

ASSEMBLY, No. 5365

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 16, 2019

Sponsored by:

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblyman Giblin, Assemblywoman Reynolds-Jackson, Assemblyman Holley, Assemblywoman Vainieri Huttle, Assemblyman Karabinchak and Assemblywoman Chaparro

SYNOPSIS

The “New Jersey Youth Justice Transformation Act;” annually appropriates \$100 million to Juvenile Justice Commission.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/26/2019)

A5365 SUMTER, CARTER

2

1 AN ACT concerning youth justice, supplementing Title 52 of the
2 Revised Statutes; amending P.L.1982, c.77, P.L.1995, c.284, and
3 P.L.1995, c.282; and making an appropriation.

4

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

7

8 1. (New section) This act shall be known and may be cited as
9 the “New Jersey Youth Justice Transformation Act.”

10

11 2. (New section) The Legislature finds and declares that:

12 a. Almost a quarter century has elapsed since the creation of
13 the State’s Juvenile Justice Commission, and the current landscape
14 of New Jersey’s youth justice system is in need of review and
15 reform;

16 b. New Jersey’s youth justice system currently is marred by a
17 failed experiment with youth incarceration, staggering racial
18 disparities, uneven community-based youth programs, and
19 accountability deficits;

20 c. New Jersey has the worst racial disparities in the nation,
21 with a black youth thirty times more likely to be detained or
22 committed than a white youth, even though research shows that
23 black and white youth commit most offenses at similar rates;

24 d. In 2019, New Jersey plans to spend \$289,827 to incarcerate
25 a youth in each of the Juvenile Justice Commission’s secure
26 facilities, an increase of almost \$50,000 from the previous year;

27 e. New Jersey spends over \$60 million to operate three secure
28 facilities that are at less than half capacity, with the result that
29 precious taxpayer dollars are being wasted on largely empty
30 Juvenile Justice Commission secure facilities.

31 f. While New Jersey spent only approximately \$16 million in
32 2018 to fund county level community-based programs aimed at
33 keeping youth from being incarcerated, the State spent \$60 million,
34 almost four times that amount, on youth incarceration;

35 g. The effectiveness of county youth services commissions in
36 creating effective community-based youth programs greatly varies
37 across counties because of limited accountability measures and a
38 lack of transparency;

39 h. In the wake of former Governor Chris Christie’s historic
40 announcement of the closure of the New Jersey Training School for
41 Boys and the Female Secure Care and Intake Facility, as well as the
42 development of two smaller youth rehabilitation centers, there is a
43 need to create a comprehensive closure plan and timeline;

44 i. Research on adolescent development and recidivism shows
45 that neither public safety nor youth are positively impacted by

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 youth incarceration and that incarcerated youth are more likely to
2 be incarcerated as adults, further straining state budgets and
3 exacerbating racial disparities;

4 j. There is growing public consensus that New Jersey's system
5 of youth incarceration does not work and must shift toward keeping
6 at-risk young people in their home communities with intensive
7 treatment, services, and rehabilitative resources;

8 k. There currently is a nationwide effort to close large, archaic
9 congregate care facilities and to invest funds in community-based
10 programs and services and, where necessary for public safety, in
11 more rehabilitative out-of-home placements based in the
12 community; and

13 l. It is time for New Jersey to reform its outdated youth justice
14 system and serve as a national model by creating a system that both
15 protects public safety and provides for effective youth rehabilitation
16 and development.

17

18 3. (New section) a. On or before January 8, 2021, the Juvenile
19 Justice Commission shall cease all operations at the New Jersey
20 Training School for Boys and the Juvenile Female Secure Care and
21 Intake Facility. The remaining facilities and property shall not be
22 used to incarcerate juveniles or adults subsequent to the closure of
23 the facilities.

24 b. A juvenile adjudicated delinquent and committed to the
25 custody of the Juvenile Justice Commission, and any youth waived
26 to an appropriate court and prosecuting authority pursuant to
27 section 1 of P.L.2015, c.89, (C.2A:4A-26.1) who is serving their
28 custodial sentence in a State juvenile facility, shall not be assigned
29 or reassigned to the New Jersey Training School for Boys or the
30 Juvenile Female Secure Care and Intake Facility after June 28,
31 2020.

32 c. The commission shall develop a comprehensive transition
33 plan for the juveniles incarcerated in the juvenile facilities to be
34 closed pursuant to subsection a. of this section. The comprehensive
35 plan shall include:

36 (1) an assessment tool to be utilized by the commission to
37 determine whether a juvenile is to be transitioned to the community,
38 a non-secure commission placement, or another setting or
39 placement;

40 (2) a prohibition on transitioning any juvenile to a more secure
41 placement, including but not limited to the Juvenile Medium
42 Security Facility or a State correctional facility, solely based on the
43 closure of the juvenile facilities pursuant to subsection a. of this
44 section;

45 (3) an individualized and holistic plan, subject to court review
46 and approval, for subsequent placement of each juvenile
47 incarcerated, as of June 29, 2020, in the juvenile facilities to be
48 closed pursuant to subsection a. of this section based on the

1 assessment tool pursuant to paragraph (1) of this subsection and
2 subject to applicable confidentiality requirements;

