

1 and the appropriate security categorical aid per pupil and special
2 education categorical aid per pupil.

3 e. If the State has assumed fiscal responsibility for the tuition
4 of a child in a private educational facility approved by the
5 Department of Education to serve children who are classified as
6 needing special education services, the department shall pay to the
7 Department of Human Services, the Department of Children and
8 Families or the **【Juvenile】 Youth** Justice Commission, as
9 appropriate, the aid specified in subsection d. of this section and in
10 addition, such aid as required to make the total amount of aid equal
11 to the actual cost of the tuition.

12 (cf: P.L.2017, c.83, s.1)

13
14 34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
15 read as follows:

16 20. Beginning in the school year 1997-98, the Commissioner of
17 Education shall annually report to the Legislature, describing the
18 condition of educational programs in State facilities, the efforts of
19 the Departments of Corrections, Children and Families, and Human
20 Services and the **【Juvenile】 Youth** Justice Commission in meeting
21 the standards of a thorough and efficient education in these
22 facilities, the steps underway to correct any deficiencies in their
23 educational programs, and the progress of the educational programs
24 in New Jersey State facilities in comparison with those in the state
25 facilities of other states. At that time the commissioner shall
26 recommend to the Legislature any necessary or desirable changes or
27 modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).

28 (cf: P.L.2006, c.47, s.86)

29
30 35. Section 1 of P.L.2005, c.265 (C.18A:7C-12) is amended to
31 read as follows:

32 1. Notwithstanding any provision of law to the contrary, in the
33 case of a student enrolled in an educational program in a county
34 juvenile detention center that meets the standards for a thorough
35 and efficient education developed by the Office of Education in the
36 **【Juvenile】 Youth** Justice Commission, in consultation with the
37 Commissioner of Education, pursuant to section 9 of P.L. 1979,
38 c.207 (C.18A:7B-5), who subsequently enrolls in a public school
39 district, the district shall accept all days of attendance and courses
40 studied by the student at the county juvenile detention center and
41 apply them toward district requirements for elementary, middle, or
42 high school graduation.

43 (cf: P.L.2005, c.265, s.1)

44
45 36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
46 read as follows:

47 24. Annually by December 15, the Department of Corrections,
48 the Department of Human Services, the Department of Children and

1 Families and the **【Juvenile】 Youth** Justice Commission shall each
2 submit to the commissioner for approval, with respect to the
3 facilities under their operational or supervisory authority, a budget
4 for educational programs as set forth in section 8 of P.L.1979, c.207
5 (C.18A:7B-4) for the subsequent year, together with enrollments
6 and per pupil costs. For the purposes of calculating a per pupil cost,
7 enrollment shall be based on the number of pupils in the State
8 facility on the last school day prior to October 16 of the prebudget
9 year. In the subsequent year, pursuant to P.L.1979, c.207
10 (C.18A:7B-1 et seq.) for students resident in a district, approved per
11 pupil amounts shall be deducted from each school district's State aid
12 and remitted to the appropriate agency, except that for county
13 juvenile detention centers, no deduction shall be made until Fiscal
14 Year 1999; in that year and thereafter, **【50%】 50 percent** of
15 approved per pupil amounts shall be deducted and remitted to the
16 **【Juvenile】 Youth** Justice Commission.
17 (cf: P.L.2006, c.47, s.89)
18

19 37. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to
20 read as follows:

21 3. As used in this act and P.L.1996, c.138, unless the context
22 clearly requires a different meaning:

23 "At-risk pupils" means those resident pupils from households
24 with a household income at or below the most recent federal
25 poverty guidelines available on October 15 of the prebudget year
26 multiplied by 1.85;

27 "Base per pupil amount" means the cost per elementary pupil of
28 delivering the core curriculum content standards and extracurricular
29 and cocurricular activities necessary for a thorough and efficient
30 education;

31 "Bilingual education pupil" means a resident pupil enrolled in a
32 program of bilingual education or in an English as a second
33 language program approved by the State Board of Education;

34 "Budgeted local share" means the district's local tax levy
35 contained in the budget certified for taxation purposes;

36 "Capital outlay" means capital outlay as defined in GAAP;

37 "Combination pupil" means a resident pupil who is both an at-
38 risk pupil and a bilingual education pupil;

39 "Commissioner" means the Commissioner of Education;

40 "Concentration of at-risk pupils" shall be based on prebudget
41 year pupil data and means, for a school district or a county
42 vocational school district, the number of at-risk pupils among those
43 counted in resident enrollment, divided by resident enrollment;

44 "County special services school district" means any entity
45 established pursuant to article 8 of chapter 46 of Title 18A of the
46 New Jersey Statutes;

1 "County vocational school district" means any entity established
2 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
3 Statutes;

4 "CPI" means the increase, expressed as a decimal, in the average
5 annualized consumer price index for the New York City and
6 Philadelphia areas in the fiscal year preceding the prebudget year
7 relative to the previous fiscal year as reported by the United States
8 Department of Labor;

9 "Debt service" means payments of principal and interest upon
10 school bonds and other obligations issued to finance the purchase or
11 construction of school facilities, additions to school facilities, or the
12 reconstruction, remodeling, alteration, modernization, renovation or
13 repair of school facilities, including furnishings, equipment,
14 architect fees, and the costs of issuance of such obligations and
15 shall include payments of principal and interest upon bonds
16 heretofore issued to fund or refund such obligations, and upon
17 municipal bonds and other obligations which the commissioner
18 approves as having been issued for such purposes;

19 "District income" means the aggregate income of the residents of
20 the taxing district or taxing districts, based upon data provided by
21 the Division of Taxation in the New Jersey Department of the
22 Treasury and contained on the New Jersey State Income Tax forms
23 for the calendar year ending two years prior to the prebudget year.
24 The commissioner may supplement data contained on the State
25 Income Tax forms with data available from other State or federal
26 agencies in order to better correlate the data to that collected on the
27 federal census. With respect to regional districts and their
28 constituent districts, however, the district income as described
29 above shall be allocated among the regional and constituent districts
30 in proportion to the number of pupils resident in each of them;

31 "Equalized valuation" means the equalized valuation of the
32 taxing district or taxing districts, as certified by the Director of the
33 Division of Taxation on October 1, or subsequently revised by the
34 tax court by January 15, of the prebudget year. With respect to
35 regional districts and their constituent districts, however, the
36 equalized valuations as described above shall be allocated among
37 the regional and constituent districts in proportion to the number of
38 pupils resident in each of them. In the event that the equalized table
39 certified by the director shall be revised by the tax court after
40 January 15 of the prebudget year, the revised valuations shall be
41 used in the recomputation of aid for an individual school district
42 filing an appeal, but shall have no effect upon the calculation of the
43 property value rate, Statewide average equalized school tax rate, or
44 Statewide equalized total tax rate;

45 "Full-day preschool" means a preschool day consisting of a six-
46 hour comprehensive educational program in accordance with the
47 district's kindergarten through grade 12 school calendar;

1 "GAAP" means the generally accepted accounting principles
2 established by the Governmental Accounting Standards Board as
3 prescribed by the State board pursuant to N.J.S.18A:4-14;
4 "General special education services pupil" means a pupil
5 receiving specific services pursuant to chapter 46 of Title 18A of
6 the New Jersey Statutes;
7 "Geographic cost adjustment" means an adjustment that reflects
8 county differences in the cost of providing educational services that
9 are outside the control of the district;
10 "Household income" means income as defined in 7 CFR ss.245.2
11 and 245.6 or any subsequent superseding federal law or regulation;
12 "Net budget" means the sum of the district's general fund tax
13 levy, State aid received pursuant to the provisions of this act other
14 than preschool education aid, miscellaneous revenue estimated
15 pursuant to GAAP, and designated general fund balance;
16 "Prebudget year" means the school fiscal year preceding the year
17 in which the school budget is implemented;
18 "Nonpreschool ECPA" means the amount of early childhood
19 program aid, excluding prior year carry-forward amounts, included
20 in a district's 2007-2008 school year budget certified for taxes that
21 was allocated to grades K through 3;
22 "Report" means the Educational Adequacy Report issued by the
23 commissioner pursuant to section 4 of this act;
24 "Resident enrollment" means the number of pupils other than
25 preschool pupils, post-graduate pupils, and post-secondary
26 vocational pupils who, on the last school day prior to October 16 of
27 the current school year, are residents of the district and are enrolled
28 in: (1) the public schools of the district, excluding evening schools,
29 (2) another school district, other than a county vocational school
30 district in the same county on a full-time basis, or a State college
31 demonstration school or private school to which the district of
32 residence pays tuition, or (3) a State facility in which they are
33 placed by the district; or are residents of the district and are: (1)
34 receiving home instruction, or (2) in a shared-time vocational
35 program and are regularly attending a school in the district and a
36 county vocational school district. In addition, resident enrollment
37 shall include the number of pupils who, on the last school day prior
38 to October 16 of the prebudget year, are residents of the district and
39 in a State facility in which they were placed by the State. Pupils in
40 a shared-time vocational program shall be counted on an equated
41 full-time basis in accordance with procedures to be established by
42 the commissioner. Resident enrollment shall include regardless of
43 nonresidence, the enrolled children of teaching staff members of the
44 school district or county vocational school district who are
45 permitted, by contract or local district policy, to enroll their
46 children in the educational program of the school district or county
47 vocational school district without payment of tuition. Disabled
48 children between three and five years of age and receiving programs

1 and services pursuant to N.J.S.18A:46-6 shall be included in the
2 resident enrollment of the district;

3 "School district" means any local or regional school district
4 established pursuant to chapter 8 or chapter 13 of Title 18A of the
5 New Jersey Statutes;

6 "State facility" means a State developmental center, a State
7 Division of Youth and Family Services' residential center, a State
8 residential mental health center, a Department of Children and
9 Families Regional Day School, a State training school/secure care
10 facility, a State juvenile community program, a juvenile detention
11 center or a boot camp under the supervisory authority of the
12 **【Juvenile】 Youth** Justice Commission pursuant to P.L.1995, c.284
13 (C.52:17B-169 et seq.), or an institution operated by or under
14 contract with the Department of Corrections, Children and Families
15 or Human Services, or the **【Juvenile】 Youth** Justice Commission;

16 "Statewide equalized school tax rate" means the amount
17 calculated by dividing the general fund tax levy for all school
18 districts, which excludes county vocational school districts and
19 county special services school districts as defined pursuant to this
20 section, in the State for the prebudget year by the equalized
21 valuations certified in the year prior to the prebudget year of all
22 taxing districts in the State except taxing districts for which there
23 are not school tax levies;

24 "Tax levy growth limitation" means the permitted annual
25 increase in the adjusted tax levy for a school district as calculated
26 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
27 18A:7F-39).

28 (cf: P.L.2010, c.44, s.6)

29

30 38. N.J.S.18A:47-4 is amended to read as follows:

31 18A:47-4. Such special school shall receive, restrain, and
32 instruct dependent delinquent children, and children under the age
33 of 16 years, committed to such school by the Superior Court,
34 Chancery Division, Family Part pursuant to the "New Jersey Code
35 of **【Juvenile】 Youth** Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

36 If in the judgment of the court the best interests of a child
37 demand that the special school have the entire charge and control of
38 the child, the court may take the custody of the child from its
39 parents or guardian and give it, for an indeterminate period, to the
40 board of education having control of the special school. When in
41 the judgment of the board the conduct of the child has so improved
42 that it should be permitted to attend the regular public schools, it
43 may return the child to the custody of its parents or guardian.

44 Any child, under the age of 16 years, arrested for any cause
45 except murder or manslaughter, and pupils habitually truant or
46 incorrigible, may, by order of the Family Part be held in the school
47 until final judgment.

48 (cf: P.L.1991, c.91, s.235)

1 39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
2 read as follows:

3 2. The Legislature finds and declares that:

4 a. A qualified and stable work force in public facilities and
5 nonprofit social services agencies is essential to ensure the provision
6 of quality services to persons in need of services, including persons
7 with mental illness, developmental disabilities or other disabilities,
8 persons in need of substance use disorder treatment and juveniles
9 under the custody and care of the **【Juvenile】** Youth Justice
10 Commission;

11 b. These public facilities and social services agencies are
12 currently facing a personnel crisis, which is expected to worsen in the
13 next two decades;

14 c. The entry-level and on-going salaries offered by these public
15 facilities and social services agencies to direct care professionals are
16 not always competitive with those offered in the private for profit
17 sector, which limits the ability of these facilities and agencies to attract
18 and retain qualified direct care professionals;

19 d. Loan redemption programs can address the economic hardship
20 of direct care professionals performing critical work in low-paying
21 jobs, who in many instances are forced, because of their high loan debt
22 and low incomes, to reject or abandon employment in the public
23 sector, which is in great need of their skills and knowledge, for
24 employment that is more financially rewarding;

25 e. The departure of these skilled direct care professionals from
26 the public and nonprofit sector is, in many cases, a loss to their own
27 sense of personal fulfillment, to the consumers that they serve, and to
28 society at large; and

29 f. The establishment by this State of a loan redemption program
30 for direct care professionals employed in public facilities and nonprofit
31 agencies that contract with the Department of Human Services and the
32 **【Juvenile】** Youth Justice Commission is essential to address the need
33 for the continued provision of high-quality services by these skilled
34 and knowledgeable professionals.

35 (cf: P.L.2023, c.177, s.52)

36
37 40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to
38 read as follows:

39 3. As used in this act:

40 "Approved course of study" means: an undergraduate program
41 leading to a bachelor's degree offered by a four-year public or
42 independent institution of higher education; or a graduate program
43 leading to a master's degree, which is offered by a public or
44 independent institution of higher education, in a human services
45 discipline such as social work, psychology or counseling, or a
46 health-related profession such as occupational, physical or speech
47 therapy.

1 "Approved employment" means postgraduate, full-time
2 employment as a direct care professional in a qualified facility. The
3 term shall not include a paid student internship, paid fellowship,
4 volunteer service or employment before graduation.

