

# ASSEMBLY, No. 5586

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 13, 2019

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttle**

**SYNOPSIS**

Concerns juvenile incarceration and parole.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/18/2019)**

A5586 WIMBERLY, QUIJANO

2

1 AN ACT concerning incarceration and parole of juveniles and  
2 amending, supplementing, and repealing various parts of the  
3 statutory law.

4

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

7

8 1. Section 2 of P.L.1982, c.77 (C.2A:4A-21) is amended to  
9 read as follows:

10 2. Purposes. This act shall be construed so as to effectuate the  
11 following purposes:

12 a. To preserve the unity of the family whenever possible and to  
13 provide for the care, protection, and wholesome mental and  
14 physical development of juveniles coming within the provisions of  
15 this act;

16 b. Consistent with the protection of the public interest, to  
17 remove from children committing delinquent acts certain statutory  
18 consequences of criminal behavior, and to substitute therefor an  
19 adequate program of supervision, care and rehabilitation, and a  
20 range of sanctions designed to promote accountability and protect  
21 the public;

22 c. To separate juveniles from the family environment only  
23 when necessary for their health, safety, or welfare or in the interests  
24 of public safety;

25 d. To secure for each child coming under the jurisdiction of the  
26 court the care, guidance, and control, preferably in his own home,  
27 as will conduce to the child's welfare and the best interests of the  
28 State; and when the child is removed from his own family, to secure  
29 for him custody, care, and discipline as nearly as possible  
30 equivalent to that which should have been given by his parents;

31 e. To insure that children under the jurisdiction of the court are  
32 wards of the State, subject to the discipline and entitled to the  
33 protection of the State, which may intervene to safeguard them from  
34 neglect or injury and to enforce the legal obligations due to them  
35 and from them;

36 f. Consistent with the protection of the public interest, to  
37 insure that any services and sanctions for juveniles provide  
38 balanced attention to the protection of the community, the  
39 imposition of accountability for offenses committed, fostering  
40 interaction and dialogue between the offender, victim, and  
41 community, and the development of competencies to enable  
42 children to become responsible and productive members of the  
43 community;

44 g. To insure protection and a safe environment for those  
45 sexually exploited juveniles who are charged with prostitution or

**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 who are alleged to be victims of human trafficking; and to provide  
2 these juveniles with the appropriate shelter, care, counseling, and  
3 crisis intervention services from the time they are taken into  
4 custody and for the duration of any legal proceedings; **and**

5 h. To insure that in any action undertaken within the provisions  
6 of this act, the best interests of the child shall be a primary  
7 consideration; and

8 i. To ensure a smarter, fairer, and more efficient and effective  
9 juvenile justice system by incorporating the following successful  
10 principles and strategies of the Juvenile Detention Alternative  
11 Initiative (J.D.A.I.) into every stage of the delinquency action:

12 (1) promoting collaboration between juvenile court officials,  
13 probation agencies, prosecutors, defense attorneys, schools,  
14 community organizations, and advocates;

15 (2) using rigorous data collection and analysis to guide decision  
16 making;

17 (3) utilizing objective risk-assessment instruments to replace  
18 subjective decision-making processes to determine:

19 (a) whether a juvenile should be incarcerated; and

20 (b) the length of time a juvenile should remain in custody;

21 (4) implementing new or expanded community-based  
22 alternatives that can be used in lieu of incarceration;

23 (5) reducing delays in processing and corresponding length of  
24 stay in all stages of a delinquency action, including parole and  
25 revocation proceedings, to ensure that juveniles do not remain in  
26 out-of-home placements longer than necessary or are unnecessarily  
27 returned to custody;

28 (6) reserving the use of incarceration for only those cases in  
29 which it is necessary to eliminate a substantial threat to public  
30 safety;

31 (7) combatting racial and ethnic disparities by collecting and  
32 examining data to identify policies and practices that may  
33 disadvantage minority juveniles at various stages of the process and  
34 pursuing strategies to eliminate those disparities; and

35 (8) monitoring and improving conditions of confinement in  
36 secure facilities.

37 (cf: P.L.2015, c.255, s.1)

38

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

41 24. Disposition of delinquency cases. a. In determining the  
42 appropriate disposition for a juvenile adjudicated delinquent the  
43 court shall weigh the following factors:

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

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

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

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

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

9 (6) Whether the disposition recognizes and treats the unique  
10 physical, psychological, and social characteristics and needs of the  
11 child;

12 (7) Whether the disposition contributes to the developmental  
13 needs of the child, including the academic and social needs of the  
14 child where the child has intellectual disabilities or learning  
15 disabilities;

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

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

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

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

22 b. If a juvenile is adjudged delinquent, [and except to the  
23 extent that an additional specific disposition is required pursuant to  
24 subsection e. or f. of this section,] the court, in accordance with  
25 subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), may  
26 order incarceration as a last resort pursuant to section 25 of  
27 P.L.1982, c.77 (C.2A:4A-44) or the court may order any one or  
28 more of the following dispositions:

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

39 (2) Release the juvenile to the supervision of the juvenile's  
40 parent or guardian;

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

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

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

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

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

27 (8) **【**Fine the juvenile an amount not to exceed the maximum  
28 provided by law for such a crime or offense if committed by an  
29 adult and which is consistent with the juvenile's income or ability to  
30 pay and financial responsibility to the juvenile's family, provided  
31 that the fine is specially adapted to the rehabilitation of the juvenile  
32 or to the deterrence of the type of crime or offense. If the fine is  
33 not paid due to financial limitations, the fine may be satisfied by  
34 requiring the juvenile to submit to any other appropriate disposition  
35 provided for in this section;**】** (Deleted by amendment,  
36 P.L. , c. ) (pending before the Legislature as this bill)

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

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

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

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

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

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

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

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

42 (b) Place the juvenile under the custody of the Juvenile Justice  
43 Commission established pursuant to section 2 of P.L.1995, c.284  
44 (C.52:17B-170) for placement with any private group home or  
45 private residential facility with which the commission has entered  
46 into a purchase of service contract;

47 (17) Instead of or in addition to any disposition made according  
48 to this section, the court may postpone, suspend, or revoke for a

1 period not to exceed two years the driver's license, registration  
2 certificate, or both of any juvenile who used a motor vehicle in the  
3 course of committing an act for which the juvenile was adjudicated  
4 delinquent. In imposing this disposition and in deciding the duration  
5 of the postponement, suspension, or revocation, the court shall  
6 consider the severity of the delinquent act and the potential effect of  
7 the loss of driving privileges on the juvenile's ability to be  
8 rehabilitated. Any postponement, suspension, or revocation shall be  
9 imposed consecutively with any custodial commitment;

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

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

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

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

40 (2) **【No】** A juvenile **【may】** shall not be incarcerated in any  
41 county detention facility unless the county has entered into an  
42 agreement with the Juvenile Justice Commission concerning the use  
43 of the facility for sentenced juveniles. Upon agreement with the  
44 county, the Juvenile Justice Commission shall certify detention  
45 facilities which may receive juveniles sentenced pursuant to this  
46 subsection and shall specify the capacity of the facility that may be  
47 made available to receive such juveniles; provided, however, that in

1 no event shall the number of juveniles incarcerated pursuant to this  
2 subsection exceed 50% of the maximum capacity of the facility.

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

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

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

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

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

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

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

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

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



1 committed by an adult, would constitute the crime of aggravated  
2 assault in violation of paragraph (6) of subsection b. of  
3 N.J.S.2C:12-1, the second degree crime of eluding in violation of  
4 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case  
5 in which the juvenile has previously been adjudicated delinquent for  
6 an act, which if committed by an adult, would constitute unlawful  
7 taking of a motor vehicle or theft of a motor vehicle; **】** (Deleted by  
8 amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the Legislature  
9 as this bill)

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

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

29 f. (1) **【**The minimum terms of incarceration required pursuant  
30 to subsection e. of this section shall be imposed regardless of the  
31 weight or balance of factors set forth in this section or in section 25  
32 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of  
33 those factors shall determine the length of the term of incarceration  
34 appropriate, if any, beyond any mandatory minimum term required  
35 pursuant to subsection e. of this section.**】** (Deleted by amendment,  
36 P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending before the Legislature as this bill)

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

1 disposition appropriate as an alternative to any incarceration  
2 required pursuant to subsection e.】 (Deleted by amendment,  
3 P.L. , c. ) (pending before the Legislature as this bill)

4 (3) 【For purposes of subsection e. of this section, in the event  
5 that a "boot camp" program for juvenile offenders should be  
6 developed and is available, a term of commitment to such a  
7 program shall be considered a term of incarceration.】 Deleted by  
8 amendment, P.L. , c. ) (pending before the Legislature as this  
9 bill)

10 g. Whenever the court imposes a disposition upon an  
11 adjudicated delinquent which requires the juvenile to perform a  
12 community service, restitution, or to participate in any other  
13 program provided for in this section, the order shall include  
14 provisions which provide balanced attention to the protection of the  
15 community, accountability for offenses committed, fostering  
16 interaction and dialogue between the offender, victim and  
17 community and the development of competencies to enable the  
18 child to become a responsible and productive member of the  
19 community.

20 h. When the court imposes a term of incarceration pursuant to  
21 section 25 of P.L.1982, c.77 (C.2A:4A-44), it may order the  
22 Juvenile Justice Commission to provide the juvenile with specific  
23 services, as the court deems appropriate.  
24 (cf: P.L.2012, c.16, s.1)

25

26 3. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to  
27 read as follows:

28 25. Incarceration--Aggravating and mitigating factors

29 a. (1) 【Except as provided in subsections e. and f. of section  
30 24 of P.L.1982, c.77 (C.2A:4A-43), in】 In determining whether  
31 incarceration is an appropriate disposition, the court shall consider  
32 the following aggravating circumstances:

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

36 (b) The fact that there was grave and serious harm inflicted on  
37 the victim and that based upon the juvenile's age or mental capacity  
38 the juvenile knew or reasonably should have known that the victim  
39 was particularly vulnerable or incapable of resistance due to  
40 advanced age, disability, ill-health, or extreme youth, or was for any  
41 other reason substantially incapable;

42 (c) The character and attitude of the juvenile indicate that the  
43 juvenile is likely to commit another delinquent or criminal act;

44 (d) The juvenile's prior record and the seriousness of any acts  
45 for which the juvenile has been adjudicated delinquent;

46 (e) The fact that the juvenile committed the act pursuant to an  
47 agreement that the juvenile either pay or be paid for the commission

- 1 of the act and that the pecuniary incentive was beyond that inherent  
2 in the act itself;
- 3 (f) The fact that the juvenile committed the act against a  
4 policeman or other law enforcement officer, correctional employee  
5 or fireman, acting in the performance of his duties while in uniform  
6 or exhibiting evidence of his authority, or the juvenile committed  
7 the act because of the status of the victim as a public servant;
- 8 (g) The need for deterring the juvenile and others from violating  
9 the law;
- 10 (h) The fact that the juvenile knowingly conspired with others as  
11 an organizer, supervisor, or manager to commit continuing criminal  
12 activity in concert with two or more persons and the circumstances  
13 of the crime show that he has knowingly devoted himself to  
14 criminal activity as part of an ongoing business activity;
- 15 (i) The fact that the juvenile on two separate occasions was  
16 adjudged a delinquent on the basis of acts which if committed by an  
17 adult would constitute crimes;
- 18 (j) The impact of the offense on the victim or victims;
- 19 (k) The impact of the offense on the community; and
- 20 (l) The threat to the safety of the public or any individual posed  
21 by the child.
- 22 (2) In determining whether incarceration is an appropriate  
23 disposition the court shall consider the following mitigating  
24 circumstances:
- 25 (a) The child is under the age of 14;
- 26 (b) The juvenile's conduct neither caused nor threatened serious  
27 harm;
- 28 (c) The juvenile did not contemplate that the juvenile's conduct  
29 would cause or threaten serious harm;
- 30 (d) The juvenile acted under a strong provocation;
- 31 (e) There were substantial grounds tending to excuse or justify  
32 the juvenile's conduct, though failing to establish a defense;
- 33 (f) The victim of the juvenile's conduct induced or facilitated its  
34 commission;
- 35 (g) The juvenile has compensated or will compensate the victim  
36 for the damage or injury that the victim has sustained, or will  
37 participate in a program of community service;
- 38 (h) The juvenile has no history of prior delinquency or criminal  
39 activity or has led a law-abiding life for a substantial period of time  
40 before the commission of the present act;
- 41 (i) The juvenile's conduct was the result of circumstances  
42 unlikely to recur;
- 43 (j) The character and attitude of the juvenile indicate that the  
44 juvenile is unlikely to commit another delinquent or criminal act;
- 45 (k) The juvenile is particularly likely to respond affirmatively to  
46 noncustodial treatment;

1 (l) The separation of the juvenile from the juvenile's family by  
2 incarceration of the juvenile would entail excessive hardship to the  
3 juvenile or the juvenile's family;

4 (m) The willingness of the juvenile to cooperate with law  
5 enforcement authorities;

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

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

12 (2) Where incarceration is imposed, the court and the Juvenile  
13 Justice Commission shall consider the juvenile's eligibility for  
14 release **【under the law governing parole】** pursuant to the provisions  
15 of subsection d. of this section.

