

[Third Reprint]

**SENATE, No. 48**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED MAY 30, 2019

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**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:**

**Senators Singleton, Greenstein, Assemblywoman Vainieri Huttie,  
Assemblyman Johnson, Assemblywomen Tucker, McKnight and  
Assemblyman Conaway**

**SYNOPSIS**

Concerns juvenile incarceration and parole.

**CURRENT VERSION OF TEXT**

As amended by the Senate on January 9, 2020.



**(Sponsorship Updated As Of: 1/14/2020)**

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;

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted December 5, 2019.

<sup>2</sup>Senate floor amendments adopted December 16, 2019.

<sup>3</sup>Senate floor amendments adopted January 9, 2020.

1 g. To insure protection and a safe environment for those  
2 sexually exploited juveniles who are charged with prostitution or  
3 who are alleged to be victims of human trafficking; and to provide  
4 these juveniles with the appropriate shelter, care, counseling, and  
5 crisis intervention services from the time they are taken into  
6 custody and for the duration of any legal proceedings; **[and]**

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

10 i. To ensure a **['smarter,']** fairer<sup>1</sup>**['.']** and more efficient and  
11 effective juvenile justice system by incorporating the following  
12 **['successful']** principles and strategies **['of the Juvenile Detention**  
13 **Alternative Initiative (J.D.A.I.)']** into every stage of the  
14 delinquency action:

15 (1) promoting collaboration between juvenile court officials,  
16 probation agencies, prosecutors, defense attorneys, schools,  
17 community organizations, and advocates;

18 (2) using rigorous data collection and analysis to guide decision  
19 making;

20 (3) utilizing objective <sup>1</sup>criteria, processes, and tools, such as<sup>1</sup>  
21 risk-assessment instruments<sup>1,1</sup> to replace subjective decision-  
22 making processes to determine:

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

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

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

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

32 (6) reserving the use of incarceration for only those cases in  
33 which it is necessary to eliminate a substantial threat to public  
34 safety <sup>1</sup>or as required by the Interstate Compact for Juveniles<sup>1</sup>;

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

39 (8) monitoring and improving conditions of confinement in  
40 secure facilities.

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

42  
43 2. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to  
44 read as follows:

45 24. Disposition of delinquency cases. a. In determining the  
46 appropriate disposition for a juvenile adjudicated delinquent the  
47 court shall weigh the following factors:

- 1 (1) The nature and circumstances of the offense;
  - 2 (2) The degree of injury to persons or damage to property  
3 caused by the juvenile's offense;
  - 4 (3) The juvenile's age, previous record, prior social service  
5 received, and out-of-home placement history;
  - 6 (4) Whether the disposition supports family strength,  
7 responsibility and unity and the well-being and physical safety of  
8 the juvenile;
  - 9 (5) Whether the disposition provides for reasonable  
10 participation by the child's parent, guardian, or custodian, provided,  
11 however, that the failure of a parent or parents to cooperate in the  
12 disposition shall not be weighed against the juvenile in arriving at  
13 an appropriate disposition;
  - 14 (6) Whether the disposition recognizes and treats the unique  
15 physical, psychological, and social characteristics and needs of the  
16 child;
  - 17 (7) Whether the disposition contributes to the developmental  
18 needs of the child, including the academic and social needs of the  
19 child where the child has intellectual disabilities or learning  
20 disabilities;
  - 21 (8) Any other circumstances related to the offense and the  
22 juvenile's social history as deemed appropriate by the court;
  - 23 (9) The impact of the offense on the victim or victims;
  - 24 (10) The impact of the offense on the community; and
  - 25 (11) The threat to the safety of the public or any individual posed  
26 by the child.
- 27 b. If a juvenile is adjudged delinquent, **[and except to the**  
28 **extent that an additional specific disposition is required pursuant to**  
29 **subsection e. or f. of this section,]** <sup>1</sup>and except to the extent that an  
30 additional specific disposition is required pursuant to this section,<sup>1</sup> the  
31 court, in accordance with subsection i. of section 2 of P.L.1982,  
32 c.77 (C.2A:4A-21), may order incarceration <sup>1</sup>**[as a last resort]**<sup>1</sup>  
33 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court  
34 may order any one or more of the following dispositions:
- 35 (1) Adjourn formal entry of disposition of the case for a period  
36 not to exceed 12 months for the purpose of determining whether the  
37 juvenile makes a satisfactory adjustment, and if during the period of  
38 continuance the juvenile makes such an adjustment, dismiss the  
39 complaint; provided that if the court adjourns formal entry of  
40 disposition of delinquency for a violation of an offense defined in  
41 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
42 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
43 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
44 juveniles adjudicated delinquent;
  - 45 (2) Release the juvenile to the supervision of the juvenile's  
46 parent or guardian;
  - 47 (3) Place the juvenile on probation to the chief probation officer  
48 of the county or to any other suitable person who agrees to accept

1 the duty of probation supervision for a period not to exceed three  
2 years upon such written conditions as the court deems will aid  
3 rehabilitation of the juvenile;

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

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

20 (6) Place the juvenile under the care and custody of the  
21 Commissioner of Children and Families for the purpose of  
22 receiving the services of the Division of Children's System of Care  
23 of that department, provided that the juvenile has been determined  
24 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-  
25 25.4);

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

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

43 (9) Order the juvenile to make restitution to a person or entity  
44 who has suffered loss resulting from personal injuries or damage to  
45 property as a result of the offense for which the juvenile has been  
46 adjudicated delinquent. The court may determine the reasonable  
47 amount, terms, and conditions of restitution. If the juvenile  
48 participated in the offense with other persons, the participants shall

1 be jointly and severally responsible for the payment of restitution.  
2 The court shall not require a juvenile to make full or partial  
3 restitution if the juvenile reasonably satisfies the court that the  
4 juvenile does not have the means to make restitution and could not  
5 reasonably acquire the means to pay restitution;

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

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

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

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

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

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

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

47 (b) Place the juvenile under the custody of the Juvenile Justice  
48 Commission established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170) for placement with any private group home or  
2 private residential facility with which the commission has entered  
3 into a purchase of service contract;

4 (17) Instead of or in addition to any disposition made according  
5 to this section, the court may postpone, suspend, or revoke for a  
6 period not to exceed two years the driver's license, registration  
7 certificate, or both of any juvenile who used a motor vehicle in the  
8 course of committing an act for which the juvenile was adjudicated  
9 delinquent. In imposing this disposition and in deciding the duration  
10 of the postponement, suspension, or revocation, the court shall  
11 consider the severity of the delinquent act and the potential effect of  
12 the loss of driving privileges on the juvenile's ability to be  
13 rehabilitated. Any postponement, suspension, or revocation shall be  
14 imposed consecutively with any custodial commitment;

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

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

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

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

45 (2) **【No】** A juvenile **【may】** shall not be incarcerated in any  
46 county detention facility unless the county has entered into an  
47 agreement with the Juvenile Justice Commission concerning the use  
48 of the facility for sentenced juveniles. Upon agreement with the

1 county, the Juvenile Justice Commission shall certify detention  
2 facilities which may receive juveniles sentenced pursuant to this  
3 subsection and shall specify the capacity of the facility that may be  
4 made available to receive such juveniles; provided, however, that in  
5 no event shall the number of juveniles incarcerated pursuant to this  
6 subsection exceed 50% of the maximum capacity of the facility.

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

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

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

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

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

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

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

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



1 (2) **【**An order of incarceration for a term of the duration  
2 authorized pursuant to this section or section 25 of P.L.1982, c.77  
3 (C.2A:4A-44) which shall include a minimum term of 60 days  
4 during which the juvenile shall be ineligible for parole, if the  
5 juvenile has been adjudicated delinquent for an act which, if  
6 committed by an adult, would constitute the crime of aggravated  
7 assault in violation of paragraph (6) of subsection b. of  
8 N.J.S.2C:12-1, the second degree crime of eluding in violation of  
9 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case  
10 in which the juvenile has previously been adjudicated delinquent for  
11 an act, which if committed by an adult, would constitute unlawful  
12 taking of a motor vehicle or theft of a motor vehicle;**】** (Deleted by  
13 amendment, P.L. , c. ) (pending before the Legislature as this  
14 bill)

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

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

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

42 (2) **【**When a court in a county that does not have a juvenile  
43 detention facility or a contractual relationship permitting  
44 incarceration pursuant to subsection c. of this section is required to  
45 impose a term of incarceration pursuant to subsection e. of this  
46 section, the court may, subject to limitations on commitment to  
47 State correctional facilities of juveniles who are under the age of 11

1 or developmentally disabled, set a term of incarceration consistent  
 2 with subsection c. which shall be served in a State correctional  
 3 facility. When a juvenile who because of age or developmental  
 4 disability cannot be committed to a State correctional facility or  
 5 cannot be incarcerated in a county facility, the court shall order a  
 6 disposition appropriate as an alternative to any incarceration  
 7 required pursuant to subsection e. **】** (Deleted by amendment, P.L. ,  
 8 c. ) (pending before the Legislature as this bill)

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

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

25 <sup>1</sup>**【**h. When the court imposes a term of incarceration pursuant to  
 26 section 25 of P.L.1982, c.77 (C.2A:4A-44), it may order the  
 27 Juvenile Justice Commission to provide the juvenile with specific  
 28 services, as the court deems appropriate. **】**<sup>1</sup>

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

30  
 31 3. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to  
 32 read as follows:

33 25. Incarceration--Aggravating and mitigating factors

34 a. (1) **【**Except as provided in subsections e. and f. of section  
 35 24 of P.L.1982, c.77 (C.2A:4A-43), in **】** In determining whether  
 36 incarceration is an appropriate disposition <sup>1</sup>and in addition to the  
 37 considerations set forth in subsection i. of section 2 of P.L.1982,  
 38 c.77 (C.2A:4A-21)<sup>1</sup>, the court shall consider the following  
 39 aggravating circumstances:

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

43 (b) The fact that there was grave and serious harm inflicted on  
 44 the victim and that based upon the juvenile's age or mental capacity  
 45 the juvenile knew or reasonably should have known that the victim  
 46 was particularly vulnerable or incapable of resistance due to