5 "Authority" means the Higher Education Student Assistance
6 Authority established pursuant to N.J.S.18A:71A-3.

7 "Direct care professional" means a professional staff member at
8 a qualified facility who provides one or more of the following
9 services to eligible persons: counseling; physical, occupational,
10 recreational or speech therapy; case management; vocational
11 training; assistance with activities of daily living; medication
12 management; budgeting assistance; addiction treatment services;
13 nutrition; and other clinical services.

14 "Eligible student loan expenses" mean the cumulative total of the
15 annual student loans, covering the cost of attendance while enrolled
16 in an approved course of study. Interest paid or due on student
17 loans that a program participant has taken out for use in paying the
18 costs of attendance at an institution of higher education shall be
19 considered eligible for reimbursement under the program.

20 "Program" means the Social Services Student Loan Redemption
21 Program established pursuant to this act.

22 "Program participant" means a person who meets the
23 requirements of the program.

24 "Qualified facility" means:

25 a. a facility operated by the Department of Human Services
26 that provides direct care services to persons served by the
27 department;

28 b. a county psychiatric hospital;

29 c. a facility operated by the **【Juvenile】** Youth Justice
30 Commission;

31 d. a veterans' memorial home operated by the Department of
32 Military and Veterans' Affairs; and

33 e. a nonprofit agency in the State that contracts with the
34 Department of Human Services or the **【Juvenile】** Youth Justice
35 Commission to provide direct care services to persons served by the
36 department or commission.

37 (cf: P.L.2005, c.157, s.3)

38

39 41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to
40 read as follows:

41 4. There is established the Social Services Student Loan
42 Redemption Program within the Higher Education Student
43 Assistance Authority.

44 The purpose of the program is to address the current and
45 projected critical shortage of direct care professionals in the State
46 by providing an incentive for persons to engage in employment at
47 certain public facilities, and nonprofit social services agencies
48 under contract with the Department of Human Services or the

1 **【Juvenile】 Youth** Justice Commission, so as to ensure that State
2 residents who are in need of direct care services at these facilities
3 and agencies have sufficient, qualified professional staff in order to
4 provide the needed services.

5 The program shall provide loan redemption to finance the
6 undergraduate or graduate study of program participants in
7 exchange for full-time employment as a direct care professional at a
8 qualified facility following completion of an approved course of
9 study.

10 (cf: P.L.2005, c.157, s.4)

11

12 42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended
13 to read as follows:

14 10. The Higher Education Student Assistance Authority, in
15 consultation with the Commissioner of Human Services and the
16 executive director of the **【Juvenile】 Youth** Justice Commission,
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to
19 implement the provisions of this act, including eligibility criteria for
20 the program, procedures for determining the amount of the loan
21 redemption award, and the types of direct care professional
22 positions that qualify for the program.

23 (cf: P.L.2005, c.157, s.10)

24

25 43. Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to
26 read as follows:

27 10. a. To assist and advise in issues pertaining to prisoner
28 reentry, there is established in the Department of Corrections an
29 advisory commission to be known as the "Prisoner Reentry
30 Commission." The purpose of the commission shall be to review,
31 study, and offer solutions to problems facing prisoners re-entering
32 society, including, but not limited to determining whether:

33 (1) New Jersey should seek a federal waiver under Section 1115
34 of the Social Security Act to expand Medicaid eligibility to non-
35 disabled adults, to leverage additional federal funds in order to
36 target high risk populations;

37 (2) Health care and treatment resources for former prisoners are
38 adequate and if not, methods by which they can be improved;

39 (3) The prison population can be incorporated fully into New
40 Jersey's workforce development strategy; and

41 (4) Sources of funding intended for the same populations and
42 communities could be tapped, coordinated and leveraged
43 effectively.

44 b. In addition, the commission shall:

45 (1) Evaluate and provide recommendations for special issues
46 concerning juvenile reentry;

47 (2) Evaluate and make recommendations concerning current law
48 on juvenile waiver; and

- 1 (3) Evaluate and provide recommendations for inter-agency
2 communication, information sharing, and problem solving.
- 3 c. (1) The advisory commission shall consist of 18 members as
4 follows:
- 5 (a) The Attorney General or his designee, who shall serve ex
6 officio;
- 7 (b) The Secretary of State or his designee, who shall serve ex
8 officio;
- 9 (c) The Commissioner of Corrections or his designee, who shall
10 serve ex officio;
- 11 (d) The Commissioner of Human Services or his designee, who
12 shall serve ex officio;
- 13 (e) The Commissioner of Labor and Workforce Development or
14 his designee, who shall serve ex officio;
- 15 (f) The Commissioner of Community Affairs or his designee,
16 who shall serve ex officio;
- 17 (g) The Commissioner of Education or his designee, who shall
18 serve ex officio;
- 19 (h) Two members of the Senate, to be appointed by the
20 President of the Senate, who shall each be of different political
21 parties;
- 22 (i) Two members of the General Assembly, to be appointed by
23 the Speaker of the General Assembly, who shall each be of different
24 political parties;
- 25 (j) The Chairman of the State Parole Board or his designee,
26 who shall serve ex officio;
- 27 (k) The Executive Director of the **【Juvenile】 Youth** Justice
28 Commission or his designee, who shall serve ex officio;
- 29 (l) The Executive Director of the Housing and Mortgage
30 Finance Agency or his designee, who shall serve ex officio;
- 31 (m) The New Jersey Public Defender or his designee, who shall
32 serve ex officio;
- 33 (n) One representative from the New Jersey Institute for Social
34 Justice; and
- 35 (o) Two public members, who by experience or training have
36 expertise in issues facing former prisoners, to be appointed by the
37 Governor.
- 38 (2) The Governor shall designate one member as chairman and
39 two members as vice-chairmen of the commission from among the
40 members listed in this subsection.
- 41 (3) The public members shall be appointed for a five-year term.
42 Vacancies in the membership of the advisory commission shall be
43 filled in the same manner provided for in the original appointments.
44 The members of the advisory commission shall serve without
45 compensation but may be reimbursed for travel and other
46 miscellaneous expenses necessary to perform their duties, within
47 the limits of funds made available to the advisory commission for
48 its purposes.

1 (4) A member of the commission may be removed for good
2 cause.

3 d. The commission may meet at the call of its chair and hold
4 hearings at the times and in the places it may deem appropriate and
5 necessary to fulfill its charge. The advisory commission shall be
6 entitled to call to its assistance, and avail itself of the services of,
7 the employees of any State, county or municipal department, board,
8 bureau, commission or agency as it may require and as may be
9 available to it for its purposes.

10 e. The commission shall annually submit a report to the
11 Governor and the Legislature pursuant to section 2 of P.L.1991,
12 c.164 (C.52:14-19.1) along with any recommendations it deems
13 appropriate, including any legislative proposals it may wish to
14 make.
15 (cf: P.L.2009, c.329, s.10)

16

17 44. Section 3 of P.L.1998, c.71 (C.30:4-27.26) is amended to
18 read as follows:

19 3. As used in this act:

20 "Agency with jurisdiction" means the agency which releases
21 upon lawful order or authority a person who is serving a sentence or
22 term of confinement, or is otherwise being detained or maintained
23 in custody. This term includes the Department of Corrections or a
24 county correctional facility, the **【Juvenile】 Youth** Justice
25 Commission or a county juvenile detention facility, and the
26 Department of Human Services. "Attorney General" means the
27 Attorney General or a county prosecutor to whom the Attorney
28 General has delegated authority under this act.

29 "Clinical certificate for a sexually violent predator" means a
30 form prepared by the Division of Mental Health Services in the
31 Department of Human Services and approved by the Administrative
32 Office of the Courts, that is completed by the psychiatrist or other
33 physician who has examined the person who is subject to
34 commitment within three days of presenting the person for
35 admission to a facility for treatment, and which states that the
36 person is a sexually violent predator in need of involuntary
37 commitment. The form shall also state the specific facts upon which
38 the examining physician has based that conclusion and shall be
39 certified in accordance with the Rules Governing the Courts of the
40 State of New Jersey. A clinical certificate for a sexually violent
41 predator may not be executed by an individual who is a relative by
42 blood or marriage to the person who is being examined.

43 "Likely to engage in acts of sexual violence" means the
44 propensity of a person to commit acts of sexual violence is of such
45 a degree as to pose a threat to the health and safety of others.

46 "Mental abnormality" means a mental condition that affects a
47 person's emotional, cognitive or volitional capacity in a manner that
48 predisposes that person to commit acts of sexual violence.

1 "Person" means an individual 18 years of age or older who is a
2 potential or actual subject of proceedings under this act.

3 "Psychiatrist" means a physician who has completed the training
4 requirements of the American Board of Psychiatry and Neurology.

5 "Sexually violent offense" means:

6 (a) aggravated sexual assault; sexual assault; aggravated
7 criminal sexual contact; kidnapping pursuant to subparagraph (b) of
8 paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual
9 contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3
10 if the underlying crime is sexual assault; an attempt to commit any
11 of these enumerated offenses; or a criminal offense with
12 substantially the same elements as any offense enumerated above,
13 entered or imposed under the laws of the United States, this State or
14 another state; or

15 (b) any offense for which the court makes a specific finding on
16 the record that, based on the circumstances of the case, the person's
17 offense should be considered a sexually violent offense.

18 "Sexually violent predator" means a person who has been
19 convicted, adjudicated delinquent or found not guilty by reason of
20 insanity for commission of a sexually violent offense, or has been
21 charged with a sexually violent offense but found to be incompetent
22 to stand trial, and suffers from a mental abnormality or personality
23 disorder that makes the person likely to engage in acts of sexual
24 violence if not confined in a secure facility for control, care and
25 treatment.

26 "Treatment team" means the individuals, agencies or firms which
27 provide treatment, supervision or other services at a facility
28 designated for the custody, care and treatment of sexually violent
29 predators.

30 (cf: P.L.1998, c.71, s.3)

31

32 45. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
33 read as follows:

34 4. a. In order to ensure that adult and juvenile inmates who are
35 dangerous to themselves or others because of mental illness and
36 who are "in need of involuntary commitment" within the meaning
37 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
38 violent predators" within the meaning of section 3 of P.L.1998, c.71
39 (C.30:4-27.26), are not released without appropriate supervision
40 and treatment, the board, the Commissioner of the Department of
41 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
42 Commission established pursuant to section 2 of P.L.1995, c.284
43 (C.52:17B-170) and county prosecutors shall follow the procedures
44 set forth in this section.

45 b. When an adult or juvenile inmate is scheduled for release
46 due to expiration of the inmate's maximum term, the commissioner
47 or the **【Juvenile】 Youth** Justice Commission shall notify the

1 Attorney General and the prosecutor of the county from which the
2 person was committed if:

3 (1) The adult inmate's term includes a sentence imposed for
4 conviction of aggravated sexual assault, sexual assault or
5 aggravated criminal sexual contact and the court imposing sentence
6 found that the offender's conduct was characterized by a pattern of
7 repetitive, compulsive behavior;

8 (2) The parole board or the superintendent of the facility in
9 which the inmate has been confined has advised the commissioner
10 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
11 inmate during the period of confinement, the inmate's mental
12 condition or the inmate's past history indicates that the inmate may
13 be "in need of involuntary commitment" within the meaning of
14 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

15 (3) The inmate's term includes a sentence imposed for
16 conviction of a "sexually violent offense" as defined in section 3 of
17 P.L.1998, c.71 (C.30:4-27.26).

18 c. Notice required by subsection b. shall be given no less than
19 90 days before the date on which the inmate's maximum term is
20 scheduled to expire.

21 d. When such notice is given, the board, the **【Juvenile】 Youth**
22 Justice Commission or the commissioner shall provide the Attorney
23 General and county prosecutor with all information relevant to a
24 determination of whether the inmate may be "in need of involuntary
25 commitment" or may be a "sexually violent predator", including,
26 without regard to classification as confidential pursuant to
27 regulations of the board, of the Department of Corrections or the
28 **【Juvenile】 Youth** Justice Commission, any preparole report,
29 psychological and medical records, any statement of the reasons for
30 denial of parole and, if applicable, a statement of the reasons for the
31 determination that the inmate may be "in need of involuntary
32 commitment" or may be a "sexually violent predator".

33 e. If the Attorney General or county prosecutor determines, on
34 the basis of the information provided pursuant to this section or
35 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
36 commitment" or may be a "sexually violent predator", the
37 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
38 Commission, upon request of the Attorney General or county
39 prosecutor shall:

40 (1) Permit persons qualified to execute clinical certificates
41 necessary for civil commitment to examine the inmate in the
42 institution in which he is confined; or

43 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
44 arrange for persons qualified to execute clinical certificates
45 necessary for civil commitment to examine the inmate.

46 f. In the interests of the public safety and the well-being of the
47 inmate, the Attorney General or county prosecutor may exercise

1 discretion to obtain an assessment of the inmate's condition by one
2 or more of the means set forth in subsection e. of this section.

3 g. The Attorney General or county prosecutor shall provide a
4 psychiatrist or physician assessing or examining an inmate pursuant
5 to this section with all information relevant to the inmate's need of
6 involuntary commitment, including information concerning the
7 inmate's condition, history, recent behavior and any recent act or
8 threat. Any person who assesses or examines an inmate pursuant to
9 this section shall provide the Attorney General and county
10 prosecutor with a written report detailing the person's findings and
11 conclusions.

12 h. (1) All information, documents and records concerning the
13 inmate's mental condition or classified as confidential pursuant to
14 regulations of the board, of the Department of Corrections or the
15 **[Juvenile]** Youth Justice Commission that are received or provided
16 pursuant to this section or N.J.S.2C:47-5 shall be deemed
17 confidential.