16 c. The following juveniles shall not be committed to a State  
17 juvenile facility:

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

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

24 d. (1) When the court determines that, based on the  
25 consideration of all the factors set forth in subsection a., the  
26 juvenile shall be incarcerated, unless it orders the incarceration  
27 pursuant to subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-  
28 43) it shall state on the record the reasons for imposing  
29 incarceration, including any findings with regard to these factors,  
30 and commit the juvenile to the custody of the Juvenile Justice  
31 Commission which shall provide for the juvenile's placement in a  
32 suitable juvenile facility pursuant to the conditions set forth in this  
33 subsection and for terms not to exceed the maximum terms as  
34 provided herein for what would constitute the following crimes if  
35 committed by an adult:

- |   |          |
|---|----------|
| 36 (a) Murder under 2C:11-3a(1) or (2)          | 20 years |
| 37 (b) Murder under 2C:11-3a(3)                 | 10 years |
| 38 (c) Crime of the first degree, except murder | 4 years  |
| 39 (d) Crime of the second degree               | 3 years  |
| 40 (e) Crime of the third degree                | 2 years  |
| 41 (f) Crime of the fourth degree               | 1 year   |
| 42 (g) Disorderly persons offense               | 6 months |

43 (2) **【Except as provided in subsection e. of section 24 of**  
44 **P.L.1982, c.77 (C.2A:4A-43), the】**

45 Any juvenile sentenced to an indeterminate term shall be  
46 immediately eligible for parole. The period of confinement shall  
47 continue until the 【appropriate paroling authority】 commission

1 determines that **【such a】** the person **【should be paroled】** is eligible  
2 for early release or until expiration of the term of confinement,  
3 whichever shall first occur; except that in no case shall the period of  
4 confinement and parole exceed the maximum provided by law for  
5 **【such】** the offense. A juvenile shall be granted early release on  
6 parole when it appears that the juvenile, if released, would not pose  
7 a serious risk of physical injury to persons or substantial injury to  
8 property. However, if a juvenile is approved for parole by the  
9 commission prior to serving one-third of any term imposed for any  
10 crime of the first, second, or third degree, including any extended  
11 term imposed pursuant to paragraph (3) or (4) of this subsection, or  
12 one-fourth of any term imposed for any other crime the granting of  
13 parole shall be subject to approval of the sentencing court. Prior to  
14 approving parole, the court shall give the prosecuting attorney  
15 notice and an opportunity to be heard. If the court denies the parole  
16 of a juvenile pursuant to this paragraph it shall state its reasons in  
17 writing and notify the **【parole board】** commission, the juvenile, and  
18 the juvenile's attorney. The court shall have 30 days from the date  
19 of notice of the pending parole to exercise the power granted under  
20 this paragraph. If the court does not respond within that time  
21 period, the parole will be deemed approved.

22 The commission shall determine at the time of release the  
23 conditions of parole, which shall be appropriately tailored to the  
24 needs of each juvenile. Any conditions imposed shall constitute the  
25 least restrictive alternatives necessary to promote the successful  
26 return of the juvenile to the community. The commission shall not  
27 require the juvenile to enter or complete a residential community  
28 release program, residential treatment program, or other out-of-  
29 home placement as a condition of parole unless the commission  
30 determines that the condition is necessary to protect the safety of  
31 the juvenile.

32 Any juvenile committed under **【this act】** P.L.1982, c.77  
33 (C:2A:4A-20 et seq.) who is released on parole prior to the  
34 expiration of the juvenile's maximum term may be retained under  
35 parole supervision for a period not exceeding the unserved portion  
36 of the term **【and any term of post-incarceration supervision**  
37 **imposed pursuant to paragraph (5) of this subsection】.** The **【Parole**  
38 **Board】** commission, the juvenile, the juvenile's attorney, the  
39 juvenile's parent or guardian or, with leave of the court any other  
40 interested party, may make a motion to the court, with notice to the  
41 prosecuting attorney, for the return of the **【child】** juvenile from a  
42 juvenile facility prior to **【his】** the juvenile's parole and provide for  
43 an alternative disposition which would not exceed the duration of  
44 the original time to be served in the facility. **【Nothing contained in**  
45 **this paragraph shall be construed to limit the authority of the Parole**  
46 **Board as set forth in section 15 of P.L.1979, c.441 (C.30:4-**  
47 **123.59).】**

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

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

22 (5) **【Every disposition that includes a term of incarceration shall**  
23 **include】** The commission may impose a term of post-incarceration  
24 supervision [equivalent to one-third of the term of incarceration  
25 imposed] following the juvenile's release from custody only if the  
26 commission deems it necessary to effectuate the juvenile's  
27 rehabilitation and reintegration into society. Post-incarceration  
28 supervision shall not exceed six months, except the commission  
29 may extend the term for an additional six months if it deems it  
30 necessary to prevent serious harm to the juvenile or the community.  
31 Post-incarceration supervision shall not exceed one year. Post-  
32 incarceration supervision shall not be imposed on any juvenile who  
33 has completed a period of parole supervision of six months or more.  
34 The term of post-incarceration supervision shall commence on the  
35 date of the expiration of the juvenile's maximum sentence. During  
36 the term of post-incarceration supervision the juvenile shall remain  
37 in the community and in the legal custody of the [Juvenile Justice  
38 Commission established pursuant to section 2 of P.L.1995, c.284  
39 (C.52:17B-170) in accordance with the rules of the parole board,  
40 unless the appropriate parole board panel determines that post-  
41 incarceration supervision should be revoked and the juvenile  
42 returned to custody in accordance with the procedures and standards  
43 set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-  
44 123.59 through C.30:4-123.65). The term of post-incarceration  
45 supervision shall commence upon release from incarceration or  
46 parole, whichever is later】 **commission. The commission shall not**  
47 **require the juvenile to enter or complete a residential community**

1 release program, residential treatment program, or other out-of-  
2 home placement as a condition of post-incarceration supervision. A  
3 term of post-incarceration supervision imposed pursuant to this  
4 paragraph may be terminated by the **【appropriate parole board**  
5 **panel】** commission or court if the juvenile has made a satisfactory  
6 adjustment in the community while **【on parole or】** under **【such】**  
7 supervision【,】 and if continued supervision is not required **【and if**  
8 **the juvenile has made full payment of any fine or restitution】**.

9 (6) The commission shall review the case of each juvenile  
10 sentenced to incarceration or an out-of-home placement with the  
11 commission at least every three months and submit a status report to  
12 the court, the prosecutor, and the counsel for the juvenile. The  
13 commission's review and status report shall include, but not be  
14 limited to:

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

17 (b) whether the juvenile is receiving the mental health,  
18 substance abuse, educational, and other rehabilitative services  
19 necessary to promote the juvenile's successful reintegration into the  
20 community;

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

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

23 Counsel for the juvenile shall have the opportunity to respond to  
24 the report required pursuant to this paragraph.

25 The commission shall continue to submit quarterly reports to the  
26 court until the juvenile is paroled or released at the expiration of the  
27 term of incarceration and shall resume the quarterly reviews if the  
28 juvenile is returned to the custody of the commission. The court  
29 may conduct a hearing at any time to determine whether  
30 incarceration or an out-of-home placement continues to be  
31 appropriate pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)  
32 and section 25 of P.L.1982, c.77 (C.2A:4A-44), and may release the  
33 juvenile or otherwise modify the dispositional order. Nothing in  
34 this paragraph shall abrogate the court's retention of jurisdiction  
35 pursuant to section 26 of P.L.1982, c.77 (C.2A:4A-45).

36 e. If the commission determines there is probable cause to  
37 believe that the juvenile has seriously or persistently violated the  
38 terms and conditions of parole, the commission shall conduct a  
39 hearing to determine if the juvenile's parole should be revoked.  
40 The juvenile shall be represented by counsel at the hearing. The  
41 hearing shall be conducted by a hearing officer who is licensed as  
42 an attorney-at-law in this State. The juvenile shall not be  
43 incarcerated prior to the hearing unless the commission determines  
44 by objective and credible evidence that the juvenile poses an  
45 immediate and substantial danger to public safety. If the juvenile is  
46 incarcerated prior to the hearing, the hearing shall be held within 72  
47 hours of the juvenile's return to custody and a written decision

1 made and transmitted to the juvenile and the juvenile's counsel  
2 within 48 hours of the hearing. Upon request of counsel for the  
3 juvenile, the hearing officer shall adjourn the hearing for not more  
4 than 72 hours. Subsequent adjournments may be granted upon  
5 request of the juvenile and good cause shown.

6 The commission shall not revoke the parole of a juvenile unless  
7 the hearing officer determines, by clear and convincing evidence,  
8 that:

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

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

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

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

20 Notwithstanding a determination that the juvenile violated a  
21 condition of parole, the commission may modify those conditions.

22 f. The commission may relieve a juvenile of any parole  
23 conditions, and may permit a parolee to reside outside the State  
24 pursuant to the provisions of the Interstate Compact on Juveniles,  
25 P.L.1955, c.55 (C.9:23-1 to 9:23-4), and after providing notice to  
26 the Attorney General, the federal Witness Security Reform Act, if  
27 the commission is satisfied that the change will not result in a  
28 substantial likelihood that the juvenile will commit an offense  
29 which would be a crime under the laws of this State. The  
30 commission may revoke permission, except in the case of a juvenile  
31 under the Witness Security Reform Act, or reinstate relieved parole  
32 conditions for any period of time during which a juvenile is under  
33 its jurisdiction.

34 g. The commission shall promulgate rules and regulations  
35 governing the commission's duties and responsibilities concerning  
36 parole eligibility, supervision, and revocation.

37 (cf: P.L.2015, c.89, s.3)

38  
39 4. N.J.S.2C:35-15 is amended to read as follows:

40 2C:35-15. a. (1) In addition to any disposition authorized by  
41 this title, **the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-**  
42 **43) or any other statute indicating the dispositions that can be**  
43 **ordered for an adjudication of delinquency, every person convicted**  
44 **of [or adjudicated delinquent for] a violation of any offense**  
45 **defined in this chapter or chapter 36 of this title shall be assessed**  
46 **for each [such] offense a penalty fixed at:**

47 (a) **[\$3,000.00] \$3,000** in the case of a crime of the first degree;



1 (b) ~~[\$2,000.00]~~ \$2,000 in the case of a crime of the second  
2 degree;

3 (c) ~~[\$1,000.00]~~ \$1,000 in the case of a crime of the third  
4 degree;

5 (d) ~~[\$750.00]~~ \$750 in the case of a crime of the fourth degree;

6 (e) ~~[\$500.00]~~ \$500 in the case of a disorderly persons or petty  
7 disorderly persons offense.

