Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

SYNOPSIS
Requires law enforcement agencies to establish station house adjustment policy for certain first-time juvenile offenders.

CURRENT VERSION OF TEXT
As reported by the Senate Law and Public Safety Committee on May 31, 2018, with amendments.
AN ACT concerning station house adjustments and supplementing
Title 52 of the Revised Statutes.

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

1. As used in this act, “station house adjustment” means an immediate consequence imposed by a law enforcement officer at the police station upon a first-time juvenile offender who has committed a minor juvenile delinquency offense within the jurisdiction, and shall include, but not be limited to, community service or restitution.

2. Every State, county, and municipal law enforcement agency with patrol jurisdiction shall establish a station house adjustment policy in accordance with the provisions of this section.
   a. A policy shall be implemented regardless of available resources.
   b. A law enforcement officer shall warn the juvenile of the potential consequences of continued delinquent activity, including but not limited to:
      (1) fines;
      (2) probation;
      (3) loss of driver’s license;
      (4) incarceration; and
      (5) ramifications of a record of delinquency on future employment and educational opportunities.
   c. The juvenile’s parents or guardian shall be notified and the parent or guardian, or a designee chosen by the parent or guardian, shall attend the station house adjustment. If a parent or guardian does not respond to the notification, a designee shall not be chosen by the law enforcement agency or juvenile.
   d. A known victim of the alleged offense shall be notified and agree to the station house adjustment.
      (1) If appropriate, a victim shall be informed of the efficiency and expediency of locally resolving the juvenile matter through a station house adjustment.
      (2) The station house adjustment may proceed without the victim’s participation.
      (3) The station house adjustment shall not proceed over the objection of a victim. A victim who objects to a station house adjustment shall be permitted to sign a juvenile delinquency complaint, unless the complaint is clearly frivolous or lacking in probable cause, in which case, the police officer may refuse to accept the complaint pursuant to subsection b. 1[of section 1]1 of N.J.S.2B:12-21.

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:
Senate SLP committee amendments adopted May 31, 2018.
e. The juvenile shall agree not to reoffend and the parent, guardian, or designee shall be informed that a subsequent offense, or the failure to comply with the terms of the station house adjustment agreement, may result in the filing of a juvenile delinquency complaint for the offense which has been the subject of the station house adjustment.

f. The law enforcement officer shall complete a station house adjustment form, as prescribed by the Attorney General, which shall be signed by the juvenile and the parent, guardian, or designee.

3. A member of the law enforcement agency shall be designated as a juvenile officer who shall perform station house adjustments whenever possible. If the designated juvenile officer is unavailable, another officer shall conduct the station house adjustment.

4. Each law enforcement agency shall compile a list of referral agencies, contacts, and telephone numbers to which officers may refer juveniles. Referrals may be made in conjunction with a station house adjustment, but are not limited to the station house adjustment and may be provided immediately, before the process of the station house adjustment is completed.

5. a. A juvenile offender shall be eligible for a station house adjustment if the juvenile allegedly:
   (1) violated a municipal ordinance;
   (2) committed a petty disorderly persons offense or disorderly persons offense; or
   (3) committed a crime of the fourth degree if the juvenile has no prior record known to the law enforcement agency.

   b. The county prosecutor shall be required to approve a station house adjustment if the juvenile allegedly committed any of the following offenses:
   (1) an offense involving the use or possession of a controlled substance or drug paraphernalia pursuant to chapters 35 or 36 of Title 2C of the New Jersey Statutes if the prosecutor concludes that intervention by the Family Court is not necessary to address a drug problem;
   (2) bias offense;
   (3) sexual offense;
   (4) offense resulting in serious or significant bodily injury if the prosecutor concludes that the juvenile offender’s criminal intent is in doubt and the injuries were unintended; and
   (5) crime of the third degree.

c. A juvenile offender shall not be eligible for a station house adjustment and a juvenile delinquency complaint shall be filed if the:
(1) juvenile allegedly committed a crime of the first or second degree;
(2) law enforcement agency knows that the juvenile has other charges pending before the court; or
(3) juvenile currently is on probation, parole, home detention, or other court ordered disposition.

6. A law enforcement officer shall consider the following factors in determining whether a station house adjustment is appropriate for an eligible juvenile pursuant to section 5 of this act:
   a. the age of the juvenile offender;
   b. any record of prior juvenile complaints or station house adjustments and the seriousness of the alleged offenses;
   c. the degree of cooperation and attitude of the juvenile offender; the parent, guardian, or designee; and victim.

7. Each law enforcement agency shall submit a quarterly report to the county prosecutor, or the Superintendent of State Police if appropriate, describing the station house adjustments conducted by the agency.
   a. The report shall not contain any personal identifying information.
   b. For each station house adjustment, the quarterly report shall contain:
      (1) the juvenile’s age at time of the offense;
      (2) ethnicity as reported by the juvenile;
      (3) gender;
      (4) alleged offense; and
      (5) reasons if a station house adjustment was not conducted.
   c. The county prosecutor shall forward the quarterly reports to the Attorney General.

8. The Attorney General annually shall submit a summary report of the information received in the quarterly reports submitted by the county prosecutors pursuant to section 7 of this act to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) and make the summary report available to the public on the Department of Law and Public Safety’s Internet website.

9. The Attorney General shall issue guidelines governing the conducting of station house adjustments pursuant to the provisions of this act.

10. This act shall take effect on the first day of the fourth month next following enactment, but the Attorney General may take any anticipatory action necessary to implement the provisions of this act.