18 (2) Unless authorized or required by court order or except as
19 required in the course of judicial proceedings relating to the
20 inmate's commitment or release, disclosure of such information,
21 documents and records shall be limited to professionals evaluating
22 the inmate's condition pursuant to this section, the Attorney
23 General, county prosecutor and members of their respective staffs
24 as necessary to the performance of duties imposed pursuant to this
25 section.

26 i. Any person acting in good faith who has provided
27 information relevant to an inmate's need of involuntary commitment
28 or as to whether the inmate is a sexually violent predator or has
29 taken good faith steps to assess an inmate's need of involuntary
30 commitment or whether the inmate is a sexually violent predator is
31 immune from civil and criminal liability.

32 (cf: P.L.1998, c.71, s.17)

33
34 **[46.** Section 4 of P.L.1994, c.134 (C.30:4-82.4) is
35 amended to read as follows:

36 4. a. In order to ensure that adult and juvenile inmates who are
37 dangerous to themselves or others because of mental illness and
38 who are "in need of involuntary commitment" within the meaning
39 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
40 violent predators" within the meaning of section 3 of P.L.1998, c.71
41 (C.30:4-27.26), are not released without appropriate supervision
42 and treatment, the board, the Commissioner of the Department of
43 Corrections, the Attorney General, the **[Juvenile]** Youth Justice
44 Commission established pursuant to section 2 of P.L.1995, c.284
45 (C.52:17B-170) and county prosecutors shall follow the procedures
46 set forth in this section.

47 b. When an adult or juvenile inmate is scheduled for release
48 due to expiration of the inmate's maximum term, the commissioner

1 or the **【Juvenile】 Youth** Justice Commission shall notify the
2 Attorney General and the prosecutor of the county from which the
3 person was committed if:

4 (1) The adult inmate's term includes a sentence imposed for
5 conviction of aggravated sexual assault, sexual assault or
6 aggravated criminal sexual contact and the court imposing sentence
7 found that the offender's conduct was characterized by a pattern of
8 repetitive, compulsive behavior;

9 (2) The parole board or the superintendent of the facility in
10 which the inmate has been confined has advised the commissioner
11 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
12 inmate during the period of confinement, the inmate's mental
13 condition or the inmate's past history indicates that the inmate may
14 be "in need of involuntary commitment" within the meaning of
15 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

16 (3) The inmate's term includes a sentence imposed for
17 conviction of a "sexually violent offense" as defined in section 3 of
18 P.L.1998, c.71 (C.30:4-27.26).

19 c. Notice required by subsection b. shall be given no less than
20 90 days before the date on which the inmate's maximum term is
21 scheduled to expire.

22 d. When such notice is given, the board, the **【Juvenile】 Youth**
23 Justice Commission or the commissioner shall provide the Attorney
24 General and county prosecutor with all information relevant to a
25 determination of whether the inmate may be "in need of involuntary
26 commitment" or may be a "sexually violent predator", including,
27 without regard to classification as confidential pursuant to
28 regulations of the board, of the Department of Corrections or the
29 **【Juvenile】 Youth** Justice Commission, any preparole report,
30 psychological and medical records, any statement of the reasons for
31 denial of parole and, if applicable, a statement of the reasons for the
32 determination that the inmate may be "in need of involuntary
33 commitment" or may be a "sexually violent predator".

34 e. If the Attorney General or county prosecutor determines, on
35 the basis of the information provided pursuant to this section or
36 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
37 commitment" or may be a "sexually violent predator", the
38 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
39 Commission, upon request of the Attorney General or county
40 prosecutor shall:

41 (1) Permit persons qualified to execute clinical certificates
42 necessary for civil commitment to examine the inmate in the
43 institution in which he is confined; or

44 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
45 arrange for persons qualified to execute clinical certificates
46 necessary for civil commitment to examine the inmate.

47 f. In the interests of the public safety and the well-being of the
48 inmate, the Attorney General or county prosecutor may exercise

1 discretion to obtain an assessment of the inmate's condition by one
2 or more of the means set forth in subsection e. of this section.

3 g. The Attorney General or county prosecutor shall provide a
4 psychiatrist or physician assessing or examining an inmate pursuant
5 to this section with all information relevant to the inmate's need of
6 involuntary commitment, including information concerning the
7 inmate's condition, history, recent behavior and any recent act or
8 threat. Any person who assesses or examines an inmate pursuant to
9 this section shall provide the Attorney General and county
10 prosecutor with a written report detailing the person's findings and
11 conclusions.

12 h. (1) All information, documents and records concerning the
13 inmate's mental condition or classified as confidential pursuant to
14 regulations of the board, of the Department of Corrections or the
15 **[Juvenile] Youth** Justice Commission that are received or provided
16 pursuant to this section or N.J.S.2C:47-5 shall be deemed
17 confidential.

18 (2) Unless authorized or required by court order or except as
19 required in the course of judicial proceedings relating to the
20 inmate's commitment or release, disclosure of such information,
21 documents and records shall be limited to professionals evaluating
22 the inmate's condition pursuant to this section, the Attorney
23 General, county prosecutor and members of their respective staffs
24 as necessary to the performance of duties imposed pursuant to this
25 section.

26 i. Any person acting in good faith who has provided
27 information relevant to an inmate's need of involuntary commitment
28 or as to whether the inmate is a sexually violent predator or has
29 taken good faith steps to assess an inmate's need of involuntary
30 commitment or whether the inmate is a sexually violent predator is
31 immune from civil and criminal liability.

32 (cf: P.L.1998, c.71, s.17)]

33
34 **[47.] 46.** Section 3 of P.L.2009, c.329 (C.30:4-91.15) is
35 amended to read as follows:

36 3. a. The Commissioner of Corrections, in conjunction with the
37 **[Juvenile] Youth** Justice Commission and the State Parole Board,
38 shall establish a program to record and analyze the recidivism of all
39 inmates and juveniles adjudicated delinquent who are released from
40 a State correctional facility or a training school for juveniles,
41 whether on parole or upon the completion of their maximum
42 sentences. The purpose of this program shall be to assist in
43 measuring the effectiveness of the State's reentry initiatives and
44 programs.

45 b. The program shall record the arrests for all offenses
46 committed by releasees within three years following their release
47 and any convictions resulting from the arrests. These data shall be
48 analyzed to determine whether the rates and nature of rearrests and

1 convictions differ according to the criminal histories and personal
2 characteristics of releasees, the treatment they received while
3 confined, length of sentence, conditions of parole, participation and
4 involvement in reentry initiatives and programs, and such other
5 factors as may be relevant to the purposes of this section, including,
6 but not limited to, race, gender, ethnicity, and age.

7 c. The commissioner shall prepare and disseminate semi-
8 annual reports summarizing the recidivism rates, patterns, and other
9 findings and analyses resultant of the information gathered pursuant
10 to this section. These reports shall include summaries of the
11 treatment received by the releasees and any participation and
12 involvement in reentry initiatives by the releasees, and shall make
13 recommendations concerning the effectiveness of the treatment
14 programs and reentry initiatives. These reports shall be available to
15 the general public and shall not contain any personally identifying
16 information. To facilitate the accessibility of these reports to the
17 general public, the commissioner shall, to the greatest extent
18 possible, utilize the Internet.

19 d. The commissioner shall annually prepare and transmit to the
20 Governor and the Legislature, pursuant to section 2 of P.L.1991,
21 c.164 (C.52:14-19.1), a summary of the recommendations set forth
22 in the reports prepared pursuant to subsection c. of this section,
23 along with any recommendations the department, **[Juvenile]** Youth
24 Justice Commission or the State Parole Board may have for
25 legislation to improve the effectiveness of the State's reentry
26 initiatives and programs.

27 (cf: P.L.2015, c.144, s.1)

28
29 **[48.] 47.** Section 1 of P.L.1979, c.441 (C.30:4-123.45) is
30 amended to read as follows:

31 1. a. This act shall be known and may be cited as the "Parole Act
32 of 1979."

33 b. In this act, unless a different meaning is plainly required:

34 (1) "Adult inmate" means any person sentenced as an adult to a
35 term of incarceration.

36 (2) "Juvenile inmate" means any person under commitment as a
37 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
38 (C.2A:4A-44).

39 (3) "Parole release date" means that date certified by a member
40 of the board for release of an inmate after a review of the inmate's
41 case pursuant to section 11, 13 or 14 of this act.

42 (4) "Primary parole eligibility date" means that date established
43 for parole eligibility for adult inmates pursuant to section 7 or 20 of
44 this act.

45 (5) "Public notice" shall consist of lists including names of all
46 inmates being considered for parole, the county from which the
47 inmates were committed and the crimes for which the inmates were
48 incarcerated. At least 30 days prior to parole consideration the lists

1 shall be forwarded to the office of the public defender of each
2 county or the private attorney of record for the inmates, the
3 prosecutor's office of each county, the sentencing court, the office
4 of the Attorney General, any other criminal justice agencies whose
5 information and comment may be relevant, and news organizations.

6 (6) Removal for "cause" means substantial cause that is plainly
7 sufficient under the law and sound public policy touching upon
8 qualifications appropriate to a member of the parole board or the
9 administration of the board such that the public interest precludes
10 the member's continuance in office. Cause includes, but is not
11 limited to, misconduct in office, incapacity, inefficiency,
12 nonfeasance, and violations of the Parole Board's Code of Ethics.

13 (7) "Commission" means the **【Juvenile】 Youth** Justice
14 Commission established pursuant to section 2 of P.L.1995, c.284
15 (C.52:17B-170).

16 (8) "Parole officer" means, with respect to an adult inmate, an
17 officer assigned by the Chairman of the State Parole Board or the
18 chairman's designee and, with respect to a juvenile inmate, a person
19 assigned by the commission.

20 (cf: P.L.2019, c.364, s.7)

21
22 **【49.】 48.** Section 5 of P.L.2020, c.111 (C.30:4-123.103) is
23 amended to read as follows:

24 5. a. An inmate who is released from the custody of the
25 Commissioner of Corrections or a juvenile who is released from the
26 custody of the **【Juvenile】 Youth** Justice Commission following an
27 award of public health emergency credits pursuant to section 1 of
28 P.L.2020, c.111 (C.30:4-123.100), from the date of release until the
29 date the inmate or juvenile, as the case may be, was scheduled to be
30 released prior to the award of public health emergency credits, shall
31 be prohibited from purposely or knowingly making contact with any
32 victim of the crime for which the inmate or juvenile was serving a
33 sentence.

34 For purposes of this subsection, making contact with a victim
35 shall include contact made personally by the inmate or juvenile, as
36 the case may be, or through an agent, and shall include but not be
37 limited to: personal, written, electronic, or telephone contact or
38 communication; or entering the residence, property, school, or place
39 of employment of the victim.

40 b. A violation of subsection a. of this section shall be a crime
41 of the fourth degree.

42 c. (1) A petition may be filed with the court to dissolve the
43 prohibition established pursuant to the provisions of this section
44 prohibiting an inmate or juvenile, as the case may be, from making
45 contact with the victim in accordance with procedures established
46 by the court.

47 (2) The Director of the Administrative Office of the Courts shall
48 provide the Department of Corrections, **【Juvenile】 Youth** Justice

Commission, and Attorney General with information concerning the procedures established by the court for filing a petition to dissolve the prohibition established pursuant to this section prohibiting an inmate or juvenile, as the case may be, from making contact with any victim of the crime for which the inmate or juvenile was serving a sentence.

(cf: P.L.2020, c.111, s.5)

[50.] 49. Section 12 of 1970, c.300 (C.30:4-157.2) is amended to read as follows:

12. The warrant of commitment to the custody of the **[Juvenile]** Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the parents or guardians if they can be ascertained and the juvenile's place of residence. The court shall order transmitted to the commission, by the officer serving the order of commitment a copy of the complaint, a copy of any probation reports, pre-disposition reports, education records, county detention center records, or other records which the county may have concerning the past delinquencies of the juvenile and other information concerning any mental or physical condition which the court deems to be of importance in the rehabilitation of the juvenile or the maintenance of discipline, order and safety in the facility or the operation of the facility or its programs. Such records shall be used for the information and guidance of the facility and the commission but shall not be public records. Such warrants and records shall be forwarded to the commission on, or prior to, the date of the juvenile's admission into the facility.

(cf: P.L.1995, c.280, s.49)

[51.] 50. Section 1 of P.L.1939, c.301 (C.30:4-157.4) is amended to read as follows:

30:4-157.4. Whenever a juvenile shall be committed to the custody of the **[Juvenile]** Youth Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be the duty of the court, at the time of the examination, to make inquiry as to the ability of the parent or guardian to pay the expenses of the commitment proceedings and the board of the juvenile, and it shall endorse on the warrant of commitment a statement of its finding in that regard.

Payment by the parent or guardian of these costs shall be made to the probation division or county adjuster, whichever the court shall designate; provided, however, that upon collection thereof the costs of the commitment proceedings shall be paid to the county treasurer, and any amount received representing maintenance shall be forwarded to the State Treasurer. In the event of failure of the parent or guardian to pay the amount ordered by the court then the probation division or county adjuster, as the case may be, shall

1 bring the matter before the court for such further order as shall
2 appear proper therein to compel payment.

3 (cf: P.L.1995, c.280, s.50)

4
5 **【52.】 51.** Section 16 of P.L.1970, c.300 (C.30:4-157.7) is
6 amended to read as follows:

7 30:4-157.7. No juvenile in custody of the **【Juvenile】 Youth**
8 Justice Commission established pursuant to section 2 of P.L.1995,
9 c.284 (C.52:17B-170) shall be indentured or bound out to service.

10 (cf: P.L.1995, c.280, s.52)

11
12 **【53.】 52.** Section 11 of P.L.2017, c.176 (C.30:7E-7) is
13 amended to read as follows:

14 11. a. Notwithstanding the provisions of any other law or
15 regulation to the contrary, any contract between a health care
16 provider and the New Jersey Department of Corrections, the
17 **【Juvenile】 Youth** Justice Commission, the State Parole Board, or
18 any other State or local entity, which contract provides health care
19 services to the State's inmate population, shall not contain any
20 provision that discriminates, and the State or local entity
21 contracting for services shall ensure there is no discrimination, on
22 the basis of a person's gender identity or expression or on the basis
23 that the person is a transgender person.

