

ASSEMBLY, No. 1414

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 19 (Middlesex)

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District 31 (Hudson)

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SYNOPSIS

Establishes Juvenile Offender Community Conservation and Improvement Services Program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** establishing a community conservation and improvement
2 services program for certain juveniles, amending P.L.1982, c.77,
3 and supplementing Title 2A of the New Jersey Statutes.

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

7
8 1. (New section) The Legislature finds and declares that:

9 a. In addition to the current community service disposition, the
10 courts should have the option of a more structured and focused
11 nonresidential program when sentencing non-violent juvenile
12 offenders;

13 b. This program should be structured to develop vocational
14 skills; encourage educational achievement; foster essential work
15 habits including responsibility, cooperation, and discipline and
16 stimulate the development of each participant's self-respect, self-
17 control, and sense of self-worth; and

18 c. Although primarily a rehabilitative program for juvenile
19 offenders, this program also would serve the citizens and taxpayers
20 of New Jersey by augmenting State and local efforts to preserve,
21 conserve, and improve the public areas and communities of this
22 State.

23
24 2. (New section) As used in this act:

25 "Commissioner" means the Commissioner of Human Services.

26 "Department" means the Department of Human Services.

27 "Juvenile offender" means a person under the age of 18 years
28 who has been adjudicated delinquent for a non-violent offense,
29 other than an offense involving the theft of an automobile, under the
30 "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20
31 et seq.).

32 "Program" means the Juvenile Offender Community
33 Conservation and Improvement Services Program established
34 pursuant to this act.

35
36 3. (New section) The Department of Human Services, in
37 consultation with the county probation departments of this State,
38 shall establish a Juvenile Offender Community Conservation and
39 Improvement Services Program.

40 The program shall be nonresidential and shall consist of a 90 day
41 curriculum comprised of, but not limited to, the following
42 components:

43 a. vocational, including employment training, the development
44 of manual skills, and work experiences;

45 b. educational, including basic skills proficiency assessments,

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

Matter underlined thus is new matter.

1 study skills training and, if appropriate, remedial study programs;
2 c. physical, including exercise, recreation, and military-style
3 drills to foster concepts of discipline, cooperation, and group
4 dynamics; and

5 d. counseling, including sessions on substance abuse, offender
6 rehabilitation, and personal development, to foster the participant's
7 self-respect, self-control, and sense of self-worth.

8 To permit the juvenile to attend school and participate in
9 approved school or community sponsored activities, the court may
10 provide that the juvenile's participation in the program be
11 completed by attendance at after school, evening, and weekend
12 sessions. In these cases, the juvenile offender may be required to
13 participate for more than 90 days in order to complete the
14 curriculum.

15

16 4. (New section) As an element of the vocational component
17 of the program, the juvenile offenders shall undertake community
18 conservation and improvement projects, including cleaning,
19 maintaining, and improving parks, recreation areas, and public
20 buildings and grounds; repairing and rehabilitating playground
21 equipment and recreational facilities; litter control; landscaping and
22 lawn maintenance; and any other projects and activities as may
23 contribute to the conservation and improvement of the communities
24 of this State.

25 At the request of the Department of Environmental Protection,
26 juvenile offenders in the program may undertake environmental and
27 maintenance projects, including cleaning, maintaining, and
28 improving public beaches and State parks; clearing streams,
29 embankments, and watercourses; developing and restoring picnic
30 and camping areas; improving, maintaining, and repairing
31 recreational facilities and public access ways and trails; preserving
32 and restoring wildlife habitat; assisting in reforestation projects; and
33 any other projects and activities as may contribute to the
34 conservation and improvement of the public parks and lands of this
35 State.

36

37 5. (New section) A juvenile offender ordered to participate in
38 the program shall adhere to the conditions, standards, and
39 requirements of the program, as promulgated by the commissioner.
40 The juvenile shall attend and participate in all scheduled activities.
41 Any juvenile offender who fails to participate or is making
42 unsatisfactory progress in the program, is a disruptive influence, or
43 refuses to abide by the conditions, standards, or requirements
44 promulgated by the commissioner shall be removed from the
45 program and shall be subject to another disposition authorized
46 under section 24 of P.L.1982, c.77 (C.2A:4A-43).

1 6. (New section) The commissioner, in consultation with all
2 the county prosecutors of this State, shall promulgate, in accordance
3 with the "Administrative Procedure Act, P.L.1968, c.410
4 (C.52:14B-1 et seq.), rules and regulations to effectuate the
5 purposes of this act.