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

- 1 (i) The juvenile's conduct was the result of circumstances  
2 unlikely to recur;
- 3 (j) The character and attitude of the juvenile indicate that the  
4 juvenile is unlikely to commit another delinquent or criminal act;
- 5 (k) The juvenile is particularly likely to respond affirmatively to  
6 noncustodial treatment;
- 7 (l) The separation of the juvenile from the juvenile's family by  
8 incarceration of the juvenile would entail excessive hardship to the  
9 juvenile or the juvenile's family;
- 10 (m) The willingness of the juvenile to cooperate with law  
11 enforcement authorities;
- 12 (n) The conduct of the juvenile was substantially influenced by  
13 another person more mature than the juvenile.
- 14 b. (1) There shall be a presumption of nonincarceration for any  
15 crime or offense of the fourth degree or less committed by a  
16 juvenile who has not previously been adjudicated delinquent or  
17 convicted of a crime or offense.
- 18 (2) Where incarceration is imposed, the court <sup>2</sup>and the Juvenile  
19 Justice Commission <sup>1</sup>, in consultation with a member of the State  
20 Parole Board,<sup>1</sup> and a panel comprised of at least two members of  
21 the Juvenile Justice Commission designated by the executive  
22 director and a member of the State Parole Board designated by the  
23 chairman<sup>2</sup> shall consider the juvenile's eligibility for release under  
24 the law governing parole pursuant to the provisions of subsection  
25 d. of this section.
- 26 c. The following juveniles shall not be committed to a State  
27 juvenile facility:
- 28 (1) Juveniles age 11 or under unless adjudicated delinquent for  
29 the crime of arson or a crime which, if committed by an adult,  
30 would be a crime of the first or second degree; and
- 31 (2) Juveniles who are developmentally disabled as defined in  
32 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82  
33 (C.30:6D-3).
- 34 d. (1) When the court determines that, based on the  
35 consideration of all the factors set forth in subsection a., the  
36 juvenile shall be incarcerated, unless it orders the incarceration  
37 pursuant to subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-  
38 43), it shall state on the record the reasons for imposing  
39 incarceration, including any findings with regard to these factors,  
40 and commit the juvenile to the custody of the Juvenile Justice  
41 Commission which shall provide for the juvenile's placement in a  
42 suitable juvenile facility pursuant to the conditions set forth in this  
43 subsection and for terms not to exceed the maximum terms as  
44 provided herein for what would constitute the following crimes if  
45 committed by an adult:
- 46 (a) Murder under 2C:11-3a(1) or (2) 20 years
- 47 (b) Murder under 2C:11-3a(3) 10 years

- 1 (c) Crime of the first degree, except murder 4 years  
 2 (d) Crime of the second degree 3 years  
 3 (e) Crime of the third degree 2 years  
 4 (f) Crime of the fourth degree 1 year  
 5 (g) Disorderly persons offense 6 months

6 (2) **[**Except as provided in subsection e. of section 24 of  
 7 P.L.1982, c.77 (C.2A:4A-43), the**]**

8 <sup>1</sup>[Any juvenile sentenced to an indeterminate term shall be  
 9 immediately eligible for parole.]<sup>1</sup> The period of confinement shall  
 10 continue until the **[**appropriate paroling authority**]** <sup>2</sup>[commission <sup>1</sup>,  
 11 in consultation with a member of the State Parole Board,<sup>1</sup>] panel  
 12 established pursuant to subsection b. of this section<sup>2</sup> determines that  
 13 **[**such a**]** the person [should be paroled] is eligible for early release  
 14 <sup>1</sup>on parole<sup>1</sup> or until expiration of the term of confinement,  
 15 whichever shall <sup>1</sup>[first]<sup>1</sup> occur <sup>1</sup>first<sup>1</sup>; except that in no case shall  
 16 the period of confinement and parole exceed the maximum provided  
 17 by law for **[**such**]** the offense. A juvenile shall be granted early  
 18 release on parole when it appears that the juvenile <sup>1</sup>[, if released,  
 19 would not pose a serious risk of physical injury to persons or  
 20 substantial injury to property] has made substantial progress toward  
 21 positive behavioral adjustment and rehabilitative goals articulated  
 22 by the <sup>2</sup>[commission and parole board member] panel established  
 23 pursuant to subsection b. of this section<sup>2</sup> to the juvenile<sup>1</sup>. However,  
 24 if a juvenile is approved for parole by the <sup>2</sup>[commission <sup>1</sup>and the  
 25 parole board member<sup>1</sup>] panel established pursuant to subsection b.  
 26 of this section<sup>2</sup> prior to serving one-third of any term imposed for  
 27 any crime of the first, second, or third degree, including any  
 28 extended term imposed pursuant to paragraph (3) or (4) of this  
 29 subsection, or one-fourth of any term imposed for any other crime  
 30 the granting of parole shall be subject to approval of the sentencing  
 31 court. Prior to approving parole, the court shall give the  
 32 prosecuting attorney notice and an opportunity to be heard. If the  
 33 court denies the parole of a juvenile pursuant to this paragraph it  
 34 shall state its reasons in writing and notify the **[**parole board**]**  
 35 <sup>2</sup>**[**commission**]** panel established pursuant to subsection b. of this  
 36 section<sup>2</sup>, the juvenile, and the juvenile's attorney. The court shall  
 37 have 30 days from the date of notice of the pending parole to  
 38 exercise the power granted under this paragraph. If the court does  
 39 not respond within that time period, the parole will be deemed  
 40 approved.

41 The <sup>2</sup>[commission <sup>1</sup>and the parole board member<sup>1</sup>] panel  
 42 established pursuant to subsection b. of this section<sup>2</sup> shall determine  
 43 at the time of release the conditions of parole, which shall be  
 44 appropriately tailored to the needs of each juvenile. Any conditions  
 45 imposed <sup>1</sup>at the time of release or modified thereafter as a graduated

1 intervention in lieu of initiating parole revocation proceedings<sup>1</sup>  
2 shall constitute the least restrictive alternatives necessary to  
3 promote the successful return of the juvenile to the community.  
4 The <sup>1</sup>【commission】 juvenile<sup>1</sup> shall not <sup>1</sup>【require the juvenile】 be  
5 required<sup>1</sup> to enter or complete a residential community release  
6 program, residential treatment program, or other out-of-home  
7 placement as a condition of parole unless <sup>1</sup>【the commission  
8 determines】 it is determined<sup>1</sup> that the condition is necessary to  
9 protect the safety of the juvenile.

10 Any juvenile committed under 【this act】 P.L.1982, c.77  
11 (C:2A:4A-20 et seq.) who is released on parole prior to the  
12 expiration of the juvenile's maximum term may be retained under  
13 parole supervision for a period not exceeding the unserved portion  
14 of the term 【and any term of post-incarceration supervision  
15 imposed pursuant to paragraph (5) of this subsection】. The 【Parole  
16 Board】 <sup>2</sup>【commission <sup>1</sup>and the parole board member<sup>1</sup>】 panel  
17 established pursuant to subsection b. of this section<sup>2</sup>, the juvenile,  
18 the juvenile's attorney, the juvenile's parent or guardian or, with  
19 leave of the court any other interested party, may make a motion to  
20 the court, with notice to the prosecuting attorney, for the return of  
21 the 【child】 juvenile from a juvenile facility prior to 【his】 the  
22 juvenile's parole and provide for an alternative disposition which  
23 would not exceed the duration of the original time to be served in  
24 the facility. 【Nothing contained in this paragraph shall be  
25 construed to limit the authority of the Parole Board as set forth in  
26 section 15 of P.L.1979, c.441 (C.30:4-123.59).】

27 (3) Upon application by the prosecutor, the court may sentence a  
28 juvenile who has been convicted of a crime of the first, second, or  
29 third degree if committed by an adult, to an extended term of  
30 incarceration beyond the maximum set forth in paragraph (1) of this  
31 subsection, if it finds that the juvenile was previously adjudged  
32 delinquent on at least two separate occasions, for offenses which, if  
33 committed by an adult, would constitute a crime of the first or  
34 second degree. The extended term shall not exceed five additional  
35 years for an act which would constitute murder and shall not exceed  
36 three additional years for all other crimes of the first degree and  
37 shall not exceed two additional years for a crime of the second  
38 degree, if committed by an adult, and one additional year for a  
39 crime of the third degree, if committed by an adult.

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

1 (5) **Every disposition that includes a term of incarceration shall**  
2 **include** The <sup>2</sup>commission <sup>1</sup>, in consultation with a member of the  
3 State Parole Board,<sup>1</sup> panel established pursuant to subsection b. of  
4 this section<sup>2</sup> may impose a term of post-incarceration supervision  
5 **Equivalent to one-third of the term of incarceration imposed**  
6 following the juvenile's release from custody only if <sup>1</sup>the  
7 commission deems it **it is deemed<sup>1</sup> necessary to effectuate the**  
8 juvenile's rehabilitation and reintegration into society. Post-  
9 incarceration supervision shall not exceed six months, except the  
10 <sup>1</sup>commission may extend the term **term may be extended<sup>1</sup> for an**  
11 additional six months if <sup>1</sup>it deems it **the <sup>2</sup>commission and parole**  
12 board member deem **panel established pursuant to subsection b. of**  
13 this section deems<sup>2</sup> continuation of the post-incarceration  
14 supervision<sup>1</sup> necessary to <sup>1</sup>prevent serious harm to the juvenile or  
15 the community **effectuate the juvenile's rehabilitation and**  
16 reintegration into society<sup>1</sup>. Post-incarceration supervision shall not  
17 exceed one year. Post-incarceration supervision shall not be  
18 imposed on any juvenile who has completed a period of parole  
19 supervision of six months or more. The term of post-incarceration  
20 supervision shall commence on the date of the expiration of the  
21 juvenile's maximum sentence. During the term of post-  
22 incarceration supervision the juvenile shall remain in the  
23 community and in the legal custody of the **Juvenile Justice**  
24 Commission established pursuant to section 2 of P.L.1995, c.284  
25 (C.52:17B-170) in accordance with the rules of the parole board,  
26 unless the appropriate parole board panel determines that post-  
27 incarceration supervision should be revoked and the juvenile  
28 returned to custody in accordance with the procedures and standards  
29 set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-  
30 123.59 through C.30:4-123.65). The term of post-incarceration  
31 supervision shall commence upon release from incarceration or  
32 parole, whichever is later **commission. The <sup>1</sup>commission**  
33 juvenile<sup>1</sup> shall not <sup>1</sup>require the juvenile **be required<sup>1</sup> to enter or**  
34 complete a residential community release program, residential  
35 treatment program, or other out-of-home placement as a condition  
36 of post-incarceration supervision. A term of post-incarceration  
37 supervision imposed pursuant to this paragraph may be terminated  
38 by the **appropriate parole board panel** <sup>2</sup>commission <sup>1</sup>and parole  
39 board member<sup>1</sup> panel established pursuant to subsection b. of this  
40 section<sup>2</sup> or court if the juvenile has made a satisfactory adjustment  
41 in the community while **on parole or** under **such** supervision<sup>1</sup>,  
42 and if continued supervision is not required **and if the juvenile has**  
43 made full payment of any fine or restitution.