24 b. The discrimination prohibited by this section shall include:

25 (1) denying, cancelling, limiting or refusing to issue or renew a
26 contract on the basis of a covered person's or prospective covered
27 person's gender identity or expression, or for the reason that the
28 covered person or prospective covered person is a transgender
29 person;

30 (2) demanding or requiring a payment or premium that is based
31 in whole or in part on a covered person's or prospective covered
32 person's gender identity or expression, or for the reason that the
33 covered person or prospective covered person is a transgender
34 person;

35 (3) designating a covered person's or prospective covered
36 person's gender identity or expression, or the fact that a covered
37 person or prospective covered person is a transgender person, as a
38 preexisting condition for which coverage will be denied or limited;
39 or

40 (4) denying or limiting coverage, or denying a claim, for
41 services including but not limited to the following, due to a covered
42 person's gender identity or expression or for the reason that the
43 covered person is a transgender person:

44 (a) health care services related to gender transition if coverage
45 is available for those services under the contract when the services
46 are not related to gender transition, including but not limited to
47 hormone therapy, hysterectomy, mastectomy, and vocal training; or

1 (b) health care services that are ordinarily or exclusively
2 available to individuals of one sex when the denial or limitation is
3 due only to the fact that the covered person is enrolled as belonging
4 to the other sex or has undergone, or is in the process of
5 undergoing, gender transition.

6 c. For the purposes of this section:

7 "Gender expression" means a person's gender-related appearance
8 and behavior, whether or not stereotypically associated with the
9 person's assigned sex at birth.

10 "Gender identity" means a person's internal sense of their own
11 gender, regardless of the sex the person was assigned at birth.

12 "Gender transition" means the process of changing a person's
13 outward appearance, including physical sex characteristics, to
14 accord with the person's actual gender identity.

15 "Transgender person" means a person who identifies as a gender
16 different from the sex assigned to the person at birth.

17 d. Nothing in this section shall preclude a State or local entity
18 contracting for services pursuant to this section from performing
19 utilization review, including periodic review of the medical
20 necessity of a particular service.

21 (cf: P.L.2017, c.176, s.11)

22
23 **[54.] 53.** Section 3 of P.L.1997, c.81 (C.30:8-63) is amended to
24 read as follows:

25 3. As used in this act:

26 "Commission" means the **[Juvenile]** Youth Justice Commission
27 established pursuant to section 2 of P.L.1995, c.284
28 (C.52:17B-170).

29 "Juvenile offender" means a person under the age of 18 who has
30 been adjudicated delinquent for an act which, if committed by an
31 adult, would constitute a crime of the third or fourth degree,
32 excluding an adjudication for any act which would constitute a
33 crime under chapter 14 of Title 2C of the New Jersey Statutes.

34 (cf: P.L.1997, c.81, s.3)

35
36 **[55.] 54.** Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended
37 to read as follows:

38 4. There is established in the Department of Children and
39 Families the New Jersey Youth Suicide Prevention Advisory
40 Council.

41 a. The purpose of the council shall be to: examine existing
42 needs and services and make recommendations to the division for
43 youth suicide reporting, prevention and intervention; advise the
44 division on the content of informational materials to be made
45 available to persons who report attempted or completed suicides;
46 and advise the division in the development of regulations required
47 pursuant to this act.

48 b. The council shall consist of 18 members as follows:

1 (1) the Commissioners of Human Services, Children and
2 Families, Health and Senior Services, and Education, the executive
3 director of the **【Juvenile】** Youth Justice Commission established
4 pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the
5 chairman of the Community Mental Health Citizens Advisory
6 Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.),
7 or their designees, who shall serve ex officio;

8 (2) six public members appointed by the Governor, as follows:
9 one person who is a current member of a county mental health
10 advisory board, one person with personal or family experience with
11 suicide, one person who is a current or retired primary or secondary
12 school teacher, one person who is a current or former member of a
13 local board of education, one psychiatrist and one person with
14 professional experience in the collection and reporting of social
15 science data;

16 (3) three public members appointed by the President of the
17 Senate, no more than two of whom are members of the same
18 political party, one of whom has volunteer or paid experience in the
19 provision of services to survivors of suicide or youth at risk of
20 attempting suicide, one of whom is an alcohol and drug counselor,
21 and one of whom is a representative of the New Jersey Traumatic
22 Loss Coalition; and

23 (4) three public members appointed by the Speaker of the
24 General Assembly, no more than two of whom are members of the
25 same political party, one of whom has knowledge of and interest in
26 the prevention of youth suicide and the provision of education about
27 suicide to high-risk populations, including religious, racial, ethnic
28 or sexual minorities, one of whom is a pediatrician, and one of
29 whom is a school-based counselor.

30 c. The public members shall be appointed no later than 60 days
31 after the date of enactment of this act.

32 d. The public members shall serve for a term of five years; but,
33 of the members first appointed, three shall serve for a term of two
34 years, three for a term of three years, three for a term of four years
35 and three for a term of five years. Members are eligible for
36 reappointment upon the expiration of their terms. Vacancies in the
37 membership of the council shall be filled in the same manner
38 provided for the original appointments.

39 e. The council shall organize as soon as practicable following
40 the appointment of its members and shall select a chairperson and
41 vice-chairperson from among the members. The chairperson shall
42 appoint a secretary who need not be a member of the council.

43 f. The public members shall serve without compensation, but
44 shall be reimbursed for necessary expenses incurred in the
45 performance of their duties and within the limits of funds available
46 to the council.

47 g. The council shall be entitled to call to its assistance and avail
48 itself of the services of the employees of any State, county or

1 municipal department, board, bureau, commission or agency as it
2 may require and as may be available to it for its purposes.

3 h. The Department of Children and Families shall provide staff
4 support to the council.

5 (cf: P.L.2006, c.47, s.175)

6
7 **【56.】** 55. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended
8 to read as follows:

9 9. The commission shall:

10 a. Issue the New Jersey Unified Workforce Investment Plan
11 pursuant to the provisions of the Workforce Investment Act of
12 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
13 P.L.1989, c.293 (C.34:15C-7);

14 b. Establish performance standards for workforce investment
15 programs pursuant to the Workforce Investment Act of 1998,
16 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
17 P.L.1989, c.293 (C.34:15C-8);

18 c. Act to ensure the full participation of Workforce Investment
19 Boards in the planning and supervision of local workforce
20 investment systems. The commission shall be responsible to
21 oversee and develop appropriate standards to ensure Workforce
22 Investment Board compliance with State and federal law, the State
23 plan, and other relevant requirements regarding membership,
24 staffing, meetings, and functions;

25 d. Foster and coordinate initiatives of the Department of
26 Education and Commission on Higher Education to enhance the
27 contributions of public schools and institutions of higher education
28 to the implementation of the State workforce investment policy;

29 e. Examine federal and State laws and regulations to assess
30 whether those laws and regulations present barriers to achieving any
31 of the goals of this act. The commission shall, from time to time as
32 it deems appropriate, issue to the Governor and the Legislature
33 reports on its findings, including recommendations for changes in
34 State or federal laws or regulations concerning workforce
35 investment programs or services, including, when appropriate,
36 recommendations to merge other State advisory structures and
37 functions into the commission;

38 f. Perform the duties assigned to a State Workforce Investment
39 Board pursuant to subsection (d) of section 111 of the Workforce
40 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

41 g. Have the authority to enter into agreements with the head of
42 each State department or commission which administers or funds
43 education, employment or training programs, including, but not
44 limited to, the Departments of Labor and Workforce Development,
45 Community Affairs, Education, and Human Services and the
46 Commission on Higher Education, the New Jersey Economic
47 Development Authority, and the **【Juvenile】** Youth Justice
48 Commission, which agreements are for the purpose of assigning

1 planning, policy guidance and oversight functions to each
2 Workforce Investment Board with respect to any workforce
3 investment program funded or administered by the State department
4 or commission within the Workforce Investment Board's respective
5 labor market area or local area, as the case may be; and

6 h. Establish guidelines to be used by the Workforce Investment
7 Boards in performing the planning, policy guidance, and oversight
8 functions assigned to the boards under any agreement reached by
9 the commission with a department or commission pursuant to
10 subsection g. of this section. The commission shall approve all
11 local Workforce Investment Board plans that meet the criteria
12 established by the commission for the establishment of One-Stop
13 systems. The Department of Labor and Workforce Development
14 shall approve the operational portion of the plans for programs
15 administered by the department.

16 The commission shall have access to all files and records of
17 other State agencies and may require any officer or employee
18 therein to provide such information as it may deem necessary in the
19 performance of its functions.

20 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
21 construed as affecting the authority of the State Treasurer to review
22 and approve training programs for State employees pursuant to
23 N.J.S.11A:6-25.

24 (cf: P.L.2008, c.29, s.91)

25
26 **[57.] 56.** Section 1 of P.L.2001, c.446 (C.34:15F-12) is
27 amended to read as follows:

28 1. a. There is established in the Department of Labor and
29 Workforce Development a Youth Employment and After School
30 Incentive Pilot Program which shall be administered by the
31 Commissioner of Labor and Workforce Development, pursuant to
32 the provisions of P.L.2001, c.446 (C.34:15F-12 et seq.). The
33 program shall provide for employment opportunities for
34 disadvantaged youth with private and nonprofit employers. The
35 purpose of the program shall be to enable disadvantaged youth to
36 acquire job knowledge and skills and an understanding of the
37 linkage between the skills, behaviors, and attitudes necessary to
38 function as an adult in the workplace.

39 As used in P.L.2001, c.446 (C.34:15F-12 et seq.),
40 "disadvantaged youth" means public and nonpublic school students
41 as well as youth who are not students who reside in municipalities
42 where both the rates of unemployment and violent crime
43 significantly exceed the Statewide rates of unemployment and
44 violent crime by percentages which shall be designated by the
45 commissioner. The term shall include youth in these municipalities
46 who are participating in a program of aftercare following their
47 release from juvenile detention or community facilities.

1 b. There is established in, but not of, the Department of Labor
2 and Workforce Development the Disadvantaged Youth Employment
3 Opportunities Council. Notwithstanding the allocation of the
4 council to the Department of Labor and Workforce Development,
5 the council shall directly report to the Chairperson of the State
6 Employment and Training Commission established by section 5 of
7 P.L.1989, c.293 (C.34:15C-2). The council shall consist of 18
8 members: the Commissioner of Labor and Workforce Development,
9 the Commissioner of Education, the Executive Director of the New
10 Jersey Commission on Higher Education, the Chief Executive
11 Officer and Secretary of the New Jersey Commerce, Economic
12 Growth and Tourism Commission, the Secretary of State and the
13 Executive Director of the **【Juvenile】 Youth** Justice Commission, or
14 their designees, who shall serve ex officio and as nonvoting
15 members; and 12 public members appointed by the Governor, the
16 President of the Senate and the Speaker of the General Assembly.
17 The Governor shall appoint two religious leaders and two
18 representatives of education organizations. The President of the
19 Senate and the Speaker of the Assembly shall each appoint a leader
20 of the business community, a labor leader, a representative of a
21 county vocational-technical school, and a person representing
22 organizations that have expertise serving the needs of
23 disadvantaged youth. The public members shall serve for terms of
24 three years, may be reappointed and may serve until a successor has
25 been appointed. Of the public members first appointed, six shall be
26 appointed for terms of three years, and six shall be appointed for
27 terms of two years. A vacancy in the membership, occurring other
28 than by expiration of a term, shall be filled in the same manner as
29 the original appointment, but for the unexpired term only. The
30 members shall serve without compensation, but the council may,
31 within the limits of funds appropriated or otherwise made available
32 to it, reimburse members for actual expenses necessarily incurred in
33 the discharge of their official duties.

34 The council shall organize as soon as its members are appointed
35 and shall select a chairman and vice-chairman from among its
36 members and may select a secretary, who need not be a member of
37 the council. The council shall meet monthly, and at such other
38 times as may be necessary.

39 The council may employ, prescribe the duties and fix and pay the
40 compensation of such persons it may deem necessary to carry out
41 the duties of the council within the limits of available
42 appropriations.

43 It shall be the duty of the council to:

44 (1) Develop a master plan to increase employment opportunities
45 for disadvantaged youth;

46 (2) Enlist the commitment of the State's business leadership to
47 provide employment opportunities for disadvantaged youth;

1 (3) Enlist the support of the State's key unions which operate
2 apprenticeship and similar programs;

3 (4) Develop proposals for innovative efforts to assist
4 economically disadvantaged youth to enroll in and successfully
5 complete employment programs;

6 (5) Involve all sectors of the community, including high level
7 representatives of business, youth-serving agencies, foundations,
8 local school systems, the communications media, and the religious
9 community in an effort to promote and coordinate employment
10 opportunities for disadvantaged youth; and

11 (6) In conjunction with the Department of Labor and Workforce
12 Development and the Commerce, Economic Growth and Tourism
13 Commission, seek to identify and maximize any available federal
14 funding for the purpose of enhancing employment opportunities
15 provided under P.L.2001, c.446 (C.34:15F-12 et seq.).

16 The council shall be entitled to call to its assistance and avail
17 itself of the services of such employees of any State, county or
18 municipal department, board, bureau, commission, or agency as it
19 may require and as may be available to it for these purposes.

20 The Commissioner of Labor and Workforce Development, in
21 consultation with the State Employment and Training Commission
22 and the council, may promulgate rules and regulations necessary to
23 effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).

