ASSEMBLY, No. 1915

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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District 35 (Bergen and Passaic)
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District 20 (Union)
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Co-Sponsored by:
Assemblywoman Vainieri Huttle, Assemblyman Johnson, Assemblywomen Tucker and McKnight

SYNOPSIS

Concerns juvenile incarceration and parole.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined <u>thus</u> is new matter.

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

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

i. To ensure a fairer and more efficient and effective juvenile justice system by incorporating the following principles and strategies into every stage of the delinquency action:

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

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

(3) utilizing objective criteria, processes, and tools, such as risk-assessment instruments, to replace subjective decision-making processes to determine:

(a) whether a juvenile should be incarcerated; and

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

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

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

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

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

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

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

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

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

(1) The nature and circumstances of the offense;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) **[**No**]** <u>A</u> juvenile **[**may**]** <u>shall not</u> be incarcerated in any county detention facility unless the county has entered into an agreement with the Juvenile Justice Commission concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Juvenile Justice Commission shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25. Incarceration--Aggravating and mitigating factors

a. (1) **[**Except as provided in subsections e. and f. of section 24 of P.L.1982, c.77 (C.2A:4A-43), in**]** In determining whether incarceration is an appropriate disposition and in addition to the considerations set forth in subsection i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court shall consider the following aggravating circumstances:

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

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

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

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

(e) The fact that the juvenile committed the act pursuant to an agreement that the juvenile either pay or be paid for the commission of the act and that the pecuniary incentive was beyond that inherent in the act itself;

(f) The fact that the juvenile committed the act against a policeman or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the juvenile committed the act because of the status of the victim as a public servant;

(g) The need for deterring the juvenile and others from violating the law;

(h) The fact that the juvenile knowingly conspired with others as an organizer, supervisor, or manager to commit continuing criminal activity in concert with two or more persons and the circumstances of the crime show that he has knowingly devoted himself to criminal activity as part of an ongoing business activity;

(i) The fact that the juvenile on two separate occasions was adjudged a delinquent on the basis of acts which if committed by an adult would constitute crimes;

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

(k) The impact of the offense on the community; and

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

(2) In determining whether incarceration is an appropriate disposition the court shall consider the following mitigating circumstances:

(a) The child is under the age of 14;

(b) The juvenile's conduct neither caused nor threatened serious harm;

(c) The juvenile did not contemplate that the juvenile's conduct would cause or threaten serious harm;

(d) The juvenile acted under a strong provocation;

(e) There were substantial grounds tending to excuse or justify the juvenile's conduct, though failing to establish a defense;

(f) The victim of the juvenile's conduct induced or facilitated its commission;

(g) The juvenile has compensated or will compensate the victim for the damage or injury that the victim has sustained, or will participate in a program of community service;

(h) The juvenile has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present act;

(i) The juvenile's conduct was the result of circumstances unlikely to recur;

(j) The character and attitude of the juvenile indicate that the juvenile is unlikely to commit another delinquent or criminal act;

(k) The juvenile is particularly likely to respond affirmatively to noncustodial treatment;

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

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

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

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

(2) Where incarceration is imposed, the court and a panel comprised of at least two members of the Juvenile Justice Commission designated by the executive director and a member of the State Parole Board designated by the chairman shall consider the juvenile's eligibility for release [under the law governing parole] pursuant to the provisions of subsection d. of this section.

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

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

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

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

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

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

The period of confinement shall continue until the [appropriate paroling authority] panel established pursuant to subsection b. of this section determines that [such a] the person [should be paroled] is eligible for early release on parole or until expiration of the term of

confinement, whichever shall occur first; except that in no case shall the period of confinement and parole exceed the maximum provided by law for [such] the offense. A juvenile shall be granted early release on parole when it appears that the juvenile has made substantial progress toward positive behavioral adjustment and rehabilitative goals articulated by the panel established pursuant to subsection b. of this section to the juvenile. However, if a juvenile is approved for parole by the panel established pursuant to subsection b. of this section prior to serving one-third of any term imposed for any crime of the first, second, or third degree, including any extended term imposed pursuant to paragraph (3) or (4) of this subsection, or one-fourth of any term imposed for any other crime the granting of parole shall be subject to approval of the sentencing court. Prior to approving parole, the court shall give the prosecuting attorney notice and an opportunity to be heard. If the court denies the parole of a juvenile pursuant to this paragraph it shall state its reasons in writing and notify the [parole board] panel established pursuant to subsection b. of this section, the juvenile, and the juvenile's attorney. The court shall have 30 days from the date of notice of the pending parole to exercise the power granted under this paragraph. If the court does not respond within that time period, the parole will be deemed approved.