3 (a) if the commission determines that a juvenile should not be
4 transitioned into the community, it shall provide, in writing, the
5 reasons necessitating an out-of-home placement;

6 (b) each plan shall take into account the needs and progress of
7 each juvenile, any public safety risk the juvenile may pose, and the
8 community resources needed to serve the best interests of the
9 juvenile and the public;

10 (c) a juvenile whose case has been waived to an appropriate
11 court and prosecuting authority pursuant to section 1 of P.L.2015,
12 c.89 (C.2A:4A-26.1) but has been placed in the custody of the
13 commission shall, to the greatest extent possible, receive the same
14 consideration during the development of a transition plan as a
15 juvenile adjudicated delinquent and placed in the custody of the
16 commission;

17 (4) in coordination with the Department of Labor and
18 Workforce Development, a transition plan for affected employees,
19 including recommendations for placing them in existing
20 departmental vacancies, assisting them with placement in other
21 State agencies, and creating training opportunities to increase their
22 qualifications for positions in other commission facilities;

23 (5) recommendations for alternative uses of the facilities and
24 property of the juvenile facilities to be closed pursuant to
25 subsection a. of this section based on input solicited by the
26 commission from juveniles who have been committed to the
27 custody of the commission and from residents of the communities
28 in which the two secure juvenile facilities are located; and

29 (6) a plan to close the Juvenile Medium Security Facility on or
30 before December 31, 2025.

31 d. The commission shall submit the comprehensive plan on or
32 before August 1, 2020 to the Governor and the Legislature pursuant
33 to section 2 of P.L.1991, c.164 (C.52:14-19.1). An executive
34 summary of the plan's findings, subject to applicable confidentiality
35 requirements, shall be published on the official website of the
36 commission.

37 e. Commencing August 1, 2020, and on the first day of each
38 subsequent month until the juvenile facilities are closed pursuant to
39 subsection a. of this section, the commission shall submit to the
40 Governor and the Legislature pursuant to section 2 of P.L.1991,
41 c.164 (C.52:14-19.1), and publish on its official website, a status
42 report including:

43 (1) the total number of juveniles placed in each secure facility;

44 (2) the demographics of the juveniles, including age, gender,
45 race, ethnicity, offense, length of stay in the secure facility, whether
46 the juvenile has been waived to an appropriate court and
47 prosecuting authority pursuant to section 1 of P.L.2015, c.89
48 (C.2A:4A-26.1), and municipality of residence;

1 (3) the number of juveniles transitioned out of each facility and
2 the placement to which they were transferred; and

3 (4) the number of juveniles, if any, placed in each facility during
4 the previous month, and the reason this placement was made over
5 another, subject to applicable confidentiality requirements.

6

7 4. (New section) a. On or before December 1, 2019, the
8 Juvenile Justice Commission, in consultation with the Attorney
9 General, shall submit the following information to the Governor and
10 the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
11 19.1) and make the information available on its official website:

12 (1) the total number of juveniles committed to the custody of the
13 commission and juveniles waived to an appropriate court and
14 prosecuting authority pursuant to section 1 of P.L.2015, c.89
15 (C.2A:4A-26.1) who are serving their custodial sentence in a State
16 juvenile facility each year between 2015 and 2019 to date,
17 categorized by municipality of residence, race, ethnicity, age,
18 gender, and offense, subject to applicable confidentiality
19 requirements;

20 (2) the average daily population for each juvenile secure facility
21 for each year between 2015 and 2019 to date and the total
22 population of juveniles in each juvenile secure facility on January 1,
23 2015; January 1, 2016; January 1, 2017; January 1, 2018; and
24 January 1, 2019 by municipality of residence, race, ethnicity, age,
25 gender, length of stay in the secure facility to date, whether the
26 juvenile has been waived to an appropriate court and prosecuting
27 authority pursuant to section 1 of P.L.2015, c.89 (C.2A:4A-26.1),
28 and offense, subject to applicable confidentiality requirements; and

29 (3) an admissions projection of the total number of juveniles to
30 be committed to custody of the commission for each year between
31 2019 and 2030, including a projection of the number of juveniles
32 that would be assigned to a secure juvenile facility.

33 b. The commission shall conduct an assessment of all non-
34 secure residential community homes and, on or before December 1,
35 2019, shall submit to the Governor and the Legislature pursuant to
36 section 2 of P.L.1991, c.164 (C.52:14-19.1), and publish on its
37 official website, a facilities status report including:

38 (1) the average daily juvenile population in each residential
39 community home in 2018 and the current juvenile population of
40 each residential community home as of June 1, 2019, disaggregated
41 by juveniles who are committed to the custody of the commission
42 and juveniles serving a term of probation in a residential
43 community home;

44 (2) the average age of the juvenile population in each residential
45 community home in 2018 and the age range for the current juvenile
46 population of each residential community home as of June 1, 2019;