44 (6) The commission shall review the case of each juvenile  
45 sentenced to <sup>1</sup>incarceration or an out-of-home placement **a term**

1 of commitment<sup>1</sup> with the commission at least every three months  
2 and submit a status report to the court, the prosecutor, and the  
3 counsel for the juvenile. The commission's review and status report  
4 shall include, but not be limited to:

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

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

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

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

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

15 The commission shall continue to submit quarterly reports to the  
16 court until the juvenile is paroled or released at the expiration of the  
17 term of incarceration and shall resume the quarterly reviews if the  
18 juvenile is returned to the custody of the commission. The court  
19 may conduct a hearing at any time to determine whether  
20 <sup>1</sup>[incarceration or an out-of-home placement] commitment with the  
21 commission<sup>1</sup> continues to be appropriate pursuant to section 24 of  
22 P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77  
23 (C.2A:4A-44), and may release the juvenile or otherwise modify the  
24 dispositional order. Nothing in this paragraph shall abrogate the  
25 court's retention of jurisdiction pursuant to section 26 of P.L.1982,  
26 c.77 (C.2A:4A-45).

27 e. If the <sup>2</sup>[commission <sup>1</sup>, in consultation with a member of the  
28 State Parole Board,<sup>1</sup>] panel established pursuant to subsection b. of  
29 this section<sup>2</sup> determines there is probable cause to believe that the  
30 juvenile has seriously or persistently violated the terms and  
31 conditions of parole, the commission shall conduct a hearing to  
32 determine if the juvenile's parole should be revoked. The juvenile  
33 shall be represented by counsel at the hearing. The hearing shall be  
34 conducted by a hearing officer who is licensed as an attorney-at-law  
35 in this State. The juvenile shall not be incarcerated prior to the  
36 hearing unless the <sup>2</sup>[commission <sup>1</sup>[determines] and the parole  
37 board member determine<sup>1</sup>] panel established pursuant to subsection  
38 b. of this section determines<sup>2</sup> by objective and credible evidence  
39 that the juvenile poses an immediate and substantial danger to  
40 public safety. If the juvenile is incarcerated prior to the hearing, the  
41 hearing shall be held within 72 hours of the juvenile's return to  
42 custody and a written decision made and transmitted to the juvenile  
43 and the juvenile's counsel within 48 hours of the hearing. Upon  
44 request of counsel for the juvenile, the hearing officer shall adjourn  
45 the hearing for not more than 72 hours. Subsequent adjournments  
46 may be granted upon request of the juvenile and good cause shown.



1     The <sup>2</sup>[commission <sup>1</sup>and the parole board member<sup>1</sup>] panel  
2 established pursuant to subsection b. of this section<sup>2</sup> shall not  
3 revoke the parole of a juvenile unless the hearing officer  
4 determines, by clear and convincing evidence, that:

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

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

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

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

16     Notwithstanding a determination that the juvenile violated a  
17 condition of parole, the <sup>2</sup>[commission <sup>1</sup>and the parole board  
18 member<sup>1</sup>] panel established pursuant to subsection b. of this  
19 section<sup>2</sup> may modify those conditions.

20     f. The <sup>2</sup>[commission <sup>1</sup>, in consultation with a member of the  
21 State Parole Board,<sup>1</sup>] panel established pursuant to subsection b. of  
22 this section<sup>2</sup> may relieve a juvenile of any parole conditions, and  
23 may permit a parolee to reside outside the State pursuant to the  
24 provisions of the Interstate Compact on Juveniles, P.L.1955, c.55  
25 (C.9:23-1 to 9:23-4), and after providing notice to the Attorney  
26 General, <sup>1</sup>may consent to the supervision of a parolee by the federal  
27 government pursuant to<sup>1</sup> the federal Witness Security Reform Act,  
28 <sup>1</sup>[if the commission is satisfied that the change will not result in a  
29 substantial likelihood that the juvenile will commit an offense  
30 which would be a crime under the laws of this State] Pub.L.98-473  
31 (18 U.S.C. s.3521 et seq.)<sup>1</sup>. The <sup>2</sup>[commission <sup>1</sup>and the parole  
32 board member<sup>1</sup>] panel established pursuant to subsection b. of this  
33 section<sup>2</sup> may revoke permission, except in the case of a juvenile  
34 under the Witness Security Reform Act, or reinstate relieved parole  
35 conditions for any period of time during which a juvenile is under  
36 its jurisdiction.

37     g. The commission shall promulgate rules and regulations  
38 governing the commission's duties and responsibilities concerning  
39 parole eligibility, supervision, and revocation.

40     <sup>1</sup>h. The member of the State Parole Board <sup>2</sup>[with whom the  
41 commission is required to consult pursuant to the provisions of this  
42 section] who is designated by the chairman to be on the panel  
43 established pursuant to subsection b. of this section<sup>2</sup> shall have  
44 experience in juvenile justice or have successfully completed a  
45 juvenile justice training program to be established by the chairman.  
46 The training program shall be comprised of seven hours of

1 instruction including, but not <sup>2</sup>**[be]**<sup>2</sup> limited to: emerging scientific  
2 knowledge concerning adolescent development, particularly  
3 adolescent brain function and how adolescent development relates  
4 to incarcerated youth, the influence of peer relationships among  
5 adolescents and peer contagion effects, and the effects of juvenile  
6 crime on victims.<sup>1</sup>

7 <sup>3</sup>i. Any decision concerning parole made by the panel  
8 established pursuant to subsection b. of this section shall be  
9 unanimous.<sup>3</sup>

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

11

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

13 2C:35-15. a. (1) In addition to any disposition authorized by  
14 this title, **[the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-**  
15 **43), or any other statute indicating the dispositions that can be**  
16 **ordered for an adjudication of delinquency,]** every person convicted  
17 of **[or adjudicated delinquent for]** a violation of any offense  
18 defined in this chapter or chapter 36 of this title shall be assessed  
19 for each **[such]** offense a penalty fixed at:

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

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

23 (c) **[\$1,000.00]** \$1,000 in the case of a crime of the third  
24 degree;

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

26 (e) **[\$500.00]** \$500 in the case of a disorderly persons or petty  
27 disorderly persons offense.

28 (2) A person being sentenced for more than one offense set forth  
29 in subsection a. of this section who is **[neither]** not placed in  
30 supervisory treatment pursuant to this section **[nor]** or ordered to  
31 perform reformatory service pursuant to subsection f. of this section  
32 may, in the discretion of the court, be assessed a single penalty  
33 applicable to the highest degree offense for which the person is  
34 convicted **[or adjudicated delinquent]**, if the court finds that the  
35 defendant has established the following:

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

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

41 Every person placed in supervisory treatment pursuant to the  
42 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of  
43 any offense defined in this chapter or chapter 36 of this title shall be  
44 assessed the penalty prescribed **[herein]** in this section and  
45 applicable to the degree of the offense charged, except that the court  
46 shall not impose more than one such penalty regardless of the

1 number of offenses charged. If the person is charged with more than  
2 one offense, the court shall impose as a condition of supervisory  
3 treatment the penalty applicable to the highest degree offense for  
4 which the person is charged.

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

8 b. All penalties provided for in this section shall be collected as  
9 provided for collection of fines and restitutions in section 3 of  
10 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
11 Department of the Treasury as provided in subsection c. of this  
12 section.

13 c. All moneys collected pursuant to this section shall be  
14 forwarded to the Department of the Treasury to be deposited in a  
15 nonlapsing revolving fund to be known as the "Drug Enforcement  
16 and Demand Reduction Fund." Moneys in the fund shall be  
17 appropriated by the Legislature on an annual basis for the purposes  
18 of funding in the following order of priority: (1) the Alliance to  
19 Prevent Alcoholism and Drug Abuse and its administration by the  
20 Governor's Council on Alcoholism and Drug Abuse; (2) the  
21 "Alcoholism and Drug Abuse Program for the Deaf, Hard of  
22 Hearing and Disabled" established pursuant to section 2 of  
23 P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free  
24 New Jersey," the State affiliate of the "Partnership for a Drug Free  
25 America"; and (4) other alcohol and drug abuse programs.

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

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

35 e. The court may suspend the collection of a penalty imposed  
36 pursuant to this section; provided the person is ordered by the court  
37 to participate in a drug or alcohol rehabilitation program approved  
38 by the court; and further provided that the person agrees to pay for  
39 all or some portion of the costs associated with the rehabilitation  
40 program. In this case, the collection of a penalty imposed pursuant  
41 to this section shall be suspended during the person's participation  
42 in the approved, court-ordered rehabilitation program. Upon  
43 successful completion of the program, as determined by the court  
44 upon the recommendation of the treatment provider, the person may  
45 apply to the court to reduce the penalty imposed pursuant to this  
46 section by any amount actually paid by the person for **【his**  
47 **participation】** participating in the program. The court shall not  
48 reduce the penalty pursuant to this subsection unless the person

1 establishes to the satisfaction of the court that **[he]** the person has  
2 successfully completed the rehabilitation program. If the person's  
3 participation is for any reason terminated before **[his]** successful  
4 completion of the rehabilitation program, collection of the entire  
5 penalty imposed pursuant to this section shall be enforced. Nothing  
6 in this section shall be deemed to affect or suspend any other  
7 criminal sanctions imposed pursuant to this chapter or chapter 36 of  
8 this title.

9 f. A person required to pay a penalty under this section may  
10 propose to the court and the prosecutor a plan to perform  
11 reformatory service in lieu of payment of up to one-half of the  
12 penalty amount imposed under this section. The reformatory  
13 service plan option shall not be available if the provisions of  
14 paragraph (2) of subsection a. of this section apply or if the person  
15 is placed in supervisory treatment pursuant to the provisions of  
16 N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of this section,  
17 "reformatory service" shall include training, education or work, in  
18 which regular attendance and participation is required, supervised,  
19 and recorded, and which would assist in the defendant's  
20 rehabilitation and reintegration. "Reformatory service" shall  
21 include, but not be limited to, substance abuse treatment or services,  
22 other therapeutic treatment, educational or vocational services,  
23 employment training or services, family counseling, service to the  
24 community and volunteer work. For the purposes of this section, an  
25 application to participate in a court-administered alcohol and drug  
26 rehabilitation program shall have the same effect as the submission  
27 of a reformatory service plan to the court.