The panel established pursuant to subsection b. of this section shall determine at the time of release the conditions of parole, which shall be appropriately tailored to the needs of each juvenile. Any conditions imposed at the time of release or modified thereafter as a graduated intervention in lieu of initiating parole revocation proceedings shall constitute the least restrictive alternatives necessary to promote the successful return of the juvenile to the community. The juvenile shall not be required to enter or complete a residential community release program, residential treatment program, or other out-of-home placement as a condition of parole unless it is determined that the condition is necessary to protect the safety of the juvenile.

Any juvenile committed under [this act] P.L.1982, c.77 (C:2A:4A-20 et seq.) who is released on parole prior to the expiration of the juvenile's maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term [and any term of post-incarceration supervision imposed pursuant to paragraph (5) of this subsection]. The [Parole Board] panel established pursuant to subsection b. of this section, the juvenile, the juvenile's attorney, the juvenile's parent or guardian or, with leave of the court any other interested party, may make a motion to the court, with notice to the prosecuting attorney, for the return of the [child] juvenile from a juvenile facility prior to [his] the juvenile's parole and provide for an alternative disposition which would not exceed the duration of the original time to be

served in the facility. ⟦Nothing contained in this paragraph shall be construed to limit the authority of the Parole Board as set forth in section 15 of P.L.1979, c.441 (C.30:4-123.59).⟧

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

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

(5) ⟦Every disposition that includes a term of incarceration shall include⟧ The panel established pursuant to subsection b. of this section may impose a term of post-incarceration supervision ⟦equivalent to one-third of the term of incarceration imposed⟧ following the juvenile's release from custody only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society. Post-incarceration supervision shall not exceed six months, except the term may be extended for an additional six months if the panel established pursuant to subsection b. of this section deems continuation of the post-incarceration supervision necessary to effectuate the juvenile's rehabilitation and reintegration into society. Post-incarceration supervision shall not exceed one year. Post-incarceration supervision shall not be imposed on any juvenile who has completed a period of parole supervision of six months or more. The term of post-incarceration supervision shall commence on the date of the expiration of the juvenile's maximum sentence. During the term of post-incarceration supervision the juvenile shall remain in the community and in the legal custody of the ⟦Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) in accordance with the rules of the parole board, unless the appropriate parole board panel determines that post-incarceration supervision should be revoked and the juvenile returned to custody in

accordance with the procedures and standards set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65). The term of post-incarceration supervision shall commence upon release from incarceration or parole, whichever is later**]** commission. The juvenile shall not be required to enter or complete a residential community release program, residential treatment program, or other out-of-home placement as a condition of post-incarceration supervision. A term of post-incarceration supervision imposed pursuant to this paragraph may be terminated by the **[**appropriate parole board panel**]** panel established pursuant to subsection b. of this section or court if the juvenile has made a satisfactory adjustment in the community while **[**on parole or**]** under **[**such**]** supervision**[**,**]** and if continued supervision is not required **[**and if the juvenile has made full payment of any fine or restitution**]**.

(6) The commission shall review the case of each juvenile sentenced to a term of commitment with the commission at least every three months and submit a status report to the court, the prosecutor, and the counsel for the juvenile. The commission's review and status report shall include, but not be limited to:

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

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

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

(d) the juvenile's eligibility for parole.