24 (cf: P.L.2007, c.189, s.1)

25

26 **[58.] 57.** Section 2 P.L.2001, c.446 (C.34:15F-13) is amended
27 to read as follows:

28 2. a. In cooperation with the Disadvantaged Youth Employment
29 Opportunities Council established in section 1 of P.L.2001, c.446
30 (C.34:15F-12), the Commissioner of Labor and Workforce
31 Development, in consultation with the State Employment and
32 Training Commission shall develop and administer the employment
33 program established under this act. The commissioner shall, to the
34 greatest extent feasible, attempt to achieve a balance of enrolled
35 disadvantaged youth from the northern, central, and southern parts
36 of the State.

37 b. The Commissioner of Labor and Workforce Development, in
38 consultation with the State Employment and Training Commission,
39 the Department of Education, the **[Juvenile]** Youth Justice
40 Commission, and the council, shall develop procedures relating to
41 the program referral process; establish the selection criteria for
42 participants which shall include the identification of local
43 disadvantaged youths assessed by local law enforcement and
44 juvenile corrections authorities as being at risk of gang membership
45 or involvement or reinvolvement in the criminal justice system and
46 students who are not meeting minimal district standards of behavior
47 and academic achievement; provide a listing of employers who have
48 agreed to participate in the program; and establish the process

1 which will be utilized for matching disadvantaged youth to
2 employment opportunities that will enhance the self-esteem and
3 assimilation of life skills necessary for productive functioning in the
4 school setting and society.

5 (cf: P.L.2007, c.189, s.2)

6
7 **[59.] 58.** Section 1 of P.L.2009, c.16 (C.40A:14-200) is
8 amended to read as follows:

9 1. As used in this act:

10 "Law enforcement agency" or "agency" means any public
11 agency, other than the Department of Law and Public Safety, but
12 not including the **[Juvenile]** Youth Justice Commission, any police
13 force, department, or division within the State, or any county or
14 municipality thereof, which is empowered by statute to act for the
15 detection, investigation, arrest, conviction, detention, or
16 rehabilitation of persons violating the criminal laws of this State.

17 "Law enforcement officer" or "officer" means any person who is
18 employed as a permanent full-time member of any State, county, or
19 municipal law enforcement agency, department, or division of those
20 governments who is statutorily empowered to act for the detection,
21 investigation, arrest, conviction, detention, or rehabilitation of
22 persons violating the criminal laws of this State and statutorily
23 required to successfully complete a training course approved by, or
24 certified as being substantially equivalent to such an approved
25 course, by the Police Training Commission pursuant to P.L.1961,
26 c.56 (C.52:17B-66 et seq.).

27 "Paid firefighter" or "firefighter" means any full-time paid
28 firefighter employed by a public fire department.

29 "Public fire department" or "department" means any department
30 of a municipality, county, fire district or the State or any agency
31 thereof having employees engaged in firefighting provided that such
32 firefighting employees are included in a negotiating unit exclusively
33 comprised of firefighting employees.

34 (cf: P.L.2009, c.16, s.1)

35
36 **[60.] 59.** Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is
37 amended to read as follow:

38 19. a. The Victims of Crime Compensation Agency, after
39 consultation with the Attorney General, the Department of
40 Corrections, and the Administrative Office of the Courts, on behalf
41 of the county probation divisions and the municipal court clerks,
42 shall continue to develop the existing uniform system for recording
43 all information necessary to ensure proper identification, tracking,
44 collection and disposition of moneys owed for:

45 (1) assessments imposed pursuant to section 2 of P.L.1979,
46 c.396 (C.2C:43-3.1);

47 (2) fines and restitutions imposed in accordance with provisions
48 of Title 2C of the New Jersey Statutes;

1 (3) fees imposed pursuant to N.J.S.2C:35-20;

2 (4) penalties imposed pursuant to N.J.S.2C:35-15.

3 b. The Victims of Crime Compensation Agency shall use the
4 moneys deposited in the Criminal Disposition and Revenue
5 Collection Fund to defray the costs incurred by the agency in
6 developing, implementing, operating and improving the agency's
7 component of the uniform system for tracking and collecting
8 revenues described in subsection a. of this section.

9 c. The **【Juvenile】** Youth Justice Commission established
10 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the
11 Department of Corrections, and the Administrative Office of the
12 Courts, on behalf of the county probation divisions and the
13 municipal court clerks, shall file such reports with the Victims of
14 Crime Compensation Agency as required for the operation of the
15 uniform system described in subsection a. of this section.

16 d. The Victims of Crime Compensation Agency shall report
17 annually to the Governor, the Attorney General, the Administrative
18 Director of the Administrative Office of the Courts, the
19 Commissioner of the Department of Corrections, the **【Juvenile】**
20 Youth Justice Commission and the Legislature on the development,
21 implementation, improvement and effectiveness of the uniform
22 system and on moneys received, deposited and identified as
23 receivable.

24 (cf: P.L.2007, c.95, s.10)

25

26 **【61.】** 60. Section 1 of P.L.2019, c.115 (C.52:16A-26.10) is
27 amended to read as follows:

28 1. a. The New Jersey State Council on the Arts shall publish on
29 its website and disseminate to any organization in this State that
30 expresses to the council an intent to develop or expand an arts
31 program for youth at risk of juvenile delinquency a guide
32 containing best practices for such programs. Under the best
33 practices guidelines, programs should:

34 (1) recognize that art is a vehicle that can be used to engage
35 youth in activities that will increase their self-esteem;

36 (2) provide for collaborative effort among the artist, social
37 service provider, teacher, agency staff, youth, and family, as
38 appropriate, in delivery of the program;

39 (3) recognize and involve the families of the youth and the
40 communities in which the youth live;

41 (4) include age-appropriate curriculum;

42 (5) emphasize dynamic teaching tactics, such as hands-on
43 learning, apprentice relationships, and the use of technology;

44 (6) to the extent possible, culminate in a public performance or
45 exhibition with a focus on building participants' self-esteem through
46 public recognition;

47 (7) during the planning stage, address program goals, site
48 selection, population, the development of relationships among team

1 members, the methods for youth involvement in planning,
2 curriculum design, transportation, safety, incentives, behavioral
3 requirements, program growth, the balance between arts program
4 and other program objectives, the balance between process and
5 product, student recognition of achievements, and the involvement
6 of families, communities, and volunteers;

7 (8) incorporate an evaluation system early into the program;

8 (9) train teams, collaboratively, that work with youth in team
9 building, communication skills, and organizational skills;

10 (10) train teams in effective methods for working with youth
11 from special populations, including in behavior management,
12 adolescent psychology, and familiarization with the juvenile justice
13 system;

14 (11) train teams in designing a curriculum or involving a trained
15 curriculum specialist;

16 (12) adopt training that is practical, addresses issues identified
17 by team members, incorporates advice from a variety of trainers
18 with expertise in relevant issue areas, provides opportunities for
19 team members to share in successes and failures and engage in peer
20 training, and integrates specialized training into ongoing training
21 sessions whenever possible;

22 (13) require program staff to clearly define program goals and
23 intended outcomes in evaluating an arts program, and to monitor
24 and document program implementation and the service-delivery
25 process;

26 (14) utilize "process evaluations," which examine program
27 implementation and service delivery, to describe and refine a
28 program, measuring the impact on youth and identifying ways to
29 improve a program;

30 (15) employ journals, portfolios, surveys, and artist observations
31 as evaluation measures to determine the effects of arts programs on
32 at-risk youth, incorporating those measures into program activities
33 when possible;

34 (16) document program-specific factors, such as staff ratios,
35 hours of contact, and duration of contact, in process evaluations;

36 (17) account for the impact of individual, family, and
37 community factors on program effectiveness; and

38 (18) incorporate activities that recognize individual efforts and
39 provide opportunities for youth to learn new skills, which activities
40 are designed to reduce the influence of risk factors associated with
41 adolescent problem behaviors, such as low neighborhood
42 attachment, lack of commitment to school, alienation and
43 rebelliousness, and friends who engage in problem behavior.

44 The council shall make periodic revisions to the guide as
45 necessary.

46 b. The council shall provide technical and consultative
47 assistance to any State agency or local government unit requesting
48 such assistance to implement a program adopting the elements

1 listed in subsection a. of this section. The council shall, upon
2 completion or revision, deliver, by electronic or other means, the
3 guide to the **【Juvenile】 Youth** Justice Commission and the Division
4 of Child Protection and Permanency in the Department of Children
5 and Families.

6 As used in this subsection, "State agency" means any agency in
7 the Executive branch of State government, including, but not
8 limited to, any department, board, bureau, commission, division,
9 office, council, or instrumentality thereof, or independent agency,
10 public authority or public benefit corporation, and any State college
11 or public institution of higher education. "Local government unit"
12 means a county, municipality, board of education, or county college
13 as defined in section 2 of P.L.1982, c.189 (C.18A:64A-25.2).

14 (cf: P.L.2019, c.115, s.1)

15
16 **【62.】 61.** Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended
17 to read as follows:

18 2. As used in this act:

19 "Applicant" means an individual who applies to the Police
20 Training Commission to become licensed as a law enforcement
21 officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

22 "Approved school" shall mean a school approved and authorized
23 by the Police Training Commission to give police training courses
24 or a training course for State and county correctional police officers
25 and juvenile detention officers as prescribed in this act.

26 "Commission" shall mean the Police Training Commission or
27 officers or employees thereof acting on its behalf.

28 "County" shall mean any county which within its jurisdiction has
29 or shall have a law enforcement unit as defined in this act.

30 "Discipline subject to appeal" means a removal, disciplinary
31 demotion, suspension, or fine of more than five days, or fewer
32 where the aggregate number of days the employee was suspended
33 or fined in any one calendar year is 15 or more days, or where the
34 employee received more than three suspensions or fines of five days
35 or fewer in one calendar year.

36 "Law enforcement officer" means any person who is employed
37 as a sworn member of any State, county, or municipal law
38 enforcement agency, department, division, or instrumentality of
39 those governments who is statutorily empowered to act for the
40 detection, investigation, arrest, conviction, detention, or
41 rehabilitation of persons violating the criminal laws of the State.
42 This term shall include, but is not limited to, sworn members of the
43 New Jersey State Police, the Division of Criminal Justice, and the
44 **【Juvenile】 Youth** Justice Commission; State correctional police
45 officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4);
46 county correctional police officers pursuant to N.J.S.2A:154-3;
47 State Parole officers pursuant to section 1 of P.L.1968, c.427
48 (C.2A:154-4); special law enforcement officers of all classes

1 pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law
2 enforcement officers appointed pursuant to section 25 of P.L.2017,
3 c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4);
4 transit police officers appointed by New Jersey Transit pursuant to
5 section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police
6 officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
7 seq.).

8 "Law enforcement unit" shall mean any State, county or
9 municipal law enforcement agency, department, division, or
10 instrumentality of such government that is statutorily empowered to
11 act for the detection, investigation, arrest, conviction, detention, or
12 rehabilitation of persons violating the criminal laws of the State,
13 and shall include all agencies that employ law enforcement officers
14 as defined in this section.

15 "Licensing committee" means the committee established by the
16 Police Training Commission to perform duties with respect to law
17 enforcement officer licensing as set forth in subsection c. of section
18 9 of P.L.2022, c.65 (C.52:17B-71a).

19 "Municipality" shall mean a city of any class, township, borough,
20 village, or any other type of municipality in this State which, within
21 its jurisdiction, has or shall have a law enforcement unit as defined
22 in this act.

23 "National Decertification Index" shall mean the national registry
24 of law enforcement officer decertification or license revocations
25 maintained by the International Association of Directors of Law
26 Enforcement Standards and Training, or a successor database.

27 "Permanent appointment" shall mean an appointment having
28 permanent status as a law enforcement officer in a law enforcement
29 unit as prescribed by Title 11A of the New Jersey Statutes, Civil
30 Service Commission Rules and Regulations, or of any other law of
31 this State, municipal ordinance, or rules and regulations adopted
32 thereunder.

33 "Police training course" means a training course approved by the
34 Police Training Commission and conducted at an approved school.

35 "Probationary law enforcement license" means a license issued
36 by the Police Training Commission to a person appointed by a law
37 enforcement unit on a probationary or temporary basis which
38 authorizes the person to perform the functions of a permanent law
39 enforcement officer during the person's probationary or temporary
40 appointment term.

41 "Sustained finding" shall mean a determination by an employing
42 law enforcement unit that a law enforcement officer violated a law;
43 regulation; directive, guideline, policy, or procedure issued by the
44 Attorney General or County Prosecutor; agency protocol; standing

1 operating procedure; rule; or training.

2 (cf: P.L.2022, c.65, s.2)

3

4 **【63.】 62.** Section 1 of P.L.1995, c.284 (C.52:17B-169) is
5 amended to read as follows:

6 1. The Legislature finds and declares:

7 a. The public safety requires reform of the juvenile justice
8 system;

9 b. Juvenile arrests for murder, robbery, aggravated sexual
10 assault, sexual assault and aggravated assault have increased 38
11 percent between 1988 and 1993 and New Jersey ranks near the top
12 nationally in the number of juvenile arrests for serious violent
13 crimes;

14 c. Juvenile crime has become a leading cause of injury and
15 death among young people;

16 d. Currently, preventive, deterrent and rehabilitative services
17 and sanctions for juveniles are the responsibility of no less than
18 three State departments: The Department of Law and Public Safety
19 deals with county prosecutors and local police and implements
20 prevention programs; the Department of Corrections operates the
21 New Jersey Training School for Boys and the Juvenile Medium
22 Security Facility, and its Bureau of Parole supervises juvenile
23 parolees; and the Department of Human Services operates
24 residential and day programs in facilities for juveniles adjudicated
25 delinquent;

26 e. The division of responsibility for the juvenile justice
27 population and the limitations on resources available to meet ever-
28 increasing demands for services provided by the Departments of
29 Human Services and Corrections have prevented the departments
30 from maximizing efforts to meet the special needs of the juvenile
31 justice population;

32 f. The juvenile justice system lacks services and sanctions
33 short of incarceration, particularly in urban areas and for that
34 reason, many juveniles are not held accountable until they have
35 committed a series of increasingly serious criminal acts;

36 g. The special needs of juveniles can be addressed through
37 services and sanctions provided at the county and local level;

38 h. The need to protect the public from criminal acts by juvenile
39 offenders requires a comprehensive program and concerted action
40 of governmental agencies and private organizations at the State,
41 county and local level that permit effective response and avoid
42 waste of scarce resources;

43 i. (1) The comprehensive program should provide a range of
44 services and sanctions for juveniles sufficient to protect the public
45 through prevention; early intervention; and a range of meaningful
46 sanctions that ensure accountability, provide training, education,
47 treatment and, when necessary, confinement followed by

1 community supervision that is adequate to protect the public and
2 promote successful reintegration into the community;

3 (2) Consistent with the need to protect the public, services and
4 sanctions for juveniles shall provide balanced attention to the
5 protection of the community, the imposition of accountability for
6 offenses committed, fostering interaction and dialogue between the
7 offender, victim and community and the development of
8 competencies to enable juvenile offenders to become responsible
9 and productive members of the community.