8 (2) A person being sentenced for more than one offense set forth  
9 in subsection a. of this section who is ~~[neither]~~ not placed in  
10 supervisory treatment pursuant to this section ~~[nor]~~ or ordered to  
11 perform reformatory service pursuant to subsection f. of this section  
12 may, in the discretion of the court, be assessed a single penalty  
13 applicable to the highest degree offense for which the person is  
14 convicted ~~[or adjudicated delinquent]~~, if the court finds that the  
15 defendant has established the following:

16 (a) the imposition of multiple penalties would constitute a  
17 serious hardship that outweighs the need to deter the defendant  
18 from future criminal activity; and

19 (b) the imposition of a single penalty would foster the  
20 defendant's rehabilitation.

21 Every person placed in supervisory treatment pursuant to the  
22 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of  
23 any offense defined in this chapter or chapter 36 of this title shall be  
24 assessed the penalty prescribed ~~[herein]~~ in this section and  
25 applicable to the degree of the offense charged, except that the court  
26 shall not impose more than one such penalty regardless of the  
27 number of offenses charged. If the person is charged with more than  
28 one offense, the court shall impose as a condition of supervisory  
29 treatment the penalty applicable to the highest degree offense for  
30 which the person is charged.

31 All penalties provided for in this section shall be in addition to  
32 and not in lieu of any fine authorized by law or required to be  
33 imposed pursuant to the provisions of N.J.S.2C:35-12.

34 b. All penalties provided for in this section shall be collected as  
35 provided for collection of fines and restitutions in section 3 of  
36 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
37 Department of the Treasury as provided in subsection c. of this  
38 section.

39 c. All moneys collected pursuant to this section shall be  
40 forwarded to the Department of the Treasury to be deposited in a  
41 nonlapsing revolving fund to be known as the "Drug Enforcement  
42 and Demand Reduction Fund." Moneys in the fund shall be  
43 appropriated by the Legislature on an annual basis for the purposes  
44 of funding in the following order of priority: (1) the Alliance to  
45 Prevent Alcoholism and Drug Abuse and its administration by the  
46 Governor's Council on Alcoholism and Drug Abuse; (2) the  
47 "Alcoholism and Drug Abuse Program for the Deaf, Hard of

1 Hearing and Disabled" established pursuant to section 2 of  
2 P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free  
3 New Jersey," the State affiliate of the "Partnership for a Drug Free  
4 America"; and (4) other alcohol and drug abuse programs.

5 Moneys appropriated for the purpose of funding the "Alcoholism  
6 and Drug Abuse Program for the Deaf, Hard of Hearing and  
7 Disabled" shall not be used to supplant moneys that are available to  
8 the Department of Health and Senior Services as of the effective  
9 date of P.L.1995, c.318 (C.26:2B-36 et al.), and that would  
10 otherwise have been made available to provide alcoholism and drug  
11 abuse services for the deaf, hard of hearing and disabled, nor shall  
12 the moneys be used for the administrative costs of the program.

13 d. (Deleted by amendment, P.L.1991, c.329).

14 e. The court may suspend the collection of a penalty imposed  
15 pursuant to this section; provided the person is ordered by the court  
16 to participate in a drug or alcohol rehabilitation program approved  
17 by the court; and further provided that the person agrees to pay for  
18 all or some portion of the costs associated with the rehabilitation  
19 program. In this case, the collection of a penalty imposed pursuant  
20 to this section shall be suspended during the person's participation  
21 in the approved, court-ordered rehabilitation program. Upon  
22 successful completion of the program, as determined by the court  
23 upon the recommendation of the treatment provider, the person may  
24 apply to the court to reduce the penalty imposed pursuant to this  
25 section by any amount actually paid by the person for **【his**  
26 **participation】** participating in the program. The court shall not  
27 reduce the penalty pursuant to this subsection unless the person  
28 establishes to the satisfaction of the court that **【he】** the person has  
29 successfully completed the rehabilitation program. If the person's  
30 participation is for any reason terminated before **【his】** successful  
31 completion of the rehabilitation program, collection of the entire  
32 penalty imposed pursuant to this section shall be enforced. Nothing  
33 in this section shall be deemed to affect or suspend any other  
34 criminal sanctions imposed pursuant to this chapter or chapter 36 of  
35 this title.

36 f. A person required to pay a penalty under this section may  
37 propose to the court and the prosecutor a plan to perform  
38 reformatory service in lieu of payment of up to one-half of the  
39 penalty amount imposed under this section. The reformatory  
40 service plan option shall not be available if the provisions of  
41 paragraph (2) of subsection a. of this section apply or if the person  
42 is placed in supervisory treatment pursuant to the provisions of  
43 N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section,  
44 "reformatory service" shall include training, education or work, in  
45 which regular attendance and participation is required, supervised,  
46 and recorded, and which would assist in the defendant's  
47 rehabilitation and reintegration. "Reformatory service" shall  
48 include, but not be limited to, substance abuse treatment or services,

1 other therapeutic treatment, educational or vocational services,  
2 employment training or services, family counseling, service to the  
3 community and volunteer work. For the purposes of this section, an  
4 application to participate in a court-administered alcohol and drug  
5 rehabilitation program shall have the same effect as the submission  
6 of a reformatory service plan to the court.

7 The court, in its discretion, shall determine whether to accept the  
8 plan, after considering the position of the prosecutor, the plan's  
9 appropriateness and practicality, the defendant's ability to pay, and  
10 the effect of the proposed service on the defendant's rehabilitation  
11 and reintegration into society. The court shall determine the amount  
12 of the credit that would be applied against the penalty upon  
13 successful completion of the reformatory service, not to exceed one-  
14 half of the amount assessed, except that the court may, in the case  
15 of an extreme financial hardship, waive additional amounts of the  
16 penalty owed by a person who has completed a court administered  
17 alcohol and drug rehabilitation program if necessary to aid the  
18 person's rehabilitation and reintegration into society. The court shall  
19 not apply the credit against the penalty unless the person establishes  
20 to the satisfaction of the court that **【he】** the person has successfully  
21 completed the reformatory service. If the person's participation is  
22 for any reason terminated before his successful completion of the  
23 reformatory service, collection of the entire penalty imposed  
24 pursuant to this section shall be enforced. Nothing in this  
25 subsection shall be deemed to affect or suspend any other criminal  
26 sanctions imposed pursuant to this chapter or chapter 36 of this  
27 title.

28 Any reformatory service ordered pursuant to this section shall be  
29 in addition to and not in lieu of any community service imposed by  
30 the court or otherwise required by law. Nothing in this section shall  
31 limit the court's authority to order a person to participate in any  
32 activity, program, or treatment in addition to those proposed in a  
33 reformatory service plan.

34 (cf: P.L.2008, c.15, s.2)

35

36 5. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to  
37 read as follows:

38 2. a. (1) In addition to any disposition made pursuant to the  
39 provisions of N.J.S.2C:43-2, any person convicted of a crime of  
40 violence, theft of an automobile pursuant to N.J.S.2C:20-2, eluding  
41 a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-  
42 2, or unlawful taking of a motor vehicle pursuant to subsection b.,  
43 c., or d. of N.J.S.2C:20-10 shall be assessed at least **【\$100.00】**  
44 \$100, but not to exceed **【\$10,000.00】** \$10,000 for each **【such】**  
45 crime for which **【he】** the person was convicted which resulted in  
46 the injury or death of another person. In imposing this assessment,  
47 the court shall consider factors such as the severity of the crime, the

1 defendant's criminal record, defendant's ability to pay, and the  
2 economic impact of the assessment on the defendant's dependents.

3 (2) (a) In addition to any other disposition made pursuant to the  
4 provisions of N.J.S.2C:43-2 or any other statute imposing sentences  
5 for crimes, any person convicted of any disorderly persons offense,  
6 any petty disorderly persons offense, or any crime not resulting in  
7 the injury or death of any other person shall be assessed ~~[\$50.00]~~  
8 \$50 for each ~~[such]~~ offense or crime for which ~~[he]~~ the person was  
9 convicted.

10 (b) ~~[In addition to any other disposition made pursuant to the~~  
11 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any~~  
12 ~~other statute indicating the dispositions that can be ordered for~~  
13 ~~adjudications of delinquency, any juvenile adjudicated delinquent,~~  
14 ~~according to the definition of "delinquency" established in section 4~~  
15 ~~of P.L.1982, c.77 (C.2A:4A-23), shall be assessed at least \$30.00~~  
16 ~~for each such adjudication, but not to exceed the amount which~~  
17 ~~could be assessed pursuant to paragraph (1) or paragraph (2) (a) of~~  
18 ~~subsection a. of this section if the offense was committed by an~~  
19 ~~adult.] (Deleted by amendment, P.L. c. ) (pending before the~~  
20 Legislature as this bill)

21 (c) In addition to any other assessment imposed pursuant to the  
22 provisions of R.S.39:4-50, the provisions of section 12 of P.L.1990,  
23 c.103 (C.39:3-10.20) relating to a violation of section 5 of  
24 P.L.1990, c.103 (C.39:3-10.13), the provisions of section 19 of  
25 P.L.1954, c.236 (C.12:7-34.19) or the provisions of section 3 of  
26 P.L.1952, c.157 (C.12:7-46), any person convicted of operating a  
27 motor vehicle, commercial motor vehicle or vessel while under the  
28 influence of liquor or drugs shall be assessed ~~[\$50.00]~~ \$50.

29 (d) In addition to any term or condition that may be included in  
30 an agreement for supervisory treatment pursuant to N.J.S.2C:43-13  
31 or imposed as a term or condition of conditional discharge pursuant  
32 to N.J.S.2C:36A-1, a participant in either program shall be required  
33 to pay an assessment of ~~[\$50.00]~~ \$50.

34 (3) All assessments provided for in this section shall be  
35 collected as provided in section 3 of P.L.1979, c.396 (C.2C:46-4)  
36 and the court shall so order at the time of sentencing. When a  
37 defendant who is sentenced to incarceration in a State correctional  
38 facility has not, at the time of sentencing, paid an assessment for the  
39 crime for which ~~[he]~~ the defendant is being sentenced or an  
40 assessment imposed for a previous crime, the court shall  
41 specifically order the Department of Corrections to collect the  
42 assessment during the period of incarceration and to deduct the  
43 assessment from any income the inmate receives as a result of labor  
44 performed at the institution or on any work release program or from  
45 any personal account established in the institution for the benefit of  
46 the inmate. All moneys collected, whether in part or in full payment  
47 of any assessment imposed pursuant to this section, shall be

1 forwarded monthly by the parties responsible for collection,  
2 together with a monthly accounting on forms prescribed by the  
3 Victims of Crime Compensation Board pursuant to section 19 of  
4 P.L.1991, c.329 (C.52:4B-8.1), to the Victims of Crime  
5 Compensation Board.

6 (4) The Victims of Crime Compensation Board shall forward  
7 monthly all moneys received from assessments collected pursuant  
8 to this section to the State Treasury for deposit as follows:

9 (a) Of moneys collected on assessments imposed pursuant to  
10 paragraph **[a.]** (1) of subsection a. of this section:

11 (i) the first **[\$72.00]** \$72 collected for deposit in the Victims of  
12 Crime Compensation Board Account,

13 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
14 Disposition and Revenue Collection Fund,

15 (iii) the next **[\$25.00]** \$25 collected for deposit in the Victim  
16 Witness Advocacy Fund, and

17 (iv) moneys collected in excess of **[\$100.00]** \$100 for deposit in  
18 the Victims of Crime Compensation Board Account;

19 (b) Of moneys collected on assessments imposed pursuant to  
20 **[paragraph a. (2)]** subparagraphs (a), (c), or (d) of paragraph (2) of  
21 subsection a. of this section:

22 (i) the first **[\$39.00]** \$39 collected for deposit in the Victims of  
23 Crime Compensation Board Account,

24 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
25 Disposition and Revenue Collection Fund, and

26 (iii) the next **[\$8.00]** \$8 collected for deposit in the Victim and  
27 Witness Advocacy Fund;

28 (c) Of moneys collected on assessments imposed pursuant to  
29 **[paragraph a. (2) (b)]** subparagraph (b) of paragraph (2) of  
30 subsection a. of this section:

31 (i) the first **[\$17.00]** \$17 for deposit in the Victims of Crime  
32 Compensation Board Account, and

33 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal  
34 Disposition and Revenue Collection Fund, and

35 (iii) the next **[\$10.00]** \$10 for deposit in the Victim and Witness  
36 Advocacy Fund, and

37 (iv) moneys collected in excess of **[\$30.00]** \$30 for deposit in  
38 the Victims of Crime Compensation Board Account.