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

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

e. If the panel established pursuant to subsection b. of this section determines there is probable cause to believe that the juvenile has seriously or persistently violated the terms and conditions of parole, the commission shall conduct a hearing to determine if the juvenile's parole should be revoked. The juvenile shall be represented by counsel at the hearing. The hearing shall be

conducted by a hearing officer who is licensed as an attorney-at-law in this State. The juvenile shall not be incarcerated prior to the hearing unless the panel established pursuant to subsection b. of this section determines by objective and credible evidence that the juvenile poses an immediate and substantial danger to public safety. If the juvenile is incarcerated prior to the hearing, the hearing shall be held within 72 hours of the juvenile's return to custody and a written decision made and transmitted to the juvenile and the juvenile's counsel within 48 hours of the hearing. Upon request of counsel for the juvenile, the hearing officer shall adjourn the hearing for not more than 72 hours. Subsequent adjournments may be granted upon request of the juvenile and good cause shown.

The panel established pursuant to subsection b. of this section shall not revoke the parole of a juvenile unless the hearing officer determines, by clear and convincing evidence, that:

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

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

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

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

Notwithstanding a determination that the juvenile violated a condition of parole, the panel established pursuant to subsection b. of this section may modify those conditions.

f. The panel established pursuant to subsection b. of this section may relieve a juvenile of any parole conditions, and may permit a parolee to reside outside the State pursuant to the provisions of the Interstate Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and after providing notice to the Attorney General, may consent to the supervision of a parolee by the federal government pursuant to the federal Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521 et seq.). The panel established pursuant to subsection b. of this section may revoke permission, except in the case of a juvenile under the Witness Security Reform Act, or reinstate relieved parole conditions for any period of time during which a juvenile is under its jurisdiction.

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

h. The member of the State Parole Board who is designated by the chairman to be on the panel established pursuant to subsection b. of this section shall have experience in juvenile justice or have successfully completed a juvenile justice training program to be

established by the chairman. The training program shall be comprised of seven hours of instruction including, but not limited to: emerging scientific knowledge concerning adolescent development, particularly adolescent brain function and how adolescent development relates to incarcerated youth, the influence of peer relationships among adolescents and peer contagion effects, and the effects of juvenile crime on victims.

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

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

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

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

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

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

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

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

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

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

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

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

treatment the penalty applicable to the highest degree offense for which the person is charged.

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

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

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

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

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

e. The court may suspend the collection of a penalty imposed pursuant to this section; provided the person is ordered by the court to participate in a drug or alcohol rehabilitation program approved by the court; and further provided that the person agrees to pay for all or some portion of the costs associated with the rehabilitation program. In this case, the collection of a penalty imposed pursuant to this section shall be suspended during the person's participation in the approved, court-ordered rehabilitation program. Upon successful completion of the program, as determined by the court upon the recommendation of the treatment provider, the person may apply to the court to reduce the penalty imposed pursuant to this section by any amount actually paid by the person for **[**his participation**]** <u>participating</u> in the program. The court shall not reduce the penalty pursuant to this subsection unless the person establishes to the satisfaction of the court that **[**he**]** <u>the person</u> has successfully completed the rehabilitation program. If the person's

participation is for any reason terminated before [his] successful completion of the rehabilitation program, collection of the entire penalty imposed pursuant to this section shall be enforced. Nothing in this section shall be deemed to affect or suspend any other criminal sanctions imposed pursuant to this chapter or chapter 36 of this title.

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

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

Any reformative service ordered pursuant to this section shall be in addition to and not in lieu of any community service imposed by

the court or otherwise required by law. Nothing in this section shall limit the court's authority to order a person to participate in any activity, program, or treatment in addition to those proposed in a reformative service plan.
(cf: P.L.2008, c.15, s.2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Of moneys collected on assessments imposed pursuant to ⟦paragraph a. (2) (b)⟧ subparagraph (b) of paragraph (2) of subsection a. of this section:

(i) the first ⟦$17.00⟧ $17 for deposit in the Victims of Crime Compensation Board Account, and

(ii) the next ⟦$3.00⟧ $3 collected for deposit in the Criminal Disposition and Revenue Collection Fund, and

(iii) the next ⟦$10.00⟧ $10 for deposit in the Victim and Witness Advocacy Fund, and

(iv) moneys collected in excess of ⟦$30.00⟧ $30 for deposit in the Victims of Crime Compensation Board Account.

