

# ASSEMBLY, No. 4331

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 25, 2020

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Accelerates rescinding of certain juvenile delinquency fines and making discretionary post-incarceration supervision due to COVID-19 pandemic.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/29/2020)

1 AN ACT accelerating implementation of certain juvenile justice  
2 initiatives due to the COVID-19 pandemic.

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

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7 1. The following fines and assessments shall not be imposed on  
8 a juvenile adjudicated delinquent:

9 (1) fines pursuant to paragraph (8) of subsection b. of section 24  
10 of P.L.1982, c.77 (C.2A:4A-43);

11 (2) assessments pursuant to paragraph (2) of subsection a. of  
12 N.J.S.2C:35-15; and

13 (3) assessments pursuant to subparagraph (b) of paragraph (2) of  
14 subsection a. of section 2 of P.L.1979, c.396 (C:2C:43-3.1).

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16 2. A term of post-incarceration supervision shall be imposed  
17 pursuant to paragraph (5) of subsection d. of section 25 of  
18 P.L.1982, c.77 (C.2A:4A-44) following a juvenile's release from  
19 custody only if it is deemed necessary to effectuate the juvenile's  
20 rehabilitation and reintegration into society. Post-incarceration  
21 supervision shall not exceed six months, except the term may be  
22 extended for an additional six months if continuation of the post-  
23 incarceration supervision is deemed necessary to effectuate the  
24 juvenile's rehabilitation and reintegration into society. Post-  
25 incarceration supervision shall not exceed one year. Post-  
26 incarceration supervision shall not be imposed on any juvenile who  
27 has completed a period of parole supervision of six months or more.  
28 The term of post-incarceration supervision shall commence on the  
29 date of the expiration of the juvenile's maximum sentence. During  
30 the term of post-incarceration supervision the juvenile shall remain  
31 in the community and in the legal custody of the Juvenile Justice  
32 Commission. The juvenile shall not be required to enter or complete  
33 a residential community release program, residential treatment  
34 program, or other out-of-home placement as a condition of post-  
35 incarceration supervision. A term of post-incarceration supervision  
36 may be terminated if the juvenile has made a satisfactory  
37 adjustment in the community while under supervision and if  
38 continued supervision is not required.

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40 3. This act shall take effect immediately and shall expire on  
41 October 31, 2020.

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STATEMENT

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46 This bill accelerates the implementation of certain provisions of  
47 P.L.2019, c.363, which made various changes to sentencing,  
48 incarceration, and parole of juveniles adjudicated delinquent. This

1 law was enacted on January 20, 2020, but its provisions are not  
2 effective until November 1, 2020. The bill makes several provisions  
3 of this law effective immediately due to adverse effects on these  
4 juveniles attributable to the COVID-19 pandemic.

5 Several provisions of current law authorize or require the  
6 imposition of fines on juveniles adjudicated delinquent. P.L.2019,  
7 c.363 specifically eliminates the following fines: (1) those that can  
8 be imposed at the discretion of the court as a disposition for a  
9 juvenile adjudicated delinquent; (2) mandatory assessments  
10 imposed for certain controlled dangerous substance violations  
11 which are allocated to the Drug Enforcement and Demand  
12 Reduction (“DEDR”) Fund; and (3) mandatory assessments for  
13 convictions of violent crimes that are dedicated to purposes  
14 benefiting victims of crime.

15 According to the sponsor, fines imposed on juveniles adjudicated  
16 delinquent have proven to be an undue barrier to successful  
17 rehabilitation and reentry of these juveniles because they often  
18 result in the criminalization of poverty and the exacerbation of  
19 racial disparities. As such, the Legislature made a policy decision to  
20 eliminate certain juvenile delinquency fines in P.L.2019, c.363.  
21 The burden these fines constitute has been further exacerbated  
22 during the COVID-19 pandemic. Therefore, there should be no  
23 delay in eliminating these fines.

24 The sponsor further notes that in some instances juveniles  
25 currently subject to mandatory post-incarceration supervision  
26 because of the extended effective date of P.L.2019, c.363 are being  
27 returned to custody for technical violations. These juveniles are  
28 being put in unnecessary danger of contracting COVID-19 for  
29 minor infractions. Therefore, the provisions of P.L.2019, c.363  
30 replacing the current mandatory term of post-incarceration with  
31 discretionary post-incarceration supervision imposed only under  
32 strictly limited conditions should immediately be implemented to  
33 protect the health and safety of both the juveniles and the  
34 community during the COVID-19 pandemic.