28 The court, in its discretion, shall determine whether to accept the  
29 plan, after considering the position of the prosecutor, the plan's  
30 appropriateness and practicality, the defendant's ability to pay, and  
31 the effect of the proposed service on the defendant's rehabilitation  
32 and reintegration into society. The court shall determine the amount  
33 of the credit that would be applied against the penalty upon  
34 successful completion of the reformatory service, not to exceed one-  
35 half of the amount assessed, except that the court may, in the case  
36 of an extreme financial hardship, waive additional amounts of the  
37 penalty owed by a person who has completed a court administered  
38 alcohol and drug rehabilitation program if necessary to aid the  
39 person's rehabilitation and reintegration into society. The court shall  
40 not apply the credit against the penalty unless the person establishes  
41 to the satisfaction of the court that **[he]** the person has successfully  
42 completed the reformatory service. If the person's participation is  
43 for any reason terminated before his successful completion of the  
44 reformatory service, collection of the entire penalty imposed  
45 pursuant to this section shall be enforced. Nothing in this  
46 subsection shall be deemed to affect or suspend any other criminal  
47 sanctions imposed pursuant to this chapter or chapter 36 of this  
48 title.

1 Any reformatory service ordered pursuant to this section shall be  
2 in addition to and not in lieu of any community service imposed by  
3 the court or otherwise required by law. Nothing in this section shall  
4 limit the court's authority to order a person to participate in any  
5 activity, program, or treatment in addition to those proposed in a  
6 reformatory service plan.

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

8  
9 5. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to  
10 read as follows:

11 2. a. (1) In addition to any disposition made pursuant to the  
12 provisions of N.J.S.2C:43-2, any person convicted of a crime of  
13 violence, theft of an automobile pursuant to N.J.S.2C:20-2, eluding  
14 a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-  
15 2, or unlawful taking of a motor vehicle pursuant to subsection b.,  
16 c., or d. of N.J.S.2C:20-10 shall be assessed at least **[\$100.00]**  
17 \$100, but not to exceed **[\$10,000.00]** \$10,000 for each **[such]**  
18 crime for which **[he]** the person was convicted which resulted in  
19 the injury or death of another person. In imposing this assessment,  
20 the court shall consider factors such as the severity of the crime, the  
21 defendant's criminal record, defendant's ability to pay, and the  
22 economic impact of the assessment on the defendant's dependents.

23 (2) (a) In addition to any other disposition made pursuant to the  
24 provisions of N.J.S.2C:43-2 or any other statute imposing sentences  
25 for crimes, any person convicted of any disorderly persons offense,  
26 any petty disorderly persons offense, or any crime not resulting in  
27 the injury or death of any other person shall be assessed **[\$50.00]**  
28 \$50 for each **[such]** offense or crime for which **[he]** the person was  
29 convicted.

30 (b) **[In addition to any other disposition made pursuant to the**  
31 **provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any**  
32 **other statute indicating the dispositions that can be ordered for**  
33 **adjudications of delinquency, any juvenile adjudicated delinquent,**  
34 **according to the definition of "delinquency" established in section 4**  
35 **of P.L.1982, c.77 (C.2A:4A-23), shall be assessed at least \$30.00**  
36 **for each such adjudication, but not to exceed the amount which**  
37 **could be assessed pursuant to paragraph (1) or paragraph (2) (a) of**  
38 **subsection a. of this section if the offense was committed by an**  
39 **adult.]** (Deleted by amendment, P.L. c. ) (pending before the  
40 Legislature as this bill)

41 (c) In addition to any other assessment imposed pursuant to the  
42 provisions of R.S.39:4-50, the provisions of section 12 of P.L.1990,  
43 c.103 (C.39:3-10.20) relating to a violation of section 5 of  
44 P.L.1990, c.103 (C.39:3-10.13), the provisions of section 19 of  
45 P.L.1954, c.236 (C.12:7-34.19) or the provisions of section 3 of  
46 P.L.1952, c.157 (C.12:7-46), any person convicted of operating a

1 motor vehicle, commercial motor vehicle or vessel while under the  
2 influence of liquor or drugs shall be assessed **[\$50.00]** \$50.

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

8 (3) All assessments provided for in this section shall be  
9 collected as provided in section 3 of P.L.1979, c.396 (C.2C:46-4)  
10 and the court shall so order at the time of sentencing. When a  
11 defendant who is sentenced to incarceration in a State correctional  
12 facility has not, at the time of sentencing, paid an assessment for the  
13 crime for which **[he]** the defendant is being sentenced or an  
14 assessment imposed for a previous crime, the court shall  
15 specifically order the Department of Corrections to collect the  
16 assessment during the period of incarceration and to deduct the  
17 assessment from any income the inmate receives as a result of labor  
18 performed at the institution or on any work release program or from  
19 any personal account established in the institution for the benefit of  
20 the inmate. All moneys collected, whether in part or in full  
21 payment of any assessment imposed pursuant to this section, shall  
22 be forwarded monthly by the parties responsible for collection,  
23 together with a monthly accounting on forms prescribed by the  
24 Victims of Crime Compensation Board pursuant to section 19 of  
25 P.L.1991, c.329 (C.52:4B-8.1), to the Victims of Crime  
26 Compensation Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (6) (a) The Victims of Crime Compensation Board Account  
19 shall be a separate, nonlapsing, revolving account that shall be  
20 administered by the Victims of Crime Compensation Board. All  
21 moneys deposited in that Account shall be used in satisfying claims  
22 pursuant to the provisions of the "Criminal Injuries Compensation  
23 Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) and for related  
24 administrative costs.

25 (b) The Criminal Disposition and Revenue Collection Fund shall  
26 be a separate, nonlapsing, revolving account that shall be  
27 administered by the Victims of Crime Compensation Board. All  
28 moneys deposited in that Fund shall be used as provided in section  
29 19 of P.L.1991, c.329 (C.52:4B-8.1).

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

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

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

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

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

41

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

44 3. a. All fines, assessments imposed pursuant to section 2 of  
45 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
46 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
47 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties

1 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
2 penalties imposed pursuant to section 1 of P.L.2009, c.143  
3 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
4 P.L.2013, c.214 (C.30:4-123.97),<sup>2</sup> and restitution shall be collected  
5 as follows:

6 (1) All fines, assessments imposed pursuant to section 2 of  
7 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
8 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
9 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
10 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
11 penalties imposed pursuant to section 1 of P.L.2009, c.143  
12 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
13 P.L.2013, c.214 (C.30:4-123.97),<sup>2</sup> and restitution imposed by the  
14 Superior Court or otherwise imposed at the county level, shall be  
15 collected by the county probation division except when **[such]** the  
16 fine, assessment,<sup>2</sup> or restitution is imposed in conjunction with a  
17 custodial sentence to a State correctional facility or in conjunction  
18 with a term of incarceration imposed pursuant to section 25 of  
19 P.L.1982, c.77 (C.2A:4A-44) in which event **[such]** the fine,  
20 assessment,<sup>2</sup> or restitution shall be collected by the Department of  
21 Corrections **[or the Juvenile Justice Commission established**  
22 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)]** <sup>1</sup>or the  
23 Juvenile Justice Commission established pursuant to section 2 of  
24 P.L.1995, c.284 (C.52:17B-170)<sup>1</sup>. An adult prisoner of a State  
25 correctional institution **[or a juvenile serving a term of**  
26 **incarceration imposed pursuant to section 25 of P.L.1982, c.77**  
27 **(C.2A:4A-44)]** <sup>1</sup>or a juvenile serving a term of incarceration imposed  
28 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)<sup>1</sup> who has not  
29 paid an assessment imposed pursuant to section 2 of P.L.1979,  
30 c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of  
31 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
32 section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed  
33 pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty  
34 imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97),<sup>2</sup>  
35 or restitution shall have the assessment, penalty, fine,<sup>2</sup> or restitution  
36 deducted from any income the inmate receives as a result of labor  
37 performed at the institution or on any type of work release program  
38 or, pursuant to regulations promulgated by the Commissioner of the  
39 Department of Corrections **[or the Juvenile Justice Commission]**  
40 <sup>1</sup>or the Juvenile Justice Commission<sup>1</sup>, from any personal account  
41 established in the institution for the benefit of the inmate.

42 (a) A payment of restitution collected by the Department of  
43 Corrections pursuant to this paragraph shall be maintained by the  
44 department for two years during which the department shall attempt  
45 to locate the victim to whom the restitution is owed. If the  
46 department has not located the victim and the victim has not come  
47 forward to claim the payment within this two-year period, the



1 payment shall be transferred to the Victims of Crime Compensation  
2 Office Account to be used in satisfying claims pursuant to the  
3 provisions of the "Criminal Injuries Compensation Act of 1971,"  
4 P.L.1971, c.317 (C.52:4B-1 et seq.).

5 (b) If the Department of Corrections has transferred a payment  
6 of restitution to the Victims of Crime Compensation Office  
7 pursuant to subparagraph (a) of this paragraph, the department shall  
8 provide the office with the order for restitution and any other  
9 information regarding the identity of the victim to whom the  
10 payment is owed. The office shall be responsible for maintaining  
11 this information and for distributing payments of restitution to  
12 victims who can prove they are owed the payments.

13 (2) All fines, assessments imposed pursuant to section 2 of  
14 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to  
15 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed  
16 by a municipal court shall be collected by the municipal court  
17 administrator except if **[such]** the fine, assessments imposed  
18 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
19 restitution is ordered as a condition of probation in which event it  
20 shall be collected by the county probation division.

21 b. Except as provided in subsection c. with respect to fines  
22 imposed on appeals following convictions in municipal courts and  
23 except as provided in subsection i. with respect to restitution  
24 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et  
25 al.), all fines imposed by the Superior Court or otherwise imposed  
26 at the county level, shall be paid over by the officer entitled to  
27 collect **[same]** the fines to:

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

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

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

41 In the case of an intermunicipal court, fines shall be paid into the  
42 municipal treasury of the municipality in which the offense was  
43 committed, and costs, fees, and forfeitures of bail shall be  
44 apportioned among the several municipalities to which the court's  
45 jurisdiction extends according to the ratios of the municipalities'  
46 contributions to the total expense of maintaining the court.

47 In the case of a central municipal court, established by a county  
48 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of

1 bail shall be paid into the county treasury of the county where the  
2 central municipal court is located.

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

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

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

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

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

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

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

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

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

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

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

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

41

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

44 3. a. There is hereby created and established within the  
45 Department of Corrections a State Parole Board which shall consist  
46 of a chairman, 14 associate members and three alternate board  
47 members. The chairman, associate members and alternate board  
48 members shall be appointed by the Governor with the advice and

1 consent of the Senate from qualified persons with training or  
2 experience in law, sociology, criminal justice, [juvenile justice] or  
3 related branches of the social sciences. Members of the board and  
4 the alternate board members shall be appointed for terms of six  
5 years and the terms of their successors shall be calculated from the  
6 expiration of the incumbent's term. Members shall serve until their  
7 successors are appointed and have qualified.