- 1 (3) the total number of persons employed in each residential
- 2 community home as of June 1, 2019 and the classification of the
- 3 employee;
- 4 (4) the total number of persons employed in each residential
- 5 community home in 2018 and the classification of the employee;
- 6 and
- 7 (5) the daily and annual per capita cost to operate each
- 8 residential community home.
- 9 c. The facilities status report required pursuant to subsection b.
- 10 of this section shall include recommendations concerning whether
- 11 any residential community home:
 - 12 (1) should be closed because it is underutilized or is failing to
 - 13 successfully provide rehabilitation while protecting public safety, or
 - 14 it is not an appropriate placement for juveniles; or
 - 15 (2) can be renovated or repurposed to accommodate juveniles
 - 16 transitioning from, or who would otherwise have been incarcerated
 - 17 in, a juvenile secure facility being closed pursuant to subsection a.
 - 18 of section 3 of P.L. c. (C.) (pending before the Legislature
 - 19 as this bill).
- 20 The recommendation in the facilities status report shall be based
- 21 on the information submitted by the commission pursuant to
- 22 subsection a. of this section and that juveniles shall be placed in a
- 23 residential community home near the juvenile's municipality of
- 24 residence.
- 25 d. If the commission determines that a residential community
- 26 home cannot be renovated or repurposed to achieve the aims of
- 27 paragraph (2) of subsection c. of this section, the commission shall
- 28 develop a youth rehabilitation center report outlining a plan to
- 29 provide effective rehabilitation for the projected number of
- 30 juveniles in the custody of the commission who require an out-of-
- 31 home placement to protect public safety, but cannot be housed in a
- 32 residential community home. The report shall take into account the:
 - 33 (1) municipality of residence of juveniles committed to the
 - 34 custody of the commission;
 - 35 (2) actual and projected admission totals of juveniles committed
 - 36 to the custody of the commission;
 - 37 (3) the unique needs of this State's committed juveniles,
 - 38 including juveniles waived to an appropriate court and prosecuting
 - 39 authority pursuant to section 1 of P.L.2015, c.89 (C.2A:4A-26.1)
 - 40 serving their custodial sentence in a juvenile facility;
 - 41 (4) research on effective rehabilitative and restorative youth
 - 42 justice models; and
 - 43 (5) protection of public safety.
- 44 e. The commission shall provide the youth rehabilitation center
- 45 report to the Governor and the Legislature, submit it for public
- 46 comment on its official website for 90 days, and hold at least three
- 47 public hearings during which testimony from the public shall be

1 permitted and encouraged, in municipalities with a high rate of
2 juveniles committed to the custody of the commission.

3 f. Subsequent to the public comment and hearing period for
4 the youth rehabilitation center report required pursuant to
5 subsection d. of this section, and in consultation with the Division
6 of Property Management and Construction in the Department of the
7 Treasury, the commission shall identify State-owned or private
8 properties, located in the 10 municipalities with the highest rates of
9 juveniles committed to custody of the commission between 2015 to
10 2018, that either comply with or can be repurposed or renovated to
11 comply with the youth rehabilitation center report. Priority shall be
12 given to properties that are easily accessible via public
13 transportation to families located in the north, central, and southern
14 regions of the State.

15 g. Based on the youth rehabilitation center report required
16 pursuant to subsection d. of this section, and in consultation with an
17 architectural firm, the commission shall identify, as needed based
18 on actual and projected admission totals, potential sites for the
19 repurposing or renovating of property into new youth rehabilitation
20 centers. A youth rehabilitation center site shall not have a capacity
21 of more than 30 beds.

22 h. The commission shall hold public hearings in the north,
23 central, and southern regions of the State to receive public comment
24 on the proposed sites before proceeding with any further design or
25 development. The design or development of any new juvenile
26 rehabilitation center shall include a plan to reduce the juvenile
27 population of each center on an annual basis with the eventual goal
28 of closing the center as a juvenile facility and transitioning it into a
29 community center open to all community residents.

30 i. The commission shall not use any funds to construct any
31 new secure juvenile facility.

32

33 5. (New section) a. There is created in the Juvenile Justice
34 Commission, in but not of the Department of Law and Public
35 Safety, a dedicated, nonlapsing, revolving fund to be known as the
36 "Youth Justice Transformation Fund." The fund shall be credited
37 with the monies appropriated pursuant to subsection g. of this
38 section, and any interest or other income earned on those monies.
39 Monies in the account shall be allocated and exclusively used by the
40 commission for the purposes of P.L. , c. (pending before the
41 Legislature as this bill), including, but not limited to:

42 (1) developing and implementing community-based programs,
43 including prevention, diversion, intervention, and alternatives-to-
44 incarceration programs;

45 (2) repurposing or renovating commission facilities and other
46 facilities into community centers or other resources that provide
47 effective youth programming and services; and