39 (5) The Victims of Crime Compensation Board shall provide the  
40 Attorney General with a monthly accounting of moneys received,  
41 deposited and identified as receivable, on forms prescribed pursuant  
42 to section 19 of P.L.1991, c.329 (C.52:4B-8.1).

43 (6) (a) The Victims of Crime Compensation Board Account  
44 shall be a separate, nonlapsing, revolving account that shall be  
45 administered by the Victims of Crime Compensation Board. All  
46 moneys deposited in that Account shall be used in satisfying claims  
47 pursuant to the provisions of the "Criminal Injuries Compensation

1 Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) and for related  
2 administrative costs.

3 (b) The Criminal Disposition and Revenue Collection Fund shall  
4 be a separate, nonlapsing, revolving account that shall be  
5 administered by the Victims of Crime Compensation Board. All  
6 moneys deposited in that Fund shall be used as provided in section  
7 19 of P.L.1991, c.329 (C.52:4B-8.1).

8 (c) The Victim and Witness Advocacy Fund shall be a separate,  
9 nonlapsing, revolving fund and shall be administered by the  
10 Division of Criminal Justice, Department of Law and Public Safety  
11 and all moneys deposited in that Fund pursuant to this section shall  
12 be used for the benefit of victims and witnesses of crime as  
13 provided in section 20 of P.L.1991, c.329 (C.52:4B-43.1) and for  
14 related administrative costs.

15 b. (Deleted by amendment, P.L.1991, c.329).

16 c. (Deleted by amendment, P.L.1991, c.329).

17 d. (Deleted by amendment, P.L.1991, c.329).

18 (cf: P.L.1995, c.135, s.1)

19

20 6. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read  
21 as follows:

22 3. a. All fines, assessments imposed pursuant to section 2 of  
23 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
24 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
25 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
26 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
27 penalties imposed pursuant to section 1 of P.L.2009, c.143  
28 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
29 P.L.2013, c.214 (C.30:4-123.97),<sub>2</sub> and restitution shall be collected  
30 as follows:

31 (1) All fines, assessments imposed pursuant to section 2 of  
32 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
33 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
34 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
35 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
36 penalties imposed pursuant to section 1 of P.L.2009, c.143  
37 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
38 P.L.2013, c.214 (C.30:4-123.97),<sub>2</sub> and restitution imposed by the  
39 Superior Court or otherwise imposed at the county level, shall be  
40 collected by the county probation division except when **[such]** the  
41 fine, assessment,<sub>2</sub> or restitution is imposed in conjunction with a  
42 custodial sentence to a State correctional facility or in conjunction  
43 with a term of incarceration imposed pursuant to section 25 of  
44 P.L.1982, c.77 (C.2A:4A-44) in which event **[such]** the fine,  
45 assessment,<sub>2</sub> or restitution shall be collected by the Department of  
46 Corrections **[or the Juvenile Justice Commission established**  
47 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)]. An adult

1 prisoner of a State correctional institution **【**or a juvenile serving a  
2 term of incarceration imposed pursuant to section 25 of P.L.1982,  
3 c.77 (C.2A:4A-44)**】** who has not paid an assessment imposed  
4 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty  
5 imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a  
6 penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-  
7 10), a penalty imposed pursuant to section 1 of P.L.2009, c.143  
8 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013,  
9 c.214 (C.30:4-123.97),<sub>2</sub> or restitution shall have the assessment,  
10 penalty, fine,<sub>2</sub> or restitution deducted from any income the inmate  
11 receives as a result of labor performed at the institution or on any  
12 type of work release program or, pursuant to regulations  
13 promulgated by the Commissioner of the Department of Corrections  
14 **【**or the Juvenile Justice Commission**】**, from any personal account  
15 established in the institution for the benefit of the inmate.

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

26 (b) If the Department of Corrections has transferred a payment  
27 of restitution to the Victims of Crime Compensation Office  
28 pursuant to subparagraph (a) of this paragraph, the department shall  
29 provide the office with the order for restitution and any other  
30 information regarding the identity of the victim to whom the  
31 payment is owed. The office shall be responsible for maintaining  
32 this information and for distributing payments of restitution to  
33 victims who can prove they are owed the payments.

34 (2) All fines, assessments imposed pursuant to section 2 of  
35 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to  
36 section 1 of P.L.1999, c.295 (C.2C:43-3.5),<sub>2</sub> and restitution imposed  
37 by a municipal court shall be collected by the municipal court  
38 administrator except if **【**such**】** the fine, assessments imposed  
39 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
40 restitution is ordered as a condition of probation in which event it  
41 shall be collected by the county probation division.

42 b. Except as provided in subsection c. with respect to fines  
43 imposed on appeals following convictions in municipal courts and  
44 except as provided in subsection i. with respect to restitution  
45 imposed under the provisions of P.L.1997, c.253 (C.2C:43-  
46 3.4 et al.), all fines imposed by the Superior Court or otherwise

1 imposed at the county level, shall be paid over by the officer  
2 entitled to collect **[same]** the fines to:

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

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

9 c. All fines imposed by municipal courts, except a central  
10 municipal court established pursuant to N.J.S.2B:12-1 on  
11 defendants convicted of crimes, disorderly persons offenses, and  
12 petty disorderly persons offenses, and all fines imposed following  
13 conviction on appeal therefrom, and all forfeitures of bail shall be  
14 paid over by the officer entitled to collect **[same]** the fines to the  
15 treasury of the municipality wherein the municipal court is located.

16 In the case of an intermunicipal court, fines shall be paid into the  
17 municipal treasury of the municipality in which the offense was  
18 committed, and costs, fees, and forfeitures of bail shall be  
19 apportioned among the several municipalities to which the court's  
20 jurisdiction extends according to the ratios of the municipalities'  
21 contributions to the total expense of maintaining the court.

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

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

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

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

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

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

42 i. All restitution imposed on defendants under the provisions  
43 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law  
44 enforcement entity in extraditing the defendant from another  
45 jurisdiction shall be paid over by the officer entitled to collect  
46 **[same]** the restitution to the law enforcement entities which  
47 participated in the extradition of the defendant.



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

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

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

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

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

16 (cf: P.L.2015, c.55, s.1)

17  
18 7. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to  
19 read as follows:

20 3. a. There is hereby created and established within the  
21 Department of Corrections a State Parole Board which shall consist  
22 of a chairman, 14 associate members and three alternate board  
23 members. The chairman, associate members and alternate board  
24 members shall be appointed by the Governor with the advice and  
25 consent of the Senate from qualified persons with training or  
26 experience in law, sociology, criminal justice, **[juvenile justice]** or  
27 related branches of the social sciences. Members of the board and  
28 the alternate board members shall be appointed for terms of six  
29 years and the terms of their successors shall be calculated from the  
30 expiration of the incumbent's term. Members shall serve until their  
31 successors are appointed and have qualified.

32 The Governor shall designate a vice-chairman from among the  
33 associate members. The vice-chairman shall assume the duties of  
34 the chairman when the chairman is absent, unavailable or otherwise  
35 unable to perform his duties, or, in the case of removal or a  
36 permanent incapacity, until the qualification of a successor  
37 chairman appointed by the Governor.

38 Any alternate board member may assume the duties of an  
39 associate member when the associate member is absent, unavailable  
40 or otherwise unable to perform his duties, or the associate member  
41 assumes the duties of the chairman, and shall perform those duties  
42 only until the associate resumes his duties, or, in the case of  
43 removal or a permanent incapacity, the qualification of a successor  
44 appointed by the Governor.

45 b. (1) Any vacancy occurring in the membership of the board,  
46 otherwise than by expiration of term, shall be filled in the same  
47 manner as one occurring by expiration of term, but for the  
48 unexpired term only. Any member of the board, including any

1 alternate board member, may be removed from office by the  
2 Governor for cause.

3 (2) Upon certification of the chairman that additional parole  
4 panels are needed on a temporary basis for the efficient processing  
5 of parole decisions, the Governor also may appoint not more than  
6 four temporary acting parole board members from qualified persons  
7 with training or experience in law, sociology, criminal justice,  
8 juvenile justice or related branches of the social sciences. A  
9 temporary acting member shall be appointed for a term of three  
10 months. The Governor may extend the appointment of any or all of  
11 the temporary acting members for additional terms of three months,  
12 upon certification of the chairman that additional parole panels are  
13 needed on a temporary basis for the efficient processing of parole  
14 decisions. A temporary acting member shall be authorized to  
15 participate in administrative review of initial parole hearing  
16 decisions, parole consideration hearings and determinations  
17 concerning revocation or rescission of parole.

18 c. The members of the board shall devote their full time to the  
19 performance of their duties and be compensated pursuant to section  
20 2 of P.L.1974, c.55 (C.52:14-15.108). Any alternate member and  
21 any temporary acting members shall be entitled to compensation.  
22 The amount of such compensation shall be determined by  
23 multiplying the rate an associate member would be paid on a per  
24 diem basis times the number of days the alternate board member or  
25 temporary acting member actually performed the duties of an  
26 associate member in accordance with the provisions of this section.

27 d. **【**At the time of appointment, the Governor shall designate  
28 two associate members of the board to serve on a panel on juvenile  
29 commitments. The remaining 12**】** The associate members of the  
30 board shall be appointed by the Governor to panels on adult  
31 sentences and assigned by the chairman of the board to six panels  
32 on adult sentences. The chairman of the board shall be a member of  
33 each panel. Nothing provided herein shall prohibit the chairman  
34 from reassigning any member appointed to a panel on adult  
35 sentences to facilitate the efficient function of the board. Nothing  
36 provided herein shall prohibit the chairman from temporarily  
37 reassigning any member appointed **【**to a panel on juvenile  
38 commitments**】** to a panel on adult sentences or a panel on young  
39 adult sentences to facilitate the efficient function of the board. The  
40 alternate board member may assume, in accordance with the  
41 provisions of this section, the duties of any associate member**【**,  
42 regardless of whether that associate member serves on a panel on  
43 juvenile commitments or panels on adult sentences**】**. The chairman  
44 may assign a temporary acting member to a panel on adult  
45 sentences **【**or juvenile commitments**】**.

46 e. Of the associate members first appointed to the four  
47 positions created pursuant to the provisions of P.L.2001, c.141, one

1 shall be appointed for a term of six years; one shall be appointed for  
2 a term of five years; one shall be appointed for a term of four years  
3 and one shall be appointed for a term of three years.

4 (cf: P.L.2001, c.141, s.1)

5

6 8. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to  
7 read as follows:

8 4. a. All policies and determinations of the Parole Board shall  
9 be made by the majority vote of the members.

10 b. Except where otherwise noted, parole determinations on  
11 individual cases pursuant to this act shall be made by the majority  
12 vote of a quorum of the appropriate board panel established  
13 pursuant to this section.