8 The Governor shall designate a vice-chairman from among the  
9 associate members. The vice-chairman shall assume the duties of  
10 the chairman when the chairman is absent, unavailable or otherwise  
11 unable to perform his duties, or, in the case of removal or a  
12 permanent incapacity, until the qualification of a successor  
13 chairman appointed by the Governor.

14 Any alternate board member may assume the duties of an  
15 associate member when the associate member is absent, unavailable  
16 or otherwise unable to perform his duties, or the associate member  
17 assumes the duties of the chairman, and shall perform those duties  
18 only until the associate resumes his duties, or, in the case of  
19 removal or a permanent incapacity, the qualification of a successor  
20 appointed by the Governor.

21 b. (1) Any vacancy occurring in the membership of the board,  
22 otherwise than by expiration of term, shall be filled in the same  
23 manner as one occurring by expiration of term, but for the  
24 unexpired term only. Any member of the board, including any  
25 alternate board member, may be removed from office by the  
26 Governor for cause.

27 (2) Upon certification of the chairman that additional parole  
28 panels are needed on a temporary basis for the efficient processing  
29 of parole decisions, the Governor also may appoint not more than  
30 four temporary acting parole board members from qualified persons  
31 with training or experience in law, sociology, criminal justice,  
32 juvenile justice or related branches of the social sciences. A  
33 temporary acting member shall be appointed for a term of three  
34 months. The Governor may extend the appointment of any or all of  
35 the temporary acting members for additional terms of three months,  
36 upon certification of the chairman that additional parole panels are  
37 needed on a temporary basis for the efficient processing of parole  
38 decisions. A temporary acting member shall be authorized to  
39 participate in administrative review of initial parole hearing  
40 decisions, parole consideration hearings and determinations  
41 concerning revocation or rescission of parole.

42 c. The members of the board shall devote their full time to the  
43 performance of their duties and be compensated pursuant to section  
44 2 of P.L.1974, c.55 (C.52:14-15.108). Any alternate member and  
45 any temporary acting members shall be entitled to compensation.  
46 The amount of such compensation shall be determined by  
47 multiplying the rate an associate member would be paid on a per  
48 diem basis times the number of days the alternate board member or

1 temporary acting member actually performed the duties of an  
2 associate member in accordance with the provisions of this section.

3 d. **At the time of appointment, the Governor shall designate**  
4 **two associate members of the board to serve on a panel on juvenile**  
5 **commitments. The remaining 12** ~~The~~ **associate members of the**  
6 **board shall be appointed by the Governor to panels on adult**  
7 **sentences and assigned by the chairman of the board to six panels**  
8 **on adult sentences. The chairman of the board shall be a member of**  
9 **each panel. Nothing provided herein shall prohibit the chairman**  
10 **from reassigning any member appointed to a panel on adult**  
11 **sentences to facilitate the efficient function of the board. Nothing**  
12 **provided herein shall prohibit the chairman from temporarily**  
13 **reassigning any member appointed** **to a panel on juvenile**  
14 **commitments** **to a panel on adult sentences or a panel on young**  
15 **adult sentences to facilitate the efficient function of the board. The**  
16 **alternate board member may assume, in accordance with the**  
17 **provisions of this section, the duties of any associate member**,  
18 **regardless of whether that associate member serves on a panel on**  
19 **juvenile commitments or panels on adult sentences**. The chairman  
20 may assign a temporary acting member to a panel on adult  
21 sentences **or juvenile commitments**.

22 e. Of the associate members first appointed to the four  
23 positions created pursuant to the provisions of P.L.2001, c.141, one  
24 shall be appointed for a term of six years; one shall be appointed for  
25 a term of five years; one shall be appointed for a term of four years  
26 and one shall be appointed for a term of three years.

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

28

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

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

33 b. Except where otherwise noted, parole determinations on  
34 individual cases pursuant to this act shall be made by the majority  
35 vote of a quorum of the appropriate board panel established  
36 pursuant to this section.

37 c. The chairman of the board shall be the chief executive  
38 officer of the board and, after consulting with the board, shall be  
39 responsible for designating the time and place of all board  
40 meetings, for appointing the board's employees, for organizing,  
41 controlling and directing the work of the board and its employees,  
42 and for preparation and justification of the board's budget. Only the  
43 employees in those titles and positions as are designated by the  
44 Civil Service Commission shall serve at the pleasure of the  
45 chairman and shall not be subject to the provisions of Title 11A of  
46 the New Jersey Statutes. All other employees, including hearing  
47 officers, shall be in the career service and subject to the provisions

1 of Title 11A of the New Jersey Statutes. All such career service  
2 employees who are employed by the State Parole Board on  
3 September 5, 2001, and in the case of hearing officers, those who  
4 have been employed by the State Parole Board for a period of at  
5 least one year prior to the effective date of P.L.2005, c.344, shall  
6 have permanent career service status with seniority awarded from  
7 the date of their appointments. Parole officers assigned to supervise  
8 adult parolees and all supervisory titles associated with the  
9 supervision of adult parolees in the parole officer series shall be  
10 classified employees subject to the provisions of Title 11A of the  
11 New Jersey Statutes. Parole officers assigned to supervise adult  
12 parolees and all supervisory titles associated with the supervision of  
13 adult parolees in the parole officer job classification series shall be  
14 organizationally assigned to the State Parole Board with a sworn  
15 member of the Division of Parole appointed to act as director of  
16 parole supervision. The director of parole supervision shall report  
17 directly to the Chairman of the State Parole Board or to such person  
18 as the chairman may designate.

19 d. The board shall promulgate **【such】** reasonable rules and  
20 regulations, consistent with this act, as may be necessary for the  
21 proper discharge of its responsibilities. The chairman shall file  
22 **【such】** the rules and regulations with the Secretary of State. The  
23 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
24 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and  
25 regulations concerning policy and administration, but not to other  
26 actions taken under this act, such as parole hearings, parole  
27 revocation hearings and review of parole cases. In determination of  
28 its rules and regulations concerning policy and administration, the  
29 board shall consult the Governor**【,】** and the Commissioner of  
30 Corrections **【and the Juvenile Justice Commission established**  
31 **pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)】**.

32 e. The board, in conjunction with the Department of  
33 Corrections **【and the Juvenile Justice Commission】**, shall develop a  
34 uniform information system in order to closely monitor the parole  
35 process. **【Such】** The system shall include participation in the  
36 Uniform Parole Reports of the National Council on Crime and  
37 Delinquency.

38 f. The board annually shall transmit a report of its work for the  
39 preceding fiscal year, including information on the causes and  
40 extent of parole recidivism**【,】** to the Governor**【,】** and the  
41 Legislature **【and the Juvenile Justice Commission annually】**. The  
42 report shall include information regarding medical parole including,  
43 but not limited to, the number of inmates who applied for medical  
44 parole, the number of inmates who were granted medical parole,  
45 and the number of inmates who were denied medical parole. The  
46 report also may include relevant information on compliance with  
47 established time frames in the processing of parole eligibility

1 determinations, the effectiveness of any pertinent legislative or  
2 administrative measures, and any recommendations to enhance  
3 board operations or to effectuate the purposes of the "Parole Act of  
4 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

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

7 h. **【**The board shall give notice to the appropriate prosecutor's  
8 office and to the committing court prior to the initial consideration  
9 of any juvenile inmate for release.**】** Deleted by amendment,  
10 P.L. c. (pending before the Legislature as this bill)  
11 (cf: P.L.2017, c.235, s.2)

12

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

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

20 b. Nothing contained in this act shall be deemed to preclude a  
21 member of any board panel from exercising all the functions,  
22 powers, and duties of a hearing officer upon designation by the  
23 chairman; provided, however, that no member so designated shall  
24 participate in the disposition of a panel or board review of his initial  
25 decision.

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

32 d. Representatives of the board or the chairman designated  
33 pursuant to this act may include employees of the board and  
34 employees of other agencies such as the Department of Corrections  
35 **【**or the Juvenile Justice Commission established pursuant to section  
36 2 of P.L.1995, c.284 (C.52:17B-170)**】**, provided that no employee  
37 of the Department of Corrections **【**or the Juvenile Justice  
38 Commission**】** shall be so designated without the approval of the  
39 Commissioner of Corrections **【**or the Executive Director of the  
40 Commission**】**. Such representatives shall not participate in the  
41 disposition of parole cases.

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

43

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

46 7. a. Each adult inmate sentenced to a term of incarceration in  
47 a county penal institution, or to a specific term of years at the State

1 Prison or the correctional institution for women shall become  
2 primarily eligible for parole after having served any judicial or  
3 statutory mandatory minimum term, or one-third of the sentence  
4 imposed where no mandatory minimum term has been imposed less  
5 commutation time for good behavior pursuant to N.J.S.2A:164-24  
6 or R.S.30:4-140 and credits for diligent application to work and  
7 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-  
8 28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the  
9 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
10 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
11 way reduce any judicial or statutory mandatory minimum term and  
12 such credits accrued shall only be awarded subsequent to the  
13 expiration of the term.

14 b. Each adult inmate sentenced to a term of life imprisonment  
15 shall become primarily eligible for parole after having served any  
16 judicial or statutory mandatory minimum term, or 25 years where  
17 no mandatory minimum term has been imposed less commutation  
18 time for good behavior and credits for diligent application to work  
19 and other institutional assignments. If an inmate sentenced to a  
20 specific term or terms of years is eligible for parole on a date later  
21 than the date upon which he would be eligible if a life sentence had  
22 been imposed, then in such case the inmate shall be eligible for  
23 parole after having served 25 years, less commutation time for good  
24 behavior and credits for diligent application to work and other  
25 institutional assignments. Consistent with the provisions of the  
26 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
27 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
28 way reduce any judicial or statutory mandatory minimum term and  
29 such credits accrued shall only be awarded subsequent to the  
30 expiration of the term.