- 1 (3) other innovative programming, projects, or services designed
2 to decrease the number of juveniles in the custody of the
3 commission.
- 4 b. No more than 10 percent of the monies in the fund shall be
5 used for administrative purposes.
- 6 c. Monies administered pursuant to the fund shall not replace
7 any other funds distributed by the commission, including those
8 administered through the State/Community Partnership Grant
9 Program established pursuant to section 1 of P.L.1995, c.283
10 (C.52:17B-179).
- 11 d. Priority in distributing monies in the fund shall be given to
12 municipalities with a high rate of juveniles committed to the
13 commission.
- 14 e. Monies from the fund shall not be used for the construction
15 of any commission or other facility.
- 16 f. Within 30 days after the effective date of P.L. c. (C.)
17 (pending before the Legislature as this bill), the commission shall
18 set the terms and conditions of distribution of the fund monies,
19 publish the terms and conditions on its official website, and
20 schedule a public meeting in the north, central, and southern regions
21 of the State to announce the fund.
- 22 g. There is appropriated \$100,000,000 from the General Fund
23 to the commission for deposit into the “Youth Justice
24 Transformation Fund” for State Fiscal Year 2021 and each
25 subsequent fiscal year.
- 26 h. To determine if additional monies may be appropriated to
27 supplement the fund, the commission shall conduct an audit to
28 identify the total amount of all available federal and State
29 department and agency funds intended to support juveniles involved
30 at any point with the State’s juvenile justice system.
- 31
- 32 6. (New section) a. The Juvenile Justice Commission, the
33 Department of Education, the Administrative Office of the Courts,
34 and the Attorney General shall conduct a racial and ethnic
35 disparities study. The report shall present data concerning racial
36 and ethnic disparities at the following stages of the youth justice
37 system:
- 38 (1) school exclusion, including in-school and out-of-school
39 suspension and expulsion;
- 40 (2) law enforcement interaction, including arrest and law
41 enforcement diversion;
- 42 (3) court diversion;
- 43 (4) waiver pursuant to section 1 of P.L. 2015, c.89 (C.2A:4A-
44 26.1);
- 45 (5) detention;
- 46 (6) adjudication of delinquency; and
- 47 (7) disposition, including the disposition imposed.

1 b. The data in the study should be categorized by key juvenile
2 demographics, including age, gender, race, municipality of
3 residence, ethnicity, and, where applicable, offense.

4 c. The study shall include the affirmative steps the Juvenile
5 Justice Commission, the Department of Education, the
6 Administrative Office of the Courts, and the Attorney General shall
7 take to address racial and ethnic disparities at each stage of the
8 juvenile justice system.

9 d. The Juvenile Justice Commission, the Department of
10 Education, the Administrative Office of the Courts, and the
11 Attorney General shall submit the report to the Governor and the
12 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
13 by October 1, 2019, and publish the report on each of their official
14 websites.

15

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

18 24. Disposition of delinquency cases. a. In determining the
19 appropriate disposition for a juvenile adjudicated delinquent the
20 court shall weigh the following factors:

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

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

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

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

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

34 (6) Whether the disposition recognizes and treats the unique
35 physical, psychological, and social characteristics and needs of the
36 child;

37 (7) Whether the disposition contributes to the developmental
38 needs of the child, including the academic and social needs of the
39 child where the child has intellectual disabilities or learning
40 disabilities;

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

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

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

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

47 b. If a juvenile is adjudged delinquent, and except to the extent
48 that an additional specific disposition is required pursuant to

1 subsection e. or f. of this section, the court may order [incarceration
2 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or] any one
3 or more of the following dispositions:

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

14 (2) Release the juvenile to the supervision of the juvenile's
15 parent or guardian;

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

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

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

37 (6) Place the juvenile under the care and custody of the
38 Commissioner of Children and Families for the purpose of
39 receiving the services of the Division of Children's System of Care
40 of that department, provided that the juvenile has been determined
41 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
42 25.4);

43 (7) Commit the juvenile, pursuant to applicable laws and the
44 Rules of Court governing civil commitment, to the Department of
45 Children and Families under the responsibility of the Division of
46 Children's System of Care for the purpose of placement in a suitable
47 public or private hospital or other residential facility for the

1 treatment of persons who are mentally ill, on the ground that the
2 juvenile is in need of involuntary commitment;

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

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

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

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

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

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

- 1 (14) Place the juvenile in a suitable residential or nonresidential
2 program for the treatment of alcohol or narcotic abuse, provided
3 that the juvenile has been determined to be in need of such services;
- 4 (15) Order the parent or guardian of the juvenile to participate in
5 appropriate programs or services when the court has found either
6 that such person's omission or conduct was a significant
7 contributing factor towards the commission of the delinquent act,
8 or, under its authority to enforce litigant's rights, that such person's
9 omission or conduct has been a significant contributing factor
10 towards the ineffective implementation of a court order previously
11 entered in relation to the juvenile;
- 12 (16) (a) Place the juvenile in a nonresidential program operated
13 by a public or private agency, providing intensive services to
14 juveniles for specified hours, which may include education,
15 counseling to the juvenile and the juvenile's family if appropriate,
16 vocational training, employment counseling, work, or other
17 services;
- 18 (b) Place the juvenile under the custody of the Juvenile Justice
19 Commission established pursuant to section 2 of P.L.1995, c.284
20 (C.52:17B-170) for placement with any private group home or
21 private residential facility with which the commission has entered
22 into a purchase of service contract;
- 23 (17) Instead of or in addition to any disposition made according
24 to this section, the court may postpone, suspend, or revoke for a
25 period not to exceed two years the driver's license, registration
26 certificate, or both of any juvenile who used a motor vehicle in the
27 course of committing an act for which the juvenile was adjudicated
28 delinquent. In imposing this disposition and in deciding the duration
29 of the postponement, suspension, or revocation, the court shall
30 consider the severity of the delinquent act and the potential effect of
31 the loss of driving privileges on the juvenile's ability to be
32 rehabilitated. Any postponement, suspension, or revocation shall be
33 imposed consecutively with any custodial commitment;
- 34 (18) Order that the juvenile satisfy any other conditions
35 reasonably related to the rehabilitation of the juvenile;
- 36 (19) Order a parent or guardian who has failed or neglected to
37 exercise reasonable supervision or control of a juvenile who has
38 been adjudicated delinquent to make restitution to any person or
39 entity who has suffered a loss as a result of that offense. The court
40 may determine the reasonable amount, terms, and conditions of
41 restitution; **【or】**
- 42 (20) Place the juvenile, if eligible, in an appropriate juvenile
43 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
44 et al.); or
- 45 (21) If the court determines there is no available disposition to
46 promote the juvenile's rehabilitation and protect public safety, the
47 court may order incarceration pursuant to section 25 of P.L.1982,