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

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

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

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

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

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

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

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

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

3. a. All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143

(C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected as follows:

(1) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the Superior Court or otherwise imposed at the county level, shall be collected by the county probation division except when [such] the fine, assessment, or restitution is imposed in conjunction with a custodial sentence to a State correctional facility or in conjunction with a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event [such] the fine, assessment, or restitution shall be collected by the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State correctional institution or a juvenile serving a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97), or restitution shall have the assessment, penalty, fine, or restitution deducted from any income the inmate receives as a result of labor performed at the institution or on any type of work release program or, pursuant to regulations promulgated by the Commissioner of the Department of Corrections or the Juvenile Justice Commission, from any personal account established in the institution for the benefit of the inmate.

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

(b) If the Department of Corrections has transferred a payment of restitution to the Victims of Crime Compensation Office pursuant to subparagraph (a) of this paragraph, the department shall

provide the office with the order for restitution and any other information regarding the identity of the victim to whom the payment is owed. The office shall be responsible for maintaining this information and for distributing payments of restitution to victims who can prove they are owed the payments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. a. There is hereby created and established within the Department of Corrections a State Parole Board which shall consist of a chairman, 14 associate members and three alternate board members. The chairman, associate members and alternate board members shall be appointed by the Governor with the advice and consent of the Senate from qualified persons with training or experience in law, sociology, criminal justice, **[**juvenile justice**]** or related branches of the social sciences. Members of the board and the alternate board members shall be appointed for terms of six years and the terms of their successors shall be calculated from the

expiration of the incumbent's term. Members shall serve until their successors are appointed and have qualified.

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

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

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

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

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

d. **[**At the time of appointment, the Governor shall designate two associate members of the board to serve on a panel on juvenile commitments. The remaining 12**]** <u>The</u> associate members of the

board shall be appointed by the Governor to panels on adult sentences and assigned by the chairman of the board to six panels on adult sentences. The chairman of the board shall be a member of each panel. Nothing provided herein shall prohibit the chairman from reassigning any member appointed to a panel on adult sentences to facilitate the efficient function of the board. Nothing provided herein shall prohibit the chairman from temporarily reassigning any member appointed **[**to a panel on juvenile commitments**]** to a panel on adult sentences or a panel on young adult sentences to facilitate the efficient function of the board. The alternate board member may assume, in accordance with the provisions of this section, the duties of any associate member**[**, regardless of whether that associate member serves on a panel on juvenile commitments or panels on adult sentences**]**. The chairman may assign a temporary acting member to a panel on adult sentences **[**or juvenile commitments**]**.

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

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

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

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

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

c. The chairman of the board shall be the chief executive officer of the board and, after consulting with the board, shall be responsible for designating the time and place of all board meetings, for appointing the board's employees, for organizing, controlling and directing the work of the board and its employees, and for preparation and justification of the board's budget. Only the employees in those titles and positions as are designated by the Civil Service Commission shall serve at the pleasure of the chairman and shall not be subject to the provisions of Title 11A of the New Jersey Statutes. All other employees, including hearing officers, shall be in the career service and subject to the provisions of Title 11A of the New Jersey Statutes. All such career service employees who are employed by the State Parole Board on September 5, 2001, and in the case of hearing officers, those who have been employed by the State Parole Board for a period of at least one year prior to the effective date of P.L.2005, c.344, shall

have permanent career service status with seniority awarded from the date of their appointments. Parole officers assigned to supervise adult parolees and all supervisory titles associated with the supervision of adult parolees in the parole officer series shall be classified employees subject to the provisions of Title 11A of the New Jersey Statutes. Parole officers assigned to supervise adult parolees and all supervisory titles associated with the supervision of adult parolees in the parole officer job classification series shall be organizationally assigned to the State Parole Board with a sworn member of the Division of Parole appointed to act as director of parole supervision. The director of parole supervision shall report directly to the Chairman of the State Parole Board or to such person as the chairman may designate.