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

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

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

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

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

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

20 g. Each adult inmate of a county jail, workhouse, or  
21 penitentiary shall become primarily eligible for parole upon service  
22 of 60 days of his aggregate sentence or as provided for in  
23 subsection a. of this section, whichever is greater. Whenever any  
24 such inmate's parole eligibility is within six months of the date of  
25 such sentence, the judge shall state such eligibility on the record  
26 which shall satisfy all public and inmate notice requirements. The  
27 chief executive officer of the institution in which county inmates  
28 are held shall generate all reports pursuant to subsection d. of  
29 section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board  
30 shall have the authority to promulgate time periods applicable to the  
31 parole processing of inmates of county penal institutions, except  
32 that no inmate may be released prior to the primary eligibility date  
33 established by this subsection, unless consented to by the  
34 sentencing judge. No inmate sentenced to a specific term of years  
35 at the State Prison or the correctional institution for women shall  
36 become primarily eligible for parole until service of a full nine  
37 months of his aggregate sentence.

38 h. When an inmate is sentenced to more than one term of  
39 imprisonment, the primary parole eligibility terms calculated  
40 pursuant to this section shall be aggregated by the board for the  
41 purpose of determining the primary parole eligibility date**【**, except  
42 that no juvenile commitment shall be aggregated with any adult  
43 sentence**】**. The board shall promulgate rules and regulations to  
44 govern aggregation under this subsection.

45 i. The primary eligibility date shall be computed by a  
46 designated representative of the board and made known to the  
47 inmate in writing not later than 90 days following the



1 commencement of the sentence. In the case of an inmate sentenced  
2 to a county penal institution such notice shall be made pursuant to  
3 subsection g. of this section. Each inmate shall be given the  
4 opportunity to acknowledge in writing the receipt of such  
5 computation. Failure or refusal by the inmate to acknowledge the  
6 receipt of such computation shall be recorded by the board but shall  
7 not constitute a violation of this subsection.

8 j. Except as provided in this subsection, each inmate sentenced  
9 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
10 N.J.S.2A:164-17 for a fixed minimum and maximum term or  
11 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for  
12 parole on a date computed pursuant to this section, but shall be  
13 primarily eligible on a date computed pursuant to P.L.1948, c.84  
14 (C.30:4-123.1 et seq.), which is continued in effect for this purpose.  
15 Inmates classified as second, third or fourth offenders pursuant to  
16 section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become  
17 primarily eligible for parole after serving one-third, one-half, or  
18 two-thirds of the maximum sentence imposed, respectively, less in  
19 each instance commutation time for good behavior and credits for  
20 diligent application to work and other institutional assignments;  
21 provided, however, that if the prosecuting attorney or the  
22 sentencing court advises the board that the punitive aspects of the  
23 sentence imposed on such inmates will not have been fulfilled by  
24 the time of parole eligibility calculated pursuant to this subsection,  
25 then the inmate shall not become primarily eligible for parole until  
26 serving an additional period which shall be one-half of the  
27 difference between the primary parole eligibility date calculated  
28 pursuant to this subsection and the parole eligibility date calculated  
29 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
30 prosecuting attorney or the sentencing court advises the board that  
31 the punitive aspects of the sentence have not been fulfilled, such  
32 advice need not be supported by reasons and will be deemed  
33 conclusive and final. Any such decision shall not be subject to  
34 judicial review except to the extent mandated by the New Jersey  
35 and United States Constitutions. The board shall, reasonably prior  
36 to considering any such case, advise the prosecuting attorney and  
37 the sentencing court of all information relevant to such inmate's  
38 parole eligibility.

39 k. Notwithstanding any provisions of this section to the  
40 contrary, a person sentenced to imprisonment pursuant to paragraph  
41 (2), (3), or (4) of subsection b. of N.J.S.2C:11-3 shall not be  
42 eligible for parole.

43 l. Notwithstanding the provisions of subsections a. through j.  
44 of this section, the appropriate board panel, as provided in section 1  
45 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving  
46 a sentence of imprisonment on medical parole at any time.  
47 (cf: P.L.2007, c.204, s.6)

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

3        1. a. As used in this act: "Prosecutor" means the county  
4 prosecutor of the county in which the defendant was convicted  
5 unless the matter was prosecuted by the Attorney General, in which  
6 case "prosecutor" means the Attorney General.

7        "Office of Victim Witness Advocacy" means the Office of  
8 Victim Witness Advocacy of the county in which the defendant was  
9 convicted.

10        b. Notwithstanding any other provision of law to the contrary,  
11 the State shall provide written notice to the prosecutor of the  
12 anticipated release from incarceration in a county or State penal  
13 institution or the Adult Diagnostic and Treatment Center of a  
14 person convicted of murder; manslaughter; aggravated sexual  
15 assault; sexual assault; aggravated assault; aggravated criminal  
16 sexual contact; kidnapping pursuant to paragraph (2) of subsection  
17 c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging  
18 in sexual conduct which would impair or debauch the morals of the  
19 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the  
20 welfare of a child pursuant to paragraph (4) of subsection b. of  
21 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,  
22 c.291 (C.2C:13-6); any other offense involving serious bodily  
23 injury or an attempt to commit any of the aforementioned offenses.  
24 In cases involving a release on parole, the State Parole Board shall  
25 provide the notice required by this subsection. In all other cases,  
26 including but not limited to release upon expiration of sentence or  
27 release from incarceration due to a change in sentence, the  
28 Department of Corrections shall provide the notice required by this  
29 subsection.

30        c. **【**Notwithstanding any other provision of law to the contrary,  
31 the Juvenile Justice Commission established pursuant to section 2  
32 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to  
33 the prosecutor of the anticipated release from incarceration of a  
34 juvenile adjudicated delinquent on the basis of an offense which, if  
35 committed by an adult, would constitute murder; manslaughter;  
36 aggravated sexual assault; sexual assault; aggravated assault;  
37 aggravated criminal sexual contact; kidnapping pursuant to  
38 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
39 welfare of a child by engaging in sexual conduct which would  
40 impair or debauch the morals of the child pursuant to subsection a.  
41 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
42 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing  
43 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other  
44 offense involving serious bodily injury or an attempt to commit any  
45 of the aforementioned offenses**】** (Deleted by amendment,  
46 P.L. c. ) (pending before the Legislature as this bill)

47        d. If available, the notice shall be provided to the prosecutor 90  
48 days before the inmate's anticipated release; provided however, the

1 notice shall be provided at least 30 days before release. The notice  
2 shall include the person's name, identifying factors, offense history,  
3 and anticipated future residence. The prosecutor shall notify the  
4 Office of Victim Witness Advocacy and that office shall use any  
5 reasonable means available to them to notify the victim of the  
6 anticipated release, unless the victim has requested not to be  
7 notified. The Office of Victim Witness Advocacy shall use any  
8 reasonable means available to also notify witnesses and other  
9 appropriate persons, as determined by the prosecutor in accordance  
10 with the directive issued by the Attorney General, who have  
11 requested notification of the anticipated release.

12 e. Upon receipt of notice, the prosecutor shall provide notice to  
13 the law enforcement agency responsible for the municipality where  
14 the inmate will reside, the municipality in which any victim resides,  
15 and such other State and local law enforcement agencies as  
16 appropriate for public safety.

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

18

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

21 15. a. Each adult parolee shall at all times remain in the legal  
22 custody of the Commissioner of Corrections and under the  
23 supervision of the State Parole Board **【**and each juvenile parolee  
24 shall at all times remain in the legal custody of the Juvenile Justice  
25 Commission established pursuant to section 2 of P.L.1995, c.284  
26 (C.52:17B-170)**】**, except that the Commissioner of Corrections **【**or  
27 the Executive Director of the Juvenile Justice Commission**】**, after  
28 providing notice to the Attorney General, may consent to the  
29 supervision of a parolee by the federal government pursuant to the  
30 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521 et  
31 seq.). An adult parolee, except those under the Witness Security  
32 Reform Act, shall remain under the supervision of the State Parole  
33 Board and in the legal custody of the Department of Corrections**【**,  
34 and a juvenile parolee, except those under the Witness Security  
35 Reform Act, shall remain under the supervision of the Juvenile  
36 Justice Commission, as appropriate,**】** in accordance with the  
37 policies and rules of the board.

38 b. (1) Each parolee shall agree, as evidenced by his signature  
39 to abide by specific conditions of parole established by the  
40 appropriate board panel which shall be enumerated in writing in a  
41 certificate of parole and shall be given to the parolee upon release.  
42 Such conditions shall include, among other things, a requirement  
43 that the parolee conduct himself in society in compliance with all  
44 laws and refrain from committing any crime, a requirement that the  
45 parolee will not own or possess any firearm as defined in subsection  
46 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.  
47 of N.J.S.2C:39-1, a requirement that the parolee refrain from the

1 use, possession or distribution of a controlled dangerous substance,  
2 controlled substance analog or imitation controlled dangerous  
3 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a  
4 requirement that the parolee obtain permission from his parole  
5 officer for any change in his residence, and a requirement that the  
6 parolee report at reasonable intervals to an assigned parole officer.  
7 In addition, based on prior history of the parolee or information  
8 provided by a victim or a member of the family of a murder victim,  
9 the member or board panel certifying parole release pursuant to  
10 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any  
11 other specific conditions of parole deemed reasonable in order to  
12 reduce the likelihood of recurrence of criminal or delinquent  
13 behavior, including a requirement that the parolee comply with the  
14 Internet access conditions set forth in paragraph (2) of this  
15 subsection. Such special conditions may include, among other  
16 things, a requirement that the parolee make full or partial  
17 restitution, the amount of which restitution shall be set by the  
18 sentencing court upon request of the board. In addition, the member  
19 or board panel certifying parole release may, giving due regard to a  
20 victim's request, impose a special condition that the parolee have no  
21 contact with the victim, which special condition may include, but  
22 need not be limited to, restraining the parolee from entering the  
23 victim's residence, place of employment, business or school, and  
24 from harassing or stalking the victim or victim's relatives in any  
25 way. Further, the member, board panel or board certifying parole  
26 release may impose a special condition that the person shall not  
27 own or possess an animal for an unlawful purpose or to interfere in  
28 the performance of duties by a parole officer.