1 c.77 (C.2A:4A-44), stating the reasons for this disposition on the
2 record.

3 c. (1) Except as otherwise provided in subsections e. and f. of
4 this section, if the county in which the juvenile has been adjudicated
5 delinquent has a juvenile detention facility meeting the physical and
6 program standards established pursuant to this subsection by the
7 Juvenile Justice Commission, the court may, in addition to any of
8 the dispositions not involving placement out of the home
9 enumerated in this section, incarcerate the juvenile in the youth
10 detention facility in that county for a term not to exceed 60
11 consecutive days. Counties which do not operate their own juvenile
12 detention facilities may contract for the use of approved
13 commitment programs with counties with which they have
14 established agreements for the use of pre-disposition juvenile
15 detention facilities. The Juvenile Justice Commission shall
16 promulgate such rules and regulations from time to time as deemed
17 necessary to establish minimum physical facility and program
18 standards for the use of juvenile detention facilities pursuant to this
19 subsection.

20 (2) No juvenile may be incarcerated in any county detention
21 facility unless the county has entered into an agreement with the
22 Juvenile Justice Commission concerning the use of the facility for
23 sentenced juveniles. Upon agreement with the county, the Juvenile
24 Justice Commission shall certify detention facilities which may
25 receive juveniles sentenced pursuant to this subsection and shall
26 specify the capacity of the facility that may be made available to
27 receive such juveniles; provided, however, that in no event shall the
28 number of juveniles incarcerated pursuant to this subsection exceed
29 50% of the maximum capacity of the facility.

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

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

35 (b) Incarceration of the juvenile is consistent with the goals of
36 public safety, accountability, and rehabilitation and the court is
37 clearly convinced that the aggravating factors substantially
38 outweigh the mitigating factors as set forth in section 25 of
39 P.L.1982, c.77 (C.2A:4A-44); and (c) The detention facility
40 has been certified for admission of adjudicated juveniles pursuant to
41 paragraph (2).

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

47 d. Whenever the court imposes a disposition upon an
48 adjudicated delinquent which requires the juvenile to perform a

1 community service, restitution, or to participate in any other
2 program provided for in this section other than subsection c., the
3 duration of the juvenile's mandatory participation in such
4 alternative programs shall extend for a period consistent with the
5 program goal for the juvenile and shall in no event exceed one year
6 beyond the maximum duration permissible for the delinquent if the
7 juvenile had been committed to a term of incarceration.

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

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

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

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

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

1 delinquent for an act which, if committed by an adult, would
2 constitute either theft of a motor vehicle, the unlawful taking of a
3 motor vehicle or eluding.

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

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

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

28 g. Whenever the court imposes a disposition upon an
29 adjudicated delinquent which requires the juvenile to perform a
30 community service, restitution, or to participate in any other
31 program provided for in this section, the order shall include
32 provisions which provide balanced attention to the protection of the
33 community, accountability for offenses committed, fostering
34 interaction and dialogue between the offender, victim and
35 community and the development of competencies to enable the
36 child to become a responsible and productive member of the
37 community.

38 (cf: P.L.2012, c.16, s.1)

39

40 8. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
41 read as follows:

42 2. a. A Juvenile Justice Commission is established in, but not
43 of, the Department of Law and Public Safety. The commission is
44 allocated to the Department of Law and Public Safety for the
45 purpose of complying with Article V, Section IV, paragraph 1 of
46 the New Jersey Constitution. The Attorney General shall be the
47 request officer for the commission within the meaning of section 6
48 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that

1 authority and other administrative functions, powers and duties
2 consistent with the provisions of this act.

3 b. The commission shall consist of an executive director, an
4 executive board, an advisory council and such facilities, officers,
5 employees and organizational units as provided herein or as
6 otherwise necessary to performance of the commission's duties and
7 responsibilities.

8 c. The executive director shall be appointed by the Governor
9 with the advice and consent of the Senate and shall serve at the
10 pleasure of the Governor during the Governor's term of office and
11 until a successor is appointed and qualified.