14 c. The chairman of the board shall be the chief executive  
15 officer of the board and, after consulting with the board, shall be  
16 responsible for designating the time and place of all board  
17 meetings, for appointing the board's employees, for organizing,  
18 controlling and directing the work of the board and its employees,  
19 and for preparation and justification of the board's budget. Only the  
20 employees in those titles and positions as are designated by the  
21 Civil Service Commission shall serve at the pleasure of the  
22 chairman and shall not be subject to the provisions of Title 11A of  
23 the New Jersey Statutes. All other employees, including hearing  
24 officers, shall be in the career service and subject to the provisions  
25 of Title 11A of the New Jersey Statutes. All such career service  
26 employees who are employed by the State Parole Board on  
27 September 5, 2001, and in the case of hearing officers, those who  
28 have been employed by the State Parole Board for a period of at  
29 least one year prior to the effective date of P.L.2005, c.344, shall  
30 have permanent career service status with seniority awarded from  
31 the date of their appointments. Parole officers assigned to supervise  
32 adult parolees and all supervisory titles associated with the  
33 supervision of adult parolees in the parole officer series shall be  
34 classified employees subject to the provisions of Title 11A of the  
35 New Jersey Statutes. Parole officers assigned to supervise adult  
36 parolees and all supervisory titles associated with the supervision of  
37 adult parolees in the parole officer job classification series shall be  
38 organizationally assigned to the State Parole Board with a sworn  
39 member of the Division of Parole appointed to act as director of  
40 parole supervision. The director of parole supervision shall report  
41 directly to the Chairman of the State Parole Board or to such person  
42 as the chairman may designate.

43 d. The board shall promulgate **【such】** reasonable rules and  
44 regulations, consistent with this act, as may be necessary for the  
45 proper discharge of its responsibilities. The chairman shall file  
46 **【such】** the rules and regulations with the Secretary of State. The  
47 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
48 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and

1 regulations concerning policy and administration, but not to other  
2 actions taken under this act, such as parole hearings, parole  
3 revocation hearings and review of parole cases. In determination of  
4 its rules and regulations concerning policy and administration, the  
5 board shall consult the Governor~~[,]~~ and the Commissioner of  
6 Corrections ~~and the Juvenile Justice Commission established~~  
7 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)].

8 e. The board, in conjunction with the Department of  
9 Corrections ~~and the Juvenile Justice Commission~~, shall develop a  
10 uniform information system in order to closely monitor the parole  
11 process. ~~Such~~ The system shall include participation in the  
12 Uniform Parole Reports of the National Council on Crime and  
13 Delinquency.

14 f. The board annually shall transmit a report of its work for the  
15 preceding fiscal year, including information on the causes and  
16 extent of parole recidivism~~[,]~~ to the Governor~~[,]~~ and the  
17 Legislature ~~and the Juvenile Justice Commission annually~~. The  
18 report shall include information regarding medical parole including,  
19 but not limited to, the number of inmates who applied for medical  
20 parole, the number of inmates who were granted medical parole,  
21 and the number of inmates who were denied medical parole. The  
22 report also may include relevant information on compliance with  
23 established time frames in the processing of parole eligibility  
24 determinations, the effectiveness of any pertinent legislative or  
25 administrative measures, and any recommendations to enhance  
26 board operations or to effectuate the purposes of the "Parole Act of  
27 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

28 g. The board shall give public notice prior to considering any  
29 adult inmate for release.

30 h. ~~The board shall give notice to the appropriate prosecutor's~~  
31 ~~office and to the committing court prior to the initial consideration~~  
32 ~~of any juvenile inmate for release.] Deleted by amendment,~~  
33 P.L. c. (pending before the Legislature as this bill)  
34 (cf: P.L.2017, c.235, s.2)

35  
36 9. Section 5 of P.L.1979, c.441 (C.30:4-123.49) is amended to  
37 read as follows:

38 5. a. The chairman of the board, after consulting with the  
39 board, shall assign any case not otherwise assigned, such as county  
40 jail, workhouse, or penitentiary cases, to a special panel composed  
41 of any two members or any one member and one hearing officer as  
42 necessary for the efficient functioning of the board.

43 b. Nothing contained in this act shall be deemed to preclude a  
44 member of any board panel from exercising all the functions,  
45 powers, and duties of a hearing officer upon designation by the  
46 chairman; provided, however, that no member so designated shall

1 participate in the disposition of a panel or board review of his initial  
2 decision.

3 c. **【No hearing officer assigned to review adult cases shall be**  
4 **assigned to review juvenile cases pursuant to sections 13 and 19 of**  
5 **P.L.1979, c.441 (C.30:4-123.57 and 30:4-123.63), nor shall any**  
6 **hearing officer assigned to review juvenile cases be assigned to**  
7 **review adult cases】** (Deleted by amendment, P.L. c. )  
8 (pending before the Legislature as this bill)

9 d. Representatives of the board or the chairman designated  
10 pursuant to this act may include employees of the board and  
11 employees of other agencies such as the Department of Corrections  
12 **【or the Juvenile Justice Commission established pursuant to section**  
13 **2 of P.L.1995, c.284 (C.52:17B-170)】**, provided that no employee  
14 of the Department of Corrections **【or the Juvenile Justice**  
15 **Commission】** shall be so designated without the approval of the  
16 Commissioner of Corrections **【or the Executive Director of the**  
17 **Commission】**. Such representatives shall not participate in the  
18 disposition of parole cases.

19 (cf: P.L.2001, c.79, s.17)

20

21 10. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to  
22 read as follows:

23 7. a. Each adult inmate sentenced to a term of incarceration in  
24 a county penal institution, or to a specific term of years at the State  
25 Prison or the correctional institution for women shall become  
26 primarily eligible for parole after having served any judicial or  
27 statutory mandatory minimum term, or one-third of the sentence  
28 imposed where no mandatory minimum term has been imposed less  
29 commutation time for good behavior pursuant to N.J.S.2A:164-24  
30 or R.S.30:4-140 and credits for diligent application to work and  
31 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-  
32 28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the  
33 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
34 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
35 way reduce any judicial or statutory mandatory minimum term and  
36 such credits accrued shall only be awarded subsequent to the  
37 expiration of the term.

38 b. Each adult inmate sentenced to a term of life imprisonment  
39 shall become primarily eligible for parole after having served any  
40 judicial or statutory mandatory minimum term, or 25 years where  
41 no mandatory minimum term has been imposed less commutation  
42 time for good behavior and credits for diligent application to work  
43 and other institutional assignments. If an inmate sentenced to a  
44 specific term or terms of years is eligible for parole on a date later  
45 than the date upon which he would be eligible if a life sentence had  
46 been imposed, then in such case the inmate shall be eligible for  
47 parole after having served 25 years, less commutation time for good

1 behavior and credits for diligent application to work and other  
2 institutional assignments. Consistent with the provisions of the  
3 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
4 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
5 way reduce any judicial or statutory mandatory minimum term and  
6 such credits accrued shall only be awarded subsequent to the  
7 expiration of the term.

8 c. Each adult inmate sentenced to a specific term of years  
9 pursuant to the "Controlled Dangerous Substances Act," P.L.1970,  
10 c.226 (C.24:21-1 et al.) shall become primarily eligible for parole  
11 after having served one-third of the sentence imposed less  
12 commutation time for good behavior and credits for diligent  
13 application to work and other institutional assignments.

14 d. Each adult inmate sentenced to an indeterminate term of  
15 years as a young adult offender pursuant to N.J.S.2C:43-5 shall  
16 become primarily eligible for parole consideration pursuant to a  
17 schedule of primary eligibility dates developed by the board, less  
18 adjustment for program participation. In no case shall the board  
19 schedule require that the primary parole eligibility date for a young  
20 adult offender be greater than the primary parole eligibility date  
21 required pursuant to this section for the presumptive term for the  
22 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

23 e. Each adult inmate sentenced for an offense specified in  
24 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

25 (1) If the court finds that the offender's conduct was not  
26 characterized by a pattern of repetitive, compulsive behavior or  
27 finds that the offender is not amenable to sex offender treatment, or  
28 if after sentencing the Department of Corrections in its most recent  
29 examination determines that the offender is not amenable to sex  
30 offender treatment, the offender shall become primarily eligible for  
31 parole after having served any judicial or statutory mandatory  
32 minimum term or one-third of the sentence imposed where no  
33 mandatory minimum term has been imposed. Neither such term  
34 shall be reduced by commutation time for good behavior pursuant  
35 to R.S.30:4-140 or credits for diligent application to work and other  
36 institutional assignments pursuant to R.S.30:4-92.

37 (2) **【All other】** Young adult offenders shall be eligible for  
38 parole pursuant to the provisions of N.J.S.2C:47-5, except no  
39 offender shall become primarily eligible for parole prior to the  
40 expiration of any judicial or statutory mandatory minimum term.

41 f. **【Each juvenile inmate committed to an indeterminate term**  
42 **shall be immediately eligible for parole】** (Deleted by amendment,  
43 P.L. c. ) (pending before the Legislature as this bill)

44 g. Each adult inmate of a county jail, workhouse, or  
45 penitentiary shall become primarily eligible for parole upon service  
46 of 60 days of his aggregate sentence or as provided for in  
47 subsection a. of this section, whichever is greater. Whenever any  
48 such inmate's parole eligibility is within six months of the date of

1 such sentence, the judge shall state such eligibility on the record  
2 which shall satisfy all public and inmate notice requirements. The  
3 chief executive officer of the institution in which county inmates  
4 are held shall generate all reports pursuant to subsection d. of  
5 section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board  
6 shall have the authority to promulgate time periods applicable to the  
7 parole processing of inmates of county penal institutions, except  
8 that no inmate may be released prior to the primary eligibility date  
9 established by this subsection, unless consented to by the  
10 sentencing judge. No inmate sentenced to a specific term of years  
11 at the State Prison or the correctional institution for women shall  
12 become primarily eligible for parole until service of a full nine  
13 months of his aggregate sentence.

14 h. When an inmate is sentenced to more than one term of  
15 imprisonment, the primary parole eligibility terms calculated  
16 pursuant to this section shall be aggregated by the board for the  
17 purpose of determining the primary parole eligibility date, except  
18 that no juvenile commitment shall be aggregated with any adult  
19 sentence. The board shall promulgate rules and regulations to  
20 govern aggregation under this subsection.

21 i. The primary eligibility date shall be computed by a  
22 designated representative of the board and made known to the  
23 inmate in writing not later than 90 days following the  
24 commencement of the sentence. In the case of an inmate sentenced  
25 to a county penal institution such notice shall be made pursuant to  
26 subsection g. of this section. Each inmate shall be given the  
27 opportunity to acknowledge in writing the receipt of such  
28 computation. Failure or refusal by the inmate to acknowledge the  
29 receipt of such computation shall be recorded by the board but shall  
30 not constitute a violation of this subsection.

31 j. Except as provided in this subsection, each inmate sentenced  
32 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
33 N.J.S.2A:164-17 for a fixed minimum and maximum term or  
34 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for  
35 parole on a date computed pursuant to this section, but shall be  
36 primarily eligible on a date computed pursuant to P.L.1948, c.84  
37 (C.30:4-123.1 et seq.), which is continued in effect for this purpose.  
38 Inmates classified as second, third or fourth offenders pursuant to  
39 section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become  
40 primarily eligible for parole after serving one-third, one-half, or  
41 two-thirds of the maximum sentence imposed, respectively, less in  
42 each instance commutation time for good behavior and credits for  
43 diligent application to work and other institutional assignments;  
44 provided, however, that if the prosecuting attorney or the  
45 sentencing court advises the board that the punitive aspects of the  
46 sentence imposed on such inmates will not have been fulfilled by  
47 the time of parole eligibility calculated pursuant to this subsection,  
48 then the inmate shall not become primarily eligible for parole until

1 serving an additional period which shall be one-half of the  
2 difference between the primary parole eligibility date calculated  
3 pursuant to this subsection and the parole eligibility date calculated  
4 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
5 prosecuting attorney or the sentencing court advises the board that  
6 the punitive aspects of the sentence have not been fulfilled, such  
7 advice need not be supported by reasons and will be deemed  
8 conclusive and final. Any such decision shall not be subject to  
9 judicial review except to the extent mandated by the New Jersey  
10 and United States Constitutions. The board shall, reasonably prior  
11 to considering any such case, advise the prosecuting attorney and  
12 the sentencing court of all information relevant to such inmate's  
13 parole eligibility.

14 k. Notwithstanding any provisions of this section to the  
15 contrary, a person sentenced to imprisonment pursuant to paragraph  
16 (2), (3), or (4) of subsection b. of N.J.S.2C:11-3 shall not be  
17 eligible for parole.