29 (2) In addition, the member or board panel certifying parole  
30 release may impose on any person who has been convicted **【or**  
31 **adjudicated delinquent】** for the commission of a sex offense as  
32 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2),  
33 and who is required to register as provided in subsections c. and d.  
34 of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been  
35 convicted **【or adjudicated delinquent】** for a violation of  
36 N.J.S.2C:34-3 any of the following Internet access conditions:

37 (a) Prohibit the person from accessing or using a computer or  
38 any other device with Internet capability without the prior written  
39 approval of the court, except the person may use a computer or any  
40 other device with Internet capability in connection with that  
41 person's employment or search for employment with the prior  
42 approval of the person's parole officer;

43 (b) Require the person to submit to periodic unannounced  
44 examinations of the person's computer or any other device with  
45 Internet capability by a parole officer, law enforcement officer or  
46 assigned computer or information technology specialist, including  
47 the retrieval and copying of all data from the computer or device  
48 and any internal or external peripherals and removal of such

1 information, equipment or device to conduct a more thorough  
2 inspection;

3 (c) Require the person to submit to the installation on the  
4 person's computer or device with Internet capability, at the person's  
5 expense, one or more hardware or software systems to monitor the  
6 Internet use; and

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

10 c. The appropriate board panel may in writing relieve a parolee  
11 of any parole conditions, and may permit a parolee to reside outside  
12 the State pursuant to the provisions of the Uniform Act for Out-of-  
13 State Parolee Supervision (N.J.S.2A:168-14 et seq.)**],** the Interstate  
14 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),**]** and,  
15 with the consent of the Commissioner of the Department of  
16 Corrections **[**or the Executive Director of the Juvenile Justice  
17 Commission**]** after providing notice to the Attorney General, the  
18 federal Witness Security Reform Act, if satisfied that **[such]** the  
19 change will not result in a substantial likelihood that the parolee  
20 will commit an offense which would be a crime under the laws of  
21 this State. The appropriate board panel may revoke **[such]**  
22 permission, except in the case of a parolee under the Witness  
23 Security Reform Act, or reinstate relieved parole conditions for any  
24 period of time during which a parolee is under its jurisdiction.

25 d. The appropriate board panel may parole an inmate to any  
26 residential facility funded in whole or in part by the State if the  
27 inmate would not otherwise be released pursuant to section 9 of  
28 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the  
29 residential facility provides treatment for mental illness or mental  
30 retardation, the board panel only may parole the inmate to the  
31 facility pursuant to the laws and admissions policies that otherwise  
32 govern the admission of persons to that facility, and the facility  
33 shall have the authority to discharge the inmate according to the  
34 laws and policies that otherwise govern the discharge of persons  
35 from the facility, on 10 days' prior notice to the board panel. The  
36 board panel shall acknowledge receipt of this notice in writing prior  
37 to the discharge. Upon receipt of the notice the board panel shall  
38 resume jurisdiction over the inmate.

39 e. Parole officers shall provide assistance to the parolee in  
40 obtaining employment, education, or vocational training or in  
41 meeting other obligations to assure the parolee's compliance with  
42 meeting legal requirements related to sex offender notification,  
43 address changes and participation in rehabilitation programs as  
44 directed by the assigned parole officer.

45 f. **[**The board panel on juvenile commitments and the assigned  
46 parole officer shall insure that the least restrictive available  
47 alternative is used for any juvenile parolee**]** (Deleted by

1 amendment, P.L. c. ) (pending before the Legislature as this  
2 bill)

3 g. If the board has granted parole to any inmate from a State  
4 correctional facility **【or juvenile facility】** and the court has imposed  
5 a fine on **【such】** the inmate, the appropriate board panel shall  
6 release **【such】** the inmate on condition that the parolee make  
7 specified fine payments to the State Parole Board **【or the Juvenile**  
8 **Justice Commission】**. For violation of **【such】** these conditions, or  
9 for violation of a special condition requiring restitution, parole may  
10 be revoked only for refusal or failure to make a good faith effort to  
11 make **【such】** the payment.

12 h. Upon collection of the fine **【the same shall be paid over by】**  
13 the Department of Corrections shall forward it **【or by the Juvenile**  
14 **Justice Commission】** to the State Treasury.  
15 (cf: P.L.2007, c.219, s.5)

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

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

25 b. Any parolee who has seriously or persistently violated the  
26 conditions of his parole, may have his parole revoked and may be  
27 returned to custody pursuant to sections 18 and 19 of P.L.1979,  
28 c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified  
29 immediately upon the arrest or indictment of a parolee or upon the  
30 filing of charges that the parolee committed an act which, if  
31 committed by an adult, would constitute a crime. The board shall  
32 not revoke parole on the basis of new charges which have not  
33 resulted in a disposition at the trial level except that upon  
34 application by the prosecuting authority**【, the Juvenile Justice**  
35 **Commission established pursuant to section 2 of P.L.1995, c.284**  
36 **(C.52:17B-170)】** or the Director of the State Parole Board's  
37 Division of Parole or his designee, the chairman of the board or his  
38 designee may at any time detain the parolee and commence  
39 revocation proceedings pursuant to sections 18 and 19 of P.L.1979,  
40 c.441 (C.30:4-123.62 and 30:4-123.63) when the chairman  
41 determines that the new charges against the parolee are of a serious  
42 nature and it appears that the parolee otherwise poses a danger to  
43 the public safety. In such cases, a parolee shall be informed that, if  
44 he testifies at the revocation proceedings, his testimony and the  
45 evidence derived therefrom shall not be used against him in a  
46 subsequent criminal prosecution **【or delinquency adjudication】**.

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

10  
11 14. Section 18 of P.L.1979, c.441 (C.30:4-123.62) is amended to  
12 read as follows:

13 18. a. (1) If a parole officer assigned to supervise a parolee has  
14 probable cause to believe that the parolee has violated a condition  
15 of **【his】** parole, **【such】** the violation being a basis for return to  
16 custody pursuant to subsection b. of section 16 of P.L.1979, c.441  
17 (C.30:4-123.60), a designated representative of the chairman of the  
18 board may issue a warrant for the arrest of the parolee if evidence  
19 indicates that the parolee may not appear at the preliminary hearing  
20 or if the parolee poses a danger to the public safety. **【With the**  
21 **parole warrant, a law enforcement officer may apprehend the**  
22 **delinquent parolee.】**

23 (2) If a parole officer assigned to supervise a parolee has  
24 probable cause to believe that the parolee has committed a crime**【,**  
25 **has committed an act or is about to commit an act which, if**  
26 **committed by an adult, would constitute a crime】**, is about to  
27 commit a crime, or is about to flee the jurisdiction, which violation  
28 is a basis for return to custody pursuant to subsection b. of section  
29 16 of P.L.1979, c.441 (C.30:4-123.60), and the situation is one of  
30 immediate emergency that cannot await the issuance of a warrant by  
31 a designated representative, the parole officer, by the parole  
32 officer's own warrant, may apprehend the parolee and cause **【his】**  
33 the parolee's detention in a suitable facility designated by the  
34 Department of Corrections **【or the Juvenile Justice Commission**  
35 **established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-**  
36 **170), as appropriate,】** or cause the parolee's confinement in an  
37 appropriate institution pending return to a facility designated by the  
38 Department of Corrections **【or the Juvenile Justice Commission, as**  
39 **appropriate,】** to await the conduction of a preliminary hearing. The  
40 warrant shall be in the form prescribed **【,** as appropriate, by the  
41 Juvenile Justice Commission or**】** by the State Parole Board and,  
42 when signed by the officer in charge of the case, shall be a  
43 sufficient instrument and authority to all peace officers to assist in  
44 the apprehension of the parolee. It shall also be sufficient authority  
45 for detention of the parolee in a suitable facility, to await the  
46 conduction of the preliminary hearing. Upon enforcement of the

1 warrant, the appropriate board panel shall be promptly notified. No  
2 parolee held in custody on a parole warrant shall be entitled to  
3 release on bail.

4 b. A parolee retaken under this section shall within 14 days be  
5 granted a preliminary hearing to be conducted by a hearing officer  
6 not previously involved in the case, unless the parolee, the hearing  
7 officer, or the parole officer requests postponement of the  
8 preliminary hearing, which may be granted by the appropriate board  
9 panel for good cause, but in no event shall such postponement, if  
10 requested by the hearing officer or the parole officer, exceed 14  
11 days.

12 c. The preliminary hearing shall be for the purpose of  
13 determining:

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

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

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

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

23 (2) The time, date, place and circumstances of the alleged  
24 violation;

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

27 (4) The time, date and place of the preliminary hearing;

28 (5) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
29 seq.), to representation by an attorney or such other qualified person  
30 as the parolee may retain; and

31 (6) The right to confront and cross-examine witnesses.

32 e. The hearing officer who conducts the hearing shall make a  
33 summary or other record of said hearing.

34 f. If the evidence presented at the preliminary hearing does not  
35 support a finding of probable cause to believe that the parolee has  
36 violated a condition of his parole, such violation being a basis for  
37 return to custody pursuant to subsection b. of section 16 of  
38 P.L.1979, c.441 (C.30:4-123.60), or if it is otherwise determined  
39 that revocation is not desirable, the hearing officer may, in  
40 accordance with the provisions of subsection a. of section 16 of  
41 P.L.1979, c.441 (C.30:4-123.60) and section 17 of P.L.1979, c.441  
42 (C.30:4-123.61), issue an order modifying parole and releasing the  
43 offender, or continuing parole and releasing the offender.

44 g. If the evidence presented at the preliminary hearing supports  
45 a finding of probable cause to believe that the parolee has violated a  
46 condition of his parole, the hearing officer shall determine whether  
47 the parolee shall be retained in custody or released on specific  
48 conditions pending action by the appropriate board panel.



1 h. Conviction of a crime committed while on parole [or  
2 adjudication of delinquency for an act which, if committed by an  
3 adult, would constitute a crime] shall be deemed to constitute  
4 probable cause to believe that the parolee has violated a condition  
5 of parole.

6 (cf: P.L.2001, c.79, s.12)

7  
8 15. Section 19 of P.L.1979, c.441 (C.30:4-123.63) is amended to  
9 read as follows:

10 19. a. If the hearing officer finds probable cause pursuant to  
11 subsection c. (1) of section 18 of P.L.1979, c.441 (C.30:4-123.62)  
12 and finds that revocation is desirable pursuant to subsection c. (2)  
13 of section 18 of P.L.1979, c.441 (C.30:4-123.62), or if the parolee is  
14 convicted of a criminal offense committed while on parole [or is  
15 adjudicated delinquent for an act which, if committed by an adult,  
16 would constitute a crime], the board shall cause a revocation  
17 hearing to be conducted by a hearing officer, other than the hearing  
18 officer previously designated pursuant to section 18 of P.L.1979,  
19 c.441 (C.30:4-123.62), within 60 days after the date a parolee is  
20 taken into custody as a parole violator unless the parolee or the  
21 hearing officer requests postponement of the revocation hearing,  
22 which may be granted by appropriate board panel for good cause,  
23 but in no event shall such postponement, if requested by the hearing  
24 officer, exceed 120 days.