12 d. The executive board shall consist of the following members:
13 The Attorney General, who shall serve as chair of the executive
14 board; the Commissioner of Corrections and the Commissioner of
15 Children and Families, who shall serve as vice-chairs of the
16 executive board; the Commissioner of Education; the chair of the
17 Juvenile Justice Commission advisory council, established pursuant
18 to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members
19 who serve as chairs of a county youth services commission,
20 established pursuant to section 1 of P.L.1995, c.282 (C.52:17B-
21 180), to be appointed by the Governor to serve at the Governor's
22 pleasure. The Administrative Director of the Administrative Office
23 of the Courts is invited to participate on the executive board,
24 subject to the approval of the Supreme Court. A member of the
25 executive board may name a designee who shall have the authority
26 to act for the member. Members of the executive board shall serve
27 without compensation for their services to the commission. The
28 executive board shall meet at least quarterly and at such other times
29 as designated by the chair. Except with respect to matters
30 concerning distribution of funds to counties, four members of the
31 executive board shall constitute a quorum to transact business of the
32 executive board and action of the executive board shall require an
33 affirmative vote of four members. A member of the executive
34 board who is also a member of a county youth services commission
35 shall not participate in matters concerning distribution of funds to
36 counties; in these matters, three members of the executive board
37 shall constitute a quorum to transact business and an action of the
38 executive board shall require an affirmative vote of three members.

39 e. The commission shall have the following powers, duties and
40 responsibilities:

41 (1) To specify qualifications for and to employ, within the limits
42 of available appropriations and subject to the provisions of
43 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
44 Jersey Statutes, such staff as are necessary to accomplish the work
45 of the commission or as are needed for the proper performance of
46 the functions and duties of the commission, including but not
47 limited to:

- 1 (a) The number of deputy directors, assistant directors,
2 superintendents, assistant superintendents and other assistants who
3 shall be in the unclassified service and shall be deemed confidential
4 employees for the purposes of the "New Jersey Employer-Employee
5 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and
- 6 (b) Juvenile corrections officers;
- 7 (2) To utilize such staff of the Department of Law and Public
8 Safety as the Attorney General, within the limits of available
9 appropriations, may make available to the commission;
- 10 (3) To organize the work of the commission in appropriate
11 bureaus and other organization units;
- 12 (4) To enter into contracts and agreements with State, county
13 and municipal governmental agencies and with private entities for
14 the purpose of providing services and sanctions for juveniles
15 adjudicated or charged as delinquent and programs for prevention
16 of juvenile delinquency;
- 17 (5) To contract for the services of professional and technical
18 personnel and consultants as necessary to fulfill the statutory
19 responsibilities of the commission;
- 20 (6) To establish minimum standards for the care, treatment,
21 government and discipline of juveniles confined pending, or as a
22 result of, an adjudication of delinquency;
- 23 (7) To assume the custody and care of all juveniles committed
24 by court order, law, classification, regulation or contract to the
25 custody of the commission or transferred to the custody of the
26 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-
27 176);
- 28 (8) To manage and operate all State secure juvenile facilities
29 **【**which shall include the New Jersey Training School for Boys
30 created pursuant to R.S.30:1-7 and transferred to the Commissioner
31 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
32 and the Juvenile Medium Security Facility created pursuant to
33 R.S.30:1-7 and both transferred to the commission pursuant to
34 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
35 other secure juvenile facility established by the commission in the
36 future**】**;
- 37 (9) To manage and operate all State juvenile facilities or
38 juvenile programs for juveniles adjudicated delinquent which shall
39 include facilities and programs transferred to the commission
40 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
41 established or contracted for in the future by the commission;
- 42 (10) To prepare a State Juvenile Justice Master Plan every third
43 year, which shall be published on the official website of the
44 commission, which identifies facilities, sanctions and services
45 available for juveniles adjudicated or charged as delinquent and
46 juvenile delinquency prevention programs and which identifies
47 additional needs based upon the extent and nature of juvenile

1 delinquency and the adequacy and effectiveness of available
2 facilities, services, sanctions and programs;

3 (11) To approve plans for each county submitted by the county
4 youth services commission pursuant to section 1 of P.L.1995, c.282
5 (C.52:17B-180);

6 (12) To administer the State/Community Partnership Grant
7 Program established pursuant to section 1 of P.L.1995, c.283
8 (C.52:17B-179);

9 (13) To accept from any governmental department or agency,
10 public or private body or any other source, grants or contributions
11 to be used in exercising its power, and in meeting its duties and
12 responsibilities;

13 (14) To formulate and adopt standards and rules for the efficient
14 conduct of the work of the commission, the facilities, services,
15 sanctions and programs within its jurisdiction, and its officers and
16 employees;

17 (15) To provide for the development of the facilities, services,
18 sanctions and programs within its jurisdiction and to promote the
19 integration of State, county and local facilities, sanctions, services
20 and programs, including probation and parole;

21 (16) To institute, or cause to be instituted, such legal proceedings
22 or processes as may be necessary to enforce properly and give
23 effect to any of its powers or duties including the authority to
24 compel by subpoena, subject to the sanction for contempt of
25 subpoena issued by a court, attendance and production of records;

26 (17) To provide for the timely and efficient collection and
27 analysis of data regarding the juvenile justice system to insure the
28 continuing review and evaluation of services, policies and
29 procedures;

30 (18) To receive and classify juveniles committed to the custody
31 of the commission;

32 (19) To supervise compliance with conditions of parole;

33 (20) To establish appropriate dispositions of juveniles for whom
34 parole has been revoked;

35 (21) To perform such other functions as may be prescribed by
36 law; and

37 (22) To promulgate, pursuant to the "Administrative Procedure
38 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
39 necessary to implement and effectuate the purposes of this act.