18 l. Notwithstanding the provisions of subsections a. through j.  
19 of this section, the appropriate board panel, as provided in section 1  
20 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving  
21 a sentence of imprisonment on medical parole at any time.

22 (cf: P.L.2007, c.204, s.6)

23

24 11. Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is amended to  
25 read as follows:

26 1. a. As used in this act: "Prosecutor" means the county  
27 prosecutor of the county in which the defendant was convicted  
28 unless the matter was prosecuted by the Attorney General, in which  
29 case "prosecutor" means the Attorney General.

30 "Office of Victim Witness Advocacy" means the Office of  
31 Victim Witness Advocacy of the county in which the defendant was  
32 convicted.

33 b. Notwithstanding any other provision of law to the contrary,  
34 the State shall provide written notice to the prosecutor of the  
35 anticipated release from incarceration in a county or State penal  
36 institution or the Adult Diagnostic and Treatment Center of a  
37 person convicted of murder; manslaughter; aggravated sexual  
38 assault; sexual assault; aggravated assault; aggravated criminal  
39 sexual contact; kidnapping pursuant to paragraph (2) of subsection  
40 c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging  
41 in sexual conduct which would impair or debauch the morals of the  
42 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the  
43 welfare of a child pursuant to paragraph (4) of subsection b. of  
44 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,  
45 c.291 (C.2C:13-6); any other offense involving serious bodily  
46 injury or an attempt to commit any of the aforementioned offenses.  
47 In cases involving a release on parole, the State Parole Board shall  
48 provide the notice required by this subsection. In all other cases,



1 including but not limited to release upon expiration of sentence or  
2 release from incarceration due to a change in sentence, the  
3 Department of Corrections shall provide the notice required by this  
4 subsection.

5 c. **【**Notwithstanding any other provision of law to the contrary,  
6 the Juvenile Justice Commission established pursuant to section 2  
7 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to  
8 the prosecutor of the anticipated release from incarceration of a  
9 juvenile adjudicated delinquent on the basis of an offense which, if  
10 committed by an adult, would constitute murder; manslaughter;  
11 aggravated sexual assault; sexual assault; aggravated assault;  
12 aggravated criminal sexual contact; kidnapping pursuant to  
13 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
14 welfare of a child by engaging in sexual conduct which would  
15 impair or debauch the morals of the child pursuant to subsection a.  
16 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
17 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing  
18 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other  
19 offense involving serious bodily injury or an attempt to commit any  
20 of the aforementioned offenses**】** (Deleted by amendment,  
21 P.L. c. ) (pending before the Legislature as this bill)

22 d. If available, the notice shall be provided to the prosecutor 90  
23 days before the inmate's anticipated release; provided however, the  
24 notice shall be provided at least 30 days before release. The notice  
25 shall include the person's name, identifying factors, offense history,  
26 and anticipated future residence. The prosecutor shall notify the  
27 Office of Victim Witness Advocacy and that office shall use any  
28 reasonable means available to them to notify the victim of the  
29 anticipated release, unless the victim has requested not to be  
30 notified. The Office of Victim Witness Advocacy shall use any  
31 reasonable means available to also notify witnesses and other  
32 appropriate persons, as determined by the prosecutor in accordance  
33 with the directive issued by the Attorney General, who have  
34 requested notification of the anticipated release.

35 e. Upon receipt of notice, the prosecutor shall provide notice to  
36 the law enforcement agency responsible for the municipality where  
37 the inmate will reside, the municipality in which any victim resides,  
38 and such other State and local law enforcement agencies as  
39 appropriate for public safety.

40 (cf: P.L.2013, c.270, s.2)

41

42 12. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to  
43 read as follows:

44 15. a. Each adult parolee shall at all times remain in the legal  
45 custody of the Commissioner of Corrections and under the  
46 supervision of the State Parole Board **【**and each juvenile parolee  
47 shall at all times remain in the legal custody of the Juvenile Justice  
48 Commission established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170)], except that the Commissioner of Corrections [or  
2 the Executive Director of the Juvenile Justice Commission], after  
3 providing notice to the Attorney General, may consent to the  
4 supervision of a parolee by the federal government pursuant to the  
5 Witness Security Reform Act, Pub.L.98-473  
6 (18 U.S.C. s.3521 et seq.). An adult parolee, except those under the  
7 Witness Security Reform Act, shall remain under the supervision of  
8 the State Parole Board and in the legal custody of the Department of  
9 Corrections], and a juvenile parolee, except those under the  
10 Witness Security Reform Act, shall remain under the supervision of  
11 the Juvenile Justice Commission, as appropriate,] in accordance  
12 with the policies and rules of the board.

13 b. (1) Each parolee shall agree, as evidenced by his signature  
14 to abide by specific conditions of parole established by the  
15 appropriate board panel which shall be enumerated in writing in a  
16 certificate of parole and shall be given to the parolee upon release.  
17 Such conditions shall include, among other things, a requirement  
18 that the parolee conduct himself in society in compliance with all  
19 laws and refrain from committing any crime, a requirement that the  
20 parolee will not own or possess any firearm as defined in subsection  
21 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.  
22 of N.J.S.2C:39-1, a requirement that the parolee refrain from the  
23 use, possession or distribution of a controlled dangerous substance,  
24 controlled substance analog or imitation controlled dangerous  
25 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a  
26 requirement that the parolee obtain permission from his parole  
27 officer for any change in his residence, and a requirement that the  
28 parolee report at reasonable intervals to an assigned parole officer.  
29 In addition, based on prior history of the parolee or information  
30 provided by a victim or a member of the family of a murder victim,  
31 the member or board panel certifying parole release pursuant to  
32 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any  
33 other specific conditions of parole deemed reasonable in order to  
34 reduce the likelihood of recurrence of criminal or delinquent  
35 behavior, including a requirement that the parolee comply with the  
36 Internet access conditions set forth in paragraph (2) of this  
37 subsection. Such special conditions may include, among other  
38 things, a requirement that the parolee make full or partial  
39 restitution, the amount of which restitution shall be set by the  
40 sentencing court upon request of the board. In addition, the member  
41 or board panel certifying parole release may, giving due regard to a  
42 victim's request, impose a special condition that the parolee have no  
43 contact with the victim, which special condition may include, but  
44 need not be limited to, restraining the parolee from entering the  
45 victim's residence, place of employment, business or school, and  
46 from harassing or stalking the victim or victim's relatives in any  
47 way. Further, the member, board panel or board certifying parole  
48 release may impose a special condition that the person shall not

1 own or possess an animal for an unlawful purpose or to interfere in  
2 the performance of duties by a parole officer.

3 (2) In addition, the member or board panel certifying parole  
4 release may impose on any person who has been convicted [or  
5 adjudicated delinquent] for the commission of a sex offense as  
6 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2),  
7 and who is required to register as provided in subsections c. and d.  
8 of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been  
9 convicted [or adjudicated delinquent] for a violation of  
10 N.J.S.2C:34-3 any of the following Internet access conditions:

11 (a) Prohibit the person from accessing or using a computer or  
12 any other device with Internet capability without the prior written  
13 approval of the court, except the person may use a computer or any  
14 other device with Internet capability in connection with that  
15 person's employment or search for employment with the prior  
16 approval of the person's parole officer;

17 (b) Require the person to submit to periodic unannounced  
18 examinations of the person's computer or any other device with  
19 Internet capability by a parole officer, law enforcement officer or  
20 assigned computer or information technology specialist, including  
21 the retrieval and copying of all data from the computer or device  
22 and any internal or external peripherals and removal of such  
23 information, equipment or device to conduct a more thorough  
24 inspection;

25 (c) Require the person to submit to the installation on the  
26 person's computer or device with Internet capability, at the person's  
27 expense, one or more hardware or software systems to monitor the  
28 Internet use; and

29 (d) Require the person to submit to any other appropriate  
30 restrictions concerning the person's use or access of a computer or  
31 any other device with Internet capability.

32 c. The appropriate board panel may in writing relieve a parolee  
33 of any parole conditions, and may permit a parolee to reside outside  
34 the State pursuant to the provisions of the Uniform Act for Out-of-  
35 State Parolee Supervision (N.J.S.2A:168-14 et seq.)[, the Interstate  
36 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),] and,  
37 with the consent of the Commissioner of the Department of  
38 Corrections [or the Executive Director of the Juvenile Justice  
39 Commission] after providing notice to the Attorney General, the  
40 federal Witness Security Reform Act, if satisfied that [such] the  
41 change will not result in a substantial likelihood that the parolee  
42 will commit an offense which would be a crime under the laws of  
43 this State. The appropriate board panel may revoke [such]  
44 permission, except in the case of a parolee under the Witness  
45 Security Reform Act, or reinstate relieved parole conditions for any  
46 period of time during which a parolee is under its jurisdiction.

1 d. The appropriate board panel may parole an inmate to any  
2 residential facility funded in whole or in part by the State if the  
3 inmate would not otherwise be released pursuant to section 9 of  
4 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the  
5 residential facility provides treatment for mental illness or mental  
6 retardation, the board panel only may parole the inmate to the  
7 facility pursuant to the laws and admissions policies that otherwise  
8 govern the admission of persons to that facility, and the facility  
9 shall have the authority to discharge the inmate according to the  
10 laws and policies that otherwise govern the discharge of persons  
11 from the facility, on 10 days' prior notice to the board panel. The  
12 board panel shall acknowledge receipt of this notice in writing prior  
13 to the discharge. Upon receipt of the notice the board panel shall  
14 resume jurisdiction over the inmate.

15 e. Parole officers shall provide assistance to the parolee in  
16 obtaining employment, education, or vocational training or in  
17 meeting other obligations to assure the parolee's compliance with  
18 meeting legal requirements related to sex offender notification,  
19 address changes and participation in rehabilitation programs as  
20 directed by the assigned parole officer.

21 f. **【The board panel on juvenile commitments and the assigned**  
22 **parole officer shall insure that the least restrictive available**  
23 **alternative is used for any juvenile parolee】** (Deleted by  
24 amendment, P.L. c. ) (pending before the Legislature as this  
25 bill)

26 g. If the board has granted parole to any inmate from a State  
27 correctional facility **【or juvenile facility】** and the court has imposed  
28 a fine on **【such】** the inmate, the appropriate board panel shall  
29 release **【such】** the inmate on condition that the parolee make  
30 specified fine payments to the State Parole Board **【or the Juvenile**  
31 **Justice Commission】**. For violation of **【such】** these conditions, or  
32 for violation of a special condition requiring restitution, parole may  
33 be revoked only for refusal or failure to make a good faith effort to  
34 make **【such】** the payment.

35 h. Upon collection of the fine **【the same shall be paid over by】**  
36 **the Department of Corrections** shall forward it **【or by the Juvenile**  
37 **Justice Commission】** to the State Treasury.

38 (cf: P.L.2007, c.219, s.5)

39

40 13. Section 16 of L.1979, c.441 (C.30:4-123.60) is amended to  
41 read as follows:

42 16. a. Any parolee who violates a condition of parole may be  
43 subject to an order pursuant to section 17 of P.L.1979, c.441  
44 (C.30:4-123.61) providing for one or more of the following: (1)  
45 That he be required to conform to one or more additional conditions  
46 of parole; (2) That he forfeit all or a part of commutation time  
47 credits granted pursuant to R.S.30:4-140.