10 j. The most efficient and effective use of available resources
11 requires fixing responsibility for the comprehensive program in a
12 single State agency and providing incentives to encourage the
13 development and provision of appropriate services and sanctions at
14 the county and local level; and

15 k. It is, therefore, necessary to establish a **【Juvenile】 Youth**
16 Justice Commission responsible for operating State services and
17 sanctions for juveniles involved in the juvenile justice system and
18 responsible for developing a Statewide plan for effective provision
19 of juvenile justice services and sanctions at the State, county and
20 local level; to establish a State/Community Partnership Grant
21 Program through which the State will provide incentives to county
22 and local governments to encourage the provision of services and
23 sanctions for juveniles adjudicated or charged as delinquent and
24 programs for the prevention of juvenile delinquency, and to
25 establish county youth services commissions responsible for
26 planning and implementing the Partnership at the local level.

27 (cf: P.L.2001, c.408, s.7.)

28
29 **【64.】 63.** Section 2 of P.L.1995, c.284 (C.52:17B-170) is
30 amended to read as follows:

31 2. a. A **【Juvenile】 Youth** Justice Commission is established in,
32 but not of, the Department of Law and Public Safety. The
33 commission is allocated to the Department of Law and Public
34 Safety for the purpose of complying with Article V, Section IV,
35 paragraph 1 of the New Jersey Constitution. The Attorney General
36 shall be the request officer for the commission within the meaning
37 of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall
38 exercise that authority and other administrative functions, powers
39 and duties consistent with the provisions of this act.

40 b. The commission shall consist of an executive director, an
41 executive board, an advisory council and such facilities, officers,
42 employees and organizational units as provided herein or as
43 otherwise necessary to performance of the commission's duties and
44 responsibilities.

45 c. The executive director shall be appointed by the Governor
46 with the advice and consent of the Senate and shall serve at the
47 pleasure of the Governor during the Governor's term of office and
48 until a successor is appointed and qualified.

1 d. The executive board shall consist of the following members:
2 The Attorney General, who shall serve as chair of the executive
3 board; the Commissioner of Corrections and the Commissioner of
4 Children and Families, who shall serve as vice-chairs of the
5 executive board; the Commissioner of Education; the chair of the
6 **【Juvenile】 Youth** Justice Commission advisory council, established
7 pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two
8 members who serve as chairs of a county youth services
9 commission, established pursuant to P.L.1995, c.282
10 (C.52:17B-180), to be appointed by the Governor to serve at the
11 Governor's pleasure. The Administrative Director of the
12 Administrative Office of the Courts is invited to participate on the
13 executive board, subject to the approval of the Supreme Court. A
14 member of the executive board may name a designee who shall
15 have the authority to act for the member. Members of the executive
16 board shall serve without compensation for their services to the
17 commission. The executive board shall meet at least quarterly and
18 at such other times as designated by the chair. Except with respect
19 to matters concerning distribution of funds to counties, four
20 members of the executive board shall constitute a quorum to
21 transact business of the executive board and action of the executive
22 board shall require an affirmative vote of four members. A member
23 of the executive board who is also a member of a county youth
24 services commission shall not participate in matters concerning
25 distribution of funds to counties; in these matters, three members of
26 the executive board shall constitute a quorum to transact business
27 and an action of the executive board shall require an affirmative
28 vote of three members.

29 e. The commission shall have the following powers, duties and
30 responsibilities:

31 (1) To specify qualifications for and to employ, within the limits
32 of available appropriations and subject to the provisions of
33 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
34 Jersey Statutes, such staff as are necessary to accomplish the work
35 of the commission or as are needed for the proper performance of
36 the functions and duties of the commission, including but not
37 limited to:

38 (a) The number of deputy directors, assistant directors,
39 superintendents, assistant superintendents and other assistants who
40 shall be in the unclassified service and shall be deemed confidential
41 employees for the purposes of the "New Jersey Employer-Employee
42 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

43 (b) Juvenile corrections officers;

44 (2) To utilize such staff of the Department of Law and Public
45 Safety as the Attorney General, within the limits of available
46 appropriations, may make available to the commission;

47 (3) To organize the work of the commission in appropriate
48 bureaus and other organization units;

1 (4) To enter into contracts and agreements with State, county
2 and municipal governmental agencies and with private entities for
3 the purpose of providing services and sanctions for juveniles
4 adjudicated or charged as delinquent and programs for prevention
5 of juvenile delinquency;

6 (5) To contract for the services of professional and technical
7 personnel and consultants as necessary to fulfill the statutory
8 responsibilities of the commission;

9 (6) To establish minimum standards for the care, treatment,
10 government and discipline of juveniles confined pending, or as a
11 result of, an adjudication of delinquency;

12 (7) To assume the custody and care of all juveniles committed
13 by court order, law, classification, regulation or contract to the
14 custody of the commission or transferred to the custody of the
15 commission pursuant to section 8 of P.L.1995, c.284
16 (C.52:17B-176);

17 (8) To manage and operate all State secure juvenile facilities
18 which shall include the New Jersey Training School for Boys
19 created pursuant to R.S.30:1-7 and transferred to the Commissioner
20 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
21 and the Juvenile Medium Security Facility created pursuant to
22 R.S.30:1-7 and both transferred to the commission pursuant to
23 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
24 other secure juvenile facility established by the commission in the
25 future;

26 (9) To manage and operate all State juvenile facilities or
27 juvenile programs for juveniles adjudicated delinquent which shall
28 include facilities and programs transferred to the commission
29 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
30 established or contracted for in the future by the commission;

31 (10) To prepare a State **【Juvenile】** Youth Justice Master Plan
32 every third year which identifies facilities, sanctions and services
33 available for juveniles adjudicated or charged as delinquent and
34 juvenile delinquency prevention programs and which identifies
35 additional needs based upon the extent and nature of juvenile
36 delinquency and the adequacy and effectiveness of available
37 facilities, services, sanctions and programs;

38 (11) To approve plans for each county submitted by the county
39 youth services commission pursuant to P.L.1995, c.282
40 (C.52:17B-180);

41 (12) To administer the State/Community Partnership Grant
42 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

43 (13) To accept from any governmental department or agency,
44 public or private body or any other source, grants or contributions
45 to be used in exercising its power, and in meeting its duties and
46 responsibilities;

47 (14) To formulate and adopt standards and rules for the efficient
48 conduct of the work of the commission, the facilities, services,

1 sanctions and programs within its jurisdiction, and its officers and
2 employees;

3 (15) To provide for the development of the facilities, services,
4 sanctions and programs within its jurisdiction and to promote the
5 integration of State, county and local facilities, sanctions, services
6 and programs, including probation and parole;

7 (16) To institute, or cause to be instituted, such legal
8 proceedings or processes as may be necessary to enforce properly
9 and give effect to any of its powers or duties including the authority
10 to compel by subpoena, subject to the sanction for contempt of
11 subpoena issued by a court, attendance and production of records;

12 (17) To provide for the timely and efficient collection and
13 analysis of data regarding the juvenile justice system to insure the
14 continuing review and evaluation of services, policies and
15 procedures;

16 (18) To receive and classify juveniles committed to the custody
17 of the commission;

18 (19) To determine whether an incarcerated juvenile is eligible
19 for parole and to supervise compliance with conditions of parole;

20 (20) To establish appropriate dispositions of juveniles for whom
21 parole has been revoked;

22 (21) To perform such other functions as may be prescribed by
23 law; and

24 (22) To promulgate, pursuant to the "Administrative Procedure
25 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
26 necessary to implement and effectuate the purposes of this act.

27 f. Whenever the term "Juvenile Justice Commission" occurs or
28 any reference is made thereto in any law, contract or document, the
29 same shall be deemed to mean or refer to the "Youth Justice
30 Commission" established and designated therein.

31 (cf: P.L.2019, c.363, s.17)

32
33 **[65.] 64.** Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is
34 amended to read as follows:

35 1. The **[Juvenile]** Youth Justice Commission shall establish
36 standards for suicide and mental health screening in county juvenile
37 detention facilities in accordance with the provisions of this act.
38 The standards shall require that each county detention facility
39 develop written policies concerning mental health screening,
40 suicide screening, suicide prevention protocols and other mental
41 and emotional health-related issues and that each county juvenile
42 detention facility make psychological or psychiatric services
43 available to juveniles as needed.

44 (cf: P.L.2007, c.315, s.1)

45
46 **[66.] 65.** Section 2 of P.L.2007, c.315 (C.52:17B-171.2) is
47 amended to read as follows:

1 2. a. Upon admission to a county juvenile detention facility, a
2 juvenile shall be screened for risk of suicide in accordance with the
3 facility's suicide prevention protocols and written policies required
4 by section 1 of this act. The suicide risk screening shall include,
5 but not be limited to, the use of a standardized suicide risk
6 questionnaire designated and made available by the **[Juvenile]**
7 Youth Justice Commission. The findings shall be recorded and
8 brought to the attention of the appropriate medical or mental health
9 staff as soon as possible.

10 b. If a juvenile shows evidence of suicide risk, the facility's
11 suicide prevention protocols shall be immediately implemented.
12 The policies shall include an increased level of supervision of a
13 juvenile showing evidence of suicide risk until appropriate mental
14 health services can be obtained. The facility administrator, or the
15 administrator's designee, shall be immediately notified if a juvenile:

16 (1) is suspected of being at risk of attempting suicide or in
17 emotional distress;

18 (2) has made a suicidal gesture or attempt; or

19 (3) scores in a suicide caution or warning range in a screening.

20 c. Every suicide gesture or attempt shall be reported to the
21 **[Juvenile]** Youth Justice Commission.

22 (cf: P.L.2007, c.315, s.2)

23
24 **[67.] 66.** Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is
25 amended to read as follows:

26 3. Between 24 and 48 hours following admission to a county
27 juvenile detention facility, a juvenile shall undergo mental health
28 screening using a mental health screening tool designated by the
29 **[Juvenile]** Youth Justice Commission and in accordance with the
30 facility's written policies required by section 1 of this act. If the
31 screening tool indicates that a referral for additional screening or
32 mental health services is appropriate, that referral shall occur as
33 soon as possible. If the screening indicates a warning or caution,
34 the juvenile shall be placed on, and remain under, increased
35 supervision until it is determined by a mental health clinician that a
36 heightened level of supervision is no longer needed to ensure the
37 safety of the juvenile.

38 (cf: P.L.2007, c.315, s.3)

39
40 **[68.] 67.** Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is
41 amended to read as follows:

42 6. No person shall perform a suicide risk screening pursuant to
43 section 2 of this act or a mental health screening pursuant to section
44 3 of this act unless that person has been certified by the **[Juvenile]**
45 Youth Justice Commission as qualified to perform such screening.

46 (cf: P.L.2007, c.315, s.6)

1 **【69.】 68.** Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is
2 amended to read as follows:

3 7. The **【Juvenile】 Youth** Justice Commission, in conjunction
4 with the Department of Children and Families, shall establish and
5 maintain a confidential Statewide database of the suicide risk
6 screenings required by section 2 of this act and the mental health
7 screenings required by section 3 of this act to be used exclusively
8 by persons performing suicide risk and mental health screenings.
9 (cf: P.L.2007, c.315, s.7)

10

11 **【70.】 69.** Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is
12 amended to read as follows:

13 8. a. The **【Juvenile】 Youth** Justice Commission shall monitor
14 the number of suicides that occur at each county juvenile detention
15 facility.

16 b. Upon an initial suicide at a facility, the commission shall
17 conduct an evaluation of the facility's compliance with the
18 provisions of this act, an accountability assessment and an action
19 report.

20 c. If a second suicide occurs within seven years of the initial
21 suicide, the **【Juvenile】 Youth** Justice Commission shall, within 30
22 days, and with the approval of the Attorney General, evaluate the
23 facility for compliance with the provisions of this act. A facility
24 shall not admit additional juveniles until the Attorney General has
25 certified that the facility is in compliance with the provisions of this
26 act.

27 d. If a third or subsequent suicide occurs within seven years of
28 an initial suicide, the facility shall be immediately closed and shall
29 not reopen until the Governor determines that it shall reopen. A
30 task force comprised of the following seven members shall assist
31 the Governor in making this determination: the Executive Director
32 of the **【Juvenile】 Youth** Justice Commission, or a designee; the
33 Attorney General, or a designee; the Child Advocate, or a designee;
34 the Commissioner of Children and Families, or a designee; one
35 public member; a director of a county juvenile detention facility,
36 but not of the county facility being evaluated; and a member of the
37 board of chosen freeholders of the county within which the facility
38 being evaluated is located.