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

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

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

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

h. **[**The board shall give notice to the appropriate prosecutor's office and to the committing court prior to the initial consideration of any juvenile inmate for release.**]** Deleted by amendment, P.L. c. (pending before the Legislature as this bill)

(cf: P.L.2017, c.235, s.2)

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

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

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

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

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

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

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

7. a. Each adult inmate sentenced to a term of incarceration in a county penal institution, or to a specific term of years at the State Prison or the correctional institution for women shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or one-third of the sentence imposed where no mandatory minimum term has been imposed less

commutation time for good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and credits for diligent application to work and other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.

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

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

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

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

(1) If the court finds that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior or finds that the offender is not amenable to sex offender treatment, or if after sentencing the Department of Corrections in its most recent examination determines that the offender is not amenable to sex

offender treatment, the offender shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term or one-third of the sentence imposed where no mandatory minimum term has been imposed. Neither such term shall be reduced by commutation time for good behavior pursuant to R.S.30:4-140 or credits for diligent application to work and other institutional assignments pursuant to R.S.30:4-92.

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

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

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

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

i. The primary eligibility date shall be computed by a designated representative of the board and made known to the inmate in writing not later than 90 days following the commencement of the sentence. In the case of an inmate sentenced to a county penal institution such notice shall be made pursuant to subsection g. of this section. Each inmate shall be given the opportunity to acknowledge in writing the receipt of such computation. Failure or refusal by the inmate to acknowledge the

receipt of such computation shall be recorded by the board but shall not constitute a violation of this subsection.

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

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

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

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

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

1. a. As used in this act: "Prosecutor" means the county prosecutor of the county in which the defendant was convicted

unless the matter was prosecuted by the Attorney General, in which case "prosecutor" means the Attorney General.

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

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

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

d. If available, the notice shall be provided to the prosecutor 90 days before the inmate's anticipated release; provided however, the notice shall be provided at least 30 days before release. The notice shall include the person's name, identifying factors, offense history, and anticipated future residence. The prosecutor shall notify the Office of Victim Witness Advocacy and that office shall use any

reasonable means available to them to notify the victim of the anticipated release, unless the victim has requested not to be notified. The Office of Victim Witness Advocacy shall use any reasonable means available to also notify witnesses and other appropriate persons, as determined by the prosecutor in accordance with the directive issued by the Attorney General, who have requested notification of the anticipated release.

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

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

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

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

b. (1) Each parolee shall agree, as evidenced by his signature to abide by specific conditions of parole established by the appropriate board panel which shall be enumerated in writing in a certificate of parole and shall be given to the parolee upon release. Such conditions shall include, among other things, a requirement that the parolee conduct himself in society in compliance with all laws and refrain from committing any crime, a requirement that the parolee will not own or possess any firearm as defined in subsection f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r. of N.J.S.2C:39-1, a requirement that the parolee refrain from the use, possession or distribution of a controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that the parolee obtain permission from his parole

officer for any change in his residence, and a requirement that the parolee report at reasonable intervals to an assigned parole officer. In addition, based on prior history of the parolee or information provided by a victim or a member of the family of a murder victim, the member or board panel certifying parole release pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any other specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal or delinquent behavior, including a requirement that the parolee comply with the Internet access conditions set forth in paragraph (2) of this subsection. Such special conditions may include, among other things, a requirement that the parolee make full or partial restitution, the amount of which restitution shall be set by the sentencing court upon request of the board. In addition, the member or board panel certifying parole release may, giving due regard to a victim's request, impose a special condition that the parolee have no contact with the victim, which special condition may include, but need not be limited to, restraining the parolee from entering the victim's residence, place of employment, business or school, and from harassing or stalking the victim or victim's relatives in any way. Further, the member, board panel or board certifying parole release may impose a special condition that the person shall not own or possess an animal for an unlawful purpose or to interfere in the performance of duties by a parole officer.

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

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

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

(c) Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's

expense, one or more hardware or software systems to monitor the Internet use; and

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

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

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

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

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

g. If the board has granted parole to any inmate from a State correctional facility **[**or juvenile facility**]** and the court has imposed

a fine on [such] the inmate, the appropriate board panel shall release [such] the inmate on condition that the parolee make specified fine payments to the State Parole Board [or the Juvenile Justice Commission]. For violation of [such] these conditions, or for violation of a special condition requiring restitution, parole may be revoked only for refusal or failure to make a good faith effort to make [such] the payment.

h. Upon collection of the fine [the same shall be paid over by] the Department of Corrections shall forward it [or by the Juvenile Justice Commission] to the State Treasury.