1        b. Any parolee who has seriously or persistently violated the  
2 conditions of his parole, may have his parole revoked and may be  
3 returned to custody pursuant to sections 18 and 19 of P.L.1979,  
4 c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified  
5 immediately upon the arrest or indictment of a parolee or upon the  
6 filing of charges that the parolee committed an act which, if  
7 committed by an adult, would constitute a crime. The board shall  
8 not revoke parole on the basis of new charges which have not  
9 resulted in a disposition at the trial level except that upon  
10 application by the prosecuting authority【, the Juvenile Justice  
11 Commission established pursuant to section 2 of P.L.1995, c.284  
12 (C.52:17B-170)】 or the Director of the State Parole Board's  
13 Division of Parole or his designee, the chairman of the board or his  
14 designee may at any time detain the parolee and commence  
15 revocation proceedings pursuant to sections 18 and 19 of P.L.1979,  
16 c.441 (C.30:4-123.62 and 30:4-123.63) when the chairman  
17 determines that the new charges against the parolee are of a serious  
18 nature and it appears that the parolee otherwise poses a danger to  
19 the public safety. In such cases, a parolee shall be informed that, if  
20 he testifies at the revocation proceedings, his testimony and the  
21 evidence derived therefrom shall not be used against him in a  
22 subsequent criminal prosecution 【or delinquency adjudication】.

23        c. 【Any】 The parole of any parolee who is convicted of a  
24 crime 【or adjudicated delinquent for an act which, if committed by  
25 an adult, would constitute a crime,】 committed while on parole  
26 shall 【have his parole】 be revoked and the parolee shall be returned  
27 to custody unless the parolee demonstrates, by clear and convincing  
28 evidence at a hearing pursuant to section 19 of P.L.1979, c.441  
29 (C.30:4-123.63), that good cause exists why 【he】 the parolee  
30 should not be returned to confinement.  
31 (cf: P.L.2001, c.141, s.5)  
32

33        14. Section 18 of P.L.1979, c.441 (C.30:4-123.62) is amended to  
34 read as follows:

35        18. a. (1) If a parole officer assigned to supervise a parolee has  
36 probable cause to believe that the parolee has violated a condition  
37 of 【his】 parole, 【such】 the violation being a basis for return to  
38 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
39 (C.30:4-123.60), a designated representative of the chairman of the  
40 board may issue a warrant for the arrest of the parolee if evidence  
41 indicates that the parolee may not appear at the preliminary hearing  
42 or if the parolee poses a danger to the public safety. 【With the  
43 parole warrant, a law enforcement officer may apprehend the  
44 delinquent parolee.】

45        (2) If a parole officer assigned to supervise a parolee has  
46 probable cause to believe that the parolee has committed a crime【,  
47 has committed an act or is about to commit an act which, if

1 committed by an adult, would constitute a crime], is about to  
2 commit a crime, or is about to flee the jurisdiction, which violation  
3 is a basis for return to custody pursuant to subsection b. of section  
4 16 of P.L.1979, c.441 (C.30:4-123.60), and the situation is one of  
5 immediate emergency that cannot await the issuance of a warrant by  
6 a designated representative, the parole officer, by the parole  
7 officer's own warrant, may apprehend the parolee and cause [his]  
8 the parolee's detention in a suitable facility designated by the  
9 Department of Corrections [or the Juvenile Justice Commission  
10 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-  
11 170), as appropriate,] or cause the parolee's confinement in an  
12 appropriate institution pending return to a facility designated by the  
13 Department of Corrections [or the Juvenile Justice Commission, as  
14 appropriate,] to await the conduction of a preliminary hearing. The  
15 warrant shall be in the form prescribed [, as appropriate, by the  
16 Juvenile Justice Commission or] by the State Parole Board and,  
17 when signed by the officer in charge of the case, shall be a  
18 sufficient instrument and authority to all peace officers to assist in  
19 the apprehension of the parolee. It shall also be sufficient authority  
20 for detention of the parolee in a suitable facility, to await the  
21 conduction of the preliminary hearing. Upon enforcement of the  
22 warrant, the appropriate board panel shall be promptly notified. No  
23 parolee held in custody on a parole warrant shall be entitled to  
24 release on bail.

25 b. A parolee retaken under this section shall within 14 days be  
26 granted a preliminary hearing to be conducted by a hearing officer  
27 not previously involved in the case, unless the parolee, the hearing  
28 officer, or the parole officer requests postponement of the  
29 preliminary hearing, which may be granted by the appropriate board  
30 panel for good cause, but in no event shall such postponement, if  
31 requested by the hearing officer or the parole officer, exceed 14  
32 days.

33 c. The preliminary hearing shall be for the purpose of  
34 determining:

35 (1) Whether there is probable cause to believe that the parolee  
36 violated a condition of his parole being the basis for return to  
37 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
38 (C.30:4-123.60), and

39 (2) Whether revocation and return to custody is desirable in the  
40 instant matter.

41 d. Prior to the preliminary hearing the parolee shall be provided  
42 with written notice of:

43 (1) The conditions of parole alleged to have been violated;

44 (2) The time, date, place and circumstances of the alleged  
45 violation;

46 (3) The possible action which may be taken by the board after a  
47 parole revocation hearing;

- 1 (4) The time, date and place of the preliminary hearing;
- 2 (5) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
3 seq.), to representation by an attorney or such other qualified person  
4 as the parolee may retain; and
- 5 (6) The right to confront and cross-examine witnesses.
- 6 e. The hearing officer who conducts the hearing shall make a  
7 summary or other record of said hearing.
- 8 f. If the evidence presented at the preliminary hearing does not  
9 support a finding of probable cause to believe that the parolee has  
10 violated a condition of his parole, such violation being a basis for  
11 return to custody pursuant to subsection b. of section 16 of  
12 P.L.1979, c.441 (C.30:4-123.60), or if it is otherwise determined  
13 that revocation is not desirable, the hearing officer may, in  
14 accordance with the provisions of subsection a. of section 16 of  
15 P.L.1979, c.441 (C.30:4-123.60) and section 17 of P.L.1979, c.441  
16 (C.30:4-123.61), issue an order modifying parole and releasing the  
17 offender, or continuing parole and releasing the offender.
- 18 g. If the evidence presented at the preliminary hearing supports  
19 a finding of probable cause to believe that the parolee has violated a  
20 condition of his parole, the hearing officer shall determine whether  
21 the parolee shall be retained in custody or released on specific  
22 conditions pending action by the appropriate board panel.
- 23 h. Conviction of a crime committed while on parole [or  
24 adjudication of delinquency for an act which, if committed by an  
25 adult, would constitute a crime] shall be deemed to constitute  
26 probable cause to believe that the parolee has violated a condition  
27 of parole.  
28 (cf: P.L.2001, c.79, s.12)

29  
30 15. Section 19 of P.L.1979, c.441 (C.30:4-123.63) is amended to  
31 read as follows:

- 32 19. a. If the hearing officer finds probable cause pursuant to  
33 subsection c. (1) of section 18 of P.L.1979, c.441 (C.30:4-123.62)  
34 and finds that revocation is desirable pursuant to subsection c. (2)  
35 of section 18 of P.L.1979, c.441 (C.30:4-123.62), or if the parolee is  
36 convicted of a criminal offense committed while on parole [or is  
37 adjudicated delinquent for an act which, if committed by an adult,  
38 would constitute a crime], the board shall cause a revocation  
39 hearing to be conducted by a hearing officer, other than the hearing  
40 officer previously designated pursuant to section 18 of P.L.1979,  
41 c.441 (C.30:4-123.62), within 60 days after the date a parolee is  
42 taken into custody as a parole violator unless the parolee or the  
43 hearing officer requests postponement of the revocation hearing,  
44 which may be granted by appropriate board panel for good cause,  
45 but in no event shall such postponement, if requested by the hearing  
46 officer, exceed 120 days.
- 47 b. Prior to the revocation hearing, the parolee shall be given  
48 written notice of:

- 1 (1) The time, date and place of the parole revocation hearing;
- 2 (2) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
3 seq.), to representation by an attorney or such other qualified person  
4 as the parolee chooses;
- 5 (3) The right to confront and cross-examine witnesses, and to  
6 rebut adverse documentary evidence **【against him】**; and
- 7 (4) The right to testify, to present evidence and to **【subpena】**  
8 subpoena witnesses **【in his】** on the parolee's own behalf, provided  
9 a prima facie showing is made that the prospective witnesses will  
10 provide material testimony.
- 11 c. The hearing officer shall maintain a full and complete record  
12 of the parole revocation hearing.
- 13 d. After consideration of all evidence presented, if there is clear  
14 and convincing evidence that a parolee has violated the conditions  
15 of his parole, such violation being a basis for return to custody  
16 pursuant to subsection b. or c. of section 16 of P.L.1979, c.441  
17 (C.30:4-123.60), and if revocation and return to custody is desirable  
18 in the instant matter, the appropriate board panel may revoke parole  
19 and return such parolee to custody, for a specified length of time, or  
20 in accordance with the provisions of sections 16 and 17 of  
21 P.L.1979, c.441 (C.30:4-123.60 and 30:4-123.61), or the  
22 appropriate board panel may issue an order modifying parole and  
23 releasing the offender or continuing parole and releasing the  
24 offender.
- 25 e. Not more than 21 days following the hearing conducted  
26 pursuant to this section, the parolee and his representative shall be  
27 informed in writing of the decision, the particular reasons therefor,  
28 and the facts relied on.  
29 (cf: P.L.1995, c.280, s.43)

30  
31 16. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is amended to  
32 read as follows:

33 23. a. The appropriate board panel and the Department of  
34 Corrections **【or the Juvenile Justice Commission established**  
35 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)】** shall  
36 enter into formal parole contract agreements with officials of the  
37 board **【,】** and officials of the Department of Corrections **【or the**  
38 **Juvenile Justice Commission】** and individual parolees or inmates  
39 reduced to writing and signed by all parties **【,which】**. The parole  
40 contract agreements shall stipulate individual programs of  
41 education, training, or other activity which shall result in a specified  
42 reduction of the parolee's parole term pursuant to section 22 of  
43 P.L.1979, c.441 (C.30:4-123.66) or the inmate's primary parole  
44 eligibility date pursuant to section 8 of P.L.1979, c.441 (C.30:4-  
45 123.52), upon such successful completion of the program. The  
46 formal parole contract agreements required under this subsection



1 shall be entered into within two months of an inmate's admission to  
2 a correctional facility.

3 b. Any parolee or inmate shall be permitted to apply to the  
4 board for such an agreement. The board panel shall accept all such  
5 applications. The board panel shall approve any application  
6 consistent with eligibility requirements promulgated by the board  
7 pursuant to section 4 of P.L.1979, c.441 (C.30:4-123.48). **【**The  
8 commission may, by regulation, specify eligibility requirements for  
9 agreements with juvenile parolees and inmates and the procedures  
10 for effecting such agreements and reviewing juveniles' application  
11 for such agreements.**】**

12 c. Upon approval of the parolee or inmate's application, the  
13 board panel shall be responsible for specifying the components  
14 necessary for **【**any such**】** the agreement. Upon acceptance of the  
15 agreement by the Department of Corrections **【**or by the  
16 commission**】**, by the board panel, and by the parolee or the inmate,  
17 the board panel shall reduce the agreement to writing and monitor  
18 compliance with the parole contract agreement at least once every  
19 12 months. The parolee or inmate and the Department of  
20 Corrections **【**or the Juvenile Justice Commission**】** shall be given a  
21 copy of **【**any such**】** the agreement.

22 d. **【**Any such**】** An agreement shall be terminated by the board  
23 panel in the event the parolee or inmate fails to or refuses to  
24 satisfactorily complete each component of the agreement. The  
25 inmate or parolee shall be notified in writing of **【**any such**】** a  
26 termination and the reasons **【**therefor**】** for the termination. **【**Any  
27 such**】** A termination may be appealed to the full board pursuant to  
28 section 14 of P.L.1979, c.441 (C.30:4-123.58).

29 (cf: P.L.2009, c.330, s.7)

30

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

33 2. a. A Juvenile Justice Commission is established in, but not  
34 of, the Department of Law and Public Safety. The commission is  
35 allocated to the Department of Law and Public Safety for the  
36 purpose of complying with Article V, Section IV, paragraph 1 of  
37 the New Jersey Constitution. The Attorney General shall be the  
38 request officer for the commission within the meaning of section 6  
39 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that  
40 authority and other administrative functions, powers and duties  
41 consistent with the provisions of this act.

42 b. The commission shall consist of an executive director, an  
43 executive board, an advisory council and such facilities, officers,  
44 employees and organizational units as provided herein or as  
45 otherwise necessary to performance of the commission's duties and  
46 responsibilities.