25 b. Prior to the revocation hearing, the parolee shall be given  
26 written notice of:

27 (1) The time, date and place of the parole revocation hearing;

28 (2) The right pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et  
29 seq.), to representation by an attorney or such other qualified person  
30 as the parolee chooses;

31 (3) The right to confront and cross-examine witnesses, and to  
32 rebut adverse documentary evidence [against him]; and

33 (4) The right to testify, to present evidence and to [subpena]  
34 subpoena witnesses [in his] on the parolee's own behalf, provided  
35 a prima facie showing is made that the prospective witnesses will  
36 provide material testimony.

37 c. The hearing officer shall maintain a full and complete record  
38 of the parole revocation hearing.

39 d. After consideration of all evidence presented, if there is clear  
40 and convincing evidence that a parolee has violated the conditions  
41 of his parole, such violation being a basis for return to custody  
42 pursuant to subsection b. or c. of section 16 of P.L.1979, c.441  
43 (C.30:4-123.60), and if revocation and return to custody is desirable  
44 in the instant matter, the appropriate board panel may revoke parole  
45 and return such parolee to custody, for a specified length of time, or  
46 in accordance with the provisions of sections 16 and 17 of  
47 P.L.1979, c.441 (C.30:4-123.60 and 30:4-123.61), or the

1 appropriate board panel may issue an order modifying parole and  
2 releasing the offender or continuing parole and releasing the  
3 offender.

4 e. Not more than 21 days following the hearing conducted  
5 pursuant to this section, the parolee and his representative shall be  
6 informed in writing of the decision, the particular reasons therefor,  
7 and the facts relied on.

8 (cf: P.L.1995, c.280, s.43)

9

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

12 23. a. The appropriate board panel and the Department of  
13 Corrections **【**or the Juvenile Justice Commission established  
14 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)**】** shall  
15 enter into formal parole contract agreements with officials of the  
16 board **【,** and officials of the Department of Corrections **【**or the  
17 Juvenile Justice Commission**】** and individual parolees or inmates  
18 reduced to writing and signed by all parties **【,** which**】**. The parole  
19 contract agreements shall stipulate individual programs of  
20 education, training, or other activity which shall result in a specified  
21 reduction of the parolee's parole term pursuant to section 22 of  
22 P.L.1979, c.441 (C.30:4-123.66) or the inmate's primary parole  
23 eligibility date pursuant to section 8 of P.L.1979, c.441 (C.30:4-  
24 123.52), upon such successful completion of the program. The  
25 formal parole contract agreements required under this subsection  
26 shall be entered into within two months of an inmate's admission to  
27 a correctional facility.

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

37 c. Upon approval of the parolee or inmate's application, the  
38 board panel shall be responsible for specifying the components  
39 necessary for **【**any such**】** the agreement. Upon acceptance of the  
40 agreement by the Department of Corrections **【**or by the  
41 commission**】**, by the board panel, and by the parolee or the inmate,  
42 the board panel shall reduce the agreement to writing and monitor  
43 compliance with the parole contract agreement at least once every  
44 12 months. The parolee or inmate and the Department of  
45 Corrections **【**or the Juvenile Justice Commission**】** shall be given a  
46 copy of **【**any such**】** the agreement.

1 d. **Any such** An agreement shall be terminated by the board  
2 panel in the event the parolee or inmate fails to or refuses to  
3 satisfactorily complete each component of the agreement. The  
4 inmate or parolee shall be notified in writing of **any such** a  
5 termination and the reasons **therefor** for the termination. **Any**  
6 such A termination may be appealed to the full board pursuant to  
7 section 14 of P.L.1979, c.441 (C.30:4-123.58).  
8 (cf: P.L.2009, c.330, s.7)

9  
10 17. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to  
11 read as follows:

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

21 b. The commission shall consist of an executive director, an  
22 executive board, an advisory council and such facilities, officers,  
23 employees and organizational units as provided herein or as  
24 otherwise necessary to performance of the commission's duties and  
25 responsibilities.

26 c. The executive director shall be appointed by the Governor  
27 with the advice and consent of the Senate and shall serve at the  
28 pleasure of the Governor during the Governor's term of office and  
29 until a successor is appointed and qualified.

30 d. The executive board shall consist of the following members:  
31 The Attorney General, who shall serve as chair of the executive  
32 board; the Commissioner of Corrections and the Commissioner of  
33 Children and Families, who shall serve as vice-chairs of the  
34 executive board; the Commissioner of Education; the chair of the  
35 Juvenile Justice Commission advisory council, established pursuant  
36 to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members  
37 who serve as chairs of a county youth services commission,  
38 established pursuant to P.L.1995, c.282 (C.52:17B-180), to be  
39 appointed by the Governor to serve at the Governor's pleasure. The  
40 Administrative Director of the Administrative Office of the Courts  
41 is invited to participate on the executive board, subject to the  
42 approval of the Supreme Court. A member of the executive board  
43 may name a designee who shall have the authority to act for the  
44 member. Members of the executive board shall serve without  
45 compensation for their services to the commission. The executive  
46 board shall meet at least quarterly and at such other times as  
47 designated by the chair. Except with respect to matters concerning  
48 distribution of funds to counties, four members of the executive

1 board shall constitute a quorum to transact business of the executive  
2 board and action of the executive board shall require an affirmative  
3 vote of four members. A member of the executive board who is  
4 also a member of a county youth services commission shall not  
5 participate in matters concerning distribution of funds to counties;  
6 in these matters, three members of the executive board shall  
7 constitute a quorum to transact business and an action of the  
8 executive board shall require an affirmative vote of three members.

9 e. The commission shall have the following powers, duties and  
10 responsibilities:

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

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

23 (b) Juvenile corrections officers;

24 (2) To utilize such staff of the Department of Law and Public  
25 Safety as the Attorney General, within the limits of available  
26 appropriations, may make available to the commission;

27 (3) To organize the work of the commission in appropriate  
28 bureaus and other organization units;

29 (4) To enter into contracts and agreements with State, county  
30 and municipal governmental agencies and with private entities for  
31 the purpose of providing services and sanctions for juveniles  
32 adjudicated or charged as delinquent and programs for prevention  
33 of juvenile delinquency;

34 (5) To contract for the services of professional and technical  
35 personnel and consultants as necessary to fulfill the statutory  
36 responsibilities of the commission;

37 (6) To establish minimum standards for the care, treatment,  
38 government and discipline of juveniles confined pending, or as a  
39 result of, an adjudication of delinquency;

40 (7) To assume the custody and care of all juveniles committed  
41 by court order, law, classification, regulation or contract to the  
42 custody of the commission or transferred to the custody of the  
43 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-  
44 176);

45 (8) To manage and operate all State secure juvenile facilities  
46 which shall include the New Jersey Training School for Boys  
47 created pursuant to R.S.30:1-7 and transferred to the Commissioner  
48 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)

- 1 and the Juvenile Medium Security Facility created pursuant to  
2 R.S.30:1-7 and both transferred to the commission pursuant to  
3 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any  
4 other secure juvenile facility established by the commission in the  
5 future;
- 6 (9) To manage and operate all State juvenile facilities or  
7 juvenile programs for juveniles adjudicated delinquent which shall  
8 include facilities and programs transferred to the commission  
9 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or  
10 established or contracted for in the future by the commission;
- 11 (10) To prepare a State Juvenile Justice Master Plan every third  
12 year which identifies facilities, sanctions and services available for  
13 juveniles adjudicated or charged as delinquent and juvenile  
14 delinquency prevention programs and which identifies additional  
15 needs based upon the extent and nature of juvenile delinquency and  
16 the adequacy and effectiveness of available facilities, services,  
17 sanctions and programs;
- 18 (11) To approve plans for each county submitted by the county  
19 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-  
20 180);
- 21 (12) To administer the State/Community Partnership Grant  
22 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 23 (13) To accept from any governmental department or agency,  
24 public or private body or any other source, grants or contributions  
25 to be used in exercising its power, and in meeting its duties and  
26 responsibilities;
- 27 (14) To formulate and adopt standards and rules for the efficient  
28 conduct of the work of the commission, the facilities, services,  
29 sanctions and programs within its jurisdiction, and its officers and  
30 employees;
- 31 (15) To provide for the development of the facilities, services,  
32 sanctions and programs within its jurisdiction and to promote the  
33 integration of State, county and local facilities, sanctions, services  
34 and programs, including probation and parole;
- 35 (16) To institute, or cause to be instituted, such legal proceedings  
36 or processes as may be necessary to enforce properly and give  
37 effect to any of its powers or duties including the authority to  
38 compel by subpoena, subject to the sanction for contempt of  
39 subpoena issued by a court, attendance and production of records;
- 40 (17) To provide for the timely and efficient collection and  
41 analysis of data regarding the juvenile justice system to insure the  
42 continuing review and evaluation of services, policies and  
43 procedures;
- 44 (18) To receive and classify juveniles committed to the custody  
45 of the commission;
- 46 (19) To determine whether an incarcerated juvenile is eligible for  
47 parole and to supervise compliance with conditions of parole;

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

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

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

8 (cf: swP.L.2006, c.47, s.192)

9

10 18. (New section) a. The Juvenile Justice Commission shall  
11 establish a program to collect, record, and analyze data regarding  
12 juveniles who were sentenced to a term of incarceration. In  
13 furtherance of this program, the commission shall collect the  
14 following data:

15 (1) the offense for which the juvenile was incarcerated; the term  
16 of incarceration imposed on the juvenile, including a term of  
17 incarceration imposed for a violation of parole; the age, gender,  
18 race, and ethnicity of the juvenile; the county where the juvenile  
19 was adjudicated delinquent; the classification of the juvenile; and  
20 whether the juvenile was sentenced to an extended term of  
21 incarceration;

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

25 (3) the amount of time remaining on each sentence of  
26 incarceration imposed on a juvenile whose parole <sup>1</sup>["or post-  
27 incarceration supervision"]<sup>1</sup> was revoked; whether the violation that  
28 was the basis for the revocation was technical or based upon a new  
29 offense; the age, gender, race, and ethnicity of the juvenile; and the  
30 county where the juvenile's parole <sup>1</sup>["or post-incarceration  
31 supervision"]<sup>1</sup> was revoked by the court.

32 b. The commission shall prepare and publish on its Internet  
33 website <sup>1</sup>["and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
34 19.1), prepare and transmit to the Governor and the Legislature"]<sup>1</sup>  
35 biennial reports summarizing the <sup>1</sup>aggregated<sup>1</sup> data collected,  
36 recorded, and analyzed pursuant to subsection a. of this section.

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

41

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

43

44 20. This act shall take effect on the first day of the <sup>1</sup>["seventh"]  
45 tenth<sup>1</sup> month after enactment <sup>1</sup>, but the Chairman of the State Parole  
46 Board may take any administrative action in advance of the effective  
47 date as may be necessary<sup>1</sup>.