40 (cf: P.L.2006, c.47, s.192)

41

42 9. Section 1 of P.L.1995, c.282 (C.52:17B-180) is amended to
43 read as follows:

44 1. a. In order to qualify for award of State/Community
45 Partnership Grant funds established pursuant to section 1 of
46 P.L.1995, c.283 (C.52:17B-179) a county shall:

47 (1) Establish a county youth services commission in accordance
48 with regulations promulgated by the Juvenile Justice Commission

1 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
2 170);

3 (2) Submit and obtain Juvenile Justice Commission approval of
4 a triennial comprehensive plan for services and sanctions for
5 juveniles adjudicated or charged as delinquent and programs for the
6 prevention of juvenile delinquency which:

7 (a) are designed to promote the goals of section 1 of P.L.1995,
8 c.283 (C.52:17B-179);

9 (b) provide recommendations for funding of programs, sanctions
10 and services that enhance and expand the range of sanctions and
11 services for juveniles adjudicated or charged as delinquent and
12 programs designed to prevent delinquency;

13 (c) make services available in geographical locations within the
14 county where juveniles in need reside; and

15 (d) provide for distribution of State/Community Partnership
16 Grant funds by the county in accordance with contracts or
17 agreements executed by the appropriate county officials in
18 accordance with applicable law.

19 b. The Juvenile Justice Commission shall establish by
20 regulation:

21 (1) Specific guidelines as to membership of a county youth
22 services commission, including mandatory positions for youth and
23 community residents;

24 (2) Specific requirements for the administration of the
25 State/Community Partnership Grant funds awarded by the county.
26 Awarded funds shall be published on the commission's official
27 website. In awarding funds, the Juvenile Justice Commission shall
28 prioritize effective non-traditional youth programs in addition to
29 evidence-based programs.

30 c. Notwithstanding the provisions of subsection a. of this
31 section, the county governing body may elect, upon annual written
32 request approved by the executive director, to designate a
33 commission, council or agency to assume the responsibilities of a
34 county youth services commission in that county. Approval of such
35 a request shall be contingent upon the governing body
36 demonstrating that the membership of the designated entity is
37 sufficiently representative of persons and agencies interested in the
38 juvenile justice system to permit the entity to perform the duties and
39 responsibilities of a county youth services commission, that the
40 members of the designated entity are otherwise qualified to perform
41 the duties and responsibilities of members of a county youth
42 services commission, and that the designated entity has the
43 authority and responsibility to carry out the duties and
44 responsibilities of a county youth services commission.

45 d. A county youth services commission shall:

46 (1) Recommend to the governing body of the county the
47 approval or disapproval of contracts with local government or

- 1 private agencies that desire participation in the State/Community
2 Partnership Grant Program;
- 3 (2) Monitor the operations of programs receiving
4 State/Community Partnership Grant funds with reference to
5 compliance with standards, policies and rules established by the
6 Juvenile Justice Commission;
- 7 (3) Monitor and evaluate the impact of the programs receiving
8 State/Community Partnership Grant funds, including the nature of
9 the offender or at risk populations served by the funded programs,
10 and prepare a written report with relevant documentation, on an
11 annual basis, to be submitted to the Juvenile Justice Commission as
12 part of the commission's triennial plan and annual update; **【and】**
- 13 (4) Perform such other duties as may be established by the
14 Juvenile Justice Commission to achieve the purposes of P.L.1995,
15 c.284 (C.52:17B-169 et seq.) which creates the Juvenile Justice
16 Commission and section 1 of P.L.1995, c.283 (C.52:17B-179)
17 which creates the State/Community Partnership Grant Program;
- 18 (5) Maintain an official website, to include the commission's
19 triennial plan, annual update, any additional commission financial
20 documents, and a calendar of meetings for the year;
- 21 (6) Hold monthly public meetings at a time and place that will
22 maximize community member participation;
- 23 (7) Hold quarterly information sessions, at a time and place that
24 will maximize community member participation, for interested
25 program providers on the application process for commission funds;
26 and
- 27 (8) Hold an annual community meeting, at a time and place that
28 will maximize community member participation, to apprise
29 community members on the annual update, triennial plan, and any
30 other additional pertinent information.
- 31 e. No county may use funds received pursuant to this section to
32 supplant or replace existing funds or other resources from federal,
33 State or county government for existing juvenile justice-related
34 programs or for purposes of capital construction or renovation.
- 35 f. If a county elects not to participate in the State/Community
36 Partnership Grant Program, the commission is authorized to allocate
37 and expend that county's share of Partnership funding in a manner
38 consistent with the commission's Juvenile Justice Master Plan.
39 (cf: P.L.2005, c.164, s.2)

40

41 10. This act shall take effect immediately.

42

43

44

STATEMENT

45

46 This bill, entitled the "New Jersey Youth Justice Transformation
47 Act" requires the Juvenile Justice Commission (JJC) to close its
48 secure juvenile facilities and develop a transition plan for juveniles

1 incarcerated in these facilities; requires an assessment of non-secure
2 residential community homes; annually appropriates \$100 million
3 for youth rehabilitation centers and other programs; and imposes
4 other reporting and meeting requirements on the JJC and county
5 youth services commissions.