39 (cf: P.L.2007, c.315, s.8)

40

41 **【71.】 70.** Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is
42 amended to read as follows:

43 9. The **【Juvenile】 Youth** Justice Commission shall include the
44 following information on the commission's website:

45 a. All reports monitoring the operations of county juvenile
46 detention centers, including, but not limited to, any corrective

1 actions taken against or penalties imposed on a center, if applicable;
2 and

3 b. The rated census capacity and the average monthly
4 population for each county juvenile detention center.

5 (cf: P.L.2007, c.315, s.9)

6

7 **【72.】 71.** Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is
8 amended to read as follows:

9 10. The **【Juvenile】 Youth** Justice Commission shall, in
10 conjunction with the Police Training Commission and mental health
11 experts, develop a training curriculum for juvenile detention
12 officers and youth workers focusing on the mental health needs of
13 the juvenile detention population.

14 (cf: P.L.2007, c.315, s.10)

15

16 **【73.】 72.** Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is
17 amended to read as follows:

18 11. The **【Juvenile】 Youth** Justice Commission, in conjunction
19 with the Department of Children and Families, shall annually
20 submit to the Governor and the Legislature, for seven years
21 following the effective date of this act, a report detailing:

22 a. the number of suicides and suicide attempts at each county
23 juvenile detention facility;

24 b. the number of suicide and mental health screenings that have
25 been conducted at each facility and the number of juveniles whose
26 screenings have indicated a warning or caution;

27 c. the number of juveniles who have been referred for
28 additional screening or evaluation; and

29 d. a summary of the diagnoses for juveniles who have received
30 treatment.

31 (cf: P.L.2007, c.315, s.11)

32

33 **【74.】 73.** Section 12 of P.L.2007, c.315 (C.52:17B-171.11) is
34 amended to read as follows:

35 12. The **【Juvenile】 Youth** Justice Commission, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.) shall adopt rules and regulations necessary to implement the
38 provisions of this act, which may include:

39 a. penalties for continued violations of the manual of standards
40 applicable to county detention centers; and

41 b. a graduated system of intermediate fines and penalties for
42 violations of the provisions of the act.

43 (cf: P.L.2007, c.315, s.12)

44

45 **【75.】 74.** Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is
46 amended to read as follows:

1 8. The **【Juvenile】** Youth Justice Commission shall ensure that
2 prior to the scheduled date of release of a juvenile from a detention
3 facility or a facility in which the juvenile was incarcerated, the
4 appropriate staff at the facility notify the applicable county welfare
5 agency to process the reinstatement of the juvenile in the Medicaid
6 program if the juvenile was enrolled in Medicaid prior to detention
7 or incarceration and continues to meet eligibility requirements for
8 the program.

9 As used in this act, "Medicaid" means the Medicaid program
10 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

11 (cf: P.L.2009, c.329, s.8)

12
13 **【76.】 75.** Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is
14 amended to read as follows:

15 5. a. A juvenile detained in, or sentenced to, a State juvenile
16 correctional facility or county juvenile detention center shall not be
17 subject to room restriction unless the juvenile poses an immediate
18 and substantial risk of harm to others or to the security of the
19 facility, and all other less-restrictive options have been exhausted.

20 b. A juvenile may be subject to room restriction only for the
21 minimum time required to address the safety risk and for a period
22 that does not compromise the mental and physical health of the
23 juvenile, but in no case shall a juvenile be held in room restriction
24 for more than eight consecutive waking hours without being
25 released for at least two hours for recreation and exercise.

26 c. A juvenile who is 15 years of age or younger shall not be
27 subject to room restriction for more than two consecutive days. A
28 juvenile who is 16 years of age or older but younger than 18 years
29 of age shall not be subject to room restriction for more than three
30 consecutive days. A juvenile who is 18 years of age or older shall
31 not be subject to room restriction for more than five consecutive
32 days. A juvenile shall not be subject to room restriction for more
33 than 10 total days in a calendar month.

34 d. Juveniles subject to room restriction shall continue to
35 receive health, mental health, and educational services.

36 e. Each State correctional facility or county juvenile detention
37 facility shall document, in aggregate, the use of room restriction,
38 including the dates and duration of each occurrence, the reason for
39 placement in room restriction, and the race, age, and gender of the
40 juvenile placed in room restriction. If any health or mental health
41 clinical evaluations were performed, it shall be affirmatively
42 certified that the results of those evaluations were considered in any
43 decision to place the juvenile in room restriction or to continue
44 room restriction.

45 The aggregate data compiled pursuant to this subsection shall be:

46 (1) made available for public inspection pursuant to P.L.1963,
47 c.73 (C.47:1A-1 et seq.), commonly known as the open public
48 records act; and

1 (2) published on the official Internet website of the **【Juvenile】**
2 Youth Justice Commission.

3 f. This section shall not prohibit the use of single-person
4 rooms or cells for the housing of juveniles in State correctional or
5 county juvenile detention centers.

6 g. This section does not apply to juveniles in court holding
7 facilities or adult facilities.

8 h. Nothing in this section shall be construed to conflict with
9 any law providing greater or additional protections to juveniles.

10 i. For the purposes of this section, "room restriction" shall
11 mean the placement of a juvenile in a State juvenile correctional
12 facility or county juvenile detention center in a locked room or cell,
13 alone or with one other person, for 22 to 24 hours per day. Room
14 restriction shall not include confinement of a juvenile in a single-
15 person room or cell for brief periods of locked-room confinement
16 necessary for institutional operations, including, but not limited to,
17 shift changes, showering, and unit movements.

18 (cf: P.L.2015, c.89, s.5)

19
20 **【77.】 76.** Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is
21 amended to read as follows:

22 18. a. The **【Juvenile】** Youth Justice Commission shall establish
23 a program to collect, record, and analyze data regarding juveniles
24 who were sentenced to a term of incarceration. In furtherance of
25 this program, the commission shall collect the following data:

26 (1) the offense for which the juvenile was incarcerated; the term
27 of incarceration imposed on the juvenile, including a term of
28 incarceration imposed for a violation of parole; the age, gender,
29 race, and ethnicity of the juvenile; the county where the juvenile
30 was adjudicated delinquent; the classification of the juvenile; and
31 whether the juvenile was sentenced to an extended term of
32 incarceration;

33 (2) aggregate data of incidents of violence, suicide, suicide
34 attempts, hospitalizations, and any form of segregation or isolation
35 of a juvenile for all facilities where juveniles are placed; and

36 (3) the amount of time remaining on each sentence of
37 incarceration imposed on a juvenile whose parole was revoked;
38 whether the violation that was the basis for the revocation was
39 technical or based upon a new offense; the age, gender, race, and
40 ethnicity of the juvenile; and the county where the juvenile's parole
41 was revoked by the court.

42 b. The commission shall prepare and publish on its Internet
43 website biennial reports summarizing the aggregated data collected,
44 recorded, and analyzed pursuant to subsection a. of this section.

45 c. The commission shall publish on its Internet website the
46 criteria that are used to determine whether a juvenile is granted
47 parole. The commission also shall provide this information to every

1 juvenile who is sentenced to a term of incarceration.
2 (cf: P.L.2019, c.363, s.18)

3

4 **【78.】 77.** Section 4 of P.L.1995, c.284 (C.52:17B-172) is
5 amended to read as follows:

6 4. a. The advisory council to the **【Juvenile】 Youth** Justice
7 Commission shall consist of the following members:

8 (1) The Commissioner of the Department of Labor and
9 Workforce Development, the Commissioner of the Department of
10 Health **【and Senior Services】**, the Commissioner of the Department
11 of Community Affairs, the Chairperson of the Civil Service
12 Commission, the Public Defender and a county prosecutor selected
13 by and serving at the pleasure of the Governor or a person
14 designated by one of the forenamed officers to serve in that officer's
15 place;

16 (2) Nine members who shall be selected for their knowledge,
17 competence, experience or interest in the juvenile justice system.
18 Appointments shall be made as follows: three by the President of
19 the Senate, no more than two of whom shall be of the same political
20 party; three by the Speaker of the General Assembly, no more than
21 two of whom shall be of the same political party and three by the
22 Governor, no more than two of whom shall be of the same political
23 party.

24 b. The term of office of each public member of the advisory
25 council shall be three years; except that of the first members
26 appointed, one appointed by the Governor, one by the President of
27 the Senate and one by the Speaker of the General Assembly shall be
28 appointed for a term of one year, one appointed by the Governor,
29 one by the President of the Senate and one by the Speaker of the
30 General Assembly shall be appointed for a term of two years and
31 the remaining three members shall be appointed for a term of three
32 years. Each member shall serve until a successor has been
33 appointed and qualified, and vacancies shall be filled in the same
34 manner as the original appointments for the remainder of the
35 unexpired term. A member is eligible for reappointment to the
36 council.

37 c. The Governor shall appoint the chair of the advisory council
38 from among the members of the council. The chair shall serve at
39 the pleasure of the Governor during the Governor's term of office
40 and until the appointment and qualification of the chair's successor.
41 The members of the council shall elect a vice-chair from among the
42 members of the council.

43 d. The members of the council shall receive no compensation
44 for their services.

45 (cf: P.L.2008, c.29, s.110)

46

47 **【79.】 78.** Section 6 of P.L.1995, c.284 (C.52:17B-174) is
48 amended to read as follows:

1 6. a. The **【Juvenile】 Youth** Justice Commission shall employ,
2 within the limits of available funds, juvenile corrections officers to
3 staff each State secure juvenile facility and to provide security for
4 other State juvenile facilities and programs including parole
5 programs as deemed appropriate and to perform all other duties
6 related to enforcement of confinement and conditions of release
7 including execution of warrants and legal process. Juvenile
8 corrections officers shall be in the competitive division of the career
9 service established pursuant to N.J.S.11A:3-2, "policemen" within
10 the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and
11 members of the Police and Firemen's Retirement System of New
12 Jersey established pursuant to section 2 of P.L.1944, c.255
13 (C.43:16A-2), and shall be "employees" within the meaning of
14 section 3 of P.L.1941, c.100 (C.34:13A-3).

15 b. Except as provided in subsection c. of this section, no person
16 shall be appointed as a juvenile corrections officer unless that
17 person:

18 (1) Is a citizen of the United States;

19 (2) Is able to read, write and speak the English language well
20 and intelligently;

21 (3) Has a high school diploma or its equivalent;

22 (4) Is sound in body and of good health;

23 (5) Is of good moral character;

24 (6) Has not been convicted of any offense which would make
25 the person unfit to perform the duties of a juvenile corrections
26 officer;

27 (7) Has successfully completed the training course approved by
28 the Police Training Commission and required by section 5 of
29 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
30 provisions of that section; and

31 (8) Meets such other qualifications, including education and
32 training, as may be specified by the commission in consultation
33 with the Civil Service Commission.

34 c. (1) Pending appointment of a full complement of juvenile
35 corrections officers who meet the requirements of subsection b. of
36 this section, the commission and the Commissioner of Corrections
37 shall arrange through agreement for the assignment of corrections
38 officers necessary to fill the positions transferred pursuant to
39 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
40 assigned to the commission pursuant to such an agreement shall be
41 under the supervision of the commission during the period of
42 assignment as provided by the agreement between the commission
43 and the Commissioner of Corrections. The primary concerns of all
44 agreements governing assignment and supervision shall be public
45 safety and safety within the facilities and programs. No officer
46 assigned pursuant to such an agreement shall, by virtue of such
47 assignment, be considered an employee of the commission or lose
48 or suffer any diminution of any right, power, privilege or benefit to

1 which the employee would otherwise be entitled pursuant to the
2 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
3 Revised Statutes, or Title 43 of the Revised Statutes, including any
4 rights, powers, privileges or benefits as to salary, seniority,
5 promotion, re-employment, retirement, pension or representation
6 for purposes of collective bargaining;

7 (2) Notwithstanding the provisions of subsection b. of this
8 section, a corrections officer assigned to the commission pursuant
9 to this section shall not be considered ineligible for the position of
10 juvenile corrections officer solely because the officer does not meet
11 any educational or training requirement the commission may
12 establish and may be appointed as a juvenile corrections officer if
13 the officer applies for such position within 18 months of the
14 effective date of this act. A juvenile corrections officer appointed
15 pursuant to this subsection shall not be deprived of any right or
16 protection provided by Title 11A of the New Jersey Statutes or any
17 pension or retirement system and, notwithstanding any law or
18 regulation to the contrary, shall be eligible to compete for vacant
19 positions within the Department of Corrections with full credit for
20 experience, service and rank earned as an employee of the
21 Department of Corrections and such credit for experience, service
22 and rank earned as an employee of the commission as the
23 Commissioner of Corrections, after consultation with the Civil
24 Service Commission, deems appropriate.

25 d. Each juvenile corrections officer shall by virtue of such
26 employment and in addition to any other power or authority, be
27 empowered to act as an officer for the detection, apprehension,
28 arrest and adjudication of offenders against the law and, subject to
29 regulations promulgated by the commission and conditions set forth
30 in N.J.S.2C:39-6, shall have the authority to possess and carry a
31 firearm.