1 c. The executive director shall be appointed by the Governor  
2 with the advice and consent of the Senate and shall serve at the  
3 pleasure of the Governor during the Governor's term of office and  
4 until a successor is appointed and qualified.

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

32 e. The commission shall have the following powers, duties and  
33 responsibilities:

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

41 (a) The number of deputy directors, assistant directors,  
42 superintendents, assistant superintendents and other assistants who  
43 shall be in the unclassified service and shall be deemed confidential  
44 employees for the purposes of the "New Jersey Employer-Employee  
45 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

46 (b) Juvenile corrections officers;

- 1 (2) To utilize such staff of the Department of Law and Public  
2 Safety as the Attorney General, within the limits of available  
3 appropriations, may make available to the commission;
- 4 (3) To organize the work of the commission in appropriate  
5 bureaus and other organization units;
- 6 (4) To enter into contracts and agreements with State, county  
7 and municipal governmental agencies and with private entities for  
8 the purpose of providing services and sanctions for juveniles  
9 adjudicated or charged as delinquent and programs for prevention  
10 of juvenile delinquency;
- 11 (5) To contract for the services of professional and technical  
12 personnel and consultants as necessary to fulfill the statutory  
13 responsibilities of the commission;
- 14 (6) To establish minimum standards for the care, treatment,  
15 government and discipline of juveniles confined pending, or as a  
16 result of, an adjudication of delinquency;
- 17 (7) To assume the custody and care of all juveniles committed  
18 by court order, law, classification, regulation or contract to the  
19 custody of the commission or transferred to the custody of the  
20 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-  
21 176);
- 22 (8) To manage and operate all State secure juvenile facilities  
23 which shall include the New Jersey Training School for Boys  
24 created pursuant to R.S.30:1-7 and transferred to the Commissioner  
25 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)  
26 and the Juvenile Medium Security Facility created pursuant to  
27 R.S.30:1-7 and both transferred to the commission pursuant to  
28 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any  
29 other secure juvenile facility established by the commission in the  
30 future;
- 31 (9) To manage and operate all State juvenile facilities or  
32 juvenile programs for juveniles adjudicated delinquent which shall  
33 include facilities and programs transferred to the commission  
34 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or  
35 established or contracted for in the future by the commission;
- 36 (10) To prepare a State Juvenile Justice Master Plan every third  
37 year which identifies facilities, sanctions and services available for  
38 juveniles adjudicated or charged as delinquent and juvenile  
39 delinquency prevention programs and which identifies additional  
40 needs based upon the extent and nature of juvenile delinquency and  
41 the adequacy and effectiveness of available facilities, services,  
42 sanctions and programs;
- 43 (11) To approve plans for each county submitted by the county  
44 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-  
45 180);
- 46 (12) To administer the State/Community Partnership Grant  
47 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

1 (13) To accept from any governmental department or agency,  
2 public or private body or any other source, grants or contributions  
3 to be used in exercising its power, and in meeting its duties and  
4 responsibilities;

5 (14) To formulate and adopt standards and rules for the  
6 efficient conduct of the work of the commission, the facilities,  
7 services, sanctions and programs within its jurisdiction, and its  
8 officers and employees;

9 (15) To provide for the development of the facilities, services,  
10 sanctions and programs within its jurisdiction and to promote the  
11 integration of State, county and local facilities, sanctions, services  
12 and programs, including probation and parole;

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

18 (17) To provide for the timely and efficient collection and  
19 analysis of data regarding the juvenile justice system to insure the  
20 continuing review and evaluation of services, policies and  
21 procedures;

22 (18) To receive and classify juveniles committed to the custody  
23 of the commission;

24 (19) To determine whether an incarcerated juvenile is eligible  
25 for parole and to supervise compliance with conditions of parole;

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

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

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

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

34

35 18. (New section) a. The Juvenile Justice Commission shall  
36 establish a program to collect, record, and analyze data regarding  
37 juveniles who were sentenced to a term of incarceration. In  
38 furtherance of this program, the commission shall collect the  
39 following data:

40 (1) the offense for which the juvenile was incarcerated; the term  
41 of incarceration imposed on the juvenile, including a term of  
42 incarceration imposed for a violation of parole; the age, gender,  
43 race, and ethnicity of the juvenile; the county where the juvenile  
44 was adjudicated delinquent; the classification of the juvenile; and  
45 whether the juvenile was sentenced to an extended term of  
46 incarceration;

1 (2) aggregate data of incidents of violence, suicide, suicide  
2 attempts, hospitalizations, and any form of segregation or isolation  
3 of a juvenile for all facilities where juveniles are placed; and

4 (3) the amount of time remaining on each sentence of  
5 incarceration imposed on a juvenile whose parole or post-  
6 incarceration supervision was revoked; whether the violation that  
7 was the basis for the revocation was technical or based upon a new  
8 offense; the age, gender, race, and ethnicity of the juvenile; and the  
9 county where the juvenile's parole or post-incarceration supervision  
10 was revoked by the court.

11 b. The commission shall prepare and publish on its Internet  
12 website and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
13 19.1), prepare and transmit to the Governor and the Legislature  
14 biennial reports summarizing the data collected, recorded, and  
15 analyzed pursuant to subsection a. of this section.

16 c. The commission shall publish on its Internet website the  
17 criteria that are used to determine whether a juvenile is granted  
18 parole. The commission also shall provide this information to every  
19 juvenile who is sentenced to a term of incarceration.

20

21 19. Section 13 of P.L.1979, c.441 (C.30:4-123.57) is repealed.

22

23 20. This act shall take effect on the first day of the seventh  
24 month after enactment.

25

26

27

#### STATEMENT

28

29 This bill incorporates the Juvenile Detention Alternative  
30 Initiative (J.D.A.I.) principles into the Code of Juvenile Justice;  
31 imposes restrictions on the incarceration of juveniles; vests parole  
32 decisions concerning juveniles in the Juvenile Justice Commission  
33 (JJC); makes discretionary the post-incarceration period currently  
34 imposed on juveniles; eliminates certain fines imposed on juveniles;  
35 and imposes transparency requirements on the JJC.

36 The specific J.D.A.I. principles the bill incorporates into the  
37 Code of Juvenile Justice include: 1) promoting collaboration  
38 between juvenile court officials, probation agencies, prosecutors,  
39 defense attorneys, schools, community organizations, and  
40 advocates; 2) using rigorous data collection and analysis to guide  
41 decision making; 3) utilizing objective risk-assessment instruments  
42 to replace subjective decision-making processes to determine if  
43 juveniles should be incarcerated and if so, the length of time they  
44 spend in custody; 4) implementing new or expanded community-  
45 based alternatives to incarceration; 5) reducing delays in processing  
46 and length of delinquency actions, including parole and revocation  
47 proceedings, so that juveniles are not in out-of-home placements  
48 any longer than is necessary or unnecessarily returned to custody;

1 6) incarcerating juveniles only when they pose a substantial threat  
2 to public safety; 7) combatting racial and ethnic disparities by  
3 collecting and examining data on policies and practices that may  
4 disadvantage minority juveniles; and 8) monitoring and improving  
5 conditions of confinement in secure facilities.

6 This bill specifically limits when a juvenile may be incarcerated.  
7 Under current law, the court may order a juvenile adjudicated  
8 delinquent to be incarcerated or the court may order another  
9 enumerated disposition, such as releasing the juvenile to the  
10 supervision of the juvenile's parent or guardian or placing the  
11 juvenile on probation. Under the bill, the court may order a  
12 juvenile to be incarcerated as a last resort and in accordance with  
13 the J.D.A.I. principles, including incarceration in county youth  
14 detention centers. The bill also removes the requirement that a  
15 juvenile convicted of certain crimes related to theft of a motor  
16 vehicle or eluding a police officer be incarcerated. If the court does  
17 impose a term of incarceration, it may order the JJC to provide the  
18 juvenile with specific services. Imposing fines on delinquent  
19 juveniles as a penalty is eliminated as a disposition under the bill.

20 Under the bill, responsibility for determining whether a juvenile  
21 should be paroled is transferred from the State Parole Board to the  
22 JJC. A juvenile who is sentenced to a term of incarceration is  
23 immediately eligible for parole. Juveniles are to be granted early  
24 release on parole when it appears they would not pose a serious risk  
25 of physical injury to persons or substantial injury to property. The  
26 bill directs the JJC to determine the conditions of parole and to  
27 ensure that the conditions are to be appropriately tailored to the  
28 juvenile and be the least restrictive necessary for the juvenile's  
29 successful return to the community. A juvenile is not to be sent to a  
30 halfway house, residential treatment program, or other out-of-home  
31 placement unless it is necessary to protect the juvenile's safety.

32 Current law requires a juvenile to receive a term of post-  
33 incarceration supervision of one-third of the sentence of  
34 incarceration. Under the bill, the JJC is given the discretion to  
35 impose a term of post-incarceration supervision, but only if it is  
36 deemed necessary to effectuate the juvenile's rehabilitation and  
37 reintegration into society. The term of supervision is not to exceed  
38 six months, unless the JJC deems a longer term is necessary to  
39 prevent serious harm to the juvenile or the community. The longer  
40 term is not to exceed one year.

41 The bill requires the JJC to review the case of a juvenile who is  
42 incarcerated or is in an out-of-home placement every three months  
43 and submit a status report to the court, the prosecutor, and the  
44 juvenile's counsel. The status report is to contain information on the  
45 treatment, care, and custody of the juvenile; whether the juvenile is  
46 receiving the mental health, substance abuse, educational, and other  
47 rehabilitative services necessary to promote the juvenile's  
48 successful reintegration into the community; incidents of violence

1 involving the juvenile; and the juvenile's eligibility for parole. The  
2 juvenile's counsel is to be granted an opportunity to respond to the  
3 report. The JJC is to continue to submit the status reports to the  
4 court until the juvenile is paroled or released. The court may  
5 conduct a hearing at any time to determine whether incarceration or  
6 an out-of-home placement continues to be appropriate and may  
7 release the juvenile or otherwise modify the dispositional order.

8 Under the bill, the parole of a juvenile who violates a condition  
9 of that parole could be revoked under certain conditions. If there is  
10 probable cause that the juvenile has seriously or persistently  
11 violated the terms and conditions of parole, the JJC is to conduct a  
12 hearing to determine if parole should be revoked. A hearing officer  
13 who is a State-licensed attorney is to conduct the hearing and the  
14 juvenile is to be represented by counsel. Pre-hearing incarceration  
15 of the juvenile is prohibited unless there is objective and credible  
16 evidence that the juvenile poses an immediate and substantial  
17 danger to public safety. If a juvenile is incarcerated, the hearing is  
18 to be held within 72 hours of incarceration and a decision made  
19 within 48 hours of the hearing. Parole may be revoked only if the  
20 hearing officer determines, by clear and convincing evidence, that  
21 the juvenile has seriously or persistently violated the conditions of  
22 parole, the juvenile poses a substantial danger to public safety  
23 which no form of community-based supervision would alleviate,  
24 and revocation is consistent with J.D.A.I. principles. The juvenile  
25 is entitled to all the rights and protections afforded adult parolees  
26 during the parole revocation process.

27 The bill further eliminates the court's discretion to impose  
28 criminal fines on juveniles under the juvenile code and eliminates  
29 for juveniles the Drug Enforcement and Demand Reduction  
30 (DEDR) and Victims of Crime Compensation Office penalties.

31 Finally, the bill requires the JJC to establish a program to collect,  
32 record, and analyze certain data regarding juveniles who were  
33 sentenced to a term of incarceration. The JJC is to prepare a  
34 biennial report summarizing the data collected, recorded, and  
35 analyzed, which is to be published on its Internet website and  
36 transmitted to the Governor and the Legislature. The JJC also is  
37 required to publish on the website the criteria that are used to  
38 determine whether a juvenile is granted parole and to provide this  
39 information to every juvenile who is sentenced to a term of  
40 incarceration.