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

9 24. Disposition of delinquency cases. a. In determining the
10 appropriate disposition for a juvenile adjudicated delinquent the
11 court shall weigh the following factors:

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

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

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

17 (4) Whether the disposition supports family strength,
18 responsibility and unity and the well-being and physical safety of
19 the juvenile;

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

25 (6) Whether the disposition recognizes and treats the unique
26 physical, psychological, and social characteristics and needs of the
27 child;

28 (7) Whether the disposition contributes to the developmental
29 needs of the child, including the academic and social needs of the
30 child where the child has intellectual disabilities or learning
31 disabilities;

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

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

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

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

38 b. If a juvenile is adjudged delinquent, and except to the extent
39 that an additional specific disposition is required pursuant to
40 subsection e. or f. of this section, the court may order incarceration
41 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
42 or more of the following dispositions:

43 (1) Adjourn formal entry of disposition of the case for a period
44 not to exceed 12 months for the purpose of determining whether the
45 juvenile makes a satisfactory adjustment, and if during the period of
46 continuance the juvenile makes such an adjustment, dismiss the
47 complaint; provided that if the court adjourns formal entry of
48 disposition of delinquency for a violation of an offense defined in

1 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
2 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
3 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
4 juveniles adjudicated delinquent;

5 (2) Release the juvenile to the supervision of the juvenile's
6 parent or guardian;

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

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

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

28 (6) Place the juvenile under the care and custody of the
29 Commissioner of Children and Families for the purpose of
30 receiving the services of the Division of Children's System of Care
31 of that department, provided that the juvenile has been determined
32 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
33 25.4);

34 (7) Commit the juvenile, pursuant to applicable laws and the
35 Rules of Court governing civil commitment, to the Department of
36 Children and Families under the responsibility of the Division of
37 Children's System of Care for the purpose of placement in a suitable
38 public or private hospital or other residential facility for the
39 treatment of persons who are mentally ill, on the ground that the
40 juvenile is in need of involuntary commitment;

41 (8) Fine the juvenile an amount not to exceed the maximum
42 provided by law for such a crime or offense if committed by an
43 adult and which is consistent with the juvenile's income or ability to
44 pay and financial responsibility to the juvenile's family, provided
45 that the fine is specially adapted to the rehabilitation of the juvenile
46 or to the deterrence of the type of crime or offense. If the fine is
47 not paid due to financial limitations, the fine may be satisfied by

1 requiring the juvenile to submit to any other appropriate disposition
2 provided for in this section;

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

14 (10) Order that the juvenile perform community services under
15 the supervision of a probation division or other agency or individual
16 deemed appropriate by the court, or participate in the Juvenile
17 Offender Community Conservation and Improvement Services
18 Program established pursuant to P.L. , c. (C.) (pending
19 before the Legislature as this bill). Such services shall be
20 compulsory and reasonable in terms of nature and duration. Such
21 services may be performed without compensation, provided that any
22 money earned by the juvenile from the performance of community
23 services may be applied towards any payment of restitution or fine
24 which the court has ordered the juvenile to pay;

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

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

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

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

44 (15) Order the parent or guardian of the juvenile to participate in
45 appropriate programs or services when the court has found either
46 that such person's omission or conduct was a significant
47 contributing factor towards the commission of the delinquent act,
48 or, under its authority to enforce litigant's rights, that such person's

1 omission or conduct has been a significant contributing factor
2 towards the ineffective implementation of a court order previously
3 entered in relation to the juvenile;

4 (16) (a) Place the juvenile in a nonresidential program operated
5 by a public or private agency, providing intensive services to
6 juveniles for specified hours, which may include education,
7 counseling to the juvenile and the juvenile's family if appropriate,
8 vocational training, employment counseling, work, or other
9 services;

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

15 (17) Instead of or in addition to any disposition made according
16 to this section, the court may postpone, suspend, or revoke for a
17 period not to exceed two years the driver's license, registration
18 certificate, or both of any juvenile who used a motor vehicle in the
19 course of committing an act for which the juvenile was adjudicated
20 delinquent. In imposing this disposition and in deciding the duration
21 of the postponement, suspension, or revocation, the court shall
22 consider the severity of the delinquent act and the potential effect of
23 the loss of driving privileges on the juvenile's ability to be
24 rehabilitated. Any postponement, suspension, or revocation shall be
25 imposed consecutively with any custodial commitment;