32 (cf: P.L.2008, c.29, s.111)

33
34 **[80.] 79.** Section 8 of P.L.1995, c.284 (C.52:17B-176) is
35 amended to read as follows:

36 8. a. The following are transferred to the **[Juvenile]** Youth
37 Justice Commission:

38 (1) The custody and care of any juvenile adjudicated delinquent
39 and committed or classified to the custody of the Department of
40 Corrections or committed or classified to the custody or care of the
41 Division of Juvenile Services of the Department of Human
42 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as
43 modified by Reorganization Plan No. 001-1993, P.L.1993, c.283,
44 and Executive Order No. 93 of 1993, or serving a term of
45 incarceration in a county detention facility pursuant to section 1 of
46 P.L.1992, c.211 (C.2A:4A-44.1);

47 (2) The New Jersey Training School for Boys created pursuant
48 to R.S.30:1-7 and transferred to the Commissioner of Corrections

- 1 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile
2 Medium Security Facility created pursuant to R.S.30:1-7;
- 3 (3) All residential and day care facilities and programs
4 established pursuant to the powers delegated to the Division of
5 Juvenile Services, Department of Corrections, by the Commissioner
6 of the Department of Corrections pursuant to his powers contained
7 in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth
8 committed to participate therein by court order, law, classification,
9 regulation or contract which were subsequently transferred to the
10 Division of Juvenile Services, Department of Human Services by
11 Reorganization Plan No. 001-1993;
- 12 (4) All furnishings and equipment presently located in the
13 institutions and programs of the Division of Juvenile Services and
14 in the institutions and programs of the Department of Corrections
15 transferred to the commission pursuant to subsections b. and c. of
16 this section, and, except as provided in section 6 of P.L.1995, c.284
17 (C.52:17B-174), all staff assigned to those institutions and
18 programs, including administrative and support staff;
- 19 (5) All operating and capital funding demarcated for the
20 institutions and programs set forth in this section, including funding
21 from bonds and funding for administrative costs associated with the
22 institutions and programs;
- 23 (6) All functions, powers, duties and authority of the
24 Commissioner of Corrections, including any transferred to the
25 Commissioner of Human Services pursuant to Reorganization Plan
26 No. 001-1993, with respect to all juvenile detention facilities
27 throughout the State pursuant to section 18 of P.L.1982, c.77
28 (C.2A:4A-37);
- 29 (7) The powers, duties and responsibilities of the Commissioner
30 of Corrections for establishing standards and monitoring of juvenile
31 detention facilities pursuant to section 18 of P.L.1982, c.77
32 (C.2A:4A-37), transferred to the Commissioner of Human Services
33 by Reorganization Plan No. 001-1993;
- 34 (8) All existing written agreements made between county
35 governments and the Department of Corrections or the Department
36 of Human Services concerning juvenile detention centers are hereby
37 modified to transfer the responsibilities, duties and obligations
38 specified in these agreements between the county governments and
39 the commission;
- 40 (9) The Juvenile Detention Monitoring Unit, Department of
41 Corrections, established pursuant to the powers of the
42 Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-
43 1 et seq.), to fulfill the obligations of the Department of Corrections
44 in monitoring juvenile detention centers throughout the State
45 pursuant to the Federal "Juvenile Justice and Delinquency
46 Prevention Act of 1974," as amended, and pursuant to section 18 of
47 P.L.1982, c.77 (C.2A:4A-37), which was transferred to the

1 Department of Human Services by Reorganization Plan No. 001-
2 1993, along with its staff, powers, duties and responsibilities;

3 (10) The legal custody and supervision of each juvenile parolee;
4 the functions, powers, duties and authority of the State Parole Board
5 established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.),
6 regarding juvenile offenders are continued, but the State Parole
7 Board shall file all of its reports and recommendations regarding
8 juveniles with the commission;

9 (11) All funding, programs and positions created or dedicated to
10 provide juvenile parole services by the Bureau of Parole within the
11 Department of Corrections in accordance with an agreement
12 between the Executive Director of the commission and the
13 Commissioner of Corrections in consultation with the State Parole
14 Board when an orderly transfer of the function has been completed
15 including appropriate changes in the reporting requirements,
16 funding, positions, and administrative housing and support;

17 (12) The powers, duties, and responsibilities of the Office of
18 Education created and established in the Departments of
19 Corrections and Human Services pursuant to the "State Facilities
20 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
21 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
22 offenders whose custody is transferred to the commission pursuant
23 to this act is transferred to the Office of Education established in the
24 commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-
25 178) along with staff, existing and future moneys and other
26 educational resources demarcated for juveniles whose custody is
27 transferred pursuant to this act, including funds collected pursuant
28 to the authority granted in the "State Facilities Education Act of
29 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State
30 educational grants and contract funds received for the benefit of
31 juvenile offenders whose custody is transferred pursuant to this act;

32 (13) The powers, duties, and responsibilities of the Bureau of
33 Juvenile Justice, including the Juvenile Justice and Delinquency
34 Prevention Unit, in the Division of Criminal Justice, Department of
35 Law and Public Safety established pursuant to section 4 of
36 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
37 and responsibilities; and

38 (14) All funding appropriated to the Department of Human
39 Services and demarcated for distribution by the department for
40 youth services commission funding.

41 b. Whenever in any law, rule, regulation, order, contract, lease,
42 document, judicial or administrative proceeding or otherwise,
43 reference is made to the Commissioner of the Department of
44 Corrections regarding a juvenile or juvenile offender as defined in
45 P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of
46 Juvenile Services transferred from the Department of Corrections to
47 the Department of Human Services by Reorganization Plan No.001-

1 1993 the same shall mean and refer to the commission.
2 (cf: P.L.1995, c.284, s.8)

3

4 **【81.】 80.** Section 10 of P.L.1995, c.284 (C.52:17B-178) is
5 amended to read as follows:

6 10. There is hereby created and established in the **【Juvenile】**
7 Youth Justice Commission an Office of Education to be headed by a
8 Director of Educational Services who shall supervise the
9 educational programs in all juvenile facilities operated by the
10 **【Juvenile】** Youth Justice Commission and shall approve, except as
11 provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all
12 personnel to be hired for such programs.

13 The director shall hold the appropriate certificate issued by the
14 State Board of Examiners and shall be qualified by training and
15 experience for his position and shall be appointed by the executive
16 director with the approval of the executive board. The director shall
17 serve at the pleasure of the executive board.

18 The director shall establish primary, secondary, and vocational
19 programs which meet the educational needs of school age persons
20 for whom the commission is responsible. Appropriate credit and
21 certification shall be given for the successful completion of such
22 programs.

23 (cf: P.L.1995, c.284, s.10)

24

25 **【82.】 81.** Section 1 of P.L.1995, c.283 (C.52:17B-179) is
26 amended to read as follows:

27 1. a. A State/Community Partnership Grant Program is
28 established within the **【Juvenile】** Youth Justice Commission
29 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
30 to support, through grants allocated to county youth services
31 commissions established pursuant to P.L.1995, c.282 (C.52:17B-
32 180), facilities, sanctions and services for juveniles adjudicated or
33 charged as delinquent and programs for prevention of juvenile
34 delinquency. This program is established in order to:

35 (1) Encourage development of sanctions and services for
36 juveniles adjudicated and charged as delinquent and programs for
37 prevention of juvenile delinquency that protect the public, ensure
38 accountability and foster rehabilitation;

39 (2) Increase the range of sanctions for juveniles adjudicated
40 delinquent;

41 (3) Reduce overcrowding in State juvenile institutions and other
42 facilities to ensure adequate bedspace for serious, violent and
43 repetitive offenders;

44 (4) Reduce overcrowding in county detention facilities;

45 (5) Provide greater access to community-based sanctions and
46 services for minority and female offenders;

47 (6) Expand programs designed to prevent juvenile delinquency;
48 and

- 1 (7) Promote public safety by reducing recidivism.
- 2 b. The **【Juvenile】 Youth** Justice Commission shall administer
- 3 the State/Community Partnership Grant Program and shall:
- 4 (1) Establish criteria and procedures for grant applications and
- 5 disbursement by regulation;
- 6 (2) Determine how best to allocate Partnership funds;
- 7 (3) Set standards and procedures for eligibility, operation,
- 8 supervision and evaluation;
- 9 (4) Advise and assist county youth services commissions in
- 10 preparation of county plans and grant applications;
- 11 (5) Award grants;
- 12 (6) Set standards for and determine eligibility for continued
- 13 Partnership funding;
- 14 (7) Collect and provide information about community-based
- 15 services and sanctions; and
- 16 (8) Monitor and evaluate implementation of county plans and
- 17 the provision of services, sanctions and programs provided pursuant
- 18 to this act.
- 19 (cf: P.L.1995, c.283, s.1)
- 20
- 21 **【83.】 82.** Section 1 of P.L.1995, c.282 (C.52:17B-180) is
- 22 amended to read as follows:
- 23 1. a. In order to qualify for award of State/Community
- 24 Partnership Grant funds established pursuant to P.L.1995, c.283
- 25 (C.52:17B-179) a county shall:
- 26 (1) Establish a county youth services commission in accordance
- 27 with regulations promulgated by the **【Juvenile】 Youth** Justice
- 28 Commission established pursuant to section 2 of P.L.1995, c.284
- 29 (C.52:17B-170);
- 30 (2) Submit and obtain **【Juvenile】 Youth** Justice Commission
- 31 approval of a triennial comprehensive plan for services and
- 32 sanctions for juveniles adjudicated or charged as delinquent and
- 33 programs for the prevention of juvenile delinquency which:
- 34 (a) are designed to promote the goals of P.L.1995, c.283
- 35 (C.52:17B-179);
- 36 (b) provide recommendations for funding of programs, sanctions
- 37 and services that enhance and expand the range of sanctions and
- 38 services for juveniles adjudicated or charged as delinquent and
- 39 programs designed to prevent delinquency;
- 40 (c) make services available in geographical locations within the
- 41 county where juveniles in need reside; and
- 42 (d) provide for distribution of State/Community Partnership
- 43 Grant funds by the county in accordance with contracts or
- 44 agreements executed by the appropriate county officials in
- 45 accordance with applicable law.
- 46 b. The **【Juvenile】 Youth** Justice Commission shall establish by
- 47 regulation:

- 1 (1) Specific guidelines as to membership of a county youth
2 services commission;
- 3 (2) Specific requirements for the administration of the
4 State/Community Partnership Grant funds awarded by the county.
- 5 c. Notwithstanding the provisions of subsection a. of this
6 section, the county governing body may elect, upon annual written
7 request approved by the executive director, to designate a
8 commission, council or agency to assume the responsibilities of a
9 county youth services commission in that county. Approval of such
10 a request shall be contingent upon the governing body
11 demonstrating that the membership of the designated entity is
12 sufficiently representative of persons and agencies interested in the
13 juvenile justice system to permit the entity to perform the duties and
14 responsibilities of a county youth services commission, that the
15 members of the designated entity are otherwise qualified to perform
16 the duties and responsibilities of members of a county youth
17 services commission, and that the designated entity has the
18 authority and responsibility to carry out the duties and
19 responsibilities of a county youth services commission.
- 20 d. A county youth services commission shall:
- 21 (1) Recommend to the governing body of the county the
22 approval or disapproval of contracts with local government or
23 private agencies that desire participation in the State/Community
24 Partnership Grant Program;
- 25 (2) Monitor the operations of programs receiving
26 State/Community Partnership Grant funds with reference to
27 compliance with standards, policies and rules established by the
28 **【Juvenile】** Youth Justice Commission;
- 29 (3) Monitor and evaluate the impact of the programs receiving
30 State/Community Partnership Grant funds, including the nature of
31 the offender or at risk populations served by the funded programs,
32 and prepare a written report with relevant documentation, on an
33 annual basis, to be submitted to the **【Juvenile】** Youth Justice
34 Commission as part of the commission's triennial plan and annual
35 update; and
- 36 (4) Perform such other duties as may be established by the
37 **【Juvenile】** Youth Justice Commission to achieve the purposes of
38 P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the
39 **【Juvenile】** Youth Justice Commission and P.L.1995, c.283
40 (C.52:17B-179) which creates the State/Community Partnership
41 Grant Program.
- 42 e. No county may use funds received pursuant to this section to
43 supplant or replace existing funds or other resources from federal,
44 State or county government for existing juvenile justice-related
45 programs or for purposes of capital construction or renovation.
- 46 f. If a county elects not to participate in the State/Community
47 Partnership Grant Program, the commission is authorized to allocate

1 and expend that county's share of Partnership funding in a manner
2 consistent with the commission's Juvenile Justice Master Plan.
3 (cf: P.L.2005, c.164, s.2)
4

5 **【84.】 83.** Section 3 of P.L.1995, c.330 (C.52:17B-183) is
6 amended to read as follows:

7 3. As used in this act:

8 a. "Commission" means the **【Juvenile】 Youth** Justice
9 Commission in, but not of, the Department of Law and Public
10 Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et
11 seq.).

12 b. "Commissioner" means the Commissioner of the Department
13 of Corrections.

14 c. "Juvenile offender" means a person at least 14 years old at the
15 time of disposition who has been adjudicated delinquent for an act
16 which, if committed by an adult, would constitute a crime,
17 excluding an adjudication for any act which would constitute a
18 crime of the first degree or a crime under chapter 14 of Title 2C of
19 the New Jersey Statutes.

20 d. "Youthful offender" means a person between 18 and 30 years
21 of age who has been convicted of a crime, excluding any person
22 convicted of:

23 (1) a crime of the first degree;

24 (2) a crime under chapter 14 of Title 2C of the New Jersey
25 Statutes;

26 (3) a crime which requires the imposition of a mandatory term
27 of imprisonment without eligibility for parole, unless the person has
28 less than one year of the mandatory portion of the sentence
29 remaining; or

30 (4) a crime of the second degree under any of the following:
31 N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1,
32 N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the
33 purpose of using it unlawfully against the person of another.

34 (cf: P.L.1997, c.55, s.1)
35

36 **【85.】 84.** Section 45 of P.L.1996, c.62 (C.55:19-60) is amended
37 to read as follows:

38 45. a. There is established in, but not of, the Department of
39 Community Affairs an Urban Coordinating Council.

40 b. The Urban Coordinating Council shall be comprised of the
41 Governor, the chief officer of each department of the executive
42 branch, and the executive directors of the New Jersey
43 Redevelopment Authority, the New Jersey Economic Development
44 Authority, the Casino Reinvestment Development Authority, the
45 State Planning Commission, the New Jersey Housing and Mortgage
46 Finance Agency, the **【Juvenile】 Youth** Justice Commission and the
47 Commission on Higher Education. The council shall be chaired by

1 the Governor. Members of the council may be represented on the
2 council by their designees.

3 (cf: P.L.1996, c.62, s.45)

4

5 **【86.】** 85. This act shall take effect immediately.