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

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

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

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

c. [Any] The parole of any parolee who is convicted of a crime [or adjudicated delinquent for an act which, if committed by an adult, would constitute a crime,] committed while on parole shall [have his parole] be revoked and the parolee shall be returned

to custody unless the parolee demonstrates, by clear and convincing evidence at a hearing pursuant to section 19 of P.L.1979, c.441 (C.30:4-123.63), that good cause exists why **[**he**]** the parolee should not be returned to confinement.
(cf: P.L.2001, c.141, s.5)

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

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

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

b. A parolee retaken under this section shall within 14 days be granted a preliminary hearing to be conducted by a hearing officer

not previously involved in the case, unless the parolee, the hearing officer, or the parole officer requests postponement of the preliminary hearing, which may be granted by the appropriate board panel for good cause, but in no event shall such postponement, if requested by the hearing officer or the parole officer, exceed 14 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

h. Conviction of a crime committed while on parole **[**or adjudication of delinquency for an act which, if committed by an

adult, would constitute a crime**]** shall be deemed to constitute probable cause to believe that the parolee has violated a condition of parole.
(cf: P.L.2001, c.79, s.12)

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

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

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

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

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

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

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

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

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

releasing the offender or continuing parole and releasing the offender.

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

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

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

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

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

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

d. **[**Any such**]** An agreement shall be terminated by the board panel in the event the parolee or inmate fails to or refuses to

satisfactorily complete each component of the agreement. The inmate or parolee shall be notified in writing of ⟦any such⟧ a termination and the reasons ⟦therefor⟧ for the termination. ⟦Any such⟧ A termination may be appealed to the full board pursuant to section 14 of P.L.1979, c.441 (C.30:4-123.58).
(cf: P.L.2009, c.330, s.7)

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

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

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

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

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

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

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

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

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

(b) Juvenile corrections officers;

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

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

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

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

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

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

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

section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any other secure juvenile facility established by the commission in the future;

(9) To manage and operate all State juvenile facilities or juvenile programs for juveniles adjudicated delinquent which shall include facilities and programs transferred to the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or established or contracted for in the future by the commission;

(10) To prepare a State Juvenile Justice Master Plan every third year which identifies facilities, sanctions and services available for juveniles adjudicated or charged as delinquent and juvenile delinquency prevention programs and which identifies additional needs based upon the extent and nature of juvenile delinquency and the adequacy and effectiveness of available facilities, services, sanctions and programs;

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

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

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

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

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

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

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

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

(19) To <u>determine whether an incarcerated juvenile is eligible for parole and to</u> supervise compliance with conditions of parole;

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

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

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

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

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

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

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

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

b. The commission shall prepare and publish on its Internet website biennial reports summarizing the aggregated data collected, recorded, and analyzed pursuant to subsection a. of this section.

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

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

20. This act shall take effect on the first day of the tenth month after enactment, but the Chairman of the State Parole Board may take any administrative action in advance of the effective date as may be necessary.

STATEMENT

This bill incorporates certain principles into the Code of Juvenile Justice; imposes restrictions on the incarceration of juveniles; vests

parole decisions concerning juveniles in a panel comprised of at least two members of the Juvenile Justice Commission (JJC) designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board; makes discretionary the post-incarceration period currently imposed on juveniles; eliminates certain fines imposed on juveniles; and imposes transparency requirements on the JJC.

The specific principles the bill incorporates into the Code of Juvenile Justice include: 1) promoting collaboration between juvenile court officials, probation agencies, prosecutors, defense attorneys, schools, community organizations, and advocates; 2) using rigorous data collection and analysis to guide decision making; 3) utilizing objective criteria, processes, and tools, such as risk-assessment instruments, to replace subjective decision-making processes to determine if juveniles should be incarcerated and, if so, the length of time they spend in custody; 4) implementing new or expanded community-based alternatives to incarceration; 5) reducing delays in processing and length of delinquency actions, including parole and revocation proceedings, so that juveniles are not in out-of-home placements any longer than is necessary or are unnecessarily returned to custody; 6) incarcerating juveniles only when they pose a substantial threat to public safety; 7) combatting racial and ethnic disparities by collecting and examining data on policies and practices that may disadvantage minority juveniles; and 8) monitoring and improving conditions of confinement in secure facilities.