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

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

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

37 c. (1) Except as otherwise provided in subsections e. and f. of
38 this section, if the county in which the juvenile has been adjudicated
39 delinquent has a juvenile detention facility meeting the physical and
40 program standards established pursuant to this subsection by the
41 Juvenile Justice Commission, the court may, in addition to any of
42 the dispositions not involving placement out of the home
43 enumerated in this section, incarcerate the juvenile in the youth
44 detention facility in that county for a term not to exceed 60
45 consecutive days. Counties which do not operate their own juvenile
46 detention facilities may contract for the use of approved
47 commitment programs with counties with which they have
48 established agreements for the use of pre-disposition juvenile

1 detention facilities. The Juvenile Justice Commission shall
2 promulgate such rules and regulations from time to time as deemed
3 necessary to establish minimum physical facility and program
4 standards for the use of juvenile detention facilities pursuant to this
5 subsection.

6 (2) No juvenile may be incarcerated in any county detention
7 facility unless the county has entered into an agreement with the
8 Juvenile Justice Commission concerning the use of the facility for
9 sentenced juveniles. Upon agreement with the county, the Juvenile
10 Justice Commission shall certify detention facilities which may
11 receive juveniles sentenced pursuant to this subsection and shall
12 specify the capacity of the facility that may be made available to
13 receive such juveniles; provided, however, that in no event shall the
14 number of juveniles incarcerated pursuant to this subsection exceed
15 50% of the maximum capacity of the facility.

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

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

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

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

28 (4) If as a result of incarceration of adjudicated juveniles
29 pursuant to this subsection, a county is required to transport a
30 predisposition juvenile to a juvenile detention facility in another
31 county, the costs of such transportation shall be borne by the
32 Juvenile Justice Commission.

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

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

46 (1) An order of incarceration for a term of the duration
47 authorized pursuant to this section or section 25 of P.L.1982, c.77
48 (C.2A:4A-44) or an order to perform community service pursuant to

1 paragraph (10) of subsection b. of this section for a period of at
2 least 60 days, if the juvenile has been adjudicated delinquent for an
3 act which, if committed by an adult, would constitute the crime of
4 theft of a motor vehicle, or the crime of unlawful taking of a motor
5 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
6 degree crime of eluding in violation of subsection b. of
7 N.J.S.2C:29-2;

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

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

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

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

45 (2) When a court in a county that does not have a juvenile
46 detention facility or a contractual relationship permitting
47 incarceration pursuant to subsection c. of this section is required to
48 impose a term of incarceration pursuant to subsection e. of this

1 section, the court may, subject to limitations on commitment to
2 State correctional facilities of juveniles who are under the age of 11
3 or developmentally disabled, set a term of incarceration consistent
4 with subsection c. which shall be served in a State correctional
5 facility. When a juvenile who because of age or developmental
6 disability cannot be committed to a State correctional facility or
7 cannot be incarcerated in a county facility, the court shall order a
8 disposition appropriate as an alternative to any incarceration
9 required pursuant to subsection e.

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

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

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

25
26 8. This act shall take effect on the first day of the fifth month
27 next following enactment, except that section 6 shall take effect
28 immediately.

31 STATEMENT

32
33 This bill supplements the "New Jersey Code of Juvenile Justice,"
34 P.L.1982, c.77 (C.2A:4A-20 et seq.), to establish a Juvenile
35 Offender Community Conservation and Improvement Services
36 Program. The program, which is designed as a more structured and
37 focused version of the current community service program, would
38 offer the courts another option when sentencing non-violent
39 juvenile offenders.

40 The 90-day nonresidential program, which consists of
41 vocational, educational, counseling, and physical components, is
42 structured to develop employment skills; encourage educational
43 achievement; foster essential work habits like responsibility,
44 cooperation, and discipline; and stimulate the development of each
45 participant's self-respect, self-control, and sense of self-worth.

46 Although primarily rehabilitative, this program also would serve
47 the taxpayers of the State by assigning juvenile offenders to local
48 community service projects, such as maintaining and repairing

1 playground and recreation equipment; litter collection and control
2 activities; and preserving, conserving, and improving public areas.
3 Upon the request of the Department of Environmental Protection,
4 these juvenile offenders may be assigned to improvement,
5 maintenance, and conservation projects at State parks and beaches.0