6 The bill specifically requires two of the JJC's secure juvenile
7 facilities to close by January 8, 2021: the New Jersey Training
8 School for Boys and the Juvenile Female Secure Care and Intake
9 Facility. Juveniles adjudicated delinquent in the custody of the JJC
10 are not to be placed in either facility after June 28, 2020. The JJC is
11 to develop a comprehensive transition plan for the juveniles
12 incarcerated in the two facilities. The plan is to include an
13 assessment tool chosen by the JJC to evaluate whether a juvenile
14 should be transitioned to the community, a non-secure commission
15 placement, or another placement or setting. The bill prohibits a
16 juvenile from being committed to a more secure facility, such as the
17 Juvenile Medium Security Facility or a State correctional facility
18 because of the closure of the training school and intake facility. An
19 individualized and holistic plan, subject to court review and
20 approval, is to be developed for the placement of each juvenile
21 incarcerated in either facility by June 29, 2020 based on the
22 assessment tool, and subject to applicable confidentiality
23 requirements.

24 The transition plan developed by the JJC also is to make
25 arrangements for placing affected employees in existing
26 departmental vacancies, assisting the employees in being placed in
27 other State agencies, and creating training opportunities to increase
28 their qualifications for positions in other JJC facilities.
29 Recommendations are to be made for alternative uses of the
30 facilities and property of the two juvenile secure facilities being
31 closed. Finally, the JJC is to include in the plan provisions for
32 closing the Juvenile Medium Security Facility by December 31,
33 2025.

34 The JJC is to submit the transition plan to the Governor and the
35 Legislature by August 1, 2020 and publish an executive summary of
36 the plan on its website. Monthly status reports are to be submitted
37 until the facilities are closed.

38 The bill also requires the JJC to conduct an assessment of all
39 non-secure residential community homes for juveniles by December
40 1, 2019 and submit the results of the assessment to the Governor
41 and Legislature, as well as make them available on the JJC website.
42 Demographic information on the number of juveniles committed to
43 the custody of the commission and juveniles waived to adult court
44 who are serving their custodial sentence in a State juvenile facility
45 are to be submitted as part of the assessment. A facilities status
46 report including information on the average daily juvenile
47 population in each residential community home, the average age,
48 age range, number of employees in each home, and the daily and

1 annual per capita cost to operate each home also is to be included in
2 the assessment. Recommendations as to whether a residential
3 community home should be renovated or closed are to be made.

4 In the case of residential community homes that cannot be
5 renovated, the JJC is to develop a youth rehabilitation center report,
6 including a plan to provide effective rehabilitation for the projected
7 number of juveniles in the custody of the JJC who require an out-
8 of-home placement to protect the public safety, but cannot be
9 housed in a residential community home. Public comments are to be
10 taken and a hearing held on the report. The JJC is to consult with
11 the Division of Property Management and Construction in the
12 Department of the Treasury to identify State-owned or private
13 properties in the 10 municipalities with the highest rates of
14 juveniles committed to custody of the JJC that either comply with
15 or can be repurposed or renovated to comply with the youth
16 rehabilitation center report. Priority is to be given to properties that
17 are easily accessible via public transportation to families located in
18 the north, central, and southern regions of the State. Potential sites
19 are to be identified by the JJC, but a home is not to have a capacity
20 of more than 30 beds. Hearings on the proposed sites are to be held
21 in the north, central, and southern regions of the State to receive
22 public comment. The design of a new youth rehabilitation center is
23 to include a plan to reduce the juvenile population of each center on
24 an annual basis with the eventual goal of closing the center as a
25 juvenile facility and transitioning it into a community center open to
26 all community residents. The JJC is prohibited from using funds to
27 construct any new secure juvenile facility.

28 The bill appropriates \$100 million to the “Youth Transformation
29 Fund” in fiscal year 2021 and each fiscal year thereafter for the
30 purposes of the bill, including developing and implementing
31 community-based programs, repurposing or renovating JJC
32 commission facilities and other facilities into community centers,
33 and other innovative programming to reduce the number of
34 juveniles in the custody of the JJC. The funds are not to replace
35 other JJC funds, such as the State/Community Partnership Grant
36 Program, and are not to be used for construction of JJC facilities.
37 Preference in distributing the funds is to be given to municipalities
38 with high rates of juveniles in the custody of the JJC. The funds
39 may be supplemented with other federal and State funds intended to
40 benefit juveniles involved in the State’s juvenile justice system.

41 The bill further requires the JJC, the Department of Education,
42 the Administrative Office of the Courts, and the Attorney General
43 to conduct a racial and ethnic disparities study. Data concerning
44 school exclusion, law enforcement interaction, court diversion,
45 waiver of juveniles from family court to Superior Court, detention,
46 adjudication of delinquency, and disposition is to be included in the
47 report. The study shall include steps the State will take to address
48 racial and ethnic disparities in the State’s juvenile justice system.

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1 Finally, the bill requires county youth services commissions to
2 have mandatory youth and community members, maintain an
3 official website, and hold monthly public meetings, quarterly
4 information sessions, and an annual community meeting.