The bill limits when a juvenile may be incarcerated. Under current law, the court may order a juvenile adjudicated delinquent to be incarcerated or the court may order another enumerated disposition, such as releasing the juvenile to the supervision of the juvenile's parent or guardian or placing the juvenile on probation. Under the bill, the court may order a juvenile to be incarcerated in accordance with the principles incorporated into the bill. The bill also removes the requirement that a juvenile convicted of certain crimes related to theft of a motor vehicle or eluding a police officer be incarcerated. Furthermore, the bill eliminates as a disposition the imposition of fines on delinquent juveniles.

Under the bill, responsibility for determining whether a juvenile should be paroled is transferred from the State Parole Board to a panel comprised of at least two members of the JJC designated by the Executive Director of the JJC and a member of the State Parole Board designated by the Chairman of the State Parole Board. The member of the State Parole Board who is designated by the chairman to be on the panel is required to have experience in juvenile justice or receive appropriate training.

Juveniles are to be granted early release on parole when it appears they have made substantial progress toward positive behavioral adjustment and rehabilitative goals articulated by the panel established by the bill to the juvenile. The bill directs the panel established by the

bill to determine the conditions of parole which are to be appropriately tailored to the needs of the juvenile. In addition, any conditions imposed at the time of release or modified thereafter as a graduated intervention in lieu of initiating parole revocation proceedings are to be the least restrictive necessary for the juvenile's successful return to the community. A juvenile is not to be sent to a halfway house, residential treatment program, or other out-of-home placement unless it is necessary to protect the juvenile's safety.

Current law requires a juvenile to receive a term of post-incarceration supervision of one-third of the sentence of incarceration. Under the bill, the panel established by the bill is given the discretion to impose a term of post-incarceration supervision, but only if it is deemed necessary to effectuate the juvenile's rehabilitation and reintegration into society. The term of supervision is not to exceed six months, unless it is deemed that a longer term is necessary to effectuate the juvenile's rehabilitation and reintegration into society. The longer term is not to exceed one year.

The bill requires the JJC to review the case of a juvenile who is sentenced to a term of commitment every three months and submit a status report to the court, the prosecutor, and the juvenile's counsel. The status report is to contain information on the treatment, care, and custody of the juvenile; whether the juvenile is receiving the mental health, substance abuse, educational, and other rehabilitative services necessary to promote the juvenile's successful reintegration into the community; incidents of violence involving the juvenile; and the juvenile's eligibility for parole.

The juvenile's counsel is to be granted an opportunity to respond to the report. The JJC is to continue to submit the status reports to the court until the juvenile is paroled or released. The court may conduct a hearing at any time to determine whether commitment with the commission continues to be appropriate and may release the juvenile or otherwise modify the dispositional order.

Under the bill, the parole of a juvenile who violates a condition of that parole could be revoked under certain conditions. If there is probable cause that the juvenile has seriously or persistently violated the terms and conditions of parole, the panel established by the committee substitute is to conduct a hearing to determine if parole should be revoked. A hearing officer who is a State-licensed attorney is to conduct the hearing and the juvenile is to be represented by counsel.

Pre-hearing incarceration of the juvenile is prohibited unless there is objective and credible evidence that the juvenile poses an immediate and substantial danger to public safety. If a juvenile is incarcerated, the hearing is to be held within 72 hours of incarceration and a decision made within 48 hours of the hearing. Parole may be revoked only if the hearing officer determines, by clear and convincing evidence, that the juvenile has seriously or persistently violated the conditions of parole, the juvenile poses a substantial danger to public

safety which no form of community-based supervision would alleviate, and revocation is consistent with the enumerated principles under the bill. The juvenile is entitled to all the rights and protections afforded adult parolees during the parole revocation process.

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

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